

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 24, 2015 AT 1:30 P.M.

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

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

B-45/15	AURELIA CAZILA	1494 INUIT TR	11	Approved
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NEW APPLICATIONS - (MINOR VARIANCE)

A-403/15	2215993 ONTARIO INC	3121 HURONTARIO ST	7	Approved
A-404/15	MUHAMMAD KANUM	3697 PARTITION RD	10	Approved
A-405/15	SUBASHINI & MONISH CHANDRAN	1447 SPRING RD	2	Approved
A-406/15	ESDEB CONSTRUCTION	2273 DUNDAS ST W	8	Approved
A-407/15	NAFEES KHOKHAR	5019 DUBONET DR	10	Approved
A-408/15	ROHAN & PAULA PAIS	5161 DOUBLETREE DR	10	Approved
A-409/15	ILONA WOJCIECH STOBINSKI	1536 MYRON DR	1	Oct. 29
A-410/15	MARTA KATRIN KREUTZBERG	11 HOPEDALE CRT	11	Approved
A-411/15	DIANA IGNAGNI	1317 KENMUIR AVE	1	Nov. 5
A-412/15	JOSE GOMES	2334 HAMMOND RD	8	Approved
A-413/15	LEONARD PARK	5955 TWEED CRT	9	Withdrawn
A-414/15	MUSLIM ASSOCIATION OF CANADA	2550 DUNWIN DR	8	Oct. 8

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-269/15	JAMES D. COOPER	1507 LOCKHART RD	2	Approved
A-356/15	BOURK & GRETE BOYD	906 WHITTIER CRES	2	Approved

## COMMITTEE OF ADJUSTMENT

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

AURELIA CAZILA

on Thursday, September 24, 2015

Aurelia Cazila is the owner of 1494 Inuit Trail being Part of Lot 12, Registered Plan M-1336, zoned G2-1, Greenbelt and RM5-12, Residential. The applicants request the consent of the Committee to the conveyance of a parcel of land having lot frontage of 7.80m (25.59ft.) an area of approximately 331.56m<sup>2</sup> (3569.03sq.ft.). The effect of the application is to re-establish a residential lot that merged with an adjacent lot at 1496 Inuit Trail.

Mr. D. McDonald, authorized agent, attended and presented the application. Mr. McDonald advised that the title to Parts 19 and 20 (1494 and 1496 Inuit Trail) were inadvertently transferred to the same individual. As a result, the lots merged. Permission is being requested to sever the lots so that clear title to each part is attained.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 18, 2015),  
City of Mississauga, Transportation and Works Department (September 17, 2015),  
Region of Peel, Environment, Transportation & Planning Services (September 18, 2015)

Ms. K. Walker, of 1482 Inuit Trail, attended and expressed an interest in the application.

No other persons expressed any interest in the application.

When asked, Mr. McDonald indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

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

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

1. Four (4) full sized copies of the deposited reference plan shall be received.

2. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).

MOVED BY: S. Patrizio

SECONDED BY: J. Robinson

CARRIED


Application Approved, on conditions as stated.

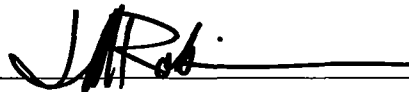
Dated at the City of Mississauga on October 1, 2015.

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 25, 2015**.


Date of mailing is October 5, 2015.

  
S. PATRIZIO

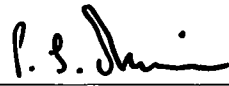
  
D. GEORGE (CHAIR)

  
J. ROBINSON

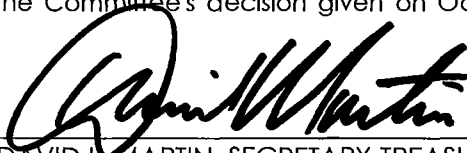
ABSENT  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 2015.

  
DAVID L. MARTIN, SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **October 5, 2016**.

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



## COMMITTEE OF ADJUSTMENT

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

2215993 ONTARIO INC.

on Thursday, September 24, 2015

2215993 Ontario Inc. is the owner of 3121 Hurontario Street being Part of Lot 15, Concession 1, NDS, zoned D, Development. The applicant requests the Committee to authorize a minor variance to permit the renovation/enlargement of the existing building; whereas By-law 0225-2007, as amended, does not permit the enlargement of existing buildings or structures in a D, Development zone in this instance.

Mr. G. Dell, authorized agent, attended and presented the application to permit an enlargement of the existing building. Mr. Dell advised that a minor variance application was approved last fall to permit a dentist office. He advised that they are in the final stages of obtaining Site Plan Approval.

The roof is being altered to reduce the pitch as it is in need of repairs. The corners of the building are being filled in to accommodate the new roof design. A variance is being requested because an enlargement of the building is not permitted under the D, Development zone provisions.

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

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

### "1.0 RECOMMENDATION"

The Planning and Building Department 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 application to ensure that all required variances have been accurately identified.

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

Character Area: Downtown Cooksville  
Designation: Mixed Use

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

Zoning: "D", Development

### 3.0 OTHER APPLICATIONS

- |   |                    |
|---|--------------------|
| <input checked="" type="checkbox"/> Building Permit | File: BP15-5161    |
| <input checked="" type="checkbox"/> Site Plan       | File: SP 14-186 W7 |

### 4.0 COMMENTS

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

"To permit the alteration/enlargement of the existing building; whereas By-law 0225-2007, as amended, does not permit the alteration/enlargement of existing buildings or structures in a 'D' Development zone."

Further, we advise that additional information has been requested through the associated Building Permit application. Therefore, we are unable to determine whether additional variances are required.

The Committee previously approved the dentist office use on the property under 'A' 314/14 for a temporary period of three years. At the time, this Department stated that we had no objection to the request, subject to a temporary approval.

It is our understanding that the current request would facilitate a minor addition to the existing 1 ½ storey building. The building footprint will not be changed as the addition will be limited to the second storey.

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 16, 2015):

"This department has no objections to the applicant's request to permit the renovation/enlargement of the existing building and are advising that any of this, departments requirements will be addressed through the Building Permit Process. As indicated in the sketch Site Plan submitted the existing access onto Kirwin Avenue is to be re-located towards the easterly limits of the property and the existing access to be removed. From our recent site inspection we note that the required curb cut in the area of the new access has already been completed and in a location which is satisfactory to this department."

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

"Regional staff have reviewed this application through the associated site plan application SP-14-0186. The proposed variances reflect the latest drawings available at this office and we have no objections to this application."

"Site servicing drawings have been submitted and comments were provided to the applicant on March 12, 2015. No resubmission has been made. Please note that site servicing approvals will be required prior to the issuance of the building permit."

"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."



## MISSISSAUGA

File: "A" 403/15  
WARD 7

A letter was received from Clearbrook Developments Ltd., property owners at 3115 Hurontario Street, requesting that the application be deferred as full information has not been available and circulated for review and comment.

In addition, they noted their objection to the application and noting their concerns with respect to sunlight, parking and their lack of ability to comment through the Site Plan Approval process.

No other persons expressed any interest in the application.

Mr. Dell advised that he believes that the neighbour is concerned about a future access through the subject property. He advised that the site plans have been designed to allow for a driveway in the future.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell 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 alteration/enlargement of the existing building; whereas By-law 0225-2007, as amended, does not permit the alteration/enlargement of existing buildings or structures in a 'D' Development zone subject to the following condition:

1. The applicant shall proceed in accordance with the plans reviewed by the Committee.

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

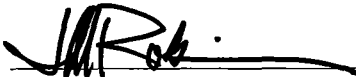
Date of mailing is October 5, 2015.



S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

MUHAMMAD KANUM

on Thursday, September 24, 2015

Muhammad Kanum is the owner of 3697 Partition Road being Part of Lot 119, Registered Plan M-1557, zoned RM5-13, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing basement entrance stairwell to remain in the rear yard of the subject property having a rear yard of 14.229m (46.68ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 15.00m (49.21ft.) in this instance.

Mr. M. Kanum, property owner, attended and presented the application to permit the stairwell to remain. Mr. Kanum advised that he hired a contractor to construct the stairwell, which provides access to the basement. He advised that the stairwell was constructed without benefit of a building permit. Mr. Kanum presented an elevation plan and advised that he has hired an architect to design a new stairwell. He advised that the building permit has been applied for and is being withheld as the stairwell is located too close to the railroad right-of-way.

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

The City of Mississauga Planning and Building Department commented as follows (September 18, 2015):

### 1.0 RECOMMENDATION

The Planning and Building Department have no objection to the requested variance, as amended, however the applicant may wish to defer the application in order to submit additional information through the building permit to determine whether additional variances are required.

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Lisgar Neighbourhood  
*Designation:* Residential Low Density II

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

*Zoning:* "RM5-13", Residential



### 3.0 OTHER APPLICATIONS

☒ *Building Permit*      File: BP 15-4412

### 4.0 COMMENTS

The Planning and Building Department is currently processing a building permit application for the proposed covered stairwell under file 15-4412. Based on the review of the building permit application we advise that the variance request should be revised to indicate a rear yard of 13.97 m (45.83 ft.).

We further advise that additional information has been requested through the building permit application related to window well sizes and setback, therefore we are unable to determine whether additional variance(s) are required.

We are of the opinion that the reduced setback will not have any impact on the adjacent lands and that the intent of the by-law is maintained in creating additional separation from the railway for all structures nearby. The main portion of the dwelling complies with the required setback in the by-law.

Based on the preceding information we have no objection to the requested variances, as amended, however the applicant may wish to defer the application in order to submit updated building permit drawings to determine whether any additional variances are required."

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

"Enclosed for Committee's easy reference are some photo's which depict the existing basement entrance stairwell as constructed."

An e-mail was received from Ward Councillor McFadden indicating no objection to the application.

A letter was received from B. Wawrow, resident at 3707 Partition Road expressing opposition to the application and noting his concerns with respect to traffic, future property values, and aesthetics.

A letter was received from S. Basuraj, resident at 3701 Partition Road expressing opposition to the application noting concerns with respect to the appearance of the stairwell, potential for precedent setting, possibility of more occupants in the basement.

A letter was received from B. Bialowas, resident at 3700 Partition Road, expressing opposition to the application and noting his concerns.

A letter was received from H. Akhtar, resident at 3725 Partition Road, expressing an interest in the application.

Letters were received from the residents/property owners at 3695, 3701, 3712, 3715, 3716, 3725, and 3733 Partition Road, expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. Kanum, 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 indicated that he believes that no other variances will be required and requested that the amended application be considered as presented.

The Committee consented to the request and, after considering the submissions put forward by Mr. Kanum and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that a stairwell is permitted in a rear yard. The Committee indicated that the intent of the By-law is to ensure that the dwelling is located a sufficient distance to the railroad right-of-way.

The Committee noted that the neighbours have expressed concerns with respect to the manner in which the stairwell has been constructed. The Committee indicated that, if the stairwell is constructed in accordance with the plan, it will not adversely impact the neighbours.

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 existing basement entrance stairwell to remain in the rear yard of the subject property having a rear yard of 13.97m (45.83ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 15.00m (49.21ft.) in this instance.

This Decision is subject to the following condition:

1. The applicant shall proceed in accordance with the plans reviewed by the Committee.

MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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## MISSISSAUGA

File: "A" 404/15  
WARD 10

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

Date of mailing is October 5, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

SUBASHINI & MONISH CHANDRAN

on Thursday, September 24, 2015

Subashini & Monish Chandran are the owners of 1447 Spring Road being Lot 17, Registered Plan 725, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of additions to the existing dwelling proposing:

1. a combined width of side yards of 4.75m (15.58ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.69m (21.94ft.) in this instance; and,
2. side yards to the second storey on each side of the dwelling of 2.39m (7.84ft.); whereas By-law 0225-2007, as amended, requires minimum side yards of 2.41m (7.90ft.) to the second storey of the dwelling in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application. He presented a photograph of the existing dwelling and advised that a second storey is to be added to a portion of the home. He presented a set of plans for the Committee's review and consideration. He advised that the existing side yard setbacks do not comply with the Zoning By-law and as they wish to construct the second storey wall utilizing the same setback, 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 (September 18, 2015):

### "1.0 RECOMMENDATION"

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

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

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

*Zoning:* "R2-4", Residential

### 3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-76 W2 - Satisfactory

### 4.0. COMMENTS

Based on a review of the Site Plan application, we advise that the variances as requested are correct.

In regards to variance #1, we note that there will be no changes to the side yard setbacks, which currently exist for the one storey dwelling.

Further, it is our opinion that variance #2 is minor.

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 16, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/067. 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 18, 2015):

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

"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."

A letter was received from U. and J. Davidson, property owners at 1437 Spring Road, providing comments for the Committee's consideration including concern with respect to grading, hoarding, protection of mature foliage, privacy screening, massing and shadowing.

No other persons expressed any interest in the application.

Mr. Brown, upon hearing the comments from the neighbour, advised that the grading will remain the same and a lot grading certificate will be submitted through the building permit process. He noted that deposits will be collected for lot grading, municipal services protection and hoarding.

The Committee, after considering the submissions put forward by Mr. Brown 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:	J. Page	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

Dated at the City of Mississauga on October 1, 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 21, 2015**.


Date of mailing is October 5, 2015.



S. PATRIZIO



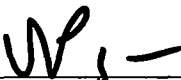
D. GEORGE (CHAIR)



J. ROBINSON

ABSENT

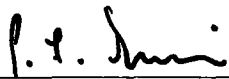
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

ESDEB CONSTRUCTION

on Thursday, September 24, 2015

Esdeb Construction is the owner of 2273 Dundas Street West being Lots 335-337, Registered Plan 915 and Part of Lot 35, Concession 1, NDS, zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit an outdoor patio ancillary to the existing restaurant within Unit #6 of the subject commercial development, as previously approved pursuant to Committee of Adjustment File 'A' 188/10; whereas By-law 0225-2007, as amended, makes no provisions for an outdoor patio use on the subject property in this instance.

Ms. A. Beaumont, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to continue to permit the operation of an outdoor patio. She advised that the patio has been operating since 2001 and has been approved several times through the Committee of Adjustment process. Ms. Beaumont advised that the business will continue to operate in the same manner as previously approved, and no changes are proposed.

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

The City of Mississauga Planning and Building Department commented as follows (September 18, 2015):

### 1.0 RECOMMENDATION

The Planning and Building has no objection to the requested variance, subject to conditions #2-5 under 'A' 188/10.

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Western Business Park Employment Area  
*Designation:* Mixed Use

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

*Zoning:* "C3-1", General Commercial

### 3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We advise that the request is for a continuation of several previous approvals for the subject patio. The most recent temporary approval expired on June 30, 2015. At the time, this Department stated that we had no objection, subject to the imposition of conditions #2-5 under 'A' 317/08. The conditions related to restrictions on music, closing time of the patio, maximum occupancy and fencing around the patio.

As the subject application is a continuation of previous approvals, we have no objection to the request, subject to conditions #2-5 under 'A' 188/10."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 406/15."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Beaumont 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. There shall be no music, live or otherwise permitted in the patio area;
2. The patio area shall be closed daily by 11:00 p.m.;
3. The patio area shall be restricted to a maximum occupancy of 38 persons; and,
4. The fencing around the patio area shall be setback 1.00 m (3.00 ft) from the end of the patio and 0.30 m (1.00 ft) at the sides of the patio from the edge of the patio.

MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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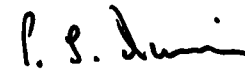
File: "A" 406/15  
WARD 8

Application Approved, on conditions as stated.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

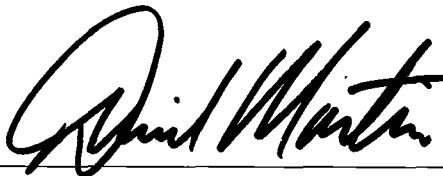
Date of mailing is October 5, 2015.

  
\_\_\_\_\_  
S. PATRIZIO  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
J. PAGE  
\_\_\_\_\_  
P. QUINN  
\_\_\_\_\_  
D. GEORGE (CHAIR)

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

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

I certify this to be a true copy of the Committee's decision given on October 1, 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

NAFEES KHOKHAR

on Thursday, September 24, 2015

Nafees Khokhar is the owner of 5019 Dubonet Drive being Part of Lot 19, Registered Plan M-1635, zoned RM2-40, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property having a maximum width of 5.74m (18.83ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.30m (14.10ft.) in this instance.

Mr. N. Khokhar, property owner, attended and presented the application to permit the existing driveway to remain. He advised that the driveway was constructed by a contractor and is an attractive addition to his property. He advised that he parks his two vehicles in the driveway and does not use the walkway adjacent to the driveway for parking purposes. Mr. Khokhar indicated that a variance is required as the calculation of driveway width includes the walkway.

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

The City of Mississauga Planning and Building Department commented as follows (September 18, 2015):

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Churchill Meadows Neighbourhood  
*Designation:* Residential Medium Density

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

*Zoning:* "RM2-40", Residential

### 3.0 OTHER APPLICATIONS

N/A

#### 4.0 COMMENTS

The intent of the by-law restriction on driveway widths is to maximize opportunities for front yard soft landscaping and reduce the effects of excessive hard surfaced areas on the streetscape. In this instance, the maximum width of 4.3 m (12.5 ft.) for an interior lot is intended to accommodate a single car width driveway. Based on the request the applicant would be able to park additional vehicles across the front yard; as a result it is our opinion that the requested variance does not maintain the general intent of the Zoning By-law.

We do note that a nearly identical variance on the adjacent property was approved in January of this year, which Planning staff also objected to.

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

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

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

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Khokhar and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the walkway will not be used as a parking area. They further advised that the contrast of materials creates an aesthetically pleasing design.

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:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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File: "A" 407/15  
WARD 10

Application Approved.

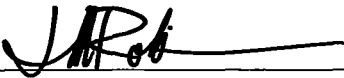
Dated at the City of Mississauga on October 1, 2015.

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 21, 2015**.

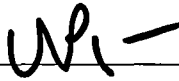
Date of mailing is October 5, 2015.

  
S. PATRIZIO

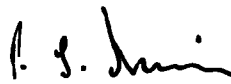
  
D. GEORGE (CHAIR)

  
J. ROBINSON

ABSENT  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

ROHAN & PAULA PAIS

on Thursday, September 24, 2015

Rohan & Paula Pais are the owners of 5161 Doubletree Drive being Lot 121, Registered Plan M-1664, zoned R6-1, Residential. The applicants request the Committee to authorize a minor variance to permit the existing accessory structure and existing air conditioning unit to remain on the subject property proposing:

1. a 0.38m (1.27ft.) side yard from the air conditioning unit to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) to the side lot line in this instance; and,
2. a 0.40m (1.33ft.) side yard and rear yard to the existing accessory structure in the rear yard; whereas By-law 0225-2007, as amended, requires a minimum side yard and rear yard of 0.61m (2.00ft.) respectively in this instance.

Mr. J. Groe, authorized agent, attended and presented the application to permit the existing accessory structure and air conditioning unit to remain on the subject property. Mr. Groe advised that a previous minor variance application had been considered and granted by the Committee for a generator. He advised that there are no other locations that are practical or financially viable to place the air conditioning unit and still provide the areas required for Mr. Pais to use the home and yard.

Mr. Groe advised that the home has been renovated to provide accessibility for Mr. Pais to continue to live in the dwelling. He indicated that the garage and the basement areas have been renovated to allow accessibility and therapy and fitness areas have been provided. As a result, additional storage was required. The shed was constructed for storage purposes and had to be sufficiently sized to allow a turning radius for Mr. Pais to enter the shed with his wheelchair.

Mr. Groe presented a photograph for the Committee's review and consideration and advised that due to the walkway width, it was not possible to site the shed closer to the dwelling. Variances are being requested for reduced side and rear yards. Mr. Groe requested that the application be amended to allow a 0.27m (0.91ft.) rear yard and a 0.55m (1.83ft.) side yard to the shed; whereas the Zoning By-law requires rear and side yards of 0.61m (2.00ft.) in this instance.



## MISSISSAUGA

File: "A" 408/15  
WARD 10

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

The City of Mississauga Planning and Building Department commented as follows (September 18, 2015):

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Churchill Meadows Neighbourhood  
*Designation:* Residential Low Density II

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

*Zoning:* "R6-1", Residential

### 3.0 OTHER APPLICATIONS

N/A

### 4.0 COMMENTS

Variance #1 is a request similar to file 'A' 283/15 for the setback to a generator unit in the side yard which was approved by the Committee earlier this year. The air conditioning unit is located beside the generator unit in the side yard near the rear of the dwelling. The space limitations in the side yard require that the unit be located 0.23 m (0.75 ft.) closer to the lot line than permitted under the By-law. It is the opinion of the Planning and Building Department that this additional distance will not create significant added noise or related issues. Additionally, the unit is shielded by fencing from the adjacent property.

With regards to variance #2, the shed is located in a position which is accessible to the applicant with his wheelchair, which requires additional manoeuvring area in the walkway in front of the shed. We are of the opinion that a .21 m decrease in setback to the rear yard from the accessory structure is minor in nature and would not create any negative impacts on adjacent neighbours.

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

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

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



## MISSISSAUGA

File: "A" 408/15

WARD 10

A letter was received from T. and D. Policelli, property owners at 5157 Doubletree Drive, expressing opposition to the application and noting their concerns regarding noise, safety and aesthetics.

A letter was received from R. Amaria, property owner at 5126 Ancient Store Avenue, expressing an interest in the application.

No other persons expressed any interest in the application.

The Committee consented to the requested amendments, after considering the submissions put forward by Mr. Groe 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 existing accessory structure and existing air conditioning unit to remain on the subject property proposing:

1. a 0.38m (1.27ft.) side yard from the air conditioning unit to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) to the side lot line in this instance; and,
2. a 0.55m (1.83ft.) side yard and 0.27m (0.91ft.) rear yard to the existing accessory structure in the rear yard; whereas By-law 0225-2007, as amended, requires a minimum side yard and minimum rear yard of 0.61m (2.00ft.) respectively in this instance.

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

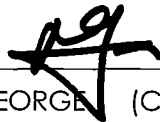
Dated at the City of Mississauga on October 1, 2015.

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 21, 2015**.

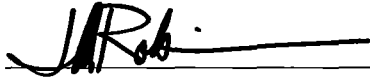
Date of mailing is October 5, 2015.



S. PATRIZIO




D. GEORGE (CHAIR)



J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

MARTA KATRIN KREUTZBERG

on Thursday, September 24, 2015

Marta Katrin Kreutzberg is the owner of 11 Hopedale Court being Lot 35, Registered Plan M-68, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition over the existing one storey addition at the rear of the existing dwelling proposing a rear yard of 6.43m (21.09ft.) to the second storey addition; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) to the proposed second storey addition in this instance.

Ms. M. Kreutzberg, property owner, attended and presented the application to permit a second storey addition to the existing dwelling proposing a reduced rear yard. She advised that a previous application was considered by the Committee in 1983 to allow a reduced rear yard setback to the first storey sunroom. Ms. Kreutzberg presented a set of plans and advised that she wishes to utilize the existing footprint of the sunroom and add a second storey. She advised that she has discussed the application with her neighbours and submitted a petition expressing no objections to 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 18, 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 Neighbourhood

Designation: Residential Low Density II

*Zoning By-law 0225-2007*

Zoning: "R3", Residential

### 3.0 Other Applications

☒ *Pre-Zoning Review*

File: 15-6535

### 4.0 Comments

The Planning and Building Department is currently processing a pre zoning review application for the proposed second storey additions. Based on the review of the application we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the construction of second storey additions at the front and rear of the existing dwelling, proposing a rear yard of 6.43 m (21.10 ft.) to the rear addition; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance."

The subject property has a past variance permitting the construction of the first floor in the rear yard to have a setback of 6.43 m (21.10 ft.). The proposed second storey addition would be built on the existing building footprint of one storey sunroom addition. The lot is relatively large with significant rear yard space and the proposed second storey will only cover a portion of the rear of the dwelling. It is our opinion that the requested variance is minor in nature and the addition of a second storey on the existing building footprint would not have any negative impacts.

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 16, 2015):

"This department has no objections to the applicant's request to permit the construction of second storey addition over the one storey addition. Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern be maintained."

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

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

A petition was received, signed by the property owners/residents at 4, 5, 6, 8, 9, 10 Hopedale Court, 53 Bremen Lane, 11 Riverside Place, 37 and 57 Theodore Drive, 115 Hord Crescent, 14 Hillside Drive, and 4 Meadow Bush Court, expressing no objection to the application.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Ms. Kreutzberg 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" 410/15

WARD 11

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of second storey additions at the front and rear of the existing dwelling, proposing a rear yard of 6.43 m (21.10 ft.) to the rear addition; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance.

MOVED BY:	J. Robinson	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

Date of mailing is October 5, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

JOSE GOMES

on Thursday, September 24, 2015

Jose Gomes is the owner of 2334 Hammond Road being Part of Lot 26, Registered Plan 396, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing gazebo to remain in the rear yard of the subject property proposing:

1. a floor area of 28.26m<sup>2</sup> (304.19sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo floor area of 10.00m<sup>2</sup> (107.64sq.ft.) in this instance,
2. a height of 4.09m (13.41ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft.) in this instance,
3. a side yard of 0.74m (2.42ft.) from the gazebo to the southerly side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance; and,
4. a total lot coverage of 25.3% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area for all buildings or structures in this instance.

Mr. V. Rosa, authorized agent, attended and presented the application to permit the existing gazebo to remain. He advised that the gazebo was constructed approximately one and a half years ago and his clients wish it to remain in its present location.

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

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

### 1.0 RECOMMENDATION

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

### 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: BP15-4639

4.0 COMMENTS

Based on a review of the Building Permit application, we advise that the variances as requested are correct.

In regards to variance #1, the lot is relatively large and therefore can accommodate larger structures on the property without becoming an overdevelopment of the site.

Further, for variance #2, based on a review of the elevation drawings submitted with the Minor Variance application, we note that the requested height is calculated to the top of the chimney, but the top of the roof would be approximately 3.71 m (12.17 ft.). In this instance, we are satisfied that the variance is minor and the intent of the By-law is maintained.

Regarding variance #3, based on a recent site visit, it is our opinion that there is sufficient space for maintenance purposes.

Lastly, variance #4 is minor in nature and therefore, we have no objection to the request.

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 16, 2015):

"This department has no objections to the applicant's request to permit the existing gazebo to remain."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Rosa 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" 412/15  
WARD 8

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

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

Dated at the City of Mississauga on October 1, 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 21, 2015**.

Date of mailing is October 5, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

JAMES D. COOPER

on Thursday, September 24, 2015

James D. Cooper is the owner of Lot 5, Registered Plan M-641, located and known as 1507 Lockhart Road, zoned RM1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the addition of a second accessory structure with attached gazebo in the rear yard of the subject property proposing:

1. two accessory structures on the subject property; whereas By-law 0225-2007, as amended, permits only one accessory structure in this instance,
2. the second accessory structure having a floor area of 16.72m<sup>2</sup> (179.97sq.ft.) whereas By-law 0225-2007, as amended, permits an accessory structure having a floor area of 10.00m<sup>2</sup> (107.64sq.ft.) in this instance,
3. the accessory structure and attached gazebo each having a height of 3.35m (10.99ft.); whereas By-law 0225-2007, as amended, permits an accessory structure and gazebo height of 3.00m (9.84ft.) in this instance,
4. a side yard of 0.46m (1.50ft.) from the proposed accessory structure to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) in this instance; and,
5. a side yard of 0.38m (1.24ft.) from the existing accessory structure to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) in this instance.

On June 22, 2015, Mr. J. D. Cooper, the owner of the property, attended and explained that he has not yet applied for a building permit and requested that the application be deferred to allow him an opportunity to apply for a building permit to ensure that additional variances are not required.

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

The City of Mississauga Planning and Building Department commented as follows (June 5, 2015):

### "1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to submit the required Building Permit application to ensure that all required variances have been accurately identified.

### 2.0 BACKGROUND





File: "A" 269/15  
WARD 2

*Mississauga Official Plan*

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

*Zoning By-law 0225-2007*

Zoning: "RM1", 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 variance. 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 four (4) 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 further advise that based on our records, as well as the information provided with this application, additional variances will be required for excessive height and insufficient setback to an interior side lot line. In addition, it appears that an additional variance may be required for excessive number of accessory structures.

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

The City of Mississauga Transportation and Works Department commented as follows (June 4, 2015):

"Enclosed for Committee's easy reference is a photo which depicts the existing accessory structure."

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

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the August 20, 2015 hearing.

On August 20, 2015, Mr. N. Dell, the authorized agent, attended and requested a deferral of the subject application to allow for the necessary review of a concurrent building permit application and to confirm the accuracy of the Minor Variance application.

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

The City of Mississauga Planning and Building Department commented as follows (August 19, 2015):

"1.0 RECOMMENDATION

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

## 2.0 BACKGROUND

### *Mississauga Official Plan*

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

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

Zoning: "RM1", Residential

## 3.0 OTHER APPLICATIONS

☒ Building Permit File: BP15-6750

## 4.0 COMMENTS

Based on a review of the Building Permit application for the proposed accessory structure and gazebo, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the proposed accessory structure (shed) and attached gazebo to remain within the rear yard of the subject property proposing:

1. an accessory structure floor area of 16.72 m<sup>2</sup> (179.97 sq. ft.); whereas By-law 0225-2007, as amended permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) in this instance;
2. an accessory structure and attached gazebo height of 3.35 m (10.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance;
3. an insufficient interior side lot line setback of 0.46 m (1.51 ft.) to the proposed accessory structure; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61 m (2.00 ft.) in this instance; and
4. two accessory structures on-site; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance."

We further advise that additional information has been requested through the Building Permit application in order to verify whether additional variances will be required.

In regards to variance #1, based on a review of the Building Permit application, we advise that the floor area of the shed is 16.72 m<sup>2</sup> (179.97 sq. ft.) and the floor area of the roof overhang (gazebo) is 7.43 m<sup>2</sup> (80.00 sq. ft.) for a combined total of 24.15 m<sup>2</sup> (259.95 sq. ft.). We note that the By-law permits one gazebo and one accessory structure on the property with floor areas of 10.00 m<sup>2</sup> (107.64 sq. ft.) each, for a total of 20.00 m<sup>2</sup> (215.28 sq. ft.). It is our opinion that the intent of the By-law is maintained in this instance as the combined area of the structures is only slightly larger than what would be permitted as-of-right.

In regards to variances #2 and #3, it is our opinion that the requests are minor and therefore, we have no objection.



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In regards to variance #4, we acknowledge that the rear yard is relatively small and therefore, the two accessory structures comprise a large portion of the rear yard. We require further information through the Building Permit application to determine whether an additional variance is required for lot coverage. Until we are in receipt of this information, we are not in a position to comment on whether the request constitutes overdevelopment of the property.

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

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

"Please refer to our comments submitted for the June 11, 2015 hearing of this application as those comments are still applicable."

A letter was received from the residents of 1481, 1487, 1493, 1495, 1489, 1499, 1501, 1505, 1508, 1512, 1514, 1520, 1526 & 1530 Lockhart Road, indicating that they did not oppose the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the September 24, 2015 hearing.

On September 24, 2015, Mr. N. Dell, a representative of the property owner, attended and presented the application. He advised that the shed was constructed without benefit of a building permit. He advised that the structure is utilized for the storage of a snowmobile, tools and gardening equipment.

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

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

### "1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

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

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

Zoning: "RM1", Residential

### 3.0 OTHER APPLICATIONS

☒ Building Permit File: BP15-6750

4.0 COMMENTS

When this application was previously before the Committee on August 20, 2015, the applicant requested a deferral to provide additional information for the Building Permit application in order to confirm the requested variances. We advise that we have not received any additional information. Therefore, our comments dated August 19, 2015 remain applicable."

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

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

No other persons expressed any interest in the application.

Mr. Dell, upon hearing the comments of the Committee and the Planning and Building Department indicated that he wished to proceed with the application.

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



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

1. The Committee shall be in receipt of the payment of all deferral fees for the subject application.

MOVED BY:	S. Patrizio	SECONDED BY:	P. Quinn	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

Date of mailing is October 5, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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

BOURK & GRETE BOYD

on Thursday, September 24, 2015

Bourk & Grete Boyd are the owners of 906 Whittier Crescent being Part of Lot 5, Lots 6 & 7 and Block D, Registered Plan B-88, zoned R2-5, Residential. The applicants request the Committee to authorize a minor variance to permit the construction a new two storey detached dwelling on the subject property proposing:

1. a dwelling height of 10.54m (34.58ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance,
2. a height to the underside of eaves of 7.73m (25.36ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance,
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance,
4. a front yard to the garage face of 8.74m (28.67ft.); whereas By-law 0225-2007, requires a minimum front yard of 9.00m (29.52ft.) to the garage face in this instance,
5. a porch to encroach 2.39m (7.84ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24ft.) in this instance,
6. to permit the existing driveway to remain having a width of 10.60m (34.77ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (34.44ft.) in this instance; and,
7. a combined driveway entrance width of 10.35m (33.95ft.); whereas By-law 0225-2007, as amended, permits a maximum combined driveway entrance width of 8.50m (27.88ft.) in this instance.

On August 20, 2015, Mr. D. Brown, the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property.



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Mr. Brown advised the Committee that the property contained several unique environmental features resulting in various development restrictions for the placement of the dwelling on the property. He confirmed that municipal sanitary services were not available for the property and that sufficient room at the rear of the property was also required for a septic system. Mr. Brown indicated the environmental concerns and septic system requirements would require the proposed dwelling to be pulled forward into the required front yard and that compliance with the Zoning By-law in this regard would result in a building envelope that would be undevelopable. He noted that the existing dwelling on the property was located in the same general location as the proposed dwelling. Mr. Brown advised the Committee that the proposed dwelling had been designed in close consultation with the Planning staff and suggested that the design was sympathetic to the environmental features of the property and the existing built form within the neighbourhood and to respect the intent of the infill housing policies of the Mississauga Official Plan to preserve and enhance generous front and side yards within the neighbourhood.

Mr. Brown displayed an aerial photo of the placement of other dwellings on the properties along Whittier Crescent and indicated that there were several other dwellings within the area that had dwellings located close to the front lot line. He suggested that preserving the environmental features at the rear was favourable to preserving front yard setback.

Mr. Brown noted that the subject property had a varying topography that resulted in an average grade calculation that would not be comparable to the finished grade around the dwelling. He explained that the second storey would be contained within the roofline of the dwelling to help mask any additional massing and to give the dwelling a one storey appearance. He noted that the garage would also contain a third parking space that would be in tandem in efforts to deemphasize the garage from the front elevation. Mr. Brown confirmed that additional vegetation would be installed around the perimeter of the property to enhance the existing vegetation and environmental features on the property and mask the exposed basement at the rear elevation.

Mr. Brown advised the Committee that the existing asphalt driveway would be replaced with permeable paving stones and slightly expanded to access the proposed garage. He confirmed that the permeable pavers would support the health of the mature trees within the front yard of the property.

Mr. Brown indicated that additional concerns raised by Heritage staff would be adequately addressed through the Site Plan Approval process.

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

The City of Mississauga Planning and Building Department commented as follows (August 18, 2015):

### "1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the requested information through the Site Plan application in order 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, Greenbelt

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

Zoning: "R2-5", Residential

## 3.0 OTHER APPLICATIONS

☒ Site Plan File: SPI 15-53 W2

## 4.0 COMMENTS

Based on a review of the Site Plan application for the proposed detached dwelling, we advise that the following variances should be amended as follows:

"6. to permit a driveway width of 10.60 m (34.77ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0 m (34.44 ft.) in this instance;

7. a combined driveway entrance width of 10.35 m (33.95ft.); whereas By-law 0225-2007, as amended, permits a maximum combined driveway entrance width of 6.0 m (27.88ft.) in this instance."

We further advise that additional information has been requested through the Site Plan application, and until we are in receipt of this information, we are unable to determine whether additional variances will be required.

In regards to variances #1 and #2, we advise that the calculation of the average grade affects the calculated height to the underside of eaves and the dwelling height. In this instance, we are of the opinion that the intent of the Zoning By-law is maintained due to the significant grade change on the property.

In regards to variances #3, #4 and #5, we advise that there are two constraints that impact the siting of the dwelling on the property. Firstly, a new septic system is proposed in the rear yard, and it is our understanding that the proposed dwelling has been sited to meet the minimum Ontario Building Code setback requirement to the septic system. Secondly, based on the Site Plan provided with the application, the location of the dwelling is restricted by natural features which were staked out by CVC on September 11, 2014. It is our opinion that the proposed dwelling has been designed to accommodate the unique constraints on the property. Further, based on the Site Plan, it appears that the 6.00 m (19.68 ft.) front yard setback would apply to a small portion of the dwelling at the southeasterly corner, with other portions of the front façade providing a greater setback. Lastly, we note that the proposed lot coverage and dwelling gross floor area (GFA) are significantly lower than the maximum allowable lot coverage and GFA, mitigating potential impacts to the streetscape and neighbouring properties.

In regards to variances #6 and #7, we note that the driveway currently exists and due to the location of the dwelling closer to the front lot line, is limited in hard surface area. It is our opinion that the requests are minor and maintain the intent of the By-law in this instance.

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 (August 16, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/053. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division commented as follows (August 7, 2015):

"The subject property is registered under the Ontario Heritage Act as it forms part of the Lorne Park Estates Cultural Heritage Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation measures. The heritage permit application is incomplete and concerns remain for impact to features that contribute to the Cultural Heritage Landscape. As such, Heritage Planning staff recommends that the subject variances be deferred."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 17, 2015):

"A portion of the subject lands falls within a Core Area of the Region of Peel's Greenlands System. Within this designation, Regional Official Plan policies seek to protect environmental resources. The Region relies on the expertise of Credit Valley Conservation (CVC) for the review of development applications located within or adjacent to Core Areas of the Greenlands System and their potential impacts on the natural environment. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of CVC."

Credit Valley Conservation commented as follows (August 5, 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 Moore Creek and is traversed by its associated valley slope. 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 within the City of Mississauga's Natural Heritage System and within the Natural Areas Survey designated as CL 17. It is also within the Region of Peel's Core Greenlands feature.

**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 development of the subject property with two residential apartment buildings proposing:

1. a dwelling height of 10.54m (34.58 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16 ft.) in this instance,
2. a height to the underside of eaves of 7.73m (25.36 ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99 ft.) in this instance,
3. a front yard of 6.00m (19.68 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52 ft.) in this instance,
4. a front yard to the garage face of 8.74m (28.67 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52 ft.) to the garage face in this instance,
5. a porch to encroach 2.39m (7.84 ft.) into the required front yards; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24 ft.) in this instance,
6. to permit the existing driveway to remain having a width of 10.60m (34.77 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (34.44 ft.) in this instance; and,
7. a combined driveway entrance width of 10.35m (33.95 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined driveway entrance width of 8.50m (27.88 ft.) in this instance.

**COMMENTS:**

CVC staff are currently reviewing the proposed development through the Site Plan application (SP 15/053). 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."

A memorandum was received from Ward Councillor Ras expressing concerns for the subject application. She requested the Committee to defer the subject application to allow for her to host a community meeting.

A letter was received from D. Armitage, President of the Lorne Park Estates Association, stating an objection to the requested variances.

A letter was received from L. Chevalier, a resident of 889 Whittier Crescent, stating an objection to the requested variances.

A letter was received from E. Kaus, a resident of 903 Whittier Crescent, stating an objection to the requested variances.



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A letter was received from M. D'lorio and C. Tirovolas, residents of 920 Whittier Crescent, stating an objection to the requested variances.

A letter was received from the residents of 862, 869 & Burns Avenue; 866, 891, 908 & 916 Longfellow Avenue; 866, 968 & 983 Tennyson Avenue; 913 Sangster Avenue; 865, 869, 872, 880, 889, 903, 917, 920, 930, 937, 938, 943, 950, 954, 964, 974, 981, 989, 998 & 992 Whittier Crescent; and 1081 McConnell Avenue, expressing an objection to the subject application.

Ms. M. D'lorio, 920 Whittier Crescent, attended and expressed her objection to the subject application. Ms. D'lorio provided a series of photos depicting other dwellings in the area noted that the proposed reduced front yard setback did not maintain the character of Whittier Crescent. She noted that the surrounding neighbourhood was a part of a larger forestry plan and indicated the proposed removal of mature vegetation was not appropriate.

Ms. D'lorio indicated that the applicant had not provided her with sufficient information to adequately review the application and that it was her opinion that the cumulative effect of the requested variances was not appropriate for the property or minor.

Mr. D. Armitage, President of Lorne Park Estates Association, attended and expressed the objection of his association to the application. Mr. Armitage presented a photograph of the surrounding area and indicated that the association owned a large portion of land in the surrounding area for the preservation of the surrounding environmental features.

Mr. Armitage indicated that the proposed dwelling was not in character with the surrounding area and expressed particular concern with the proposed reduced front yard. He noted that the municipal boulevard depth varied along the street and noted that the boulevard abutting the subject property was very small which exacerbated the proposed reduced front yard. Mr. Armitage expressed additional concerns with the reduction of any vegetation of the property and any reduction to the drainage capabilities of the property. He noted that a pedestrian path abutted the property and suggested that any deficiency in drainage capabilities may damage this pedestrian path.

Ms. E. Kaus, a resident of 903 Whittier Crescent, attended and displayed a photograph of her property depicting a cottage style dwelling and confirmed that the dwelling was constructed in the 1920s. She noted that the dwelling on her property was not right against the front yard as suggested by Mr. Brown. Ms. Kaus expressed concerns with the mature vegetation that was proposed to be removed and noted that the surrounding neighbourhood was a part of a Carolinian forest.

No other persons expressed any interest in the application.

Mr. Brown suggested that the proposed dwelling was located out of the sensitive area of the Carolinian forest and that an arborist had reviewed the proposal and was satisfied with the preservation plan. He noted that the vitality of the forest included the death, removal and planting of new trees. Mr. Brown confirmed that the perimeter of the natural area would be bolstered with new planting to help the renewal of the forestry. He noted that an arborist would be onsite during the excavation of the existing dwelling and that financial securities would be held by the municipality to ensure no additional trees be damaged.



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Mr. Brown noted that the municipal boulevard varied in width and that the adjacent properties enjoyed a larger municipal boulevard than the subject property. He suggested that the additional planting of vegetation to supplement the already mature vegetation within the front yard would help mask the dwelling from the streetscape.

The Committee noted its concerns with the design of the proposed dwelling and suggested that various modifications could be made to be sympathetic to the character of the neighbourhood and its sensitive environmental features. The Committee noted that there was a significant amount of resident opposition to the proposal and that the Ward Councillor expressed an interest in holding a community consultation to help address some of the concerns raised by the residents.

Mr. Brown requested for the application to be deferred to allow him to meet with the Ward Councillor and the neighbours to attempt to address their concerns.

The Committee consented to the request and deferred the application to the September 24, 2015 hearing.

On September 24, 2015, Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application. He advised that a meeting with the Ward Councillor and residents took place on September 10, 2015; however no resolution was reached. Mr. Brown advised that the plans remain unchanged other than with respect to height.

Mr. Brown advised that the top of bank boundary, natural area survey boundary, septic system requirements, and zoning by-law requirements created a reduced development envelope resulting in various minor variance requests.

Mr. Brown indicated that due to the varying topography on the lot, the front elevation will have a storey and a half appearance and a natural walk-out basement at the rear. He indicated that the average grade is 1.90 m (6.23ft.) below the established grade. Consequently, variances are being requested for height and height to eaves. Mr. Brown indicated that he requested that the application be amended to allow a reduced dwelling height of 10.39m and a reduced height to the underside of eaves of 7.58m.

Mr. Brown advised that the variances for the front yard are requested for the covered porch and den/library portion of the dwelling. He noted that there is a stairwell located behind the library. He indicated that the dwelling is located in the same general area as the original dwelling and the requested reduction in front yard is appropriate due to the constraints on the lot. He advised that the dwelling had to be located closer to the front property line for the septic bed to comply with the Ontario Building Code requirements.

Mr. Brown indicated that the combined width of the driveways entrances exceed the Zoning By-law requirements. He noted that the Zoning By-law was recently amended to reduce the combined driveway entrance widths to 6.00m (19.68ft.). He requested that the application be amended accordingly. He noted that he has been advised by the Zoning Section that if he adds a landscaped area to break up the paved area in front of the dwelling, variance number 6 will no longer be required. He requested that the application be amended to remove the request for variance # 6.



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

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

#### "1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the requested information through the Site Plan application in order 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, Greenbelt

*Zoning By-law 0225-2007*

Zoning: "R2-5", Residential

#### 3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-53 W2

#### 4.0 COMMENTS

When this application was previously heard by the Committee on August 20, 2015, the applicant deferred the application to meet with the Ward Councillor and local residents. A community meeting was held on September 10, 2015 to give the applicant an opportunity to discuss the proposal and the need for variances. From our observations at the meeting, it appeared that the responses from residents were mixed, with some in support of the proposal and others in opposition.

Since the meeting, we have received additional information from the applicant, but note that there are no changes to the proposal. Therefore, our comments dated August 18, 2015 remain applicable."

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

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

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (September 23, 2015):

"The subject property is registered under the *Ontario Heritage Act* as it forms part of the Lorne Park Estates Cultural Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation measures. The heritage permit application for the removal of the existing dwelling has been received. The item will be included in the November 17, 2015 Heritage Advisory Committee meeting agenda.



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WARD 2

The Lorne Park Estates Cultural Landscape has cultural significance in part for its environmental features. Heritage Planning notes that, according to the information provided by the applicant in the HIA, there are some existing trees that will be affected by the proposed setbacks and variances. The applicant has explained in the HIA that restorative and mitigation planting will be provided to satisfy the site plan approval review process requirements in order to "preserve and enhance the cultural landscape of the Lorne Park Estates community."

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

"Please refer to our previous comments with regards to deferred application A-356/15."

A memorandum was received from Ward Councillor Ras indicating a meeting was held on September 10, 2015; however no resolution was reached. She indicated that there are outstanding issues and should the Committee approve the application, she hopes that the community concerns can be addressed through the Site Plan Approval process.

A letter was received from D. Armitage, President of Lorne Park Estates Association Inc. requesting opposition to the application and noting their comments and concerns.

A letter was received from M. D'lorio, and C. Tirovolas of 920 Whittier Crescent, expressing opposition to the application and noting their comments.

A letter was received from W. Hicks of Hicks Partners providing comments on the requested variances and requesting that the Committee support the variances for driveway width and garage setbacks and porch projections, but not for the variances related to height of the main roof or for the front yard setback

Petitions were received, signed by approximately fifty (50) residents/property owners from the Residents of Lorne Park Estates, expressing objection to the application.

A letter was received from E. Kaus, property owner at 903 Whittier Crescent, expressing opposition to the application and noting her concerns and comments.

Mr. D. Armitage, President of Lorne Park Estates Association, attended and expressed his objection with respect to the application. He indicated that there are walking paths located on the sides and behind the dwelling and advised that the massing will be evident to the residents when using the trails. He indicated that he believes that a dwelling could be constructed on the property and meet the Zoning By-law requirements. Mr. Armitage indicated that the proposed dwelling is set closer to the street than many of the neighbouring homes. He presented a sketch showing the lots and indicated that there is approximately 184ft. from most dwellings to the dwelling on the opposite side of the street. He indicated that the distance between the two houses on the opposite sides of the street will be reduced creating a bottle-neck congestion effect on the streetscape.

Mr. Armitage indicated that approximately 50 residents oppose the application. He expressed concerns with respect to the effects on the vegetation in the area. Mr. Armitage indicated that he is aware that one oak tree will be removed to facilitate construction of the new dwelling; however, he has been advised by an arborist that a second oak tree located on the property is not likely to survive.

Ms. E. Skinner, resident at 986 Whittier Crescent, attended and expressed her support for the application.

Ms. G. Gustajtis, property owner at 938 Whittier Crescent, and representative of E. Kaus, attended and expressed her opposition to the application indicating that the proposed dwelling will create a wall which will reduce the amount of sunlight on the neighbouring property. She indicated that the proposed dwelling will adversely impact the neighbours.

Ms. G. McDiarmid, property owner at 916 Longfellow Avenue, attended and requested that the Committee carefully consider the letter from Mr. Hicks. She indicated that the property is located in a walking community and many of the residents use the pathway located beside and behind the home. She indicated that the impact of the three storeys will be evident to those using the pathway. She also noted her concerns with respect to grading, erosion, root exposure and potential loss of trees.

Ms. M. D'lorio, property owner at 920 Whittier Crescent, attended and expressed her objection to the application and requested that the Committee review the comments provided by Mr. Hicks. She presented a photograph taken from the pathway and advised the Committee that there is not much vegetation in this location to shield residents from the view of the home noting that it appears to be three storeys at the rear.

No other persons expressed any interest in the application.

The Committee consented to the requests to amend the application for height and driveway width.

Mr. Brown presented a sketch indicating the lots in the general area and advised that many of the lots adjacent to the lake have less front yard than the proposal. He indicated that there are a wide range of houses and front yards on the street.

Mr. Brown presented a photograph of the view from the walkway to the present home and advised that the impact will be similar. He indicated that additional vegetation would be provided.

The Committee, after considering the submissions put forward by Mr. Brown and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed reduction in front yard is only for a portion of the lot. They indicated that they believe that the dwelling design is appropriate for the lot noting that the unique environmental features and development restrictions on the lot make it difficult to design a home without some relief to the Zoning By-law requirements.

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 a new two storey detached dwelling on the subject property proposing:

1. a dwelling height of 10.39m (34.08ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance,
2. a height to the underside of eaves of 7.58m (24.86ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance,
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance,
4. a front yard to the garage face of 8.74m (28.67ft.); whereas By-law 0225-2007, requires a minimum front yard of 9.00m (29.52ft.) to the garage face in this instance,
5. a porch to encroach 2.39m (7.84ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24ft.) in this instance,
6. a combined driveway entrance width of 10.35m (33.95ft.); whereas By-law 0225-2007, as amended, permits a maximum combined driveway entrance width of 6.00m (19.68ft.) in this instance.

MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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## MISSISSAUGA

File: "A" 356/15  
WARD 2

Application Approved, as amended.

Dated at the City of Mississauga on October 1, 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 21, 2015**.

Date of mailing is October 5, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

DISSENTED

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 1, 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.