

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: OCTOBER 22, 2015 AT 1:30 P.M.

1. CALL TO ORDER
2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST
3. REQUESTS FOR WITHDRAWAL/DEFERRAL

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (CONSENT)

B-052/15	ORLANDO CORPORATION	3160, 3170, 3182, 3190, 3198, 3206, 3220 ORLANDO DR., 6520, 6470 NORTHAM DR. & 3175, 3195 AIRWAY DR	5	Approved
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NEW APPLICATIONS - (MINOR VARIANCE)

A-429/15	MIKLOS NEMETH	92 RUTLEDGE RD	11	Approved 3 Years
A-430/15	ANDREZEJ KADYLAK & ANNA SZYMANSKA	3268 COUNCIL RING RD	8	Approved
A-431/15	ROYAL OAK HOTEL (OAKVILLE) LTD	63 QUEEN ST S	11	Approved 5 Years
A-432/15	DE ZEN REALTY CO. LTD	66 THOMAS ST	11	Approved 5 Years
A-433/15	WORLD DRIVE CENTRE INC	22 WORLD DR	5	Approved
A-434/15	PSCC 820	230 PAISLEY BLVD W	7	Approved
A-435/15	RANBIR SINGH DHALIWAL & JASBIR DHALIWAL	1848 BALSAM AVE	2	Approved
A-436/15	KAMAL & MONA WAHBY	1502 ELITE RD	2	Approved
A-437/15	VANDYK- THE CRAFTSMAN LTD.	1575 LAKESHORE RD W	2	Approved
A-438/15	LORI MOLLETT	928 AVIATION RD	1	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-402/15	KHOA NGUYEN	7327 ASPEN AVE	9	Approved
A-414/15	MUSLIM ASSOCIATION OF CANADA	2550 DUNWIN DR	8	Approved 3 Years
A-415/15	DUNSIRE (1407 LAKESHORE) INC	1407 LAKESHORE RD E	1	Nov. 19
A-416/15	DUNSIRE (1041 LAKESHORE) INC	1041 LAKESHORE RD E	1	Nov. 19
A-425/15	ANGELO RIZZO & ANDRE ZUPANCIC	9 CUMBERLAND DR	1	Nov. 19



COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF AN APPLICATION BY

ORLANDO CORPORATION

on Thursday October 22, 2015

Orlando Corporation is the owner of 3160-3206 Orlando Drive, 3220 Orlando Drive, 6520 & 6470 Northam Drive And 3175 & 3195 Airway Drive being Part of Lot 8, Concession 7, EHS, zoned E3, Employment. The applicant requests the consent of the Committee to the conveyance, transfer, mortgage or charge and establish easements for a parcel of land having a frontage of approximately 188.24m (617.58ft.) and an area of approximately 5.459 ha (13.48ac.). The effect of the application is to create a lot with easements for access purposes.

Mr. L. Malito, the authorized agent, attended and presented the subject application to convey a portion of the property for future transfers or mortgages and for the creation of an easement for access purposes.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (October 20, 2015),
City of Mississauga, Transportation and Works Department (October 15, 2015),
Region of Peel, Environment, Transportation and Planning Services (October 16, 2015),

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Malito consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Mr. Malito, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 15, 2015.
5. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 16, 2015.

MOVED BY: P. Quinn SECONDED BY: D. George CARRIED

Application Approved on conditions as stated.


Dated at the City of Mississauga on October 29, 2015.

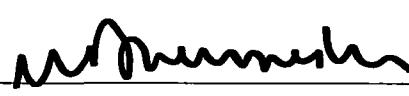
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 22, 2015.

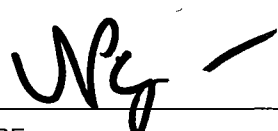
Date of mailing is November 2, 2015.





S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

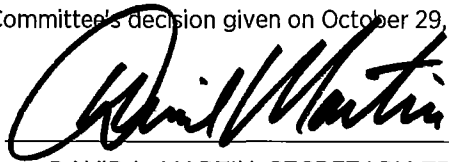
D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before November 2, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

MIKLOS NEMETH

on Thursday October 22, 2015

Miklos Nemeth is the owner of 92 Rutledge Road being Part of Lots 3 and 4, Plan STR 2, zoned R2-7, Residential. The applicant requests the Committee to authorize a minor variance to permit demolition of the existing detached dwelling leaving the existing detached garage to remain without a dwelling on the subject property; whereas By-law 0225-2007, as amended, requires a detached dwelling on the subject property as the primary use and does not permit a detached garage as the primary use of a residential zoned property in this instance.

Mr. M. Nemeth, the property owner, attended and presented the subject application to demolish the existing dwelling and to allow for the existing detached garage to remain on the subject property by itself. Mr. Nemeth confirmed that the dilapidated dwelling on the property had been vacant and that he had no immediate intention of refurbishing it or constructing a new dwelling on the subject property. He indicated that the landscaping on the property would be maintained and that the garage would be used for vehicle and tool storage.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"Recommendation:

The Planning and Building Department recommend that the application be refused.

Background:

Mississauga Official Plan:

Character Area: Streetsville Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007:

Zoning: "R2-7", Residential

Other Applications:

N/A

Comments:

The applicant has indicated no short term plan to reconstruct the dwelling if it were to be removed from the subject property. The intent of R2 zoning in the Zoning By-law is that the lands shall be used for residential purposes, in this case habitation within a single detached dwelling. Permitting a garage as a primary use does not conform to the intent of the Zoning By-law since it allows a scenario where the primary use of the property is storage and not



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residential uses. The applicant has indicated that the garage would not be used for storage of items related to any businesses; however they have indicated that there would be a vehicle stored on site. They have also indicated tool storage.

It is our opinion that a garage as a primary use on this site is not appropriate or desirable. A standalone garage can, functionally, very easily become a self-storage use, which is primarily restricted to E2 and E3 zones within the City. There are additional concerns about the potential for outdoor storage across the site.

The applicant has indicated that the dwelling is in poor condition and is currently uninhabited. However, the property has not been condemned and is not dangerous in its current state. It would be preferable for the applicant to have applied for a building permit for a new dwelling and have a clear plan to replace the existing dwelling before being granted a demolition permit. An alternative option would be to demolish both the dwelling and the accessory garage to leave the lot completely vacant, in which case no variance would be required.

Based on the preceding information the Planning and Building Department are of the opinion that the requested variance fails to meet the general intent of the Zoning By-law and is not an appropriate or desirable development. However, if the Committee sees merit in the proposal we would recommend that the application be approved on a temporary basis, for a short period of time not exceeding two years. Additionally we would recommend a condition restricting storage to items directly related to the maintenance of the subject property."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"Based on the information submitted with this application we have no objections to the applicant's request for the demolition of the existing dwelling and leaving the garage to remain."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications.

This property is within the vicinity of the DHI and the Streetsville Landfill Sites. The DHI site is an inactive, private landfill located south of Britannia and west of Queen. Streetsville Landfill Site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the MOECC as #7074."

A letter was received from G. & M. Rutledge, residents of 94 Rutledge Road, stating an interest in the subject application.

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and expressed his concerns with the property being used for outdoor storage purposes. He indicated that that property being used for storage purposes in absence of a residence did not meet the intent of the Residential zoning classification of the property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Nemeth and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate temporary use of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.



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The Committee is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of three (3) years and shall expire and terminate on or before November 30, 2018 and is subject to the following condition:

1. There shall be no outdoor storage on the subject property.

MOVED BY: J. Page SECONDED BY: P. Quinn CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

DISSENTED

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

ANDRZEJ KADYLAK & ANNA SZYMANSKA

on Thursday October 22, 2015

Andrzej Kadylak & Anna Szymanska are the owners of 3268 Council Ring Road being Lot 441, Registered Plan 961, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit the existing gazebo to remain in the rear yard of the subject property proposing:

1. a height of 3.55m (11.64ft.); whereas By-law 0225-2007, as amended, permits a maximum height of a gazebo of 3.00m (9.84ft.) in this instance; and,
2. a floor area for a gazebo of 11.52 m² (124.00sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00m² (107.64sq.ft.) in this instance.

Ms. A. Szymanska, a co-owner of the property, attended and presented the subject application to permit the existing oversized gazebo to remain on the subject property. Ms. Szymanska indicated that the gazebo was too large and too tall but confirmed that no variances were required for setbacks to the lot lines.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the application to submit the required Building Permit application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☐ ***Building Permit*** File: Required - No application received

4.0 COMMENTS

A Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. To confirm the accuracy of the requested variances, the applicant may apply for a Pre-Zoning Review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

In regards to the requested variances, it is our opinion that the requests are minor. The gazebo is located at the rear of the property, adjacent to a portion of the City owned Glen Erin Trail. It is our opinion that the requested variances would not have a negative impact on adjacent properties.

Based on the preceding information, we have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"From our site inspection of this property we observed no evident drainage related concerns with the gazebo as constructed. Should Committee see merit in the request we would suggest that an eavetrough be installed on the gazebo and the downpipes be located such that drainage does not impact on the abutting property."

A letter was received from S. Datta & J. Wong, residents of 3272 Council Ring Road, stating their acceptance of the subject application.

A letter was received from J. Calvert, a resident of 3656 Shadbush Court, stating his acceptance of the subject application.

Mr. G. Wagner, the resident of 3661 Autumnleaf Crescent, attended and confirmed that he did not have any concerns and was not aware of any neighbours who had any concerns with the gazebo. He suggested that eaves and downspouts would be appropriate for the structure.

Mr. C. Ellis, a resident of 3280 Council Ring Road, attended and indicated that the subject property abutting a recreational trail and would not have a visual impact on any of the surrounding residents.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Szymanska and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 430/15

WARD 8

Accordingly, the Committee resolves to authorize and grant the request as presented subject to the following condition:

1. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 15, 2015.

MOVED BY: J. Robinson SECONDED BY: J. Page CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

ROYAL OAK HOTEL (OAKVILLE) LTD

on Thursday October 22, 2015

Royal Oak Hotel (Oakville) Ltd is the owner of 63 Queen Street South being Part of Lot 111, Lot 114 and Lot 115, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an outdoor patio structure ancillary to the existing restaurant within Unit #11 & #12 being located approximately 14.00 m (45.92 ft.) from the closest residential zone, as previously approved pursuant to Committee to Adjustment File 'A' 322/10; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.80 ft.) measured in a straight line from the nearest part of the building or structure containing the use, to the closest lot line of a residential zone in this instance.

Ms. L. Zhang, the authorized agent, attended and presented the subject application to permit the existing restaurant and patio to continue to operate within the required separation distance to the adjacent Residential zone. Ms. Zhang noted that the Committee had previously approved a Minor Variance application to allow the restaurant and patio to operate subject to several conditions. She noted that the nature of the restaurant and patio had not changed and that all conditions had been complied with. Ms. Zhang confirmed that no live music was performed on the patio and that live music was performed infrequently within the restaurant. She indicated that all doors and windows were closed during times of live music performances.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"Recommendation:

The Planning and Building Department has no objection to the requested variance, as amended, subject to the conditions outlined below and as per previously approved variance 'A' 322/10.

Background:

Mississauga Official Plan:

Character Area: Streetsville Community Node

Designation: Mixed Use, Special Site 5

Zoning By-law 0225-2007:

Zoning: "C4", Mainstreet Commercial

Other Applications:

N/A

Comments:

Based on the review of the information submitted with the variance application we advise that it appears the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an outdoor patio structure ancillary to the existing restaurant within Unit #11 & #12 being located within 60.00 m (196.80 ft.) of a residential zone, as previously approved pursuant to Committee to Adjustment File 'A' 322/10; whereas By-law 0225-2007, as amended, does not permit the outdoor patio use and requires a minimum separation distance of 60.00 m (196.80 ft.) measured in a straight line from the nearest part of the building or structure containing the use, to the closest lot line of a residential zone in this instance."

The surrounding properties are primarily zoned C4 and designated Mixed Use under the Official Plan. The required variance for separation distance from a residential zone is required as a result of a single property zoned as an apartment exception zone near the rear of the subject property. The apartment building is situated on the portion of the property furthest away from the subject property which adds additional separation distance.

The requested variance is a continuation of multiple previous variances going back as far as 1998. We have no complaints on file regarding this use in this unit. The applicant has indicated that they would continue to abide by the conditions restricting music and operation time of the patio. We recommend that these conditions continue to be applied to the current application.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, as amended."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 431/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"This property is within the vicinity of the DHI, Streetsville, and the Canada Brick Landfill Sites. DHI landfill site is an inactive, private landfill located south of Britannia and west of Queen. The Streetsville Landfill Site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the MOECC as #7074. The Canada Brick landfill site is an inactive private landfill located north of Britannia, between Erin Mills and Queen Street."

A letter was received from S. Wong, an occupant of 85 Church Street – Unit 10, stating her objection to the requested variances.

No other persons expressed any interest in the application.

Ms. Zhang upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Ms. Zhang and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate temporary use of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



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Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of an outdoor patio structure ancillary to the existing restaurant within Unit #11 & #12 being located within 60.00 m (196.80 ft.) of a residential zone; whereas By-law 0225-2007, as amended, does not permit the outdoor patio use and requires a minimum separation distance of 60.00 m (196.80 ft.) measured in a straight line from the nearest part of the building or structure containing the use, to the closest lot line of a residential zone in this instance.

This decision is valid for a temporary period of five (5) years and shall expire and terminate on or before November 30, 2020 and is subject to the following conditions:

1. There shall be no music, live or otherwise permitted in the patio area.
2. The patio shall be closed daily by 10:00pm.

MOVED BY: D. Reynolds SECONDED BY: D. George CARRIED


Application Approved, as amended, on conditions as stated.


Dated at the City of Mississauga on October 29, 2015.


THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.


Date of mailing is November 2, 2015.

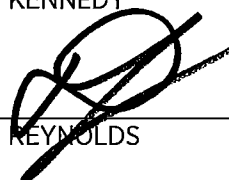

S. PATRIZIO (CHAIR)

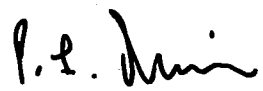

D. GEORGE


J. ROBINSON

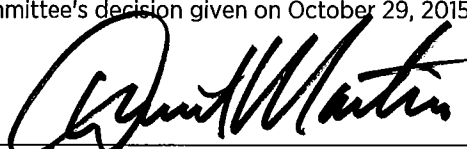

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

DE ZEN REALTY CO. LTD

on Thursday October 22, 2015

De Zen Realty Co. Ltd is the owner of 66 Thomas Street being Part of Lot 4, Concession 5, WHS, zoned 'D', Development and G1, Greenbelt. The applicant requests the Committee to authorize a minor variance to continue to permit a motor vehicle repair facility - restricted within Unit # 6, as previously approved pursuant to Committee of Adjustment File 'A' 369/10; whereas By-law 0225-2007, as amended, only permits the building or structure legally existing on the date of the passing of the By-law and the existing legal use of such building or structure in this instance.

Ms. R. Palmieri, the authorized agent, attended and presented the subject application to allow for the existing Motor Vehicle Repair Facility - Restricted to continue to operate on the subject property. Ms. Palmieri advised that the Committee had previously approved an identical Minor Variance application for the subject use and that no changes to the operation were proposed.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"Recommendation:

The Planning and Building Department has no objection to the requested variance.

Background:

Mississauga Official Plan:

Character Area: Streetsville Community Node
Designation: Residential Medium Density, Special Site 2
Greenbelt

Zoning By-law 0225-2007:

Zoning: "D", Development
"G1", Greenbelt

Other Applications:

N/A

Comments:

The requested variance is for a continuation of application 'A' 369/10 as previously approved by the Committee. Although the subject property is zoned Development and Greenbelt, the industrial plaza has existed on site for a number of years with numerous similar uses in adjacent units. Multiple other motor vehicle repair facilities exist in these adjacent units. It is our opinion that the continued use of the motor vehicle repair facility - restricted will not



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File: "A" 432/15

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have any negative impacts on future development of the property or on any sensitive greenbelt lands.

Based on the preceding information we have no objection to the requested variance and are of the opinion that it is minor in nature."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 432/15."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (October 19, 2015):

"The Park Planning Section of the Community Services Department has reviewed the above noted Minor Variance application and provide the following comments:

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, the subject property is located within the Streetsville (SV10) section of the City's Natural Area System and contains a portion of the floodplain of the Mullet Creek on the eastern portion of the subject property. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"This property is within the vicinity of the DHI, Streetsville, and the Canada Brick Landfill Sites. DHI landfill site is an inactive, private landfill located south of Britannia and west of Queen. The Streetsville Landfill Site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the MOECC as #7074. The Canada Brick landfill site is an inactive private landfill located north of Britannia, between Erin Mills and Queen Street."

A letter was received from the Peel District School Board expressing an interest in the application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Palmieri and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate temporary use of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 432/15

WARD 11

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years and shall expire and terminate on or before November 30, 2020.

MOVED BY: P. Quinn SECONDED BY: J. Robinson CARRIED

Application Approved.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

WORLD DRIVE CENTRE INC

on Thursday October 22, 2015

World Drive Centre Inc. is the owner of 22 World Drive being Block 8, Registered Plan M-1316, zoned E1-1, Employment. The applicant requests the Committee to authorize a minor variance to construct two (2) commercial buildings on the subject property proposing:

1. a maximum setback of 18.50m (60.69ft.) from the lot line abutting Hurontario Street to Building "B"; whereas By-law 0225-2007, as amended, permits a maximum setback of 10.00m (32.80ft.) in this instance; and,
2. a landscape buffer width of 3.00m (9.84ft.) measured from the south lot line; whereas By-law 0225-2007, as amended requires a minimum landscape buffer depth of 4.50m (14.76ft.) in this instance.

Mr. R. Dragicevic, the authorized agent, attended and presented the subject application to construct two new buildings on the subject property. Mr. Dragicevic advised the Committee that his client wished to construct a building that would have a front yard that was in excess of the maximum permitted by the Zoning By-law. He explained that the proposed front yard depth was to accommodate the Ministry of Transportation requirements and to provide sufficient landscaping.

Mr. Dragicevic indicated that the abutting property was zoned for Development purposes requiring the subject property to provide a landscaping buffer along the abutting lot line. He confirmed that the required width of the landscaping buffer could not be provided as there was insufficient room to construct the necessary sidewalk to access the proposed building and a full sized landscape buffer

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"Recommendation:

The Planning and Building Department recommends that the application be deferred in order for the applicant to submit additional information through the Site Plan Approval process to verify the accuracy of the requested variances and to determine whether additional variances will be required.



File: "A" 433/15
WARD 15

Background:

Mississauga Official Plan:

Character Area: Gateway Corporate Centre
Designation: Office, Special Site 3
Zoning By-law 0225-2007:
Zoning: "E1-1", Employment in Nodes
Other Applications:

☒ **Site Plan** File: SP 14/106 W5

Comments:

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed commercial buildings. Based on the review of the Site Plan Approval application we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Additional information has been requested with regards to loading spaces, established grade and height, identification of the building entrances, and walkway location in regards to landscape buffers. Additionally there are concerns from Fire relating to the fire route length and orientation that may have impacts on the site design that could relate to additional variances being required.

The proposed 18.5 m (60.69 ft.) setback is required as a result of Ministry of Transportation (MTO) setback requirements from their lands. The MTO owned lands that form the Highway 401 ramp onto Hurontario Street extend in front of the subject property. The MTO requires a 14 m (45.93 ft.) setback to development and they also indicate that additional depth for landscape buffers should be provided outside of that 14 m (45.93 ft.). This accounts for the additional 4.5 m (14.76 ft.) for a total proposed setback of 18.5 m (60.69 ft.).

Based on the preceding information, the Planning and Building Department are of the opinion that it is premature to deal with the variance application. We recommend that the application be deferred to address the required outstanding information in a new submission through the Site Plan Approval process."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/106. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"Regional staff are currently reviewing the associated site plan application SP-14-106. There is an existing 12 metre Regional Sanitary Sewer Easement on the subject property. According to the latest information available at this office, the bioswale appears to end before the easement. The bioswale must remain outside of the limits of the Regional easement.

The applicant is further advised that:

- Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- Existing easements dedicated to the Region of Peel for the purpose of sanitary sewer and/or watermain must be maintained, or the existing infrastructure relocated at the owner's cost, to the satisfaction of the Region of Peel."



MISSISSAUGA

File: "A" 433/15
WARD 15

No other persons expressed any interest in the application.

Mr. Dragicevic confirmed the accuracy of the subject application and that no new additional variances would be required. He requested for the Committee to proceed with evaluating the merits of the subject application.

The Committee after considering the submissions put forward by Mr. Dragicevic and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY: D. George SECONDED BY: J. Robinson CARRIED


Application Approved.

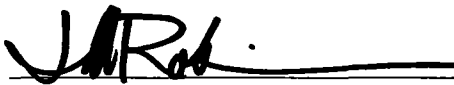
Dated at the City of Mississauga on October 29, 2015.


THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.


Date of mailing is November 2, 2015.

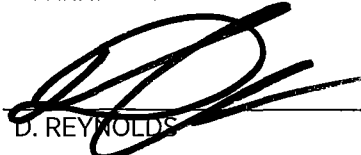

S. PATRIZIO (CHAIR)

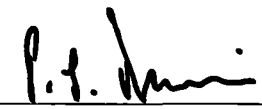

D. GEORGE


J. ROBINSON

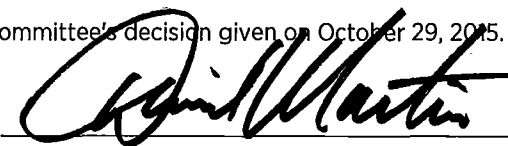

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

PEEL STANDARD CONDOMINIUM CORPORATION 820

on Thursday October 22, 2015

Peel Standard Condominium Corporation 820 is the owner of 230 Paisley Boulevard West, zoned RM4-62, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey balcony for Unit # 7 of the subject development proposing:

1. a balcony projection of 2.44 m (8.00 ft.); whereas By-law 0225-2007, as amended, permits a balcony projection of 1.00 m (3.28 ft.) in this instance; and,
2. to permit the area below the proposed balcony to be included in the Landscaped Area; whereas By-law 0225-2007, as amended, does not permit any open space beneath a structure to be included in the Landscaped Area in this instance.

Ms. E. Flammini, the authorized agent, attended and presented the subject application to construct a second floor balcony at the rear of the existing townhouse dwelling unit on the subject property. Ms. Flammini confirmed that the proposed balcony was similar to several other balconies that had been constructed within the townhouse complex.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance. However, the applicant may wish to defer the application to allow staff sufficient time to review the Building Permit application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: "RM4-62", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP15-7394

4.0 COMMENTS

We are currently processing a Building Permit application for the proposed balcony. However, staff have not had sufficient time to review the application and therefore, we are unable to verify the accuracy of the requested variances and determine whether additional variances will be required.

We note that the Committee has previously approved several similar variances for other units throughout the residential development on the subject property. We have no objection to the proposed balcony as it will have a similar projection as the previously approved balconies, and will not impose a negative impact on adjacent units or the streetscape.

We advise that the property is subject to Site Plan Control."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 434/15."

A letter was received from the Peel District School Board expressing an interest in the application.

No other persons expressed any interest in the application.

Ms. Flammini confirmed the accuracy of the subject application and that no new additional variances would be required. She requested for the Committee to proceed with evaluating the merits of the subject application.

The Committee after considering the submissions put forward by Ms. Flammini and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 434/15
WARD 7

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY: J. Page SECONDED BY: P. Quinn CARRIED

Application Approved.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

RANBIR SINGH DHALIWAL & JASBIR DHALIWAL

on Thursday October 22, 2015

Ranbir Singh Dhaliwal & Jasbir Dhaliwal are the owners of 1848 Balsam Avenue being Lot 58, Plan G-13, zoned R3-2, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a two storey dwelling proposing:

1. a setback to a railway right-of-way of 15.82m (51.90ft.); whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00m (98.42ft.) in this instance;
2. a garage projection of 1.22m (4.00ft.) beyond the front wall; whereas By-law 0225-2007, as amended does not permit a garage projection in this instance; and,
3. an eave height of 7.60m (24.93ft.); whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (20.99ft.) in this instance.

Mr. K. Suthas, the authorized agent, attended and presented the subject property to construct a new dwelling on the subject property. Mr. Suthas advised the Committee that the subject property was located within the required separation distance to an existing railway right-of-way and that this was a historical site condition.

Mr. Suthas indicated that the proposed garage would project slightly in front of the front wall of the dwelling. He noted that the dwelling was recessed to allow for a larger front yard and that only the garage would project forward. Mr. Suthas noted that the proposed design would allow for additional living space behind the garage without requiring any variance for dwelling depth.

Mr. Suthas noted that the dwelling was slightly elevated for ceiling height purposes resulting in an overage in the eaves height.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to provide the requested information for the Site Plan application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3-2", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-22 W2

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed dwelling, variance #1 should be amended as follows:

"1. a setback to a railway right-of-way of 13.69 m (44.91 ft.); whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00 m (98.43 ft.) in this instance;"

Further, we advise that additional information has been requested through the Site Plan application. Therefore, we are unable to determine whether additional variances will be required.

In regards to variance #1, as amended, the depth of the lot is approximately 39.34 m (129.07 ft.). Therefore, a dwelling could not be accommodated on the lot without the need for the setback variance to the railway right-of-way. The setback indicated in the amended wording applies to the rear deck. However, the setback to the dwelling appears to be 15.82 m (51.90 ft.), which falls within the range of setbacks for dwellings on the south side of Balsam Avenue.

Regarding variance #2, it is our opinion that the request is minor. The front face of the dwelling contains varying setbacks and in review of the elevation drawings, it is our opinion that the intent of the By-law is maintained.

For variance #3, we have had discussions with staff from the Credit Valley Conservation Authority (CVC). The design of the dwelling includes windows on the basement level, and due to floodplain concerns, the free board elevation must be at least 0.30 m (0.98 ft.) above the regulatory flood elevation. This condition causes the variance for eave height. Further, it appears that a variance is not required for dwelling height, and the building has been adequately designed to break up the vertical massing.

Based on the preceding information, we have no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/22. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

Credit Valley Conservation commented as follows (September 30, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is within the floodplain of Turtle Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and



MISSISSAUGA

File: "A" 435/15
WARD 2

biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicants request the Committee to authorize a minor variance to permit the construction of a two storey dwelling proposing:

1. a setback to a railway right-of-way of 15.82m (51.90ft.); whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00m (98.42ft.) in this instance;
2. a garage projection of 1.22m (4.00ft.) beyond the front wall; whereas By-law 0225-2007, as amended does not permit a garage projection in this instance; and,
3. an eave height of 7.60m (24.93ft.); whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (20.99ft.) in this instance.

COMMENTS:

CVC staff are currently reviewing the proposed development through Site Plan application (SP 15/022). Outstanding CVC concerns/comments are to be addressed through the Site Plan process. The proposed minor variance does not impact the Authority's interests. On this basis, CVC has no concerns and no objection to the approval of the application by the Committee at this time.

The applicant is to note that the subject property is within a CVC Regulated Area and a CVC permit is required for the development as proposed."

No other persons expressed any interest in the application.

Mr. Suthas upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He confirmed the accuracy of the balance of subject application and that no new additional variances would be required. He requested for the Committee to proceed with evaluating the merits of the subject application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Suthas and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the amended request is minor in nature in this instance.



MISSISSAUGA

File: "A" 435/15

WARD 2

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a two storey dwelling proposing:

1. a setback to a railway right-of-way of 13.69 m (44.91 ft.); whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00 m (98.43 ft.) in this instance;
2. a garage projection of 1.22m (4.00ft.) beyond the front wall; whereas By-law 0225-2007, as amended does not permit a garage projection in this instance; and,
3. an eave height of 7.60m (24.93ft.); whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (20.99ft.) in this instance.

MOVED BY: J. Page

SECONDED BY: D. Reynolds

CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

KAMAL & MONA WAHBY

on Thursday October 22, 2015

Kamal & Mona Wahby are the owners of 1502 Elite Road being Lot 101, Plan 574, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit the existing accessory structure to remain having:

1. a height of 3.25m (10.66ft.); whereas By-law 0225-2007, as amended permits a maximum height of 3.00m (9.84ft.) in this instance;
2. a side yard of 0.48m (1.58ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance; and,
3. a rear yard of 0.65m (2.16ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93 ft.) in this instance.

Mr. K. Wahby, a co-owner of the subject property, attended and presented the subject application to permit the existing accessory structure within the rear yard of the subject property to remain having deficient setbacks to the side and rear yard lot lines and an overage in height. Mr. Wahby advised the Committee that a slight overage in height was the result of the grading around the structure and that the accessory structure had been constructed on top of foundation stones. He noted that the structure was located on a utility easement and he presented a letter from the benefactor of the easement that confirmed that they had no concerns with the location of the structure.

Mr. Wahby confirmed that he had spoken to his surrounding neighbours and that they had not expressed any concerns with the structure to him.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 16, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007



MISSISSAUGA

File: "A" 436/15
WARD 2

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

In regards to the requested variances, it is our opinion that the requests are minor. The structure is partially screened from neighbouring properties, and the setbacks are sufficient for maintenance purposes.

Further, based on the Site Plan drawing provided with the Minor Variance application, the accessory structure is partially located on an easement. However, the applicant has provided confirmation from Bell Canada that they do not have an objection to the encroachment.

Based on the preceding information, we have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"Information submitted with this application (survey plan) indicates that the existing accessory structure is located within the limits of a 1.22m Wide Easement. Typically we request that satisfactory arrangements be made with any utility company where there is an encroachment, however the applicant has provided a letter dated September 16, 2015 from Bell Canada indicating that at this time they have no objections and no action is required for the encroachment. In view of the above this department has no objections to the applicant's request."

A letter was received from E. & G. Robinson, residents of 1494 Elite Road, stating their acceptance of the existing accessory structure.

A second letter was received from E. & G. Robinson, residents of 1494 Elite Road, stating their support for the subject application.

A letter was received from Z. Ellis, a resident of 1512 Elite Road, stating support for the subject application.

A letter was received from J. & J. Donnelly, residents of 1495 Elite Road, stating their support for the subject application.

A letter was received from M. Hyland, a resident of 1503 Elite Road, stating support for the subject application.

A letter was received from S. Vajdic, a resident of 1513 Merrow Road, stating support for the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Wahby and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 436/15
WARD 2

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY: P. Quinn SECONDED BY: D. Reynolds CARRIED

Application Approved.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

VANDYK - THE CRAFTSMAN LTD

on Thursday October 22, 2015

Vandyk - The Craftsman Ltd. is the owner of 1575 Lakeshore Road West being Part of Lot 27, Concession 2, S.D.S., zoned G1, Greenbelt, H-C4-45, Holding Zone, Commercial, and H-RA2-46, Holding Zone Apartment Dwellings. The applicant requests the Committee to authorize a minor variance to permit the construction of a four to six storey residential building proposing:

1. a floor space index of 1.81 to the lot area; whereas By-law 0225-2007, as amended, permits a maximum floor space index of 1.8 to the lot area in this instance;
2. a height of 21.50m (70.53ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 20.00m (65.61ft.) in this instance;
3. a landscape buffer depth of 3.00m (9.84ft.) in accordance with a revised Schedule RA2-46; whereas By-law 0225-2007, as amended, requires a minimum depth of landscape buffer of 4.50m (14.76ft.) as per Schedule RA2-46 in this instance; and,
4. development plans in compliance with a revised Schedule RA2-46; whereas By-law 0225-2007, as amended, requires development to be in compliance with Schedule RA2-46 in this instance.

Mr. D. Huynh, the authorized agent, attended and presented the subject application to allow for the construction of a mixed use building on the subject property. Mr. Huynh advised the Committee that instances of relief to the Zoning By-law were required to accommodate various requirements of the Credit Valley Conservation. Mr. Huynh advised the Committee that the proposed building envelope would not be constructed exactly as depicted in the relevant schedule within the Zoning By-law. He noted that the altered design represented minor refinements to the proposal.

Mr. Huynh advised the Committee that a deficiency in a landscape buffer within the north easterly corner of the property was the result of the accommodation of a terraces and an uneven grading. He explained that terraces would project over a portion of the at-grade landscaping area which reduced the width of the proposed landscape buffer.

Mr. Huynh noted that a small portion of the building would exceed the maximum permitted height pursuant to the Zoning By-law. He explained that this area included a roof top amenity area and mechanical equipment. Mr. Huynh indicated that the area of increased height was position towards the centre interior of the building in efforts for the building façade to mask it from the view from the street and surround properties. He confirmed that the uneven grading of the property resulted in the noncompliant height.

Mr. Huynh advised the Committee that the requested floor space index was the result of all lands of conservation interest being excluded from the lot area for calculation purposes. He suggested that the proposed building size was appropriate in relation to the entire lot.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 21, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the application to submit the requested information for the Site Plan application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Clarkson Village Community Node – Special Site 1
Designation: Residential High Density, Mixed Use, Greenbelt

Zoning By-law 0225-2007

Zoning: "H-RA2-46", Residential (Holding);
"H-C4-45", Mainstreet Commercial (Holding);
"G1", Greenbelt

3.0 OTHER APPLICATIONS

☒ **Site Plan** File: SP 14-127 W2

4.0 COMMENTS

Based on a review of the Site Plan application, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. The revised schedule included with the Minor Variance application was not submitted to the Site Plan application.

In regards to variance #1, we recognize that the total lot area has been slightly reduced due to an alteration to the land dedication in the northwestern corner of the lot. This has resulted in a reduced lot area, causing a change in the calculation of the floor space index (FSI), but the proposed gross floor area of the building remains unchanged.

Regarding variance #2, the increase in height is due to additional indoor amenity space on the roof. This area will be limited in size, and will be adjacent to the mechanical room, which is permitted to exceed the permitted maximum height of 20.00 m (65.61 ft.).

For variance #3, the reduction in landscape buffer applies to a limited portion along the rear lot line to accommodate terraces on the ground floor. The building walls will remain with the required setback.

In regards to variance #4, staff have reviewed the revised schedule, and are satisfied with the modifications.

Based on the preceding information, we have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/127. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):



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WARD 2

"Regional staff are currently reviewing the associated site plan application SP-14-127. Staff are satisfied that outstanding servicing and waste management requirements can be addressed through the site plan process. As such, we have no objections to the proposed variances."

Credit Valley Conservation commented as follows (October 9, 2015):

"Credit Valley Conservation (CVC) staff have had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Turtle Creek and its associated valley slope and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a four to six storey residential building proposing:

1. A floor space index of 1.81 to the lot area, whereas 1.8 is required;
2. A height of 21.50m whereas a maximum of 20.00m is required;
3. A landscape buffer depth of 3.0m where 4.5m is required; and
4. Development plans in compliance with revised Schedule RA2-46, whereas compliance with Schedule RA2-46 is required.

COMMENTS:

CVC staff have been previously involved with the review of this proposal through the Zoning By-Law and Official Plan Amendment (OZ/OPA 12/010) and have recently provided comments on the site plan application (SP 14/127). Furthermore, a permit pursuant to Ontario Regulation 160/06 had been issued for the realignment of the Turtle Creek culvert, in conjunction with the proposal.

CVC staff have reviewed the proposed minor variance and note that generally we have no concerns with the proposal. Furthermore, through the review of the proposed rezoning, applicable buffers have been established and are accurately reflected on the site plan and Revised Schedule "RA2-46", as part of this application. In this regard, CVC staff have no objection to the proposed minor variance.

Please note that the subject property is within a CVC Regulated Area, and a permit is required for the development as proposed and will be issued upon site plan approval."

Ms. S. Shanly, a representative of the Meadow Wood Rattray Ratepayers Association, attended and expressed her concerns that her association was not aware of any of the changes to the proposal as previously approved pursuant to a Zoning By-law Amendment application. She expressed her concerns with the reduced landscape buffer width and the increase in height.

Ms. B. Bleackley, President of the Birch Glen Residents Association, attended and expressed her concerns with changes to the proposal as previously approved pursuant to a Zoning By-law Amendment application. She noted her concerns with the proposals impact on the residences on Johnson's Lane.



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WARD 2

No other persons expressed any interest in the application.

Mr. Huynh confirmed the accuracy of the subject application and that no new additional variances would be required. He requested for the Committee to proceed with evaluating the merits of the subject application.

The Committee after considering the submissions put forward by Mr. Hunyh and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY: J. Robinson SECONDED BY: D. Reynolds CARRIED

Application Approved.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

LORI MOLLETT

on Thursday October 22, 2015

Lori Mollett is the owner of 928 Aviation Road being Part of Lot 102, Plan C-19, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. an existing front yard of 3.79m (12.43ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance;
2. a porch, inclusive of stairs to encroach 2.83m (9.29ft.) into the required front yard; whereas By-law 0225-2007, as amended, permit a maximum porch encroachment of 1.60m (5.24ft.) in this instance;
3. an interior side yard measured to the second storey of the dwelling of 1.19m (3.90ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (5.93ft.) measured to the second storey of the dwelling in this instance;
4. an exterior side yard of 0.39m (1.27ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance;
5. a lot coverage of 42.93% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
6. an existing lot frontage of 8.39m (27.52ft.); whereas By-law 0225-2007, as amended requires a minimum lot frontage of 19.50m (63.97ft.) in this instance; and,
7. an existing lot area of 286.09m² (3,079.54sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 720.00m² (7,750.26sq.ft.) in this instance.

Mr. W. Jones, a representative of the property owner, attended and presented the subject application to construct a second storey addition and a two storey addition to the rear of the existing dwelling on the subject property. Mr. Jones advised the Committee that the subject property was a corner lot and was very small. He explained that the front porch stairs and reduced interior and exterior side yards were existing site conditions and that the increased side yard requirements pursuant to the Zoning By-law were the result of the second storeys that were proposed to be constructed. He noted that the addition would be constructed flush with the existing side walls of the dwelling. Mr. Jones indicated that the overage in lot coverage was the result of the proposed addition to the rear of the dwelling.

Mr. Jones indicated that the modifications to the dwelling would have a low eaves height to mitigate any impact with respect to the building mass. He noted that dormers would be constructed within the second storey to allow for the necessary interior ceiling height to make the second storey functional.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 21, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the required Building Permit application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☐ *Building Permit* File: Required - No application received

4.0 COMMENTS

A Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. To confirm the accuracy of the requested variance, the applicant may apply for a Pre-Zoning Review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

However, based on a review of the Minor Variance application, variances #1 and #2 should be amended as follows:

"1. an existing front yard of 3.79 m (12.43 ft.) to the main dwelling wall; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68 ft.) in this instance;

2. a front yard of 3.71 m (12.17 ft.) to a porch, inclusive of stairs; whereas By-law 0225-2007, as amended, currently permits a porch inclusive of stairs to be set back 4.4m (14.43m) in this instance;"

Further, it appears that variance #3 is not correct as the measurement indicated appears to be from the side lot line to the rear porch, which would comply with the By-law requirement.

We advise for the applicant's information that through a review of a required Building Permit application, it may be determined that the proposal is for a new dwelling rather than an addition. Should this be the case, an additional Minor Variance application will be required.

In regards to variances #1, #2 and #4, the second storey portion of the dwelling will align with the existing setbacks, which are legal non-conforming. We recognize that the lot is significantly deficient in size and frontage for a corner lot zoned 'R3', limiting the ability to construct a reasonably sized two storey dwelling on the property in accordance with the By-law. The proposed dwelling footprint would have a similarly sized footprint as the adjacent dwelling at 930 Aviation Road.



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WARD 1

For variance #5, although we do not typically support variances for lot coverage, we recognize the limitations of developing on a lot of this size and irregular shape. In this instance, we are satisfied that the intent of the By-law is maintained.

Regarding variances #6 and #7, the applicant is requesting variances to recognize the legal non-conforming deficiencies of a lot of record.

Based on the preceding information, we have no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit.

This property is within the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is currently being used as a park. It is catalogued by the MOECC as #7068."

No other persons expressed any interest in the application.

Mr. Jones upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He further noted that the requested side yard relief would provide a side yard of 1.19 m (3.90 ft.) to proposed covered porch and 1.23 m (4.03 ft.) to the second storey.

The Committee consented to the request and, after considering the submissions put forward by Mr. Jones and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the amended request is minor in nature in this instance.



MISSISSAUGA

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WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition to the existing dwelling proposing:

1. an existing front yard of 3.79 m (12.43 ft.) to the main dwelling wall; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68 ft.) in this instance;
2. a front yard of 3.71 m (12.17 ft.) to a porch, inclusive of stairs; whereas By-law 0225-2007, as amended, currently permits a porch inclusive of stairs to be set back 4.4m (14.43m) in this instance;
3. an interior side yard of 1.19 m (3.90 ft.) measured to proposed covered porch and 1.23 m (4.03 ft.) measured to the second storey; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (5.93ft.) measured to the second storey of the dwelling in this instance;
4. an exterior side yard of 0.39m (1.27ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance;
5. a lot coverage of 42.93% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
6. an existing lot frontage of 8.39m (27.52ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft.) in this instance; and,
7. an existing lot area of 286.09m² (3,079.54sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 720.00m² (7,750.26sq.ft.) in this instance.



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WARD 1

MOVED BY: P. Quinn

SECONDED BY: D. Reynolds

CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

KHOA NGUYEN

on Thursday October 22, 2015

Khoa Nguyen is the owner of 7327 Aspen Avenue being Lot 75, Registered Plan M-946, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property having a width of 7.80m (25.59ft.) and being 0.50m (1.64ft.) from the southerly side lot line; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) and requires a minimum setback of 0.60m (1.96ft.) to the side lot line in this instance.

On September 17, 2015, Mr. T.J. Cieciora, the authorized agent, attended and requested for a deferral of the subject application. He advised that he required additional time to address the concerns raised by the Planning and Building Department staff.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (September 11, 2015):

"1.0 Recommendation

The Planning and Building Department recommend that the application be refused.

2.0 Background

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R4", Residential

3.0 Other Applications

N/A

4.0 Comments

Based on a review of the information provided with the minor variance application we advise that the variance request should be amended to indicate a proposed driveway width of 7.80 m (25.59 ft.), as per the drawing provided.

A driveway width of 7.80 m (25.59 ft.) is wide enough to accommodate three vehicles parked side by side across the front of the dwelling. In the opinion of planning staff this creates a situation with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated. The driveway width should be limited to the permitted 6 m (19.69 ft.) which is proportional to the width of the existing garage and similar to the adjacent properties. There are examples of other



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WARD 9

widened driveways in the area; however, that does not represent the majority of cases. No variances have been granted for driveway widths to any of the properties in the immediate area.

The Planning and Building Department is of the opinion that the requested increase in driveway width is not appropriate and does not meet the general intent of the Zoning By-law since it would allow for excessive vehicular parking in the front yard.

Based on the preceding information the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (September 10, 2015):

"Enclosed for Committee's easy reference are some photo's which depict the existing driveway."

A letter was received from B. Giacomini, a resident of 7331 Aspen Avenue, noting comments with respect to the parking of vehicles on the property and on the road.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to October 22, 2015.

On October 22, 2015, Mr. B. Kashin, a Planning consultant for the property owner, attended and presented the subject application. Mr. Kashin advised the Committee that during the interim of the deferral he had met with Planning staff but a mutual resolution could not be agreed upon. He confirmed that the driveway was constructed of interlocking brick and that the abutting walkway was made of concrete. Mr. Kashin indicated that the different materials of the driveway and walkway allowed for contract to minimize the visual impact on the streetscape.

Mr. Kashin confirmed that the functional portion of the driveway and soft landscaped area of the front yard complied with the requirements of the Zoning By-law and that the concrete path that bordered the driveway would be utilized as a walkway. Mr. Kashin confirmed that one of his client's vehicles would be stored offsite so that three vehicles would no longer be parked across the driveway.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 20, 2015):

"Recommendation:

The Planning and Building Department recommends that the application be refused.

Background:

Mississauga Official Plan:

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007:

Zoning: "R4", Residential

Other Applications:

N/A

Comments:

Based on a review of the information provided with the minor variance application we advise that the variances, as requested, are correct.

The intent of the Zoning By-law provisions restricting driveway width are to minimize the opportunity for excessive hard surfaced area and vehicular parking as well as maximizing soft landscaped area. The requested driveway width of 7.8 m (25.6 ft.) would be wide enough for three vehicles to park side by side along the front of the dwelling. In our opinion this represents excessive vehicular parking on this lot. Based on the photos taken during a recent site visit it appears that the applicant is actively parking on the extended portion of the driveway, which is labelled as the walkway on the drawings. The most recent drawings submitted by the applicant indicate that they are proposing to establish a small curb between the primary portion of the driveway and the portion labelled as the walkway. However, the addition of a curb does not alleviate the requirement for the driveway width variance and does not change the appearance of excessive hard surfaced area in the front yard of the property.

Based on the preceding information the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"Please refer to our comments submitted for the September 17, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Kashin and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee expressed its concern with the walkway portion of the property being used for parking of motor vehicles. They noted that there was a portion of the landscaped municipal boulevard that had been altered with paving surfaces.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



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WARD 9

Accordingly, the Committee resolves to authorize and grant the request as presented subject to the following conditions:

1. Any non-permitted hard surface material shall be removed from the municipal boulevard and replaced with sod.
2. The applicant shall install and maintain a concrete barrier curb to separate the driveway and abutting walkway.

MOVED BY: D. George SECONDED BY: J. Page CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on October 29, 2015.

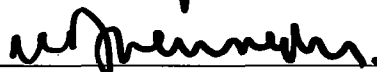
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

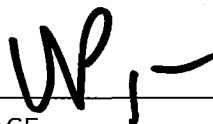
Date of mailing is November 2, 2015.

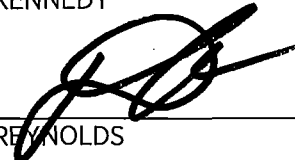

S. PATRIZIO (CHAIR)

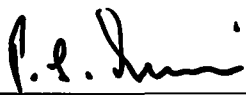

D. GEORGE


J. ROBINSON

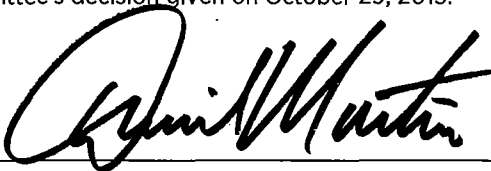

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

MUSLIM ASSOCIATION OF CANADA

on Thursday October 22, 2015

Muslim Association Of Canada is the owner of 2550 Dunwin Drive being Part of Lot 382 and Lot 383 Registered Plan 915, zoned E2-1, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a private club with an accessory worship area of 612.00 m² (6,587.51 sq. ft.), providing parking at a rate of 4.5 spaces per 100.00 m² (parking requirement for a private club) and an outdoor play area; whereas By-law 0225-2007, as amended does not permit a worship area accessory to a private club and requires all uses to be located wholly within a building in this instance.

On September 24, 2015, Mr. G. Dell, authorized agent, attended and advised the Committee that he was in receipt of the outstanding information requested by Planning staff. Mr. Dell indicated he wished to proceed with the subject application.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (September 22, 2015):

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to provide the requested information for the Building Permit application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Western Business Park Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP14-4069

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed private club, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the establishment of a private club with an accessory worship area of 612.00 m² (6587.51 sq. ft.), providing parking at a rate of 4.5 spaces per 100.00 m² (parking requirement for a private club) and an outdoor play area; whereas By-law 0225-2007, as amended does not permit a



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worship area accessory to a private club and requires all uses to be located wholly within a building in this instance."

We further advise that additional information has been requested through the Building Permit application and therefore we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. The additional information is required to clarify the proposed use. Upon review of this information, the use may change, which may cause an additional parking variance to be required. We recommend that the application be deferred so that the applicant can provide this information to clarify the proposed use."

The City of Mississauga Transportation and Works Department commented as follows (September 16, 2015):

"Enclosed for Committee's easy reference are some photos which depict the subject property."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 18, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to the issuance of a building permit."

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that they have requested clarification of the proposed use. He requested that Zoning staff review the information prior to the application being considered.

No other persons expressed any interest in the application.

The Committee indicated their preference for the necessary information be reviewed by staff in advance of the hearing to allow them to submit advisory comments to the Committee for their review.

Mr. Dell concurred with the Committee and requested a deferral of the subject application.

The Committee consented to the request and deferred the application to October 8, 2015.

On October 8, 2015, Mr. G. Dell, authorized agent, attended and presented the application. Mr. Dell advised the Committee that a parking study had been prepared and submitted to staff for review. He requested that the application be amended to include an outdoor play area as requested in the Planning and Building Department comments.

The Committee consented to the request to amend the application.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 6, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred.

2.0 BACKGROUND

Mississauga Official Plan

Character Area:
Designation:

Western Business Park Employment Area
Business Employment

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

3.0 OTHER APPLICATIONS

☒ ***Building Permit*** File: BP14-4069

4.0 COMMENTS

When this application was previously before the Committee on September 24, 2015, the Committee deferred the application for staff to review information confirming the proposed use. Since that time, staff have reviewed the information, but have requested additional material, which has not yet been provided. Therefore, our previous comments dated September 22, 2015 remain applicable.

Based on the preceding information, we recommend that the application be deferred."

The City of Mississauga Transportation and Works Department commented as follows (October 1, 2015):

"Please refer to our comments submitted for the September 24, 2015 hearing of this application as those comments are still applicable."

A letter was received from T. Fajarczuk, a representative of the property owner of 3090 Woodchester Drive, expressing concerns with the proposed reduction in parking.

No other persons expressed any interest in the application.

Mr. J. Lee, a Planner for the Planning and Building Department and Mr. T. Gallagher, the Zoning Manager, for the Planning and Building Department, attended and advised the Committee that further information was required to determine the appropriate parking standard for the proposed use.

The Committee indicated additional time was required to allow staff to continue to evaluate the application material and submit their comments.

The Committee deferred the application to the October 22, 2015 hearing.

On October 22, 2015, Mr. G. Dell, the authorized agent, attended and presented the subject application to permit the operation of a private club with an accessory worship area within the second floor and an outdoor play area. Mr. Dell explained that the subject property would experience a parking shortfall that would require relief to the Zoning By-law. Mr. Dell noted that a parking utilization study had been prepared to review the proposed parking arrangement and suggested that the existing parking supply would be sufficient for the anticipated demand.

Mr. A. Attia, a representative of the proposed operator of the facility, attended and advised the Committee that the second floor prayer area would be used to accommodate the religious requirements of the patrons of the private club operations on the ground floor. Mr. Attia confirmed that no formalized religious services would be provided pursuant to the Zoning By-law definition of a Place of Religious Assembly. Mr. Attia confirmed that a condition of approval limiting the capacity of patrons within the accessory worship area would be appropriate in efforts to prevent the prayer area from being operated in an inappropriate manner.

There was general discussion between the Committee and Messrs. Attia & Dell about the architectural features of the accessory worship area, the type of religious service that would be provided and membership of the private club component of the building. There was concern expressed by all stakeholders about the possibility of the accessory worship area being utilized as a place of religious assembly.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 22, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance, as amended, subject to the conditions outlined below. However, the applicant may wish to defer the application to submit the requested information for the Building Permit to ensure that all required variances are accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Western Business Park Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed private club, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the establishment of a private club with an accessory prayer room with an area of 612 m² (6,587.51 sq. ft.), providing parking at a rate of 4.5 spaces per 100 m² (parking requirement for a private club) and an outdoor play area; whereas By-law 0225-2007, as amended does not permit a prayer room accessory to a private club and requires all uses to be located wholly within a building in this instance."

Further, additional information has been requested through the Building Permit application regarding the proposed gross floor area – non-residential and the proposed use. Therefore, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

When this application was previously before the Committee on October 8, 2015, the Committee deferred the application to allow staff sufficient time to obtain requested information from the applicant.

The floor plans provided with the Building Permit application indicate that a majority of the second floor would be used as a "prayer room". Based on that information, Zoning staff applied the private club parking rate to the entire building. However, when staff met with the applicant and their agent, it was our understanding that a religious service would be provided. Should this be the case, that area would no longer be considered an accessory prayer room, but would be considered an accessory place of religious assembly under the Zoning By-law. That would cause a higher parking rate to apply, which would necessitate a parking variance.

The applicant provided a Parking Utilization Study with the Minor Variance application. However, as the previous parking variance was withdrawn, staff did not conduct a thorough review and analysis of the provided study. We have concerns that should a portion of the building function as a place of religious assembly, there may be an on-site parking deficiency.



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Based on the preceding information, should the "prayer room", as indicated on the floor plans, only be used for prayer and not religious services, we would have no objection to the requested variance, subject to the following conditions:

1. Temporary approval of three years;
2. No religious services will be conducted on the property.

Should the applicant wish to include religious services on the property, we would recommend that the application be deferred for the applicant to provide the requested information for the Building Permit to ensure that all required variances are accurately identified. Should a parking variance be required, staff would require sufficient time to review the Parking Utilization Study."

The City of Mississauga Transportation and Works Department commented as follows (October 15, 2015):

"Please refer to our comments submitted for the September 24, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 16, 2015):

"Regional staff have received servicing drawings and comments were provided to the consultant on October 14, 2015. Revised drawings are required. Site servicing approvals will be required prior the issuance of a building permit."

Mr. T. Gallagher, the Zoning Manager for the Planning and Building Department, attended and indicated that there was no minimum floor area required for an area to be considered a Place of Religious Assembly pursuant to the Zoning By-law. Mr. Gallagher noted that no formalized service could be provided and any individuals leading a group religious service or prayer would have the room considered a Place of Religious Assembly pursuant to the Zoning By-law. He indicated that the accessory worship area had to be clearly demonstrated as subordinate to the primary use of the property.

Mr. J. Lee, a Planner for the Planning and Building Department, attended and confirmed that the parking utilization study submitted by the applicant had not been fully reviewed as the applicant had expressed their wishes to withdraw the parking variance to staff. It was Mr. Lee's opinion that the application was premature as the parking demand could not be fully investigated until the applicant could confirm the nature of all uses that would occur on the property and for a parking utilization study be completed on these uses and submitted to Planning staff for review.

No other persons expressed any interest in the application.

Mr. Dell upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell & Mr. Attia and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate temporary use of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



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Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a private club with an accessory prayer room with an area of 612 m² (6,587.51 sq. ft.), providing parking at a rate of 4.5 spaces per 100 m² (parking requirement for a private club) and an outdoor play area; whereas By-law 0225-2007, as amended does not permit a prayer room accessory to a private club and requires all uses to be located wholly within a building in this instance.

This decision is valid for a temporary period of three (3) years and shall expire and terminate on or before November 30, 2018 and is subject to the following condition:

1. The maximum occupancy of the accessory worship area shall be limited to 650 people at any one time.

MOVED BY: P. Quinn SECONDED BY: D. Reynolds CARRIED

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 29, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE NOVEMBER 18, 2015.

Date of mailing is November 2, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 29, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.