

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: FEBRUARY 25, 2016 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
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-16/16	TASHFEEN MALIK	24 PINE AVE N	1	Approved
A-83/16				Refused
A-84/16				Refused
B-17/16	2375675 ONTARIO INC	5 BENSON AVE	1	May 5
A-85/16				May 5

NEW APPLICATIONS - (MINOR VARIANCE)

A-73/16	JATINDER BIR SINGH & MANLEEN KAUR BHULLAR	6396 OSPREY BLVD	10	Approved
A-74/16	HELEN KARAMOUNTZOS	1227 WHITEOAKS AVE	2	Approved
A-75/16	NABIL FARAH	945 LYNNROD CRT	2	Approved
A-76/16	5970 MCLAUGHLIN INVESTMNETS LTD.	5970 MCLAUGHLIN RD	5	Approved
A-77/16	LINDA & RONALD SWIFT	1607 IFIELD RD	8	Approved
A-78/16	RONILEE POZNIAK	1363 WENDIGO TR	1	Approved
A-79/16	MARIA & IGOR IVASIV	2142 ONEIDA CRES	7	Approved
A-80/16	BLUE AND WHITE TAXI LTD	7070 PACIFIC CIR	5	Approved
A-81/16	THOMAS MANNION	26 LAKESHORE RD E	1	Approved
A-82/16	MICHAEL ELRAHEB	3278 RESPOND RD	10	Refused

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-452/15	D I G & M K G HOLDINGS INC	6860 REXWOOD RD	5	April 21
A-462/15	ANA YANG	5470 MIDDLEPORT CRES	5	Mar. 31
A-006/16	ARIEL & LINDA ANTONIO	464 ASHDENE AVE	7	May 5

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

TASHFEEN MALIK

on Thursday, February 25, 2016

Tashfeen Malik is the owner of 24 Pine Avenue North being Lot 48, Plan 418, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 7.62m (25.00ft.) and a lot area of approximately 329.73m² (3,549.30sq.ft.). The effect of the application is to create a new lot for residential purposes.

The subject lands are also the subject of application for Minor Variance Files 'A' 083/16 and 'A' 084/16.

Mr. J. Durrani, authorized agent, attended and presented the application to permit the division of the subject lands. Mr. Durrani advised that he wishes to construct semi-detached dwellings on the lots. He presented a site plan for the Committee's review and consideration. Mr. Durani indicated that the property is zoned RM7 and semi-detached dwellings are permitted in compliance with the RM2 zone provisions.

Mr. Durani advised that he was informed that a By-law was passed reducing the height of homes in the Port Credit area when he submitted the subject Consent application. He indicated that the homes were designed to comply with the requirements under the previous regulations. Mr. Durani indicated that the increased height allows additional floor area to be constructed to provide a more functional dwelling unit due to the small lot frontages.

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 (February 24, 2016),
City of Mississauga, Transportation and Works Department (February 18, 2016),
Region of Peel, Environment, Transportation & Planning Services (February 19, 2016)
Ministry of Transportation (February 11, 2016).

An e-mail was received from J. Palmer, property owner at 31 Maple Avenue North, expressing objection to the application noting that the height will not be in character with the other homes in the neighbourhood.

An e-mail was received from M. Papps and R. Candeloro, property owners at 17 Pine Avenue North, expressing objection to the application and noting their concerns regarding height of the dwelling.

Ms. P. Stanbridge, property owner at 24 Pine Avenue North, attended and advised that she purchased her home in November, 2015. She advised that she was aware of the regulations restricting the height when she purchased the dwelling. Ms. Stanbridge indicated that she purchased her home before the applicant acquired the subject lands. She advised that she also intends to construct semi-detached dwellings on her property; however she will reside in one of the dwellings. Ms. Stanbridge presented a sketch indicating the type of dwelling that can be constructed on the lot and still maintain the requirements with respect to the height regulations.

Ms. Stanbridge advised that if the applications for Minor Variance are approved, the porch will overlook her property contributing to a lack of privacy, and adversely impact her property value. Ms. Stanbridge indicated that she has no objection to the severance but objects to the height of the proposed dwelling units.

Mr. B. Faber and Mrs. A. Faber, property owners at 19 Pine Avenue North, attended and advised that they have no objection to the severance but object to the height of the dwellings. They indicated that the increased height will block sunlight which will reduce privacy and make it more difficult for their gardens to flourish. Mr. & Mrs. Faber indicated that the proposed increase in height is significant and should not be approved. They advised that there are two (2) mature trees on the property and questioned whether they will be removed.

No other persons expressed any interest in the application.

Mr. Durrani indicated that trees will be planted on the property if the existing trees are removed. He advised that the height of the dwelling is similar to others constructed on the street.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a new by-law is being prepared to reduce the height of peaked roof dwellings in addition to the recently passed By-law reducing the height of flat roofed dwellings. He advised that if the by-law is passed, proposals will have to comply with the more restrictive by-law.

The Committee indicated that the dwellings that currently exist in the neighbourhood were built, as of right, prior to the implementation of the new regulations. They further indicated that the regulations were amended by Council to prevent further changes in the character of the neighbourhood due to the construction of oversized dwellings.

When asked, Mr. Durrani 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. Durrani, 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. They indicated that the Minor Variance applications for height will be refused.



File: "B" 16/16
WARD 1

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/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).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 18, 2016.

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED



File: "B" 16/16
WARD 1

Application Approved, on conditions as stated.

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 27, 2016**.

Date of mailing is March 7, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.

DINA MELFI, ACTING 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 **March 7, 2017**.

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
JATINDER BIR SINGH & MANLEEN KAUR BHULLAR

on Thursday, February 25, 2016

Jatinder Bir Singh & Manleen Kaur Bhullar are the owners of 6396 Osprey Boulevard being Lot 422, Plan M-883, zoned R4, Residential. The applicants request the Committee to authorize a minor variance to permit the driveway to be altered to have a maximum driveway width of 7.62m (25.00ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. J. Bir Singh Bhullar, property owner, attended and presented the application to permit the existing driveway to remain. Mr. Bhullar presented photographs for the Committee's review and consideration. He advised that the driveway has been reduced in width by five feet. He explained that they wish to retain the driveway, noting that there are five bedrooms in his home and five drivers in his family. Mr. Bhullar indicated that they park their vehicles in the garage and on the driveway. He noted that they did not enlarge the boulevard portion of the driveway when they extended the driveway. Mr. Bhullar indicated that two of his neighbours have expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department recommend the application be refused.

Background

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

N/A

Comments

Zoning

We confirm that the maximum driveway width for this zone is the width of garage door opening(s) plus 2.0 m up to a maximum of 6.0 m; however we are unable to confirm the minimum landscape area or the garage door width. As a result we are unable to confirm that the variance(s), as requested, will be sufficient or whether additional variance(s) will be required.

Planning

The driveway appears to be able to park three vehicles side by side, and one vehicle perpendicular to the dwelling. In the opinion of planning staff this creates a situation with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated.

In addition, the R4 zone requires a minimum landscaped area of 40% of the front yard. However, we are unable to verify if additional variances are required.

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

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"Enclosed for Committee's easy reference are photos which depict the existing driveway as widened."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"We have no comments and no objections."

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concern or comments to offer, and permits will not be required."

A letter was received from P. Carter and Ms. A. Carter, property owners and residents at 6400 Osprey Boulevard expressing no objection to the application.

A letter was received from A. Muttou, resident at 6392 Osprey Boulevard, expressing no objection to the applicant widening their driveway to park the family cars.

No other persons expressed any interest in the application.

Mr. Bhullar advised that they park two cars in the garage and three cars in the driveway. He noted that a portion of the garage is cut out; however, they still are able to park a car in this location.

The Committee indicated that when conducting their site inspections, they observed a car parked perpendicular in the driveway, obstructing the garage.

Mr. Bhullar reviewed the photograph and advised that the vehicle in the photograph is not driveable in the winter. He advised that he was out of the country recently and unaware of why the vehicle was parked in this location.

The Committee, after considering the submissions put forward by Mr. Bhullar and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the driveway has been reduced in width and appropriate landscaping has been provided. They indicated that the driveway is in character with the neighbourhood and matches the streetscape.

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

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

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

MOVED BY:	P. Quinn	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved.

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

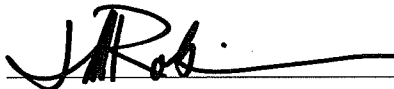
Date of mailing is March 7, 2016.



S. PATRIZIO (CHAIR)

DISSENTED

D. GEORGE



J. ROBINSON



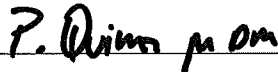
D. KENNEDY

DISSENTED

J. PAGE

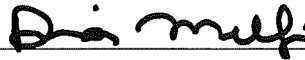
DISSENTED

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

HELEN KARAMOUNTZOS

on Thursday, February 25, 2016

Helen Karamountzos is the owner of 1227 Whiteoaks Avenue being Lot 5, Plan 389, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. two accessory structures (cabanas) to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance; and,
2. a height of 3.50m (11.48ft.) for each of the accessory structures; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance.

Mr. H. Gerlach, authorized agent, attended and presented the application to permit the existing structures to remain on the subject property. Mr. Gerlach indicated that structures are utilized for the storage of garden furniture and as a change house.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation"

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to apply for a Pre-Zoning Review application in order to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

The Planning and Building Department can confirm that variance #1 is correct, as requested, based on the information provided; however, we are unable to confirm accuracy of variance #2. The height of the accessory structure should be measured from established grade, which has not been provided, so we are unable to determine whether the variance is correct. A Building Permit is not required due to the size of the structures; however, the applicant may wish to submit a Pre-Zoning Review application in order to verify the accuracy of variance #2 and to determine whether additional variances will be required.

Planning

Our Department is of the opinion that the request for an additional accessory structure, as well as increased heights, is minor in nature. The lot is significantly sized, at approximately 2 500 m² (26 909.78 sq. ft.), and does not have excessive lot coverage. It is our opinion that the additional accessory structure, and increased height of each structure, should not have an impact on the adjacent lots; any potential massing impacts are negated by the size of the lot and the screening provided.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, however the applicant may wish to apply for a Pre-Zoning Review application in order to verify the accuracy of the requested variances and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"This department has no objections to the applicant's request to permit the 2 accessory structures (cabanas) to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

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

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

Mr. Gerlach, upon hearing the comments of the Committee and the Planning and Building Department, indicated that he is satisfied that the measurement provided for the height is accurate. He requested that the Committee proceed with the application.

The Committee, after considering the submissions put forward by Mr. Gerlach and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that they were in agreement with the comments provided by the Planning and Building Department.

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.



File: "A" 074/16
WARD 2

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

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

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

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.

DINA MELFI, ACTING 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

NABIL FARAH

on Thursday, February 25, 2016

Nabil Farah is the owner of 945 Lynnrod Court being Lot 6, Plan 683, zoned R1-2, Residential. The applicant requests 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 8.31m (27.26ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.56m (28.08ft.) in this instance;
2. a height to the underside of eaves of 7.48m (24.54ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft. in this instance; and,
3. a height of 10.07m (33.03ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (31.16ft.) in this instance.

Mr. D. Brown, authorized agent, attended and presented the application to permit the construction of additions to the existing dwelling. Mr. Brown presented elevation drawings and a site plan for the Committee's review and consideration. He advised the dwelling is set back a significant distance from the street. Mr. Brown indicated that the existing trees provide ample screening of the dwelling from the street.

Mr. Brown advised that the combined width of side yards is determined by using the closest distance from the side property line to the dwelling. He explained that, as the dwelling is askew on the lot, the pinch points determine the combined side yard width which is slightly less than the By-law requirement.

Mr. Brown advised that the dwelling sits on hill and the elevation is approximately three meters above the street. Due to the changes in topography and grading information, the height of the dwelling does not comply with the By-law requirements. Mr. Brown explained that if the height was measured at the front door, it would comply with the By-law. He advised that there is no adverse impact as the dwelling is set back far from the street and there is sufficient tree coverage to screen the dwelling.

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

The City of Mississauga Planning and Building Department commented as follows (February 24, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application in order to submit additional information through the Site Plan Approval application to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

Site Plan Approval File: SPI 15/125

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed addition/renovation. Based on the review of the Site Plan Approval application we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. The additional information relates to the accuracy of the setbacks and the combined width of side yards variance.

Planning

Notwithstanding the above, the requested variance for combined width of side yards is a relatively minor decrease of 0.25 m (0.82 ft.) from what is required. Further, the variance is required as a result of pinch points on an irregular shaped lot.

The height variances are a result of an uneven lot where the average grade on the site is well below the point where the dwelling meets the ground. The appearance of the dwelling from the street will have the appearance of a dwelling that complies with the Zoning By-law requirements for the height; as a result, it is our opinion that the general intent of the Zoning By-law is maintained with regards to each height variance.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application in order to submit additional information through the Site Plan Approval application to verify the accuracy of the requested variances and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/125. 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 (February 19, 2016):

"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."



MISSISSAUGA

File: "A" 075/16
WARD 2

An e-mail, dated February 11, 2016, was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area. Therefore, they have no concerns or comments to offer, and permits are not required.

An e-mail was received from the Credit Valley Conservation advising that the subject property is located outside of the Credit Valley Conservation Regulated Area and therefore, they have no comments.

No other persons expressed any interest in the application.

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

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 indicated that they concurred with the Planning and Building Department comments.

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:	J. Page	CARRIED
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File: "A" 075/16
WARD 2

Application Approved.

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.

DINA MELFI, ACTING 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

5970 MCLAUGHLIN INVESTMENTS LTD.

on Thursday, February 25, 2016

5970 McLaughlin Investments Ltd. is the owner of 5970 and 5830 McLaughlin Road being Part of Block 4, Plan M-967, zoned C3-29, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a temporary outdoor seasonal garden centre on the subject property proposing a total of 405 parking spaces on site as previously approved pursuant to Committee of Adjustment Decision File 'A' 079/11; whereas By-law 0225-2007, as amended, requires a minimum of 447 parking spaces on site for all uses in this instance.

Ms. M. Campbell, authorized agent, attended and presented the application to permit the operation of a temporary outdoor garden centre. Ms. Campbell advised that the application has been approved previously by the Committee and the latest approval will lapse on March 31, 2016. Ms. Campbell advised that the fence garden centre occupies approximately 1,300m² (13,933.54sq.ft.) of paved area, and occupies approximately 66 parking spaces.

Ms. Campbell indicated that they wish to erect four tents instead of the previously approved three tents and this will increase the demand for parking. She indicated that a total of 447 parking spaces are required for the site.

Ms. Campbell requested that the Committee consider approving the outdoor garden centre without imposing a time limited approval.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Gateway Employment Area East
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-29

Other Applications:

No other applications are currently in process.

Comments

Zoning

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

Planning

A temporary outdoor seasonal garden centre on the subject property was previously approved by the committee for a period of five years from 2011 to 2016. Given that the conditions on site remain the same; the Planning and Building Department have no objection to the requested variance subject to condition #1 under the previous approval A 079/11 being imposed by the committee."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"This department has no objections to the applicant's request to permit the operation of a temporary outdoor garden centre on the subject property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"We have no comments and no objections."

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Ms. Campbell and noting the nature of the operation, is satisfied that the request is desirable for the appropriate 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 request is minor in nature in this instance.



MISSISSAUGA

File: "A" 076/16
WARD 5

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

1. The merchandise sold in the garden centre shall be wholly contained within the designated fenced area in accordance with the plan approved by the Committee and shall be restricted to seeds, bulbs, box plants, roses, shrubs, fertilizers, soils, conditioners, mulches, bird baths, lawn accessories, garden tools and accessories and insect controls.
2. The garden centre shall only operate from April 1st to August 1st and shall only operate during the same hours as the food store use.
3. This decision is personal to "Loblaw Properties Limited" and shall be in effect so long as the subject premises are leased and/or occupied by same.


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

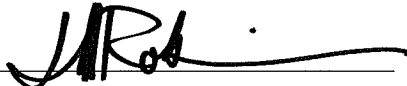
Dated at the City of Mississauga on March 3, 2016.

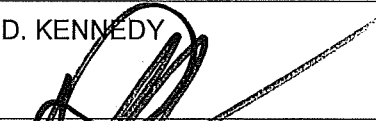
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 23, 2016**.

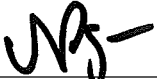
Date of mailing is March 7, 2016.


S. PATRIZIO (CHAIR)


D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.


DINA MELFI, ACTING 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

LINDA & RONALD SWIFT

on Thursday, February 25, 2016

Linda & Ronald Swift are the owners of 1607 Ifield Road being Lot 50, Plan M-184, zoned R1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an accessory structure (cabana) on the subject property proposing:

1. a floor area of 26.01m² (279.97sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64sq.ft.) in this instance; and,
2. a height of 4.32m (14.17ft.) for the accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance.

Mr. B. Reynolds, of Reynolds & Associates Landscape Architects, authorized agent, attended and presented the application to construct a cabana in the rear yard of the subject property. Mr. Reynolds presented a site plan for the Committee's review and consideration and advised that the existing deck is to be removed and a new cabana is to be constructed. He indicated that there are no provisions in the Zoning By-law that specifically address cabanas. He indicated that there are specs for sheds, accessory buildings or garages. He advised that if the structure was considered a garage, it would be permitted and the size would comply with the By-law.

Mr. Reynolds advised that the cabana is required to provide sun protection for the family as well as provide a storage area for the garden furniture. He presented plans for the Committee's review and consideration and advised that two sides would remain open and two sides would be enclosed.

Mr. Reynolds indicated that the pitch of the cabana roof was designed to architecturally match the pitch of the dwelling. He advised that a similar application for Minor Variance was approved for another property on the same street last September. Mr. Reynolds indicated that they would be planting approximately 11 pyramidal cedars along the rear property line which would eventually screen the structure.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the accessory structure to address staff concerns regarding the height of the structure.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

Building Permit File: BP 9 ALT 15-8176

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed accessory structure. Based on the information provided with the Building Permit application, the variances, as requested, are correct.

Planning

Planning staff have done an analysis of the surrounding neighbourhood and found that there have been no other variances issued for accessory structure height or Gross Floor Area (GFA) in the immediate neighbourhood. The subject lot is 772.47 m² (8 314.80 sq.ft.) in area and the lot coverage will still be compliant with the additional GFA of the accessory structure. In our opinion the increased GFA of the accessory structure alone should not have significant massing impacts on the neighbouring properties; however, in conjunction with the requested height increase we are of the opinion that the structure is not appropriate in this location, in this instance. The proposed location is relatively near to the lot line and there appears to be limited screening of a sufficient height to neighbouring properties around the structure. The added height of the structure will emphasize the proposed GFA increase of the structure and result in undesirable massing impacts.

Based on the preceding information, the Planning and Building Department is of the opinion that the application should be deferred in order for the applicant to redesign the accessory structure to address staff concerns regarding the height of the structure."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"This department has no objections to the applicant's request to permit the accessory structure (cabana)."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"This property is within the vicinity of several inactive landfills:

- A private landfill site (M.O.E.C.C. #A220109) located east of Mississauga and south of Dundas St.
- Newmann Landfill Site
- North Sheridan Sanitary Landfill Site"

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the height of the structure.

Mr. Reynolds indicated that he was willing to reduce the height of the structure to address the Committee's concerns. He requested that the application be amended to allow a height of 3.60m (11.81ft.).

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an accessory structure (cabana) on the subject property proposing:

1. a floor area of 26.01m² (279.97sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64sq.ft.) in this instance; and,
2. a height of 3.60m (11.81ft.) for the accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance.

This application is approved subject to the following condition:

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

MOVED BY:	D. George	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, as amended, on condition as stated.

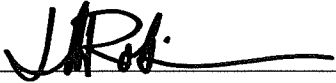
Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.




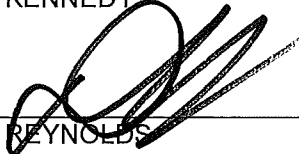
S. PATRIZIO (CHAIR)

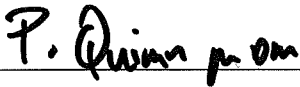
D. GEORGE

J. ROBINSON

D. KENNEDY



J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

RONILEE POZNIAK

on Thursday, February 25, 2016

Ronilee Pozniak is the owner of 1363 Wendigo Trail being Part of Lots 9 and 10, Plan A-17, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling proposing:

1. a front yard of 7.70m (25.26ft.) to a landscape planter; whereas a minimum front yard of 9.00m (29.52ft.) is required in this instance;
2. a combined width of side yards of 5.00m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.17m (20.24ft.) in this instance;
3. a side yard of 2.33m (7.64ft.) to an accessory structure (fireplace chimney); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.44m (8.00ft.) in this instance;
4. a height of 10.26m (33.66ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50 m (31.16ft) to the highest ridge in this instance;
5. a height of 7.85m (25.75ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) to the underside of the eaves in this instance; and,
6. a height of 11.46m (37.59ft.) to an accessory structure (fireplace chimney); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application to permit the construction of a two storey dwelling on the subject property. Mr. Brown presented plans for the Committee's review and consideration. Mr. Brown advised that, as the house is situated below the street level, the change in topography results in a need for variances to the height.

Mr. Brown advised that relief is being requested for the front yard. He indicated that the setback is measured to the planter, located in front of the main wall of the dwelling. Mr. Brown noted that the front yard to the main wall of the dwelling complies with the By-law requirements.

Mr. Brown advised that the dwelling has been designed with large eave projections to add architectural interest. He explained that the large eave projections require setbacks to be measured to the closest eave and as the dwelling is askew on the lot, a variance is required for the combined width of side yards.



MISSISSAUGA

File: "A" 078/16
WARD 1

Mr. Brown indicated that the garage floor was raised to meet City requirements. He further advised that the changes in the topography of the lot create a need for variances for the height. Mr. Brown presented a streetscape plan and advised that the spacing between the dwellings is appropriate and the grade difference between the dwellings is gradual. He indicated that the height will not be out of character with the streetscape.

Mr. Brown indicated that he has been advised by the Zoning Section that a variance is not required for the side yard to the chimney but he prefers that the variance request remain as submitted for this item.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred. The application should be deferred until a demolition permit has been granted to ensure that there are no heritage concerns which would impact the proposal. Additionally the applicant may wish to submit additional information through the Site Plan Approval application in order to verify the accuracy of the requested variances, and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval File: SP 15/113

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed two storey dwelling. Based on the review of the Site Plan Approval application we advise that more information is required to verify the accuracy of variances #2, #3, #5, and #6, and to determine whether any additional variances will be required. Variances #4 is correct, as requested.

Notwithstanding the above, variance #1 and #2 should be amended as follows:

"1. A front yard setback of 7.70 m (25.26ft) to a landscape planter; whereas a minimum front yard setback of 9.00m (29.52ft.) is required in this instance;

2. a combined width of side yards of 5.00 m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (6.17 m) (20.24ft.) in this instance;"

Further, variance #3 may not be required as the requested minimum setback doesn't appear to be relevant and the proposed setback should be sufficient.

Planning

Variance #1, for the requested front yard setback, is only required to the landscape planter along the front of the dwelling. The main wall of the dwelling complies with the required 9.00 m (29.53 ft.) setback.

The requested combined width of a side yards variance appears to be requested at 5.00 m (16.40 ft.) as a result of the northerly side yard setback being measured to the overhang of the eaves; however, we are unable to confirm this variance based on the submitted plans. If the measurement was taken from the main wall of the dwelling on the northerly side yard, the combined width of side yards variance would be 6.10 m (20.01 ft.), whereas 6.17 m (20.24 ft.) is required.

Variance #4 and #5 relate to the height of the dwelling and the height to the underside of the eaves, respectively. The dwelling is located on a lot that has a significant change in grade from the front to the rear of the lot. The appearance of the dwelling as it fronts onto Wendigo Trail is that of a two storey dwelling; the dwelling turns into a three storey profile with a walkout basement in the rear of the property. As a result of the grade changes and varying positions of the eaves along the roofline there are required height variances despite having the appearance of a two storey dwelling from the street. As a result, we have no objection to the requested height increases.

The height requested to the top of the fireplace in variances #6 is a result of the point where the height is measured from. Although the top point of the fireplace is actually located below the peak of the dwelling, the height is measured right from the base of the accessory structure rather than from the average grade as the dwelling is; this creates the discrepancy in height that, based on the numbers, appears to show the fireplace to be significantly taller than the dwelling. Although the permitted height for accessory structures is 3.00 m (9.84 ft.), fireplace structures are unique compared to other accessory structure and should be considered differently and, in our opinion, can adequately accommodate much higher maximum heights.

Notwithstanding the above information, the Planning and Building Department recommends that the application be deferred. The application should be deferred until a demolition permit has been granted to ensure that there are no heritage concerns which would impact the proposal. Additionally the applicant may wish to submit additional information through the Site Plan Approval application in order to verify the accuracy of the requested variances, and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/113. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (February 19, 2016):

"The subject property is Listed under Part IV of the Ontario Heritage Act and therefore included City's Heritage Register. The property is part of the Mineola Neighbourhood Cultural Landscape. The property contains an Arts and Crafts house, built c.1920.

The proposal does not retain the existing house and therefore a heritage permit is required for the demolition of any structures on the property. The heritage permit application requires review by the Heritage Advisory Committee and Council.

A heritage permit application is incomplete and the required supporting information has not been submitted for review in order to obtain the required approvals. Therefore, concerns remain for impact to cultural heritage resources at 1363 Wendigo Trail.

More comments will be forthcoming upon the submittal and review of the required information. As such, Heritage Planning staff recommends that the subject Committee of Adjustment application is premature and it be deferred."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 22, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (February 9, 2016):

"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 partially within the floodplain and erosion hazard of Kenolli Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

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

Ontario Regulation 160/06:

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

Proposal:

It is understood that the applicants request the Committee to authorize a minor variance for reduced side and front yard setbacks and height restrictions.

Comments:

CVC staff are currently reviewing the proposed development through the Site Plan application (SP 15/113). 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."

An e-mail was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area and therefore, they have no comments or concerns to offer, and permits will not be required.

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



MISSISSAUGA

File: "A" 078/16
WARD 1

An e-mail was received from T. Rix, resident at 1353 Wendigo Trail, expressing an interest in the application.

A letter was received from J. Meader, of Weir Foulds, LLP, indicating she represents five residents and/or homeowners at 1356, 1384, 1391, 1371, and 1360 Wendigo Trail, expressing concerns with respect to massing and height. She further advised that her clients were not opposing the application but were requesting that a condition be imposed that "the development occur substantially in accordance with the plans submitted to the Committee of Adjustment by David Small Designs, dated May 2015."

Ms. Meader indicated that the condition will provide assurances to her clients that the builder will not deviate from the development proposal presented to the Committee.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a demolition permit is required. When the demolition permit application is reviewed by the Heritage Section, they have an opportunity to designate the property. Mr. Kirton indicated that a deferral is being requested by the Heritage Section so that they may have additional time to review the request. He advised that if the property is deemed historically significant and important features are identified, it may change the nature of the minor variance request and the approval may not be usable.

Mr. Brown, upon hearing the comments of the Planning and Building Department, requested that the application be amended in accordance with their comments. He indicated that the concerns identified could be addressed through the Site Plan Approval and Building Permit processes. He indicated that he has proceeded with many building permit applications for dwellings in the neighbourhood and is familiar with the approval processes. He advised he does not wish to defer the application.

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

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

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

1. a front yard setback of 7.70 m (25.26ft) to a landscape planter; whereas a minimum front yard setback of 9.00m (29.52ft.) is required in this instance;
2. a combined width of side yards of 5.00 m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (6.17 m) (20.24ft.) in this instance;
3. a side yard of 2.33m (7.64ft.) to an accessory structure (fireplace chimney); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.44m (8.00ft.) in this instance;
4. a height of 10.26m (33.66ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50 m (31.16ft) to the highest ridge in this instance;
5. a height of 7.85m (25.75ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) to the underside of the eaves in this instance; and,



MISSISSAUGA

File: "A" 078/16
WARD 1

6. a height of 11.46m (37.59ft.) to an accessory structure (fireplace chimney); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance.

This application is approved subject to the following condition:

1. The development is to proceed substantially in accordance with the plans reviewed by the Committee.


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

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

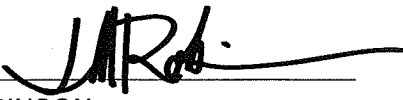
Date of mailing is March 7, 2016.



S. PATRIZIO (CHAIR)

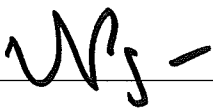


D. GEORGE



J. ROBINSON

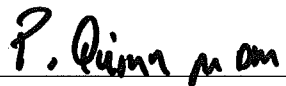
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

MARIA & IGOR IVASIV

on Thursday, February 25, 2016

Maria & Igor Ivasiv are the owners of 2142 Oneida Crescent being Part of Lot 3, Range 3, C.I.R., zoned R1-8, Residential. The applicants request the Committee to permit the construction of one (1) additional accessory structure and one (1) pergola in the rear yard of the existing dwelling proposing:

1. to permit a total of five (5) accessory structures, one (1) gazebo, and one (1) pergola on the subject property, whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure, one (1) gazebo and one (1) pergola on the subject property in this instance.
2. a lot coverage of 30.12% (525.29m² or 5,654.35sq.ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (450.85m² or 4,853.06sq.ft.) of the lot area, in this instance.
3. an accessory structure (pool cabana) proposing a floor area of 11.68m² (125.72sq.ft.) and a height of 3.68m (12.07ft); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) and a maximum height of 3.00m (9.84ft) for an accessory structure in this instance.
4. a pergola proposing a floor area of 22.30m² (240.04sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum area of 10.00m² (107.64sq.ft) occupied by a pergola in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred advised that a previous Minor Variance application was submitted and approved under Decision File 'A' 407/13 to allow three accessory structures and one gazebo to remain on the subject property. Mr. Oughtred advised that the subject application has been submitted to request permission for the homeowners to construct a swimming pool, pergola and cabana on the subject property, in addition to the existing structures.

Mr. Oughtred presented a site plan and identified the location of the existing and proposed structures. He indicated that the lot is well treed and private and would not adversely impact any of the neighbours.

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

The City of Mississauga Planning and Building Department commented as follows (February 24, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I, Special Site #2

Zoning By-law 0225-2007

Zoning: R1-8 (Residential)

Other Applications:

Building Permit File: 15-8360

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed accessory structures. Based on the information provided with the application, variances 3 and 4, as requested, are correct. Variances #1 and #2 should be amended as follows:

"1. to permit a total of four (4) other accessory building & structures (existing outdoor fireplace, existing attached storage shed, existing detached storage shed, proposed pool cabana) on the subject property, whereas By-law 0225-2007, as amended, permits a maximum of one (1) other accessory building & structure per lot in this instance.

2. a lot coverage of 29.13% (525.29 m² or 5,654.35 sq.ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (450.85 m² or 4,853.06 sq.ft.) of the lot area, in this instance."

Planning

Variance #3 and #4 are related to the Gross Floor Area (GFA) of the cabana and the pergola, both of which are permitted as of right on the site. The lot is very large in size and can reasonably accommodate larger than permitted pergolas, cabanas, and accessory structures without impacting adjacent lots. The pergola and cabana are located centrally on site and partially shielded by the portion of the dwelling that extends into the rear yard, which helps to mitigate any potential impacts that could result from the increase GFA and height requests.

Variance #1, as amended, appears excessive, and would generally be outside of what the Department would support. However, after evaluating the type of accessory structures and configuration of the lot, the request for four accessory structures should not have a significant impact. Effectively, the variance only represents the visual impact of two accessory structures. The first accessory structure is the larger sized shed near the rear of the property; previous variances have been granted for the GFA increase and reduced setback for this accessory structure. The second accessory structure is attached to the dwelling at the rear and forms a relatively seamless transition between the dwelling and accessory structure, giving the appearance of just being part of the dwelling. The third accessory structure is the existing outdoor kitchen area, as previously approved in a prior variance application. The fourth accessory structure is the outdoor fireplace, which is distinctly different from other accessory structures in massing impact and appearance; a previous variance has been granted for the height of this accessory structure. The fifth accessory structure, as indicated by the applicant, is deemed to be part of the cabana and as a result the variance for this structure is not required, aside from the GFA variance for the cabana.



MISSISSAUGA

File: "A" 079/16
WARD 7

The second variance relates to a further increase in lot coverage over what was previously approved at 27.24%. The amended request of 29.13% is relatively minor based on the lot configuration and the screening provided; the neighbouring properties should not be impacted significantly by any additional massing as a result of the additional accessory structures, in our opinion.

Although the Department would generally not support four accessory structures on a lot, we have no objection in this instance, because of the type of accessory structures and configuration on the lot. Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"We have no comments and no objections."

An e-mail was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area and they have no concerns or comments.

The Credit Valley Conservation commented as follows (February 4, 2016):

"CVC staff have conducted a site visit on February 4, 2016 to the subject property and confirmed that the site is traversed by a drainage swale and not a watercourse. On this basis, the subject property is not within a CVC Regulates Area. As such, CVC has no comment regarding the minor variance application."

A memorandum was received from Ward Councillor N. Iannicca expressing the support for the application and noting his comments.

No other persons expressed any interest in the application.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of one (1) additional accessory structure and one (1) pergola in the rear yard of the existing dwelling proposing:

1. to permit a total of four (4) other accessory building & structures (existing outdoor fireplace, existing attached storage shed, existing detached storage shed, proposed pool cabana) on the subject property, whereas By-law 0225-2007, as amended, permits a maximum of one (1) other accessory building & structure per lot in this instance.



MISSISSAUGA

File: "A" 079/16

WARD 7

2. a lot coverage of 29.13% (525.29 m² or 5,654.35 sq.ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (450.85 m² or 4,853.06 sq.ft.) of the lot area, in this instance.
3. an accessory structure (pool cabana) proposing a floor area of 11.68m² (125.72sq.ft.) and a height of 3.68m (12.07ft); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) and a maximum height of 3.00m (9.84ft) for an accessory structure in this instance.
4. a pergola proposing a floor area of 22.30m² (240.04sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum area of 10.00m² (107.64sq.ft) occupied by a pergola in this instance.

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

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.

DINA MELFI, ACTING 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

BLUE AND WHITE TAXI LTD.

on Thursday, February 25, 2016

Blue and White Taxi Ltd. is the owner of 7070 Pacific Circle being Block 18, Plan M-475, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit a motor vehicle repair facility - restricted within the warehouse portion of the existing building providing a total of 29 parking spaces for the office and the motor vehicle repair uses; whereas By-law 0225-2007, as amended, requires a total of 36 parking spaces for the proposed uses in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred advised that his client, Blue and White Taxi Ltd., has a Zoning Certificate for a dispatch office and they wish to be able to repair the taxi vehicles in the warehouse performing tire repairs and cleaning the vehicles.

Mr. Oughtred explained that a variance is required for parking as a higher parking standard is required under the Zoning By-law for vehicle repairs. He advised that he has discussed the application with the Zoning Section and requested that the application be amended to allow a taxi dispatch office facility with accessory motor vehicle repair facility – restricted. Mr. Oughtred advised that the building will be utilized to service Blue and White Taxi vehicles and not as a repair garage for other companies. Mr. Oughtred indicated that vehicles will attend the property only when repairs are required noting vehicles will not be stored at this location.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department recommend that application be deferred in order for the applicant submit a new Zoning Certificate of Occupancy application to verify whether the use is permitted, determine the applicable parking standard for such as use and verify the accuracy of the parking variance, if required.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

N/A

Comments

Zoning

Based on our records it appears that the number of required parking spaces has been calculated incorrectly. However, in the absence of the required Zoning Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. We recommend that the applicant submit a Zoning Certificate of Occupancy application in order to ensure that all required variances have been accurately identified. A minimum of 6-8 weeks will be required to process a Zoning Certificate of Occupancy application.

Planning

The applicant obtained a Certificate of Occupancy for an office use in November 2015. However, based on the information submitted with the variance application, it appears a taxi establishment is being proposed on site where taxis are dispatched, stored and repaired. As such, we recommend that the application be deferred in order for the applicant submit a new Zoning Certificate of Occupancy application to verify whether the use is permitted, determine the applicable parking standard for such as use and verify the accuracy of the parking variance, if required.

If the application proceeds as requested, we also recommend that the application be deferred pending the submission of a parking utilization study justifying the requested reduction in parking."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 80/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"Any changes to the underground water or sanitary sewer as a result of the proposed use will require review by the Region of Peel."

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit a taxi dispatch office facility with accessory motor vehicle repair facility – restricted within the warehouse portion of the existing building providing a total of 29 parking spaces for the office and the motor vehicle repair uses; whereas By-law 0225-2007, as amended, requires a total of 36 parking spaces for the proposed uses in this instance.


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

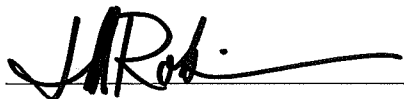
Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.



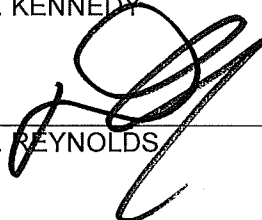
S. PATRIZIO (CHAIR)


D. GEORGE

J. ROBINSON

D. KENNEDY



J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

THOMAS MANNION

on Thursday, February 25, 2016

Thomas Mannion is the owner of 26 Lakeshore Road East being Marsh Lot, Plan 300E, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of a restaurant on the subject property providing one (1) parking space on site and having no aisle width, as previously approved pursuant to Committee of Adjustment Decision File 'A' 213/10; whereas By-law 0225-2007, as amended, requires a minimum of 19 parking spaces on site and a minimum aisle width of 7.00 m (22.96 ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Ltd., authorized agent, attended and presented the application to continue to permit the operation of Papa Giuseppe's Pizza restaurant. Mr. Oughtred advised that the parking standards for restaurant use have been reduced in the Port Credit area. He indicated that the subject unit, originally occupied by a restaurant known as 'Hooks', was approved as a 'convenience restaurant' and the parking rate assessed at that time was 25 parking spaces per 100.00m² Gross Floor Area. Mr. Oughtred advised that the Zoning Section have calculated the parking for the restaurant at the current restaurant parking rate and determined that a total of 7 parking spaces are required. He requested that the application be amended accordingly.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation"

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

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:

N/A

Comments

Zoning

Based on the review of the proposed application, as well as our records, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a Minor Variance to permit the operation of a restaurant on the subject property providing one (1) parking space on site and having no aisle width; whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on site and a minimum aisle width of 7.00m (22.97 ft.) in this instance."

All of our records indicate a consistent value for the Gross Floor Area (GFA) of the restaurant. It is unclear how the required number of spaces of 19 was calculated in the previously approved variance, but we have amended the request to reflect current by-law standards based on the existing GFA of the restaurant.

Planning

There have been previous approvals for a restaurant use on this site going back approximately two decades and there are no complaints on file that we are aware of. The site appears to be functioning appropriately under the existing space constraints on site.

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 (February 18, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 81/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"This property is within the vicinity of several inactive landfills:

- A private landfill with M.O.E.C.C. #A220107 located on the southwest corner of Mississauga Road and Lakeshore Blvd.
- Port Credit Memorial Park/Library
- Saddington Memorial Park
- St. Lawrence Starch"

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

The Committee consented to the request and, after considering the submission put forward by Mr. Oughtred and noting the nature of the operation, is satisfied that the amended request is desirable for the appropriate 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.



MISSISSAUGA

File: "A" 081/16
WARD 1

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a restaurant on the subject property providing one (1) parking space on site and having no aisle width; whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on site and a minimum aisle width of 7.00m (22.97 ft.) in this instance."

This application is subject to the following condition:

1. This decision is personal to "Papa Giuseppe's Pizza and Pints" and shall be in effect so long as the subject premises are leased and/or occupied by same.


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

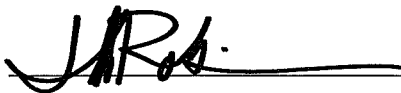
Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

Date of mailing is March 7, 2016.

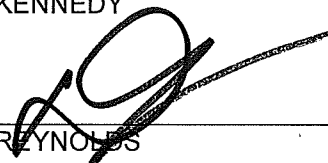

S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.


DINA MELFI, ACTING 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

MICHAEL ELRAHEB

on Thursday, February 25, 2016

Michael Elraheb is the owner of 3278 Respond Road being Part of Lot 102, Plan M-1635, zoned RM1-14, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 6.03m (19.78ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.30m (14.10ft.) in this instance.

Mr. V. Gupta, authorized agent, attended and presented the application to permit the existing driveway to remain. Mr. Gupta presented a site plan for the Committee's review and consideration explaining that the paved driveway has been extended using inter-lock stones.

Mr. Gupta advised that an application was submitted and approved for a Second Accessory Dwelling Unit approximately three (3) months ago. He advised that they widened the driveway to provide additional parking. He indicated that one parking space is provided in the garage and two can be accommodated in the driveway.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department recommend the application be refused.

Background

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Medium Density Residential

Zoning By-law 0225-2007

Zoning: RM1-14

Other Applications:

N/A

Comments

Zoning

We note for the Committee's information that the maximum permitted driveway width within a RM1-14 zone is 4.30m. We further advise that a maximum walkway attachment width of 1.5m is permitted to the driveway. If the attachment exceeds the maximum 1.5m permitted, it is to be included in the overall driveway width.

Planning

The Planning and Building Department is in the opinion that a driveway width of 6.03m where 4.30m is permitted creates a situation with too much emphasis on hard surfaced area and vehicular parking.

Furthermore, through archival aero photographs it appears a city owned street tree was removed to accommodate the driveway widening, thereby negatively impacting the streetscape.

Driveways in the vicinity, including 3246 Respond Rd and 3248 Respond Rd have been widened in a similar fashion, but have not applied for minor variances. Therefore, the non-complying driveway widths should not be considered when evaluating the character of the neighbourhood with respect to driveways.

Based on the preceding information, the Planning and Building Department recommend refusal of this application."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"We have no comments and no objections."

The Ministry of Transportation commented as follows (February 11, 2016):

"These lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

An e-mail was received from U. and Mr. & Mrs. Rubenthiran, residents at 3280 Respond Road, expressing objection to the application and noting that a City tree was removed to extend the driveway. They expressed concerns with respect to drainage and noting that snow is being placed on their property.

An letter was received from H. and H. Kim, property owners and residents at 3258 Respond Road, expressing support for the application and noting their comments.

A letter was received from K. Pong, property owner at 3292 Respond Road, expressing no objection to the application.

An e-mail was received from M. Hou, property owner at 3297 Respond Road, expressing an interest in the application and noting her concerns.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Gupta and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that insufficient landscaping has been provided on the property. They further advised that a City tree was removed to facilitate the widened driveway. The Committee indicated that the increase in the driveway width changes the residential character of the neighbourhood.

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

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

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

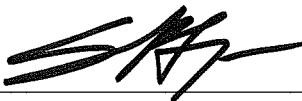
MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
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Application Refused.

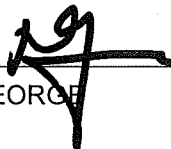
Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

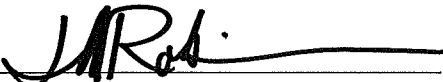
Date of mailing is March 7, 2016.



S. PATRIZIO (CHAIR)

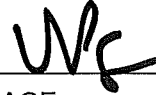


D. GEORGE

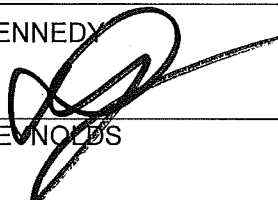


J. ROBINSON

D. KENNEDY



J. PAGE



D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

TASHFEEN MALIK

on Thursday, February 25, 2016

Tashfeen Malik is the owner of 24 Pine Avenue North being Lot 48, Plan 419, zoned RM7, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject lot, being the 'retained' land of Consent Application 'B' 016/16 proposing a height of 10.68m (35.03ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (2460ft.) in this instance.

Mr. J. Durrani, authorized agent, attended and presented the application to permit the division of the subject lands. Mr. Durrani advised that he wishes to construct semi-detached dwellings on the lots. He presented a site plan for the Committee's review and consideration. Mr. Durani indicated that the property is zoned RM7 and semi-detached dwellings are permitted in compliance with the RM2 zone provisions.

Mr. Durani advised that he was informed that a By-law was passed reducing the height of homes in the Port Credit area when he submitted the subject Consent application. He indicated that the homes were designed to comply with the requirements under the previous regulations. Mr. Durani indicated that the increased height allows additional floor area to be constructed to provide a more functional dwelling unit due to the small lot frontages.

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

The City of Mississauga Planning and Building Department commented as follows (February 24, 2016):

"Recommendation"

The Planning and Building Department has no objection to the requested Consent application, however we recommend that the associated Minor Variances be refused. Further, the applicant may wish to defer the Consent application in order to apply for a Building Permit application in order to verify the accuracy of the requested variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM7 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

We advise that the proposed lot frontage is to be calculated in accordance with the following definition:

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It appears that the lot lines are parallel and, as a result, the frontage is measured incorrectly. The actual frontage would be slightly less than the applicant has indicated; however, the correctly measured frontage should still comply with the frontage requirements for the RM2 zone provisions.

Planning

The subject property, and the neighbourhood surrounding it, is primarily zoned RM7. The RM7 zoning is unique in that it allows for a wide variety of residential uses which have different zoning provisions, depending on which use is established on the site. This results in a variety of built form, from single detached dwellings to triplexes, although this neighbourhood is primarily composed of single detached dwellings and semi-detached dwellings. Planning staff conducted a 120m test on the subject property to analyze lot frontages and lot areas in the immediate neighbourhood. The results were distinctly contrasting between the lots developed with single detached homes and semi-detached homes. Although the average lot frontage and lot area were 13.22 m (43.37 ft.) and 589.51 m² (6345.43 sq.ft.) respectively, the proposed lots would have lot frontages and lot areas nearly identical to all the semi-detached lots in the area. The 120m test is a more useful tool when evaluating a neighbourhood composed of only single detached dwellings developed under a consistent zoning provision, rather than a neighbourhood with two different uses developed under two different zoning provisions.

Given that the proposed lot frontages and lot areas will meet the requirements of the Zoning By-law, and are consistent with other lots developed with semi-detached dwellings in this mixed neighbourhood, we are of the opinion that the requested Consent is appropriate in this instance.

Although the Department supports the requested Consent, we recommend that the associated Minor Variances be refused. The requested height of the proposed semi-detached dwelling far exceeds what is permitted by the recently adopted by-law, and is not appropriate in our opinion. The intent of the By-law to limit flat roof heights is to prevent three storey flat roof dwellings. The applicant's proposal is a large three storey flat roof structure which would have significant massing impacts on the adjacent properties and would have a detrimental effect on the streetscape in the neighbourhood. The applicant should be able to construct an appropriate semi-detached dwelling on the lot which meets the By-law requirements.

Based on the preceding information, we have no objection to the requested Consent, provided that the severed and retained lands comply with the provisions of Zoning By-law No. 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on-site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete. However, we recommend that the requested Minor Variance applications be refused; the requested height increase is not minor, does not maintain the intent of the Zoning By-law, and is not appropriate development in this neighbourhood, in our opinion. Further, the applicant may wish to defer the Consent application in order to apply for a Building Permit application in order to verify the accuracy of the requested variances and determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 16/16."

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"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water/ sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. Please note that site servicing approvals will be required prior to the issuance of a building permit."

"This property is within the vicinity of a two inactive, private landfill sites with M.O.E.C.C. #A220107 and #A220108 near the intersection of Lakeshore Blvd and Mississauga Road. Both have been cleaned to M.O.E.C.C. standards."

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An e-mail was received from M. Papps and R. Candeloro, property owners at 17 Pine Avenue North, expressing objection to the application and noting their concerns regarding height of the dwelling.

Ms. P. Stanbridge, property owner at 24 Pine Avenue North, attended and advised that she purchased her home in November, 2015. She advised that she was aware of the regulations restricting the height when she purchased the dwelling. Ms. Stanbridge indicated that she purchased her home before the applicant acquired the subject lands. She advised that she also intends to construct semi-detached dwellings on her property; however she will reside in one of the dwellings. Ms. Stanbridge presented a sketch indicating the type of dwelling that can be constructed on the lot and still maintain the requirements with respect to the height regulations.

Ms. Stanbridge advised that if the applications for Minor Variance are approved, the porch will overlook her property contributing to a lack of privacy, and adversely impact her property value. Ms. Stanbridge indicated that she has no objection to the severance but objects to the height of the proposed dwelling units.

Mr. B. Faber and Mrs. A. Faber, property owners at 19 Pine Avenue North, attended and advised that they have no objection to the severance but object to the height of the dwellings. They indicated that the increased height will block sunlight which will reduce privacy and make it more difficult for their gardens to flourish. Mr. & Mrs. Faber indicated that the proposed increase in height is significant and should not be approved. They advised that there are two (2) mature trees on the property and questioned whether they will be removed.

No other persons expressed any interest in the application.

Mr. Durrani indicated that trees will be planted on the property if the existing trees are removed. He advised that the height of the dwelling is similar to others constructed on the street.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a new by-law is being prepared to reduce the height of peaked roof dwellings in addition to the recently passed By-law reducing the height of flat roofed dwellings. He advised that if the by-law is passed, proposals will have to comply with the more restrictive by-law.

The Committee indicated that the dwellings that currently exist in the neighbourhood were built, as of right, prior to the implementation of the new regulations. They further indicated that the regulations were amended by Council to prevent further changes in the character of the neighbourhood due to the construction of oversized dwellings.

The Committee, after considering the submissions put forward by Mr. Durrani and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

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

Dated at the City of Mississauga on March 3, 2016.

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 **MARCH 23, 2016**.

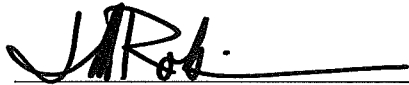
Date of mailing is March 7, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE

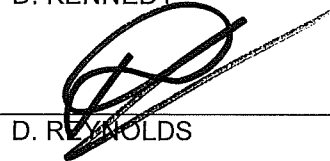


J. ROBINSON

D. KENNEDY



J. PAGE

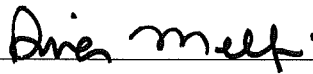


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 2016.



DINA MELFI, ACTING 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

TASHFEEN MALIK

on Thursday, February 25, 2016

Tashfeen Malik is the owner of 24 Pine Avenue North being Lot 48, Plan 419, zoned RM7, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject lot, being the 'severed' land of Consent Application 'B' 016/16 proposing a height of 10.68m (35.03ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (2460ft.) in this instance.

Mr. J. Durrani, authorized agent, attended and presented the application to permit the division of the subject lands. Mr. Durrani advised that he wishes to construct semi-detached dwellings on the lots. He presented a site plan for the Committee's review and consideration. Mr. Durani indicated that the property is zoned RM7 and semi-detached dwellings are permitted in compliance with the RM2 zone provisions.

Mr. Durani advised that he was informed that a By-law was passed reducing the height of homes in the Port Credit area when he submitted the subject Consent application. He indicated that the homes were designed to comply with the requirements under the previous regulations. Mr. Durani indicated that the increased height allows additional floor area to be constructed to provide a more functional dwelling unit due to the small lot frontages.

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

The City of Mississauga Planning and Building Department commented as follows (February 24, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested Consent application, however we recommend that the associated Minor Variances be refused. Further, the applicant may wish to defer the Consent application in order to apply for a Building Permit application in order to verify the accuracy of the requested variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM7 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

We advise that the proposed lot frontage is to be calculated in accordance with the following definition:

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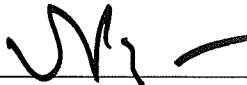


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