



## COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 10, 2015 AT 4:00 P.M.

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

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

A-383/15	RAHIMA KHAN	1061 GREAVES AVE	1	Refused
A-384/15	C.A.S.A. INVESTMENTS LIMITED	964 MEADOW WOOD RD	2	Approved
A-385/15	GILDA & JOSE RESENDES	1612 SQUALL CRT	6	Approved
A-386/15	STEPHANIE BEAUDIN	592 VANESSA CRES	2	TBA
A-387/15	DELASTAR HOLDINGS INC	5636 GLEN ERIN DR	9	Approved
A-388/15	GIANNONE BOYES CORP	801 INDIAN RD	2	Approved
A-389/15	TIBOR URAC & WANDA BOGOROS	518 RICHEY CRES	1	Refused
A-390/15	CINDY WENNERSTROM & MARCIN WROBLEWSKI	516 RICHEY CRES	1	Nov. 19
A-391/15	THE ERIN MILLS DEVELOPMENT CORPORATION	3663 PLATINUM DR	8	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

RAHIMA KHAN

on Thursday, September 10, 2015

Rahima Khan is the owner of 1061 Greaves Avenue being part of Lot 39, Registered Plan C-23, zoned R3 - 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 5.40 m (17.71 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance;
2. side yards of 0.91 m (2.98 ft.); whereas By-law 0225-2007, as amended, requires minimum side yard widths of 1.81 m (5.93 ft.) in this instance; and
3. a lot coverage of 39.05% 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.

Ms. N. Ni, authorized agent, and Mr. E. Syed, the Project Manager, attended and presented the application to permit the construction of a new dwelling on the subject property proposing reductions in the front and side yards and an increase in permitted lot coverage. Ms. Ni advised that the area is in transition and is close to the area bounded by the Inspiration Lakeview Master Plan. Ms. Ni indicated that the proposed dwelling will suit the development anticipated in the Lakeview area in a few years.

Ms. Ni presented plans of the dwelling for the Committee's review and consideration and advised that the dwelling has been designed to align with the neighbouring properties.

Ms. Ni indicated that recent minor variance approvals have been granted for reductions in side yard for properties at 1047 and 1049 Greaves Avenue and advised that the current application is similar.

Ms. Ni indicated that the lot coverage is only 4% over the permitted lot coverage and the dwelling is not oversized compared to other dwellings located in the immediate vicinity.

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



## MISSISSAUGA

File: "A" 383/15  
WARD 1

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

### "1.0 Recommendation"

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the dwelling to address concerns outlined below and to submit the required Building Permit application.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Lakeview Neighbourhood**

Designation: **Residential Low Density II**

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

Zoning: **"R3", Residential**

### 3.0 Other Applications

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

### 4.0 Comments

We note that a Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances. However, based on the information provided with the Minor Variance application it appears that at least two additional variances are required for insufficient setback to a garage face as well as an excessive encroachment of the proposed porch.

In order to confirm the accuracy of the requested variances, the applicant may apply for a Pre-Zoning Review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

In regards to variance #1 for front yard setback, we acknowledge that there are several existing dwellings that have similar deficient front yards, including the adjacent properties to the north and south of the subject property. However, those dwellings are legal non-conforming and new dwellings on Greaves Avenue have been constructed with the required front yard setback. It is our expectation that as properties on the street are redeveloped, dwellings will be constructed with the required front yard setbacks to create a consistent streetscape.

Regarding variances #2 and #3 for side yard setbacks and lot coverage, we are not satisfied why the proposed dwelling cannot comply with the By-law requirements. Cumulatively, the variances would result in a dwelling that is too large for the lot, and would have a negative massing effect on the streetscape and adjacent neighbours. We recommend that the applicant redesign the dwelling to more appropriately meet the intent of the By-law.

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



## MISSISSAUGA

File: "A" 383/15  
WARD 1

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

"Information submitted with this application indicates that the applicant is requesting side yard setbacks of 0.91m (2.98ft) whereas minimum side yard widths of 1.81m (5.93 ft.) are required in this instance. Acknowledging that any Transportation and Works Department concerns/requirements for this property can be addressed through the Building Permit Process, we are concerned with granting the variances prior to the Development Construction Section reviewing the Grading Plan. In this regard, and should Committee see merit in the applicant's request we would recommend that a Condition of Approval be that a letter be received from this department indicating that a Grading and Drainage plan has been reviewed/approved by the Development Construction Section of the Transportation and Works Department which would also depict the requested reduced side-yard setbacks."

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

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

"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."

An e-mail was received from the Ministry of Transportation indicating they have no objection to the application as it is located outside of the MTO Permit Control Area.

Mr. H. Timmins, property owner at 1057 Greaves Avenue, attended and expressed his opposition to the application. He indicated that the requested reduction in side yards are excessive and not in conformity with the neighbourhood. Mr. Timmins expressed concerns with respect to the removal of an oak tree in the rear yard and the destruction of the fence. He advised that he has no objection to the proposed reduction in the front yard.

Ms. Ni, and Mr. E. Syed advised that the dwelling has been designed to match the existing streetscape and prevent shadowing the neighbouring dwellings. Ms. Ni also indicated that the reduced front yard will allow a larger amenity area to be provided to suit her client's needs.

No other persons expressed any interest in the application.

Upon hearing the comments of the Committee and the Planning and Building Department, Ms. Ni requested that the application proceed.

The Committee, after considering the submissions put forward by Ms. Ni and Mr. Syed and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the dwelling is too large for the lot. They indicated that the reduced front and side yards result in excessive massing of the dwelling.

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.



## MISSISSAUGA

File: "A" 383/15  
WARD 1

The Committee is of the opinion that the request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.

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

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

C.A.S.A. INVESTMENTS LIMITED

on Thursday, September 10, 2015

C.A.S.A. Investments Limited is the owner of 964 Meadow Wood Road being Part of Lots 1 & 2, Registered Plan D-13, zoned R2-1 - Residential. The applicant requests the Committee to authorize a minor variance to continue to permit the continued operation of the existing Private School and Day Care Facility on the subject property; whereas By-law 0225-2007, as amended, does not permit Private School and Day Care Facility uses on the subject property in this instance.

Mr. B. Sinclair, authorized agent, attended and presented the application to continue to permit Peel Montessori School to operate from the subject property. Mr. Sinclair advised that when Peel Montessori built the school in 2000, a private school and a daycare facility were both permitted uses. He indicated that the school provides for students aged 18 months to high school age. Under new Provincial legislation, the definition of "day nursery" was amended; however, Peel Montessori was grandfathered and did not need to register provincially as a "day nursery".

In 2007, the Zoning By-law was amended and restricted the locations where day nurseries and private schools were permitted.

The Province of Ontario is in the process of removing the 'grandfathering' provision and will require confirmation that the private school use and day nursery uses are permitted at the subject location.

The Zoning By-law restricts day nursery uses by only allowing them on certain streets. Meadow Wood Road is not one of the streets where it is permitted. Permission is being requested to allow the school to continue to operate.

Mr. Sinclair indicated that the same use has continued on the property for approximately fifteen (15) years. He advised that there have not been any complaints with respect to the operation. The drop off and pick up areas are located well inside the property and therefore, do not impact the traffic patterns in the neighbourhood. The use is appropriate under the Zoning By-law. There are no adverse impacts. The school wishes to continue to operate in the same manner as before. He advised that there are 55 students.

Mr. Sinclair advised that a letter was prepared and distributed to the neighbours requesting that they notify the operators of the school of any concerns. No response was received from the neighbours.



## MISSISSAUGA

File: "A" 384/15  
WARD 2

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 provide the requested information for the Certificate of Occupancy application to ensure that all required variances have been accurately identified.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **Clarkson-Lorne Park Neighbourhood**

Designation: **Residential Low Density I**

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

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

### 3.0 Other Applications

☒ **Certificate of Occupancy** File: C15-6877

### 4.0 Comments

Based on a review of the Certificate of Occupancy application for the proposed Day Care, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the operation of a Day Care Facility, not having frontage on a street identified on Schedules 2.1.9.2(1) or 2.1.9.2(2); whereas By-law 0225-2007, as amended, requires a Day Care Facility, within a Residential zone to have frontage on a street identified on Schedules 2.1.9.2(1) or 2.1.9.2(2) in this instance."

We further advise that additional information has been requested through the associated Certificate of Occupancy application and therefore we are unable to determine whether additional variances are required.

We note that the current private school was established in 2000 and the property was zoned 'R2-1822' at the time. The By-law allowed a day nursery accessory to a public school or religious assembly, but did not permit the use accessory to a private school. However, based on recent discussions with the applicant, it is our understanding that the private school included a day care function as well.

Since the establishment of the private school, a new Zoning By-law was passed which restricts private schools and day cares in Residential zones to certain major roads. As the private school was legally established prior to the passing of the By-law, it is considered a legal non-conforming use but the day care portion requires a variance as it was not permitted.

The intent of the By-law restricting day cares and private schools in Residential zones to certain major roads is to ensure that traffic and parking concerns are addressed and to ensure that lots are of an adequate size to accommodate the use. In this instance, a private school has already been operating on the site since 2000. In addition, the lot is large enough to accommodate the uses, and we do not anticipate a discernible change in traffic volumes, as the day care use has been on the site for 15 years, albeit without necessary approvals.



File: "A" 384/15  
WARD 2

Based on the preceding information, 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 to continue to permit the continued operation of the existing Private School and Day Care Facility on the subject property. From our recent site inspection of this property we note that the drop-off/pick-up area is located well within the property and is not creating any traffic related impacts onto Meadow Wood Road. We are also noting that this operation has been in existence for at least 15 years and we are not aware of any issues related to the access circulation into and out of the property. In view of the above we have 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 Birchwood Park. This site was used for the 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."

An e-mail was received from the Ministry of Transportation advising that they have no objections as the applications are outside of the MTO Permit Control Area.

No other persons expressed any interest in the application.

Mr. Sinclair, 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 requested that the application be considered, rather than deferred.

The Committee consented to the request and, after considering the submissions put forward by Mr. Sinclair 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 Day Care Facility, not having frontage on a street identified on Schedules 2.1.9.2(1) or 2.1.9.2(2); whereas By-law 0225-2007, as amended, requires a Day Care Facility, within a Residential zone to have frontage on a street identified on Schedules 2.1.9.2(1) or 2.1.9.2(2) in this instance.

MOVED BY:	P. Quinn	SECONDED BY:	D. George	CARRIED
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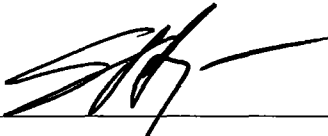
File: "A" 384/15  
WARD 2

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**.

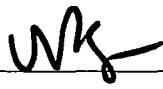
Date of mailing is September 21, 2015.

  
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

GILDA & JOSE RESENDES

on Thursday, September 10, 2015

Gilda & Jose Resendes are the owners of 1612 Squall Court being Lot 185, Registered Plan M-767, zoned R4-20 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing two (2) accessory structures to remain within the rear yard of the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance.

Mr. J. Resendes, property owner, and Mr. A. Maciel, his son-in-law, attended and presented the application to permit the existing shed and barbeque to remain on the subject property. Mr. Maciel indicated that the shed has been located on the property for approximately 25 years. He advised that the By-law Enforcement Section advised that two accessory structures are not permitted.

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 has no objection to the requested variance, however the applicant may wish to defer in order to verify the accuracy of the variance and ensure that no additional variances are required.

### 2.0 Background

#### **Mississauga Official Plan**

Character Area: **East Credit Neighbourhood**  
Designation: **Residential Low Density II**

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

Zoning: **"R4-20", Residential**

### 3.0 Other Applications

N/A

#### 4.0 Comments

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

Based on a review of the variance application it appears that a Building Permit may be required for one of the accessory structures on the site.

With regards to the requested variance for an additional accessory structure, the Planning and Building Department has no objection in this instance. The second structure is relatively small in size; according to the application the structure is 3.72m<sup>2</sup> (40 sq. ft.) and is open on one side. Both accessory structures appear to meet setback requirements and fall well within the height provisions of the By-law.

Based on the preceding information the Planning and Building Department have no objection to the requested variance, however the applicant may wish to defer to ensure that all variances have been accurately identified."

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

"Enclosed for Committee's information are a number of photos which depict the subject property, in particular the two accessory structures. We are also enclosing for easy reference a copy of the approved Lot Grading Plan which was approved for this property when the dwelling was constructed and it depicts a split drainage pattern which means that the high point in elevation is approximately at the mid-point of this property and some of the drainage is directed towards the front and the rest towards the rear yard. The drainage directed towards the rear yard was also designed to be directed towards the abutting properties to the west which would ultimately be directed towards River Grove Avenue."

An e-mail was received from the Ministry of Transportation indicating they have no objection to the application as the applications are outside of the MTO Permit Control Area.

No other persons expressed any interest in the application.

Mr. Maciel indicated that they would apply for a building permit or reduce the size of the shed.

The Committee indicated that they would amend the application to permit one of the accessory structures to be larger than the By-law permits.

The Committee, after considering the submissions put forward by Mr. Maciel 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

File: "A" 385/15  
WARD 6

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing two (2) accessory structures, one with an area of 11.14m<sup>2</sup> (120.00sq.ft.) and the other with an area of 3.71m<sup>2</sup> (40.00sq.ft.), to remain within the rear yard of the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure per lot with a maximum floor area of 10.00m<sup>2</sup> (107.64sq.ft. in this instance.

MOVED BY:	J. Page	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

DELASTAR HOLDINGS INC

on Thursday, September 10, 2015

Delastar Holdings Inc is the owner of 5636 Glen Erin Drive being Block 99, Registered Plan M-1077, zoned C2 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the continued operation of a restaurant within Unit #7A of the development on the subject property being located within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential zone in this instance.

Ms. L. LaCivita, authorized agent, attended and presented the application to continue to operate a pizza restaurant. Ms. LaCivita indicated that the restaurant has operated in this location since 1999. She advised that relief is being requested to allow the restaurant to operate within 60.00m (196.85ft.) of a Residential zone. Ms. LaCivita indicated that the restaurant will continue to operate in the same manner as previously approved. She requested that if the Committee sees merit in the application, that they consider granting the approval without time limits.

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: **Central Erin Mills**

Designation: **Mixed Use**

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

Zoning: **"C2", Neighbourhood Commercial**

### 3.0 Other Applications

N/A

### 4.0 Comments

The Planning and Building Department note that the requested variance is a continuation of a previous variance for this restaurant to operate in this unit on the subject property. There have been multiple variance renewals approved by the Committee for this restaurant in the past and we are not aware of any complaints or concerns related to the operation of this restaurant. We are of the opinion that the request is minor in nature and appropriate for the subject property."

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 the subject application."

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

An e-mail was received from the Ministry of Transportation indicating that they have no objection to the application as the application is outside of the MTO Permit Control Area.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. ??? 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 subject to the following conditions:

1. This shall be in effect as long as the subject unit is utilized as a pizza restaurant.
2. The variance request for a minimum setback requirement shall only be in effect for Unit #7a.
3. Store deliveries, driver pick-ups for pizza deliveries shall be permitted from the rear door until 9:00pm in the evening daily and after 9:00pm daily all store deliveries, driver pick-ups for pizza deliveries and customer pick-ups shall be made through the front door of the subject take-out pizza restaurant facility.
4. There shall be a maximum of six (6) delivery vehicles operated from the subject take-out pizza restaurant.



## MISSISSAUGA

File: "A" 387/15

WARD 9

5. The restaurant facility shall not be open except between the hours of 11:00 a.m. and 12:00 midnight, Sundays through Wednesdays, and between the hours of 11:00 a.m. and 2:00 a.m., Thursdays through Saturdays, in each week and shall be closed to the public for pick-ups from 12:00 midnight until 11:00 a.m. daily.
6. The applicant shall continue to maintain the 2.44m (8.00ft.) high fence along the rear property line of the plaza adjacent to the condominium development.


MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
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Application Approved, on conditions as stated.

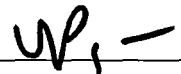
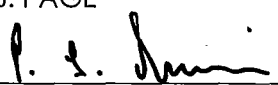
Dated at the City of Mississauga on September 17, 2015.

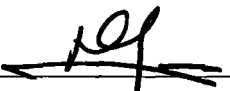
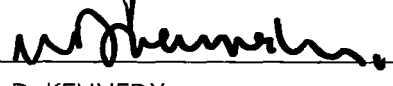
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 7, 2015**.

Date of mailing is September 21, 2015.

  
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S. PATRIZIO (CHAIR)

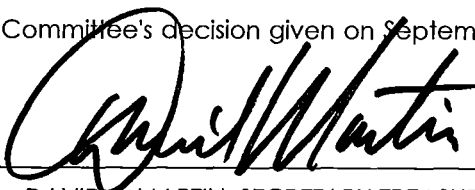
\_\_\_\_\_  
ABSENT  
J. ROBINSON

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

GIANNONE BOYES CORP.

on Thursday, September 10, 2015

Giannone Boyes Corp. is the owner of 801 Indian Road being Part of Lot 10, Range 2, CIR, zoned R2-4 - 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 projection of the garage of 13.03 m (42.74 ft.) beyond the front wall of the first storey of the proposed dwelling; whereas By-law 0225-2007, as amended, permitted a maximum projection of the garage of 0.00 m (0.00 ft.) beyond the front wall of the first storey of the proposed dwelling in this instance;
2. a height of 4.96 m (16.27 ft.) for the proposed garage; whereas By-law 0225-2007, as amended, permits a maximum height of 4.60 m (15.09 ft.) for the proposed garage in this instance; and,
3. a driveway width of 10.067 m (33.02 ft.); whereas By-law 0225-2007, as amended, permits a maximum width of 6.00 m (19.68 ft.) for the proposed driveway in this instance.

Mr. J. Wallace, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject lot. Mr. Wallace presented plans for the Committee's review and consideration. He indicated that the design of the home is unique as it is L-shaped so the garage is not evident from the street. Mr. Wallace indicated that the design provides privacy for the adjacent property owner at 785 Indian Road. Mr. Wallace presented an aerial photograph and indicated that the proposed dwelling is in line with the adjoining homes and the streetscape. He further advised that there are many other properties in the neighbourhood with projecting garages.

Mr. Wallace indicated that there are many trees on the property and they intend to retain the trees and utilize the existing entrance to the property. He indicated that there will be minimal impact of the garage on neighbouring properties. Mr. Wallace indicated that he has discussed the application with the neighbours who have expressed support for the application.

Mr. Wallace indicated that the driveway widens immediately in front of the garage. He indicated that the remainder of the driveway complies with the Zoning By-law requirements.



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WARD 2

Mr. Wallace advised that relief is required for the height of the garage and noted that the garage will be screened by existing and proposed vegetation.

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 recommends that the application be refused.

#### 2.0 BACKGROUND

##### *Mississauga Official Plan*

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

##### *Discussion:*

The Clarkson Lorne-Park Neighbourhood is a stable and established residential area that has evolved into a unique area characterized by low density housing on large, spacious and often heavily treed lots. Specific Infill Housing Policies exist for the Clarkson Lorne-Park Neighbourhood under Section 16.5.1.4 of Mississauga Official Plan, which state that for the development of all detached dwellings on lands identified in the Site Plan Control By-law, the following provisions, among others, will apply:

d. garages should be recessed or located behind the main face of the house. Alternatively, garages should be located in the rear of the property;

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

*Zoning:* "R2-4", Residential

#### 3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-48 W2 - Unsatisfactory

#### 4.0 COMMENTS

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

In this instance, we acknowledge that many of the dwellings in the immediate vicinity on Indian Road have garages that project beyond the front wall. However, all of the dwellings were constructed without variances for projecting garages as the dwellings pre-date the zoning provisions restricting garage projections to 0.00 m (0.00 ft.).

The intent of the Official Plan policies and zoning provisions restricting projecting garages in Clarkson-Lorne Park is to encourage new development to de-emphasize the prominence of garages on the streetscape. Although many of the dwellings on Indian Road currently have projecting garages, the intent is that the character of the area will transition away from these features as properties are redeveloped.



## MISSISSAUGA

File: "A" 388/15

WARD 2

Further, the applicant was advised during the preliminary meeting for the Site Plan application that the Department would not support variances for a projecting garage.

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

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 15/048. 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."

An e-mail was received from the Ministry of Transportation indicating that they have no objection to the application as the application is outside of the MTO Permit Control Area.

Letters were received, signed by the property owners/residents at 785 Indian Road and 807 Indian Road, expressing support for the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Wallace and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the garage will be well screened and landscaped and the design is in conformity with the streetscape

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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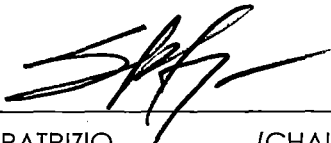
File: "A" 388/15  
WARD 2


Application Approved.

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

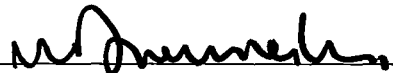
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Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)


  
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

TIBOR URAC & WANDA BOGOROS

on Thursday, September 10, 2015

Tibor Urac & Wanda Bogoros are the owners of 518 Richey Crescent being part of Lot 28, Registered Plan C-19, zoned R3 – Residential & G1 - Greenbelt. The applicants request the Committee to authorize a minor variance to permit the construction of a three storey dwelling on the subject property proposing:

1. a height of 10.70 m (35.10 ft.) measured to the top of the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50 (24.60 ft.) measured to the top of the flat roof in this instance;
2. a front yard of 6.17 m (20.24 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance;
3. an easterly and westerly side yard of 0.60 m (1.96 ft.) on each side of the dwelling; whereas By-law 0225-2007, as amended, requires minimum easterly and westerly side yards of 1.20 m (3.93 ft.) measured to the first storey, 1.81 m (5.93 ft.) measured to the second storey and 2.42 m (7.93 ft.) measured to the third storey in this instance;
4. a floor area of 24.00 m<sup>2</sup> (258.34 sq. ft.) for balcony on top of a garage; whereas By-law 0225-2007, as amended, permits a floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for a balcony on top of a garage in this instance,
5. a total of 15% of the a front yard area to be provided as soft landscaping; whereas By-law 0225-2007, as amended, requires a total of 40% of the front yard to be provided as soft landscaping in this instance; and,
6. a total lot coverage of 40% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the construction of a three storey dwelling on the subject property. Mr. Oughtred presented an aerial photograph and advised that development on the lot is restricted due to Credit Valley Conservation requirements.

Mr. Oughtred indicated that a three storey dwelling is proposed. He advised that the proposed front yard is in alignment with the adjoining homes on the street. Mr. Oughtred advised that the lot is narrow and development is restricted due to a high water table and erosion hazard. He indicated that the narrow lots presented a challenge to design homes with a functional floor plan.

Mr. Oughtred indicated that a Zoning By-law was recently passed restricting the height. He advised that when the By-law was passed, two Councillors were supportive of buildings with greater heights on smaller lots being considered through minor variance applications.

Mr. Oughtred advised that they have contacted the Transportation and Works Department with respect to the reverse grade driveway and are confident that they can satisfy their concerns. He noted that a save harmless agreement will be required.

Mr. Oughtred advised that the property contains G1, Greenbelt zoning. The mapping section was involved in determining where the G-zone boundary lay. As a result, when the actual lot coverage was calculated, excluding the lands zoned G1, the lot coverage was 43.00% of the lot area. He requested that the application be amended accordingly.

The Committee consented to 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 9, 2015):

#### "1.0 RECOMMENDATION

The Planning and Building Department recommends that variances #1 and #4 be refused. Further, we recommend that variances #2, #3, #5 and #6 be deferred for the applicant to redesign the dwellings and to submit the required Building Permit applications to ensure that all required variances have been accurately identified.

#### 2.0 BACKGROUND

##### *Mississauga Official Plan*

*Character Area:* Lakeview Neighbourhood  
*Designation:* Residential Low Density I, Greenbelt

##### *Discussion:*

Section 10.1 of the Lakeview Local Area Plan (draft - adopted in principle) outlines policies for desirable urban form in neighbourhoods. The policies state that, "Neighbourhood policies are intended to reflect a number of objectives, including among other things:

- To ensure development is sensitive to the existing low rise context and reinforce the planned character of the area;"

Further, Section 10.1.1 states that, "New development is encouraged to reflect 1 and 2 storey residential building heights and should not exceed 3 storeys."

In addition, Section 2.2.1 of the Lakeview Built Form Standards states that new detached dwellings within Lakeview will maintain the existing character of the area. The following criteria will apply:

- a. The maximum height of any dwelling should be 10.7 m (35.11 ft.). The design of the building will de-emphasize the height of the house and be designed as a composition of small architectural elements, i.e. projecting dormers and bay windows;



## MISSISSAUGA

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WARD 1

- d. New development will fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation, location to railways tracks;
- f. New development will have minimal impact on its adjacent neighbours with respect to overshadowing and overlook;
- k. The building mass, side yards and rear yards will respect and relate to those of adjacent lots.

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

*Zoning:* "R3", Residential; "G1", Greenbelt

#### *Discussion:*

We advise that on June 24, 2015, Council passed By-law 0171-2015 to limit the height of new dwellings with flat roofs to 7.5 m (24.61 ft.) in Ward 1 for properties which are not subject to infill housing regulations. The By-law has subsequently been appealed to the Ontario Municipal Board.

### 3.0 OTHER APPLICATIONS

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

### 4.0 COMMENTS

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

In regards to the requested variances for height, we have concerns with the requests as Council recently passed a By-law to restrict the height for flat roof dwellings to 7.50 m (24.60 ft.) in Ward 1. The intent of the By-law is to ensure that new development for flat roof dwellings is sensitive to the surrounding context and does not impose a negative massing impact to adjacent neighbours and the streetscape. Although the Built Form Standards for Lakeview limit the height of dwellings to 10.70 m (35.11 ft.), zoning regulations may be more restrictive to further refine policy intent.

Based on a recent site visit and photographs, we note that some of the neighbouring dwellings on Richey Crescent are smaller bungalows, including the adjacent house at 522 Richey Crescent. It is our opinion that the requested height, combined with the requests for deficient side yards would create a negative massing impact to the adjacent neighbours and the streetscape. We recognize that the subject lots are narrow, restricting new dwellings to narrow building footprints. However, the height is excessive and we recommend that the applicant construct the dwellings in accordance with the height requirements of the By-law.

Further, we have additional concerns with the requests for excessive floor area above the balcony on top of the garage. Based on the elevation drawings provided with the Minor Variance application, we are of the opinion that the proposed balcony size, combined with the proposed height, would create an overlook situation onto adjacent neighbours.



## MISSISSAUGA

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WARD 1

Based on the preceding information, we recommend that variances #1 and #4 be refused. Regarding the balance of the requested variances, we recommend that the applicant defer to redesign the dwelling. Until we are in receipt of the revised elevation drawings, we are not in a position to comment on the appropriateness of the remaining variances."

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

"Information submitted with this application, in particular Variance #3 indicates that the applicant is requesting side yard setbacks of 0.60m (1.96ft) whereas minimum side yard widths of 1.20m (3.93 ft.) is required in this instance. Acknowledging that any Transportation and Works Department concerns/requirements for this property can be addressed through the Building Permit Process, we are concerned with the granting of this specific variance prior to our Development Construction Section reviewing the Grading Plan.

We are also noting from the front elevation drawings submitted that the applicant may be proposing a reverse grade driveway. This department strongly discourages and does not support reverse grade driveways, even in areas where adequate storm sewers are available."

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (September 8, 2015):

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

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, these same lands are located within the Helen Molasy Memorial (LV4) section of the City's Natural Area System and within the floodplain of the Cooksville Creek. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information.

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

"Regional staff have reviewed the application and understand that the applicant proposes to construct a 3-storey residential dwelling on an existing lot of record. The subject land is partially regulated by Credit Valley Conservation (CVC) under O. Reg. 160/06 due to the Lake Ontario Regulatory Shoreline. 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."

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



## MISSISSAUGA

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WARD 1

"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. For more information, the applicant should contact our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to the issuance of a building permit."

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

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

The applicants are requesting the Committee to authorize a minor variance to permit the construction of a three storey dwelling on the subject property proposing:

1. A height of 10.70m measured to the top of the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m measures to the top of the flat roof in this instance.
2. A front yard of 6.17m; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m in this instance;
3. An easterly and westerly side yard of 0.60m on each side of the dwelling; whereas By-law 0225-2007, as amended, requires minimum easterly and westerly side yards of 1.20m measured to the first storey, 1.81m measured to the second storey and 2.42m measured to the third storey in this instance;
4. A floor area of 24.00 sq. m. for balcony on top of a garage; whereas By-law 0225-2007, as amended, permits a floor area of 10.00 sq. m. for a balcony on top of a garage in this instance; and
5. A total of 15% of the front yard area to be provided as soft landscaping; whereas By-law 0225-2007, as amended, requires a total of 40% of the front yard to be provided as soft landscaping in this instance.

CVC has no objection to the approval of this minor variance application.

The subject property falls within a CVC Regulated Area. On this basis a permit from the Authority is required for the development as proposed. CVC requires appropriate setbacks are maintained from Lake Ontario. CVC will review the application to ensure that appropriate setbacks are maintained from the lake in our permit process."

An e-mail was received from the Ministry of Transportation indicating that they have no objection to the application as the application is outside of the MTO Permit Control Area.

A letter was received from Mr. K. Riddell, property owner at 512 Richey Crescent, expressing objection to the application and noting his comments.

A letter was received from F. Mallin, property owner at 877 Beechwood Avenue expressing opposition to the height of the dwelling.

A letter was received from S. Horbaczyk, property owner at 903 Beechwood Avenue, expressing opposition to the application.

A letter was received from B. Handlopouwi, property owner at 858 Beechwood Avenue, expressing opposition to the application.



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WARD 1

A letter was received from E. and A. Seeto, property owners at 916 Beechwood Avenue, expressing opposition to the application.

A letter was received from M. Gara, property owner at 893 Beechwood Avenue, expressing opposition to the application.

A letter was received from N. Korchman, property owner at 873 Beechwood Avenue, expressing opposition to the application.

A letter was received from P. Bianco, property owner at 899 Beechwood Avenue, expressing opposition to the application.

E-mails were received from M. and D. Kake, property owners/residents of 529 Richey Crescent, expressing support for the application.

A letter was received from M. and E. Esert, property owners at 882 Beechwood Avenue, expressing support for the application.

Letters were received from the property owners/residents at 749 Montbeck Crescent, 685 Montbeck Crescent, 909 Goodwin Road, 651 Beech Street, 771 Montbeck Crescent, 519 Richey Crescent, 2168 Stir Crescent, 899 Lakeshore Road East-2<sup>nd</sup> Floor, 647 Montbeck Crescent expressing support for the application.

Letters were received from the property owners/residents at 917 and 913 Beechwood Avenue, expressing opposition to the application.

A petition was received, signed by the property owners/residents at 529 Richey Crescent, 506 Richey Crescent, 869 Beechwood Avenue, 510 Richey Crescent, 512 Richey Crescent, 864 Beechwood Avenue, 496 Richey Crescent, 502 Richey Crescent, 868 Beechwood Avenue, 492 Richey Crescent, 522 Richey Crescent, 519 Richey Crescent, 882 Beechwood Avenue, 872 Beechwood Avenue, and 877 Beechwood Avenue, expressing support for the application.

Mr. K. Riddell, property owner at 512 Richey Crescent, attended and expressed opposition to the application. He advised that the application is not minor in nature and the setbacks are inadequate and not in compliance with the Zoning By-law which requires an additional setback 0.61m (2.00ft.) from the side property line for each storey above the first. If the application is approved, it will create a vertical wall 11.73m (38.50ft.) in the side yard. Mr. Riddell indicated that access to the rear yard will be reduced and will impact his property as well as theirs with respect to utility hook-ups, fire protection, grading, retaining walls, construction of foundation and underpinning and access to the lake for emergency crews and fire departments.

Mr. Riddell indicated that the reduction in soft landscaping is inappropriate in an area that is located between a waterfront trail and a conservation area. He indicated that the green space is reduced to less than one third of what it should be. He presented a rendering indicating the style of dwelling and the impact of the dwelling on the streetscape. He noted that the lake view will be obstructed.

Mr. Riddell indicated that a By-law was recently passed restricting the height of dwellings. The By-law was passed to safeguard public interest and prevent structures that exceed the requirements.



## MISSISSAUGA

File: "A" 389/15

WARD 1

Mr. Riddell advised that the proposal does not meet the intent of the Zoning By-law and is not minor in nature or desirable and consequently, he encouraged the Committee to reject the application.

A letter was received from F. Campbell, property owner at 512 Richey Crescent, expressing opposition to the application. She indicated that the reduction in side yard is unsafe and will create difficulty in doing repairs and maintenance and will make it difficult for emergency rescue services to be provided for the subject and adjoining properties. She indicated that the reduction in green space and the size of the new dwelling is inappropriate and not desirable. She encouraged the Committee to reject the application.

Ms. S. Walt, of 909 Goodwin Road, attended and expressed her support for the application. She noted that the families should be able to building their dream homes. She indicated that the evolution of the neighbourhood will occur. She advised that some of her neighbours expressed support for the application; however, they were unable to stay to express it in person.

No other persons expressed any interest in the application.

Mr. Oughtred presented a rendering and advised that the lot is narrow and it is not possible to re-develop the lot without some sort of relief with respect to the side yard width. Mr. Oughtred indicated that if they re-designed the roof pitch, a variance for height would not be required as the maximum permitted height would be 10.70m (35.10ft.).

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the requested relief in side yard is too great. The long wall in the side yards contributes to excessive massing and restricts access to the rear yard. The Committee indicated that the proposal is not desirable or minor in nature and does not suit the character of the neighbourhood.

The Committee is not 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 request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.

MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
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File: "A" 389/15  
WARD 1

Application Refused.

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

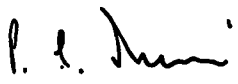
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Date of mailing is September 21, 2015.


  
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 ERIN MILLS DEVELOPMENT CORPORATION

on Thursday, September 10, 2015

The Erin Mills Development Corporation is the owner of 3663 Platinum Drive being Block 3, Registered Plan M-1977, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit coin-operated washing facilities and detailing services for motor vehicles on the subject property; whereas By-law 0225-2007, as amended, does not permit coin-operated car wash bays and detailing services on the subject property in this instance.

Mr. K. Bechard, of Weston Consulting, authorized agent, attended and presented the application to permit a car wash on the subject property. Mr. Bechard indicated that the property will contain a car care facility including, auto washing, detailing and tuning area, vacuums, quick lubes, coin-operated washing and office space. He indicated that the complex will be approximately 3,901.80m<sup>2</sup> (42,000sq.ft.). Mr. Bechard advised that a motor vehicle wash facility – restricted is a permitted use; however relief is required to permit the detailing and coin-operated wash areas.

Mr. Bechard advised that the Churchill Meadows Employment Area allows for a range of business, employment and employment-supportive uses. The employment zone allows for washing facilities but not the manual nature of the detailing. The detailing will be ancillary to the permitted motor vehicle uses within the Car Care Facility. The Facility will service the surrounding community.

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 has no objection to the requested variance, subject to the condition outlined below. However, the applicant may wish to defer the application to submit Site Plan and/or Building Permit applications to ensure that all required variances have been accurately identified.

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

<i>Character Area:</i>	Churchill Meadows Employment Area
<i>Designation:</i>	Business Employment

*Zoning By-law 0225-2007*



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Zoning: "E2", Employment

### 3.0 OTHER APPLICATIONS

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

### 4.0 COMMENTS

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

We advise that the Zoning By-law definition for a Motor Vehicle Wash Facility - Restricted specifically excludes coin-operated washing facilities, wand washing facilities and other manually operated equipment or facilities for the washing of motor vehicles. The intent of this restriction is to limit the potential negative visual and noise impact on nearby residential areas. Car washes for passenger vehicles are permitted in 'C5' zones, which are typically located at intersections in residential neighbourhoods.

In this instance, the closest residential zone would be located on the north side of Eglinton Avenue West. Further, based on the Site Plan drawing provided with the Minor Variance application, it appears that the coin operated car wash bays and detailing areas would be located centrally on the site, and would be accessory to the primary use of the car wash facility.

Based on the preceding information, we have no objection to the requested variance in principle for the proposed use, subject to the following condition:

1. Coin-operated washing facilities and detailing services for motor vehicles will be permitted accessory to a car wash facility.

Although we have no objection to the requested use in principle, we advise that Site Plan Approval is required to address issues such as access, circulation, parking, landscaping, etc. Further, additional variances may be identified through the review of the Site Plan Approval application."

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

"Acknowledging that a Site Plan Application will have to be circulated to the City for review/approval for the proposed Car Care Facility which will include an auto wash area, detailing and tuning area, quick lube area, a high-end detailing area, coin-operated wash area, vacuums and associated office space, to date we are not aware of a Site Plan Application being submitted for review/approval.

Information submitted in the sketch Site Plan depicts a shared mutual driveway onto Ninth Line in combination with the northerly lands identified as Block 2, Plan 43M-1977 which we will not support. It should be acknowledged that there is an existing 0.3M Reserve (Block 14, Plan 43M-1977) which exists and restricts access across the Ninth Line frontage of this property. Direct access onto Ninth Line will be restricted as it is an Arterial Road and an access at this location would not conform to the policies within Mississauga's Official Plan. All accesses are to be provided by way of the internal subdivision road, specifically Platinum Drive.



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It should also be acknowledged that the subject lands are located within Block 3, Plan 43M-1977 and in this regard are subject to the terms and conditions as set out within the Development Agreement which was executed for this Plan of Subdivision. We draw attention to item (I) (i) under Traffic Impact Study which specifically states the following:

"Purchasers/Tenants are advised that prior to Site Plan Approval for Blocks 1, 2, 3, 4, 5 and 7, a Traffic Impact Study must be submitted to both the Ministry of Transportation of Ontario and the City of Mississauga for review and approval. The results of the report may require the Purchaser of the above noted Blocks to design and construct road modifications that are deemed necessary to the satisfaction of the Ministry of Transportation of Ontario and the City of Mississauga."

In view of the above the applicant/owner is to be advised that the above-noted conditions/requirements, in particular the access onto Ninth Line and Traffic Impact Study will have to be addressed through the Site Plan Approval 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. For more information, the applicant should contact our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to the issuance of a building permit."

An e-mail, dated August 31, 2015, was received from the Ministry of Transportation indicating

"Please be advised that the subject site at 3663 Platinum Drive falls within our MTO Permit Control area, and as such the Ministry offers the following comments:

- The Ministry has no objection in principle to the proposed land use (coin operated car wash bays and detailing services) for the property;
- MTO review and approval of the Site Plan Application for the property will be required;
- More detailed MTO comments regarding sites within the overall Plan of Subdivision (which 3663 Platinum Drive falls within) is attached for future reference.

Mr. J. Lee, Planner with the City of Mississauga, attended and requested that, for clarification purposes, the wording on the variance be amended to include the definition that the applicant is seeking relief from.

No other persons expressed any interest in the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Bechard 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 amended request to permit coin-operated washing facilities and detailing services for motor vehicles on the subject property; whereas By-law 0225-2007, as amended, permits a Motor Vehicle Wash Facility – Restricted and excludes coin-operated washing facilities, wand washing facilities and other manually operated equipment or facilities for the washing of motor vehicles in this instance subject to the following condition:

1. Coin-operated washing facilities and detailing services for motor vehicles will be permitted accessory to a car wash facility.


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

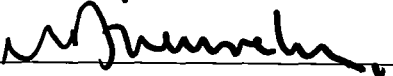
Date of mailing is September 21, 2015.

  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

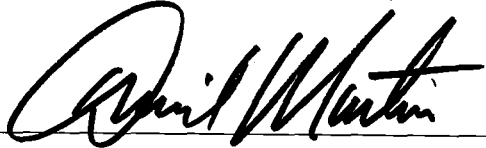
  
J. PAGE  
  
P. QUINN

  
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.