



## COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 10, 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
<b><u>NEW APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-370/15	ARTEM KRYLOV	1605 CALVERTON CRT	1	Approved
A-371/15	LOUISE D'ANJOU	2165 ABBOTSWOOD CRT	8	Approved
A-372/15	ARJUN KALRA	110 EAGLEWOOD BLVD	1	Approved
A-373/15	KATHY LYNNE HAWKINS	27 PEARL ST	11	Approved
A-374/15	DAVID DODIC	1521 PINETREE CRES	1	Approved
A-375/15	GEORGE JONES & BARBARA FRITZ	915 NORTH SERVICE RD	1	Oct. 29
A-376/15	THE ELIA CORPORATION	4559 HURONTARIO ST	4	Approved
A-377/15	2423441 ONTARIO INC.	1034 CLARKSON RD N	2	Approved
A-378/15	JOE INDOVINA	170 LAKESHORE RD E	1	Approved
A-379/15	RITA DIAS	3232 DOVETAIL MEWS	8	Dec. 10
A-380/15	MANUEL DEPINA	6692 ROTHSCHILD TR	11	Approved
A-381/15	FADI ABOUNASSAR	1066 OLD DERRY RD	11	Approved
A-382/15	ROBERT BEGANYI	669 SIR RICHARD'S RD	7	Approved

### **DEFERRED APPLICATIONS - (MINOR VARIANCE)**

A-231/15	ALFRED DORKALAM	1215 CANTERBURY RD	1	Oct. 1
A-259/15	1438864 ONTARIO INC	241 LAKESHORE RD E	1	Nov. 19
A-362/15	THE SALPAM GROUP	1520 COURTNEYPARK DR E	5	Approved

## 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

ARTEM KRYLOV

on Thursday, September 10, 2015

Artem Krylov is the owner of 1605 Calverton Court being Lot 19, Registered Plan 849, zoned R2-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing dwelling proposing:

1. a front yard of 8.67m (28.44ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52 ft.) in this instance;
2. a northerly side yard of 2.06m (6.75ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) to the second storey in this instance;
3. a southerly side yard of 1.87m (6.13ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) in this instance; and,
4. a combined width of side yards of 3.82m (12.53ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.96m (16.27ft.) in this instance.

Mr. A. Krylov, property owner, attended and presented the application to permit the construction of additions to the existing dwelling. Mr. Krylov presented photographs and plans for the Committee's review and consideration. He advised that he has discussed the application with his neighbours and submitted a petition indicating support for the request.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### "1.0 RECOMMENDATION"

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

### 2.0 BACKGROUND

#### **Mississauga Official Plan**

Character Area: **Mineola Neighbourhood**



## MISSISSAUGA

File: "A" 370/15  
WARD 1

Designation: **Residential Low Density I, Greenbelt**

### **Zoning By-law 0225-2007**

Zoning: **"R2-1", Residential**

#### 3.0 OTHER APPLICATIONS

☒ Site Plan File: SP 15-52 W1 - Satisfactory

#### 4.0 COMMENTS

Based on a review of the Site Plan application for the proposed addition, we advise that variance #4 should be amended as follows:

"4. A combined width of side yards of 3.82 m (12.53 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.85 m (15.91 ft.) in this instance."

Further, we advise that variance #1 is not required. The minimum setback required to the dwelling is 9.00 m (29.53 ft.) and the drawings submitted indicate a proposed setback of 9.01 m (29.56 ft.). In addition, the setback requirement to the porch including the stairs is 7.40 m (24.28 ft.) based on the allowed encroachment of 1.60 m (5.25 ft.). The drawings submitted indicate an 8.67 m (28.44 ft.) setback to the porch inclusive of the stairs is proposed.

In regards to variance #2 for the northerly side yard setback, we note that the side lot lines are not parallel and therefore, the proposed setback would apply to a pinch point. It appears that a majority of the northerly side yard would comply with the By-law requirement.

Regarding variance #3 for the southerly side yard setback, we note that the proposed setback would align with the existing dwelling on the property, and is required due to the addition at the front, rather than any new construction on the side of the dwelling.

In regards to variance #4, the combined width of side yards variance is required due to the setbacks to the existing first storey.

Further, for the purposes of evaluating the subject application, the Site Plan application has reached a satisfactory stage.

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 (September 3, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/052. 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 (September 4, 2015):

Regional staff have reviewed the application and understand that the applicant proposes to construct several additions to the existing residential dwelling. The subject land is partially regulated by Credit Valley Conservation (CVC) under O. Reg. 160/06. The Region relies on the technical expertise of CVC staff for the review of development applications located adjacent to natural hazards in order to prevent or minimize the risk to human life and property. Regional staff request that



## MISSISSAUGA

File: "A" 370/15  
WARD 1

the Committee consider comments from CVC and incorporate their conditions of approval appropriately.

"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."

The Credit Valley/Toronto and Region/Halton Region Conservation commented as follows (September 3, 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 traversed by Kenollie Creek and its associated valley system 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.

As you may be aware, the subject property is entirely within an area designated as Residential Woodland by the City of Mississauga's Natural Heritage System.

### 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 addition to the front and rear of the existing dwelling proposing:

- i. Proposed front yard setback of 8.67 m whereas 9 m is permitted. Part 4, Section 4.2.1,
- ii. Proposed side yard setback (North) for the Second floor at 2.06 m, whereas 2.41 m is permitted. Section 4.2.3,
- iii. Proposed side yard setback (South) at 1.87 m, whereas 2.41 m is permitted. Section 4.2.3,
- iv. Combined side yard setback width at 3.82 m, whereas 4.96 m is permitted. Part 4, Section

### COMMENTS:

CVC has reviewed the proposed development through review of the Site Plan Approval application (SP 15/052). The minor variance application does not impact the Authority's interests in this case; as such CVC has **no objection** to the approval of the application by the Committee at this time.

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



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WARD 1

A petition, signed by the property owners/residents at 1586, 1594, 1591, 1595, 1599, 1609, and 1590 Calverton Court, was received expressing support for the application.

No other persons expressed any interest in the application.

Mr. Krylov, 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. Krylov and having reviewed the plans, 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 amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended to permit the construction of an addition to the existing dwelling proposing:

1. a northerly side yard of 2.06m (6.75ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) to the second storey in this instance;
2. a southerly side yard of 1.87m (6.13ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) in this instance; and,
3. a combined width of side yards of 3.82m (12.53ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.85m (15.91ft.) in this instance.

MOVED BY:	D. Kennedy	SECONDED BY:	D. George	CARRIED
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## MISSISSAUGA

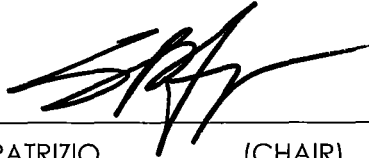
File: "A" 370/15  
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

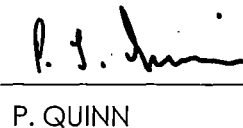
Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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

LOUISE D'ANJOU

on Thursday, September 10, 2015

Louise D'Anjou is the owner of 2165 Abbotswood Court being Lot 14, Registered Plan M-206, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey addition at the front of the dwelling proposing a front yard of 10.10m (33.13ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (39.37ft.) in this instance.

Mr. S. Pasquale, authorized agent, attended and presented the application to permit the construction of an addition to the dwelling. Mr. Pasquale presented plans for the Committee's review and consideration and advised that the second storey will be constructed above the existing garage. He indicated that he has discussed the application with the neighbours and he presented a letter expressing support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### 1.0 Recommendation

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

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Sheridan Neighbourhood**

Designation: **Residential Low Density I**

#### **Zoning By-law 0225-2007**

Zoning: **"R1", Residential**

### 3.0 Other Applications

☒ **Building Permit** File: BP15-6343

#### 4.0 Comments

Based on a review of the Building Permit application for the proposed second storey addition, we advise that more information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

Further, we advise that the minor variance request should be amended as follows:  
"The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition at the front of the dwelling proposing a front yard of 10.10m (33.13ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (39.37ft.) in this instance."

In regards to the requested variance, as amended, the second storey addition is proposed above the existing garage. Therefore, the resulting front yard setback would be consistent with the existing conditions on-site.

Based on the preceding information, and the minor nature of the request, we have no objection to the requested variance, as amended.

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

A letter was received, signed by the property owners/residents at 2220 Shawanaga Trail and 2154 Abbotswood Court, expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. Pasquale, 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 advised that he wanted to proceed with the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Pasquale and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.





## MISSISSAUGA

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WARD 8

Accordingly, the Committee resolves to authorize and grant the amended to permit the construction of a second storey addition at the front of the dwelling proposing a front yard of 10.10m (33.13ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (39.37ft.) in this instance.

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

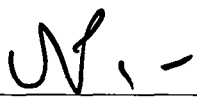
Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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

ARJUN KALRA

on Thursday, September 10, 2015

Arjun Kalra is the owner of 110 Eaglewood Boulevard being Part of Lot 153, Registered Plan C-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing:

1. a lot coverage of 37.10% 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; and,
2. a Gross Floor Area - Infill Residential of 272.16m<sup>2</sup> (2,929.60sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 264.80m<sup>2</sup> (2,850.37sq.ft.) in this instance.

Mr. F. Lima, architect, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Lima presented plans for the Committee's review and consideration. He advised that the dwelling complies with the front, side and rear yard setbacks. He indicated that to achieve a workable floor plan, they are seeking a small increase to the lot coverage and gross floor area.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 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*

<i>Character Area:</i>	Mineola Neighbourhood
<i>Designation:</i>	Residential Low Density II



File: "A" 372/15  
WARD 1

*Zoning By-law 0225-2007*

*Zoning:* "R3-1", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-46 W1

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 or to determine whether additional variances will be required.

In regards to the requested variances, it is our opinion that the requests are minor. Based on a review of the elevation drawings submitted with the Minor Variance application, we are satisfied that the requested variances would not result in a negative impact on adjacent properties or the streetscape.

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

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/46. 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 (September 4, 2015):

"Please be advised that service connection sizes shall be in compliance with the 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."

No other persons expressed any interest in the application.

Mr. Lima, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application proceed.

The Committee consented to the request and, after considering the submissions put forward by Mr. Lima and having reviewed the plans, 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" 372/15  
WARD 1

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


MOVED BY:	D. Kennedy	SECONDED BY:	D. George	CARRIED
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Application Approved.


Dated at the City of Mississauga on September 17, 2015.

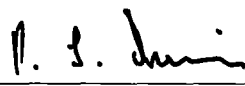
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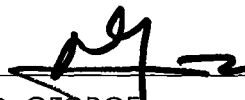
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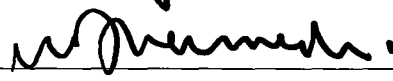
  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE

  
P. QUINN

  
D. GEORGE

  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 17, 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

KATHY LYNNE HAWKINS

on Thursday, September 10, 2015

Kathy Lynne Hawkins is the owner of 27 Pearl Street being Part of Lot 15, Plan STR 1, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the construction of a detached garage and storage shed on the subject property proposing:

1. a front yard to the garage of 11.94m (39.17ft.) and 26.27m (86.18ft.) to the storage shed; whereas By-law 0225-2007, as amended, permits a maximum front yard of 3.00 m (9.84ft.) in this instance;
2. a one storey garage and one story shed; whereas By-law 0225-2007, as amended, requires a minimum height of two storeys in this instance; and,
3. to permit parking between the streetwall and a front lot line; whereas B-law 0225-2007, as amended, does not permit parking between a streetwall and a lot line in this instance.

Mr. M. Marino, authorized agent, attended and presented the application to reconstruct the detached garage and shed. He advised, therefore, that an expansion to the legal non-conforming use is proposed and requested that the application be amended accordingly.

The Committee consented to the request and reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### "1.0 RECOMMENDATION"

The Planning and Building Department have no objection to the requested variance, as amended.

### 2.0 BACKGROUND

#### **Mississauga Official Plan**

Character Area: **Streetsville Community Node, Special Site #5**  
Designation: **Mixed Use**

**Zoning By-law 0225-2007**

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

- ☒ Building Permit File: BP 15 6495  
☐ Site Plan Express (SPAX) File: Required- No application received

4.0 COMMENTS

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

"The applicant is requesting the Committee to authorize a minor variance to permit the expansion of the existing residential use on the subject property, proposing a 20m<sup>2</sup> (215.25sq.ft.) accessory structure, a 35.65m<sup>2</sup> (383.89sq.ft.) detached garage, and a 2.0m (6ft.) driveway widening; whereas By-law 0225-2007, as amended, does not permit a detached dwelling, accessory structures or expansion of non-conforming use in a C4, Commercial zone in this instance."

The variances that were originally applied for are not necessary in this instance as they would only apply to any commercial development on the property. The proposed development is related to the residential portion of the property, so the variance that is required is related to use and the expansion of an existing legal non-conforming use.

In regards to the proposed development, the Planning and Building Department has no objection to the expansion of the existing uses. A garage and accessory structure currently exist in the same locations on site as the proposed structures. In our opinion the proposed expansion in size will not have a negative impact on adjacent properties or affect the general streetscape in the area as the garage is recessed significantly from the road and the accessory shed is entirely shielded in the rear yard.

The driveway expansion is not regulated under the subject property zoning, however it represents an increase to a width that is similar to many residential zones across the city and the remainder of the property still contains large soft landscaped areas.

Additionally, although the property is a listed heritage property, heritage planning staff has indicated that there is no heritage permit required for this application.

The property is also subject to Site Plan Control and will be required to receive approval through this process prior to any work being done. The applicant is able to achieve this through a Site Plan Express (SPAX) application.

Based on the preceding information, the Planning and Building Department are of the opinion that the requested variance, as amended, is minor in nature and meets the general intent of the Zoning By-law.



## MISSISSAUGA

File: "A" 373/15  
WARD 11

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"This property is within the vicinity of the Streetsville Landfill Site. The 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, signed by the property owners/residents at 26, 23, and 30 Pearl Street, expressing support for the application.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Marino and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the expansion of the existing residential use on the subject property, proposing a 20m<sup>2</sup> (215.25sq.ft.) accessory structure, a 35.65m<sup>2</sup> (383.89sq.ft.) detached garage, and a 2.0m (6ft.) driveway widening; whereas By-law 0225-2007, as amended, does not permit a detached dwelling, accessory structures or expansion of non-conforming use in a C4, Commercial zone in this instance.

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

File: "A" 373/15  
WARD 11

Application Approved, as amended.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

Date of mailing is September 21, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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

DAVID DODIC

on Thursday, September 10, 2015

David Dodic is the owner of 1521 Pinetree Crescent being Lot 4, Registered Plan 595, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing dwelling to remain on the subject lot with proposing additions having:

1. an easterly side yard of 1.42m (4.65ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance;
2. a front yard of 8.67m (28.44ft.) to the proposed addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance;
3. a combined width of side yards of 5.33m (17.48ft.); whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.29m (20.63ft.) in this instance; and,
4. an eave encroachment of 0.91m (2.98ft.) and setback of 0.97m (31.82ft.) to the property line; whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (14.76ft.) and a setback of 1.35m (4.42ft.) to the property line in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit additions to the existing dwelling. He advised that a porch addition, garage addition, rear and second floor additions are proposed. He presented plans for the Committee's review and consideration.

Mr. Oughtred advised that a floodplain is located on the property and they have been working with the Credit Valley Conservation with respect to designing an addition to the existing dwelling that complies with their requirements.

Mr. Oughtred explained that the existing eaves do not comply with the Zoning By-law and noted that, as the proposed eaves are designed to match up with the existing eaves, relief is required.



## MISSISSAUGA

File: "A" 374/15  
WARD 1

Mr. Oughtred requested that the application be amended to include relief from Article 2.1.18.2 indicating that windows, doors and other openings to a dwelling unit are not permitted below the Regulatory Flood Level. He indicated that the basement is being flood-proofed. He explained that because existing windows and doors are being replaced and are changing in size, relief is required. Mr. Oughtred presented an e-mail from the Credit Valley Conservation, sent to his office in July, and advised that the drawings reviewed met their requirements. He confirmed that the drawings being presented to the Committee are the same as those reviewed by the Credit Valley Conservation.

Mr. Oughtred requested that the Committee examine the location of the driveway and attached walkway on the submitted site plan. He advised that the driveway width complies with the Zoning By-law; however, relief is required for the walkway attachment of 3.82m (12.53ft.) noting that the Zoning By-law permits a maximum attachment of 1.50m (4.92ft.) in this instance. Mr. Oughtred requested that the application be further amended to include the relief for the walkway attachment.

The Committee consented to the requests and reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (September 9, 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:* Mineola Neighbourhood  
*Designation:* Residential Low Density I

#### *Zoning By-law 0225-2007*

*Zoning:* "R1-2", Residential

### 3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 12-215 W1

### 4.0 COMMENTS

Based on a review of the Site Plan application for the proposed residential additions, we advise that additional information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.



## MISSISSAUGA

File: "A" 374/15  
WARD 1

Further, we advise that variances #1 and #4 should be amended as follows:

"1. An easterly side yard of 1.42 m (4.65 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80 m (5.91 ft.) in this instance;"

"4. An eave encroachment of 0.91 m (2.99 ft.) and setback of 0.97 m (3.18 ft.) to the property line; whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45 m (1.48 ft.) in this instance."

In regards to variances #1, #2 and #3, we note that the variances are required due to small additions at the front and on the eastern side of the dwelling. Further, based on the Site Plan drawing provided with the Minor Variance application, the reductions in front and side yard would not apply to the entire length of the front and side wall. We are of the opinion that the requested variances are minor and therefore, we have no objection to the requests.

Regarding variance #4, based on a review of the elevation drawings, we are satisfied that the eave encroachments would not have a negative effect on neighbouring properties or the streetscape as the proposal is for a flat roof design.

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

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 12/215. 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 (September 4, 2015):

"Regional staff have reviewed the application and understand that the applicant proposes to construct an addition to the existing residential dwelling. The subject land is partially regulated by Credit Valley Conservation (CVC) under O. Reg. 160/06. The Region relies on the technical expertise of CVC staff for the review of development applications located adjacent to natural hazards in order to prevent or minimize the risk to human life and property. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

The Credit Valley Conservation commented as follows (August 24, 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 Stavebank Creek. 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.



File: "A" 374/15  
WARD 1

As you may be aware, the subject property is within the Residential Woodlands of the City of Mississauga's Natural Heritage System and within the Natural Areas Survey designated as M14.

**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:**

It is understood that the applicants request the Committee to authorize a minor variance for reduced side and front yard setbacks and for an eave encroachment to permit the existing dwelling to remain with proposed additions.

**Comments:**

CVC staff are currently reviewing the proposed development through the Site Plan application (SP 12/215). Outstanding CVC concerns/comments are to be addressed through the Site Plan process. The proposed minor variance does not impact the Authority's interest. On this basis, CVC has no concerns and **no objection** to the approval of the application by the Committee at this time."

No other persons expressed any interest in the application.

Mr. Oughtred, 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. Oughtred and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Credit Valley Conservation has stated that they have no objection to the application. The Committee further noted that the building permit will not be issued until they are in receipt of an approval from the Credit Valley Conservation. The Committee are satisfied that construction will not proceed until the appropriate approvals are obtained.

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 amended variance is minor in nature in this instance.



## MISSISSAUGA

File: "A" 374/15  
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing dwelling to remain on the subject lot with proposing additions having:

1. an easterly side yard of 1.42m (4.65ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.91ft.) in this instance;
2. a front yard of 8.67m (28.44ft.) to the proposed addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance;
3. a combined width of side yards of 5.33m (17.48ft.); whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.29m (20.63ft.) in this instance;
4. an eave encroachment of 0.91m (2.98ft.) and setback of 0.97m (31.82ft.) to the property line; whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (14.76ft.) in this instance;
5. windows, doors and other openings to a dwelling unit below the Regulatory Floor Level identified by the Conservation Authority; whereas By-law 0225-2007, as amended, does not permit the construction of buildings or additions on lands that are subject to the greenbelt overlay and does not permit windows, doors and other openings to a dwelling unit below the Regulatory Floor Level identified by the Conservation Authority; and,
6. a walkway attachment of 3.82m (12.53ft.); whereas By-law 0225-2007, as amended, permits a maximum attachment of 1.50m (4.92ft.) in this instance.

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

File: "A" 374/15  
WARD 1

Application Approved, as amended.

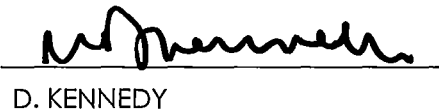
Dated at the City of Mississauga on September 17, 2015.

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 **OCTOBER 7, 2015**.

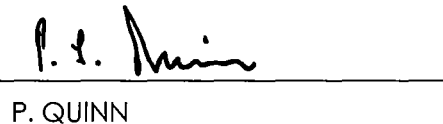
Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)  
D. GEORGE

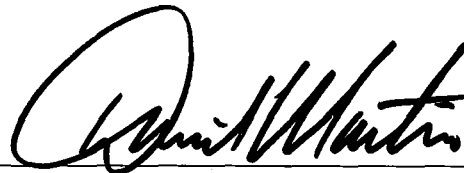
ABSENT  
J. ROBINSON

  
D. KENNEDY  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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

THE ELIA CORPORATION

on Thursday, September 10, 2015

The Elia Corporation is the owner of 4559 Hurontario Street being Block 1, Registered Plan M-897, zoned C3-48, Commercial. The applicant requests the Committee to authorize a minor variance to permit a restaurant (located within Unit 12B and containing 92 seats) to operate within 60.00m (196.85ft.) of a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.), measured in a straight line from the nearest part of the building containing the restaurant use, to the lot line of a Residential zone in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit a restaurant to continue to operate within Unit 12B. Mr. Oughtred presented a site plan and indicated the location of Unit 12B. He advised that there is an adjoining restaurant located in Unit 12A. Both applications have applied for and received minor variance approvals; however, due to a misunderstanding, the unit numbers were reversed. Mr. Oughtred indicated that unit 12A, occupied by a Chinese style restaurant, is a smaller restaurant. Unit 12B, occupied by an Indian Vegetarian style restaurant, is approximately 265.00m<sup>2</sup> (2,852.52sq.ft.). The Committee imposed a maximum seating of 92 seats in the smaller restaurant (Unit 12A); however, it should have been applied to the larger restaurant (Unit 12B).

Mr. Oughtred indicated that Unit 12A has already been granted their approval under Committee of Adjustment Decision File "A" 300/14. Permission is being requested to allow Unit 12B to continue to operate within a floor area of approximately 265.00m<sup>2</sup> (2,852.52sq.ft.) and having a maximum of 92 seats.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### "1.0 Recommendation"

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

## 2.0 Background

### **Mississauga Official Plan**

Character Area: **Uptown Major Node**

Designation: **Mixed Use**

### **Zoning By-law 0225-2007**

Zoning: **"C3-48", General Commercial**

## 3.0 Other Applications

N/A

## 4.0 Comments

The Planning and Building Department note that the adjacent residential zone is on a vacant lot zoned for apartment dwellings. The adjacent zoning requires larger building setbacks than lower density residential zones, which helps to create an increased separation distance between any future dwellings and the proposed restaurant use.

Additionally, the adjacent unit on the subject property has received several past variances for the operation of a restaurant within 60m (196.85ft) of a residential zone. We are not aware of any negative consequences or complaints associated with the variances for the adjacent unit.

The Planning and Building Department are of the opinion that the request is minor in nature and maintains the general intent of the Zoning By-law."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"This Department has no objections, comments or requirements with respect to C.A. "A" 376/15."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, 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" 376/15

WARD 4

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

1. The restaurant shall have a maximum of 92 seats.
2. The restaurant shall occupy a maximum of 265.00m<sup>2</sup> (2,852.52sq.ft.) gross floor area.

MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
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Application Approved, on conditions as stated.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

Date of mailing is September 21, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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.



File: "A" 377/15  
WARD 2

## 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

2423441 ONTARIO INC.  
on Thursday, September 10, 2015

2423441 Ontario Inc. is the owner of 1034 Clarkson Road North being Part of Lots 28 and 29, Concession 2, S.D.S., zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit a portion of the building to be utilized as a warehouse, accessory to the real estate office use; whereas By-law 0225-2007, as amended, does not permit a warehouse use in a C4, Commercial zone, in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit a portion of the building to be utilized for storage of furniture. Mr. Oughtred advised that a Zoning Certificate of Occupancy has been obtained for a Real Estate Office. As part of their business, they perform home staging. Mr. Oughtred indicated that they require a place to store the furniture items that they use to decorate the homes so that it will appeal to the most buyers and sell the home more quickly.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### "1.0 Recommendation"

The Planning and Building Department has no objection to the requested variance, subject to the condition outlined below.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Clarkson Village Community Node**

Designation: **Mixed Use**

#### **Zoning By-law 0225-2007**

Zoning: **"C4", Mainstreet Commercial**

### 3.0 Other Applications

☒ *Certificate of Occupancy* File: C15-6793

### 4.0 Comments

Based on a review of the Certificate of Occupancy application, we advise that the variance as requested is correct.

It is our understanding that the warehouse area will be exclusively used as an accessory use to the current real estate office on the property. The purpose of the accessory warehouse use will be for storage of home furnishing used for home staging.

It is our opinion that the request maintains the general intent of the By-law. The accessory use is directly related to the primary use of the property, and we do not anticipate any negative impacts resulting from the request.

Based on the preceding information, we have no objection to the requested variance, subject to the following condition:

1. The warehouse use will be accessory to a real estate office use and shall only be used for the storage of home furnishing related to home staging."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"This department has no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"Regional staff have reviewed the application and understand that the applicant proposes to use a portion of the existing building for warehousing purposes. The subject land is located adjacent to a Core Area of the Greenlands System in Peel. Within this designation, Regional Official Plan policies seek to protect environmental resources. The Region relies on the expertise of Credit Valley Conservation (CVC) staff for the review of development applications located adjacent to Core Areas of the Greenlands System in Peel. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

"This property is within the vicinity of Birchwood Park. The site was used for disposal of flyash and bottom ash from the Lakeview Generating Station. Leachate has been detected. A park is located on the site. It is catalogued by the MOECC as A220105."

The Credit Valley/Toronto and Region/Halton Region Conservation commented as follows (August 6, 2015):

"Based upon the understanding that the minor variance is to permit 190.64m<sup>2</sup> of the existing building to be utilized for the warehousing of furniture and there are no changes proposed to the site for building, CVC has no comment and does not need to be circulated on the application."

No other persons expressed any interest in the application.

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



File: "A" 377/15  
WARD 2

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 subject to the following condition:

1. The warehouse use will be accessory to a real estate office use and shall only be used for the storage of home furnishing related to home staging.

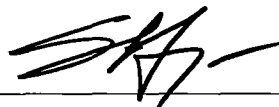
MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

Date of mailing is September 21, 2015.

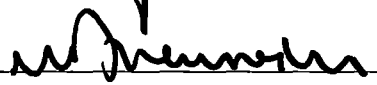
  
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S. PATRIZIO (CHAIR)

\_\_\_\_\_  
ABSENT  
J. ROBINSON

  
\_\_\_\_\_  
J. PAGE

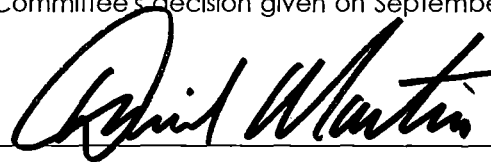
  
\_\_\_\_\_  
P. QUINN

  
\_\_\_\_\_  
D. GEORGE

  
\_\_\_\_\_  
D. KENNEDY

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 17, 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

JOE INDOVINA

on Thursday, September 10, 2015

Joe Indovina is the owner of 170 Lakeshore Road East being Lots 1-3 and Part of Lot 4, Registered Plan C-27 and Lot 43, Registered Plan F-12, zoned C4-66 - Commercial. The applicant requests the Committee to authorize a minor variance to to permit the operation of a new restaurant use with ancillary outdoor patio being located within 60.00 m (196.85 ft.) of a residential zone and providing no additional parking; whereas By-law 0225-2007, as amended, states that no restaurant or outdoor patio shall be located within 60.00 m (196.85 ft.) of a residential zone and requires parking at a rate of 16.0 spaces per 100.00 m<sup>2</sup> (1,076.42 sq. ft.) of gross floor area (31 parking spaces) in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit the operation of a restaurant at the subject property. He advised that four (4) temporary approvals have been received for restaurant use at this location. He advised that the new restaurant, known as Wingporium, wishes to operate in the same manner as previously approved.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### "1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance, as amended, subject to a temporary approval of five years.

### 2.0 BACKGROUND

#### **Mississauga Official Plan**

Character Area: **Port Credit Neighbourhood**  
Designation: **Mixed Use - Special Site 38**

#### **Zoning By-law 0225-2007**

Zoning: **"C4-66", Mainstreet Commercial**

### 3.0 OTHER APPLICATIONS

No other applications currently in process.

### 4.0 COMMENTS

Based on the review of the information submitted with the Minor 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 permit the operation of a new restaurant use with ancillary outdoor patio being located within 60.00 m (196.85 ft.) of a Residential zone and providing no additional parking; whereas By-law 0225-2007, as amended, states that no restaurant shall be located within 60.00 m (196.85 ft.) of a Residential zone and requires parking at a rate of 9.0 spaces per 100.00 m<sup>2</sup> (1076.42 sq. ft.) of Gross Floor Area - Restaurant in this instance."

The Committee has previously approved similar variances for the subject property under 'A' 377/08 and 'A' 753/03. The most recent temporary approval expired on November 30, 2013. At the time, this Department stated that we had no objection to the request, subject to a temporary approval of five years.

As the requested variance is a continuation of previous approvals, we have no objection to the request, subject to a further temporary approval of five years."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"This department has no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"This property is within the vicinity of Port Credit Memorial Park/Library. The site is located on a closed landfill site. The site was used for the disposal of flyash and waste. Methane gas and leachate have been detected at the site. An environmental monitoring program is in place and consists of groundwater, surface water and landfill gas monitoring on a routine basis. The site is currently a park complete with library facilities. It is catalogued by the MOECC as #7069."

No other persons expressed any interest in the application.

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that the suggested five year term would give the Planning and Building Department an opportunity to re-visit the parking provided on site and determine whether the reduction in parking is still appropriate.

Mr. Oughtred, 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. Oughtred and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a new restaurant use with ancillary outdoor patio being located within 60.00 m (196.85 ft.) of a Residential zone and providing no additional parking; whereas By-law 0225-2007, as amended, states that no restaurant shall be located within 60.00 m (196.85 ft.) of a Residential zone and requires parking at a rate of 9.0 spaces per 100.00 m<sup>2</sup> (1,076.42 sq. ft.) of Gross Floor Area - Restaurant in this instance."

MOVED BY:	D. Kennedy	SECONDED BY:	D. George	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

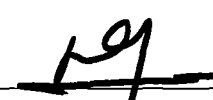
Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE

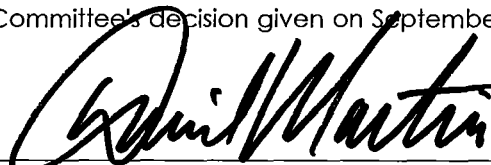
  
P. QUINN

  
D. GEORGE

  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 17, 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

MANUEL DEPINA

on Thursday, September 10, 2015

Manuel Depina is the owner of 6692 Rothschild Trail being Lot 3 Registered Plan M-1710, zoned R9-4 – Residential & G2-1 - Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the construction of a swimming pool within the rear yard of the subject property proposing a setback of 0.32 m (1.04 ft.) to the rear lot line and abutting G2 - Greenbelt zone; whereas By-law 0225-2007, as amended, requires a setback of 1.50 m (4.92 ft.) measured from the inside wall of the outdoor swimming pool to the rear lot line and abutting G2 - Greenbelt zone in this instance.

Mr. M. Depina, property owner, attended and presented the application to permit the construction of a swimming pool in the rear yard. Mr. Depina advised that there is a natural protection area in the rear yard which is protected by a chain link fence. He advised that the pool construction will be located within his yard and will not encroach onto the Greenbelt or natural protection areas.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 2015):

### 1.0 Recommendation

The Planning and Building Department have no objection to the requested variance, as amended.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Meadowvale Village Neighbourhood**  
Designation: **Residential Low Density II**

#### **Zoning By-law 0225-2007**

Zoning: **"R9-4", Residential**

### 3.0 Other Applications

N/A



#### 4.0 Comments

Based on the review of the minor variance application we advise that the variance request should be amended as follows:

"The applicant request the Committee to authorize a minor variance to permit the construction of a swimming pool, within the rear yard of the subject property, proposing a setback of 0.35m (1.15 ft.) from the inside face of the swimming pool to a G2-1 Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.5m (4.92 ft.) from the inside face of the swimming pool to the G2-1 Greenbelt zone in this instance."

The Planning and Building Department are of the opinion that in this instance adequate protection of the natural feature area in the greenbelt zone is maintained. The G2-1 exception zoning requires that a 5m (16.4 ft.) natural protection area buffer be established and that the 1.5m (4.92 ft.) setback be taken from that point. Any natural valley slope features are well separated from the area relevant to this proposal and should not be impacted in any negative manner.

Additionally, it is our understanding that the Credit Valley Conservation Authority has reviewed this application and does not have any objections to it.

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 (September 3, 2015):

"This department has no objection to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"Regional staff have reviewed the application and understand that the applicant proposes a reduced rear yard setback to facilitate the construction of a swimming pool. The subject land is located adjacent to a Core Area of the Greenlands System in Peel. Within this designation, Regional Official Plan policies seek to protect environmental resources. The Region relies on the expertise of Credit Valley Conservation (CVC) staff for the review of development applications located adjacent to Core Areas of the Greenlands System in Peel. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

The Credit Valley/Toronto and Region/Halton Region Conservation commented as follows (September 3, 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 adjacent to the Fletcher's Creek valley system. 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



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WARD 11

permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject property is located within the City of Mississauga Natural Heritage System designated as a Significant Natural Site (MV2).

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 swimming pool within the rear yard of the subject property proposing a setback of 0.32 m (1.04 ft.) to lands zoned G2, Greenbelt; whereas By-law 0225-2007, as amended, requires a setback of 1.50m (4.92 ft.) in this instance.

Comments:

The proposed structure is setback sufficiently from the natural feature and valley slope and that we have no concerns with the proposed variance. CVC staff have **no objection** to the approval of this application by the Committee at this time.

Please note that the proposed development is located within a CVC Regulated Area. On this basis, a permit from CVC is required prior to the issuance of a building permit from the City of Mississauga."

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the pool is located well away from the natural protection area.

No other persons expressed any interest in the application.

Mr. Depina, 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, after considering the submissions put forward by Mr. Depina and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.



## MISSISSAUGA

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WARD 11

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a swimming pool, within the rear yard of the subject property, proposing a setback of 0.35m (1.15 ft.) from the inside face of the swimming pool to a G2-1 Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.5m (4.92 ft.) from the inside face of the swimming pool to the G2-1 Greenbelt zone in this instance

MOVED BY:	P. Quinn	SECONDED BY:	D. George	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

Date of mailing is September 21, 2015.



S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

J. ROBINSON



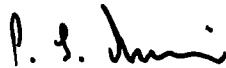
D. KENNEDY



J. PAGE

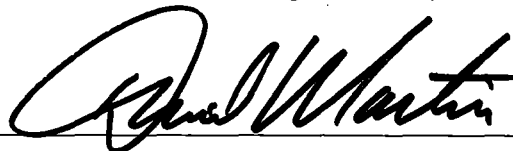
ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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

FADI ABOUNASSAR

on Thursday, September 10, 2015

Fadi Abounassar is the owner of 1066 Old Derry Road being Part of Lot 10, Concession 3, WHS, zoned R1-32 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing:

1. a front yard of 3.58 m (11.74 ft.) measured to the dwelling and 1.78 m (5.83 ft.) measured to the front porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00 m (29.52 ft.) in this instance; and,
2. a westerly side yard of 1.45 m (4.75 ft.); whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 1.80 m (5.90 ft.) in this instance.

Mr. R. Mateljan, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Mateljan advised that variances have already been obtained for gross floor area and driveway width. He advised that Heritage staff and the Heritage Advisory Committee have approved the construction of a new dwelling subject to the dwelling being constructed closer to the road to align it with the adjoining homes and preserve the existing streetscape.

Mr. Mateljan indicated that relief is also required to permit the window wells to encroach into the required side yard. He requested that the application be amended accordingly.

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

The City of Mississauga Planning and Building Department commented as follows (September 9, 2015):

### "1.0 Recommendation

The Planning and Building Department have no objection to the requested variances, as amended.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Meadowvale Village Neighbourhood**  
Designation: **Residential Low Density I**

**Zoning By-law 0225-2007**

Zoning: "R1-32", Residential

3.0 Other Applications

☒ Building Permit File: BP 15-6625  
☒ Site Plan File: SP 14/177

4.0 Comments

The Planning and Building Department is currently processing a Site Plan application for the proposed 2 storey dwelling. Based on the review of the Site Plan application we advise that the following additional variance is required:

"to permit window wells to encroach 0.96m (3.15 ft.) into a required side yard; whereas By-law 0225-2007, as amended, permits window wells to encroach a maximum 0.61m (2 ft.) into a required yard provided the yard is a minimum of 1.2m (3.94 ft.) in this instance."

Variances #1 and #2 are correct, as requested.

The decrease in front yard setback is requested in order to satisfy the requirements of obtaining a heritage permit. The surrounding area is comprised of dwellings with minimal front yard setbacks and the heritage district guidelines specifically mention smaller setbacks. In this specific instance we are of the opinion that the setback should be reduced in order to support heritage district policies and maintain the general streetscape of the area.

Regarding variance #2, the Planning and Building Department have no objection as the decrease is relatively minor and the adjacent dwelling has significant existing separation from the proposed dwelling.

Variance #3 is required as a result of the proposed decrease in setback requested under variance #2. As a result of the side wall of the dwelling being closer to the lot line the window wells exceed their permitted encroachment. The proposed depth of the window wells is equal to what would be permitted if the dwelling met the side yard setback. Additionally, adequate rear yard access is available through the opposite side yard.

Based on the preceding information the Planning and Building Department has no objection to the requested variances, as amended, and are of the opinion that the proposal is minor in nature and meets the 4 tests for a minor variance."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/177. 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 (September 4, 2015):



## MISSISSAUGA

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WARD 11

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

The City of Mississauga Community Services Department, Culture Division commented as follows (September 1, 2015):

"The subject property is designated under the *Ontario Heritage Act* as it forms part of the Meadowvale Village Heritage Conservation District.

Heritage Planning staff strongly support the proposed front yard setback. This property forms part of the former commercial core of the Old Derry Road streetscape. A deep setback, as per the zoning by-law, is not appropriate for this property. In fact, the district guidelines state that "the setback should be a median of neighbouring properties" and the heritage permit is conditional upon the setback being reduced so that it is no larger than the deepest one. As such, the proposed front yard setback should be approved.

Heritage Planning has no concerns with the side yard setback."

The Credit Valley Conservation commented as follows (August 24, 2015):

"Thank you for circulating us on the Hearing Notice for the above noted application. The subject property is outside of a Credit Valley Conservation (CVC) Regulated Area, as such CVC has no comment on the application."

No other persons expressed any interest in the application.

Mr. Mateljan, 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. Mateljan and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new dwelling on the subject property proposing:

1. a front yard of 3.58 m (11.74 ft.) measured to the dwelling and 1.78 m (5.83 ft.) measured to the front porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00 m (29.52 ft.) in this instance;
2. a westerly side yard of 1.45 m (4.75 ft.); whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 1.80 m (5.90 ft.) in this instance; and,
3. to permit window wells to encroach 0.96m (3.15 ft.) into a required side yard; whereas By-law 0225-2007, as amended, permits window wells to encroach a maximum 0.61m (2 ft.) into a required yard provided the yard is a minimum of 1.2m (3.94 ft.) in this instance.



## MISSISSAUGA

File: "A" 381/15  
WARD 11

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 17, 2015.

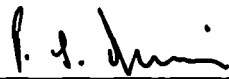
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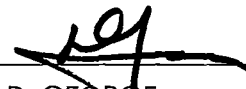
Date of mailing is September 21, 2015.


  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE

  
P. QUINN

  
D. GEORGE

  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 17, 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

ROBERT BEGANYI

on Thursday, September 10, 2015

Robert Beganyi is the owner of 669 Sir Richard's Road being Lot 16, Registered Plan 694, zoned R1-8 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing dwelling on the subject property proposing a front yard of 10.98 m (36.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00 m (39.37 ft.) in this instance.

Mr. M. Ribau, authorized agent, attended and presented the application to permit the construction of an addition to the existing dwelling. Mr. Ribau presented a set of plans for the Committee's review and consideration. He advised that the foundation complies with the By-law; however, as a portion of the addition is cantilevered, a variance is required.

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

The City of Mississauga Planning and Building Department commented as follows (September 4, 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 submit the required Building Permit application to ensure that all required variances have been accurately identified.

### 2.0 BACKGROUND

#### **Mississauga Official Plan**

Character Area: **Erindale Neighbourhood**  
Designation: **Residential Low Density I**

#### **Zoning By-law 0225-2007**

Zoning: **"R1-8", Residential**

### 3.0 OTHER APPLICATIONS

☐ Building Permit      File: Required - No application received



#### 4.0 COMMENTS

We note that a Building Permit is required and in the absence of a Building Permit application, we are unable to confirm the accuracy of the requested variances or to determine whether additional variances will be required. However, based on the drawings submitted with this application, it appears that an additional variance will be required for an insufficient setback to the garage face.

In regards to the requested variance, the front lot line of the subject property curves and therefore is not completely parallel to the front façade of the dwelling. Therefore, a small portion in the southeastern corner of the addition does not comply with the By-law requirement.

Based on the preceding information and the minor nature of the request, we have no objection to the requested variance."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"We note for Committee's information that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the setback to the front garage face.

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that the setback to the front garage face should be the same as the front yard.

Mr. Ribau, upon hearing the comments of the Committee and the Planning and Building Department, requested that the Committee proceed with evaluating the merits of the application. He advised that it is possible to step back the corner of the building to make it comply with the requirements, if necessary.

The Committee, after considering the submissions put forward by Mr. Ribau and having reviewed the plans, 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" 382/15  
WARD 7

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

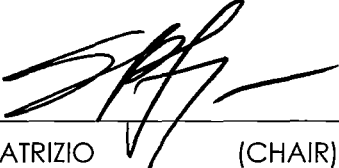
MOVED BY:	J. Page	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved.

Dated at the City of Mississauga on September 17, 2015.

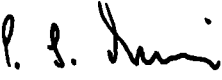
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Date of mailing is September 21, 2015.


  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE

  
P. QUINN

  
D. GEORGE

  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 17, 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

THE SALPAM GROUP

on Thursday, September 10, 2015

The Salpam Group is the owner of 1520 Courtneypark Drive East being Part of Lot 7, Concession 4, E.H.S., zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of a gas bar with accessory convenience retail and service kiosk with a gross floor area of 66.75 m<sup>2</sup> (718.51 sq.ft.) for the take-out restaurant component; whereas By-law 0225-2007, as amended, permits a gas bar with accessory convenience retail and service kiosk with a gross floor area of 30.00 m<sup>2</sup> (322.92 sq.ft.) for the convenience retail and service kiosk accessory take-out restaurant in this instance.

On August 20, 2015, Mr. M. Hayek, attended and requested a deferral of the application to allow him to receive confirmation from Zoning staff if any additional variances are required.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

### "1.0 Recommendation"

The Planning and Building Department recommend that the application be deferred to allow the applicant time to submit the requested information through the Site Plan application to ensure that all variances are accurately identified.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Northeast Employment Area (West)**  
Designation: **Business Employment**

#### **Zoning By-law 0225-2007**

Zoning: **"E2", Employment**

### 3.0 Other Applications

☒ *Site Plan* File: SP 14/181 W5 – Not Satisfactory

### 4.0 Comments

The Planning and Building Department is currently processing a Site Plan application for the proposed gas bar with accessory convenience retail and service kiosk. Based on the review of the Site Plan application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

It appears that there may be additional variances required related to landscape buffers, parking, centerline setbacks, and/or structure heights. It would be appropriate to defer the application to allow the applicant to submit the requested information through the Site Plan application for review in order to verify whether any of these additional variances are required."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/181. 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 (August 17, 2015):

"Regional staff have reviewed the minor variance application to permit a gas bar and accessory convenience retail/service kiosk with a take-out restaurant component with a gross floor area of 66.75 m<sup>2</sup> whereas By-law 0225-2007, as amended, permits a gross floor area of 30.0 m<sup>2</sup>. The subject lands are located within the Airport Operating Area and above the 35 Noise Exposure Forecast (NEF) contour. The Region of Peel Official Plan directs sensitive land uses away from the Airport Operating Area but staff can advise that the proposed commercial uses are not considered a sensitive land use for the purposes of ROP policy 5.9.6.2.4.

An associated site plan application (file no. SP 14-181) has been submitted for the subject lands. Regional staff are currently working with the City and the applicant to address Regional traffic requirements and are satisfied that these requirements can be adequately dealt with through the site plan review process. As such, staff have no objections to the minor variance application."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the September 10, 2015 hearing.

On September 10, 2015, Mr. M. Hayek, attended and advised that he provided additional information to the Zoning Section and no additional variances are required.

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



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The City of Mississauga Planning and Building Department commented as follows (September 9, 2015):

### "1.0 Recommendation

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

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Northeast Employment Area (West)**  
Designation: **Business Employment**

#### **Zoning By-law 0225-2007**

Zoning: **"E2", Employment**

### 3.0 Other Applications

☒ *Site Plan* File: SP 14/181 W5 - Satisfactory

### 4.0 Comments

The Planning and Building Department is currently processing a Site Plan approval application. Based on the information provided with the Site Plan application, the variances, as requested, are correct.

The additional requested Gross Floor Area (GFA) related to the restaurant uses is required to accommodate the 2 proposed restaurants. The intent of the By-law provisions limiting the GFA of accessory convenience retail and service kiosk uses is to ensure that they remain subordinate to the primary use. In this case, planning staff are of the opinion that the requested expansion of the accessory use would not have an impact on the site functioning as a gas bar primarily. There is no seating proposed within the building and the site is designed in a way that the restaurant uses are not the dominant features. Additionally, it is the opinion of staff that the size of the site is large enough to allow additional GFA related to accessory uses without causing an impact on the primary use.

Based on the preceding information, the Planning and Building Department are of the opinion that the requested variance is minor in nature and meets the general intent of the Zoning By-law. As a result, we have no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (September 3, 2015):

"Please refer to our comments submitted for the August 20, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"Please refer to our previous comments with regards to the deferred application."



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No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Hayek and having reviewed the plans, 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. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on September 17, 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 **OCTOBER 7, 2015**.

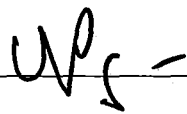
Date of mailing is September 21, 2015.

  
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S. PATRIZIO (CHAIR)

  
\_\_\_\_\_  
D. GEORGE

\_\_\_\_\_  
ABSENT  
J. ROBINSON

  
\_\_\_\_\_  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 17, 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.