

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: January 07, 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
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NEW APPLICATIONS - (CONSENT)

B-001/16	EMBEE PROPERTIES LIMITED	5328 MAVIS RD	6	Approved
B-002/16- B-005/16 & A-013/16- A-017/16	ADINA DI BLASIO	2365 CAMILLA RD	7	April 14

NEW APPLICATIONS - (MINOR VARIANCE)

A-001/16	BRIAN BEAULIEU	1174 STREAMBANK DR	2	Approved
A-002/16	JAN & EWA KONDRATOWICZ	3349 GRAND PARK DR	7	Feb. 18
A-003/16	PAUL AND CATHERINE GREEN	1215 INDIAN RD	2	Mar. 10
A-004/16	BRENDA GINGERICH & TEMPLE HOLFORD	1089 MEREDITH AVE	1	Approved
A-005/16	678604 ONTARIO INC, DEZEN REALTY LTD, DEZEN CONSTRUCTION LTD	4560 TOMKEN RD	3	Approved
A-006/16	ARIEL & LINDA ANTONIO	464 ASHDENE AVE	7	Feb. 25
A-007/16	CHRISTINA NIPPALOW	2078 MILLWAY GATE	8	Approved
A-008/16	SYED TAHA SHOAIB & RUBINA SAEED	644 WARHOL WAY	11	Approved (in part)
A-009/16	MARION REWA	1259 MISSISSAUGA RD	2	Approved
A-010/16	JESSICA RUYGROK & DANIEL DIFLORIO	1935 DAVEBROOK RD	2	Approved
A-011/16	ANINDA & RUMA BHUNIA	357 PINETREE WAY	1	Approved
A-012/16	HILLMOND INVESTMENTS LTD.	377 BURNHAMTHORPE RD E	4	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-425/15	ANGELO RIZZO & ANDRE ZUPANCIC	9 CUMBERLAND DR	1	Approved
A-471/15	2325000 ONTARIO INC.	6765 INVADER CRES	5	Approved (3 years)
A-477/15	AMACON DEVELOPMENT (CITY CENTRE) CORP.	4055 PARKSIDE VILLAGE DR	4	Jan. 28
A-478/15	BLUE RIBBON INVESTMENTS INC	1040 BURNHAMTHORPE RD E	3	Approved (5 years)

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

EMBEE PROPERTIES LIMITED

on Thursday, January 7, 2016

Embee Properties Limited is the owner of 5328 - 5388 Mavis Road being Part of Lot 2, Concession 2, W.H.S., zoned C2-11, Commercial. The applicant requests the consent of the Committee to permit a long term lease in excess of 21 years and associated easements for pedestrian and/or vehicular access, and/or the maintenance, repair, and/or replacement of signs and utility facilities for a parcel of land having an area of approximately 3.85 ha (9.51acres). The effect of the application is to permit a long term lease for commercial purposes for Lowes Companies Canada, ULC.

Mr. B. Thom, a representative of the property owner, attended and presented the application to permit a long term lease with associated easements. Mr. Thom presented a site plan for the Committee's review and consideration and illustrated the area to be utilized for the ground lease and related easements.

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 (January 5, 2016),
City of Mississauga, Transportation and Works Department (January 4, 2016),
Region of Peel, Environment, Transportation & Planning Services (January 6, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Thom 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. Thom, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

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

BRIAN BEAULIEU

on Thursday, January 7, 2016

Brian Beaulieu is the owner of 1174 Streambank Drive being Lot 37, Registered Plan 457, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure (shed) to remain within the rear yard of the subject property proposing:

1. a floor area of 12.71 m² (136.81 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance; and,
2. a side yard setback of 0.50 m (1.64 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.93 ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the existing shed to remain. Mr. Oughtred explained that the shed existed on the property prior to the construction of the new dwelling. He indicated that the shed was to be demolished; however was not. Mr. Oughtred advised that the homeowner wishes to retain the existing shed on the property. He explained that in order to retain the structure, variances are required for an increase in the permitted floor area and for a reduction in the setback to the side property line.

Mr. Oughtred indicated that a further variance has been identified for lot coverage noting that the dwelling itself maximizes the permitted lot coverage. He requested that the application be amended to allow the dwelling and shed to remain having a lot coverage of 31.17% of the lot area being 334.79m² (3,603.76sq.ft.), whereas the By-law permits a maximum lot coverage of 30.00% of the lot area.

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

The City of Mississauga Planning and Building Department commented as follows (January 4, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I, Greenbelt

Zoning By-law 0225-2007

Zoning: R2-4, Residential

Other Applications:

Building Permit File: Required - No application received

Comments

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

In regards to variance #1, it is our opinion that the request is minor and therefore, we have no objection to the request.

Regarding variance #2, it appears that the existing accessory structure complies with the height requirements of the By-law. In addition, the adjacent property at 1166 Streambank also has a similar structure situated along the common property line, mitigating potential impacts of the requested side yard setback.

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

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"This Department has no objections to the applicant's request to permit the accessory structure (shed) to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"We have no comments and no objections."

Ms. X. Ding, property owner at 1532 Glenview Crescent, attended and expressed her concerns with respect to the effects of construction on adjacent property owners.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the shed has existed for many years and is adjacent to another shed. They further noted that the wooden exterior of the shed blends in with the surrounding area.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing accessory structure (shed) to remain within the rear yard of the subject property proposing:



MISSISSAUGA

File: "A" 001/16
WARD 2

1. a floor area of 12.71 m² (136.81 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance;
2. a side yard setback of 0.50 m (1.64 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.93 ft.) in this instance; and,
3. a lot coverage of 31.17% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance.

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

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

BRENDA GINGERICH & TEMPLE HOLFORD

on Thursday, January 7, 2016

Brenda Gingerich & Temple Holford are the owners of 1089 Meredith Avenue being Part of Lots 26 & 27, Registered Plan D-19, zoned R3 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a height of 10.16 m (33.33 ft.) to the top of the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50 m (24.60 ft.) to the top of a flat roof in this instance;
2. an easterly side yard of 1.41 m (4.62 ft.) and a westerly side yard of 1.40 m (4.59 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 2.42 m (7.93 ft.) and a westerly side yard of 1.81 m (5.93 ft.) in this instance; and,
3. a lot coverage of 40.98% (131.29 m² / 1,413.24 sq. ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (112.13 m² / 1,207.01 sq. ft.) of the lot area in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the construction of a two storey dwelling on the subject property. Mr. Oughtred requested that the variance for height be withdrawn noting that revised plans have been submitted and the variance for height is no longer required.

Mr. Oughtred presented plans for the Committee's consideration and review noting that the dwelling has a flat roof and a modern design. He advised that his client wishes to retain the shed located in the rear yard. He advised that the shed and the canopy area at the front of the dwelling contribute to the request for a variance for lot coverage.

Mr. Oughtred indicated that the subject property's lot size is smaller than a typical R3, Residential zone. He advised that the lot size is akin to the lot size in an R5, Residential zone. He indicated that the maximum permitted lot coverage in an R3 zone is 35.00% of the lot area versus 40.00% of the lot area in the R5 zone. Mr. Oughtred indicated that it is appropriate to apply increased lot coverage standards for the subject lot as the lot size is comparable to the R5 zone lot size. Similarly, the side yard setbacks are comparable to those in an R5 zone. Mr. Oughtred presented a sketch illustrating the typical lot patterning in the area and advised that the requested reduction in the side yard is typical of what has been constructed in the area.

Mr. Oughtred advised that revised plans were submitted and the stairwell enclosure that was originally proposed has been removed from the plans. He indicated that the easterly side yard setback requirement is now 1.81m (5.93ft.) and not 2.42m (7.93ft.) as originally proposed and requested that the application be amended accordingly.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the dwelling to address staff concerns.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Application Zoning Review File: PREAPP 15 R 7472

Comments

The Planning and Building Department is currently processing a Pre-Application Zoning Review. Based on the information provided with the Pre-Application Zoning Review, the variances, as requested, are correct. We note that the variance requested for flat roof height is required under BL-0171/15 which is currently under appeal.

The surrounding neighbourhood is predominantly single storey bungalows, including each of the adjacent dwellings. Our department has concerns with the additional requested height to a flat roof. Although the height increase is only requested for a relatively small portion of the third storey, it still creates additional massing impacts along the easterly side, especially in conjunction with the additional lot coverage.

We are of the opinion that the applicant should redesign the dwelling to eliminate the requested height variance as well as reduce the lot coverage; for a new replacement dwelling, the lot coverage should not need to be an additional 6% higher than permitted. On a small lot a combination of reduced side yards on both sides as well as increased lot coverage represents overdevelopment in our opinion.

The requested side yard setbacks exceed what would be required to the first storey, but are deficient to the second and third storey. If the third storey portion of the dwelling is removed, as suggested above, then the required setback would be 1.81 m (5.93 ft.) on both sides as opposed to 2.42 m (7.93 ft.) on one side. This would result in a 0.40 m (1.31 ft.) and 0.41 m (1.35 ft.) deficiency on the westerly side and easterly side, respectively. Since the first storey is set back slightly further than required by the by-law, it would help mitigate the reduced setback on the second storey.

Based on the preceding information, the Planning and Building Department recommend that the application be deferred in order for the applicant to redesign the dwelling to address staff concerns."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed new two-storey dwelling will be addressed through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 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."

"The subject property is within the vicinity of Canada Post landfill site. It is an inactive, private landfill located on the southwest corner of Cawthra Road and Aviation Road. It has been cleaned to MOECC standards."

A petition was received, signed by the residents/property owners at 1050, 1093, & 1094 Meredith Avenue, 936 and 940 Third Street, expressing no objection to the request.

Mr. R. Kohut, property owner at 1100 Meredith Avenue, attended and expressed his concerns with respect to height and access to the rear yard for construction materials noting that if insufficient access is provided, damage to neighbouring properties may result. He indicated that he had no objection to the application if the height complies with the By-law.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the height of the dwelling is in compliance with the By-law. The requested lot coverage is minor in this instance.

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 dwelling on the subject property proposing:

1. an easterly side yard of 1.41 m (4.62 ft.) and a westerly side yard of 1.40 m (4.59 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 1.81 m (5.93 ft.) and a westerly side yard of 1.81 m (5.93 ft.) in this instance; and,
2. a lot coverage of 40.98% (131.29 m² / 1,413.24 sq. ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (112.13 m² / 1,207.01 sq. ft.) of the lot area in this instance.

MOVED BY:	S. Patrizio	SECONDED BY:	P. Quinn	CARRIED
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MISSISSAUGA

File: "A" 004/16
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

678604 ONTARIO INC, DEZEN REALTY LTD. & DEZEN CONSTRUCTION LTD.

on Thursday, January 7, 2016

678604 Ontario Inc, Dezen Realty Ltd. & Dezen Construction Ltd. are the owners of 4560, 4564, 4568, 4570, 4574, 4582 & 4586 Tomken Road being Part of Lot 9, Concession 2, N.D.S., zoned E2, Employment, H-E2-22 - Employment (Holding) & G2-2 - Greenbelt. The applicants request the Committee to authorize a minor variance to permit the construction of a drive-through on the subject property being located within the hatched area identified on Schedule 2.1.29(2) of Subsection 2.1.29.1; whereas By-law 0225-2007, as amended, does not permit drive-through located within the hatched area identified on Schedule 2.1.29.(2) of Subsection 2.1.29.1 in this instance.

Mr. J. Lethbridge, of James Lethbridge Planning Inc., authorized agent, attended and presented the application to permit a drive-through restaurant on north side of the property. Mr. Lethbridge presented a site plan for the Committee's review and consideration and identified the location of the proposed drive-through. He indicated that a previous minor variance application for an outdoor patio was recently considered and approved by the Committee.

Mr. Lethbridge indicated that during the processing of the Site Plan Approval application, the Zoning Section identified that a portion of the drive-through operation is within the restricted area. He presented an excerpt from the Zoning By-law that identified the location where drive-through operations are permitted noting that they are not permitted in the hatched areas. Mr. Lethbridge indicated that a drive-through restaurant operation is not permitted within a 500.00m (1,640.41ft.) radius of a bus station. He indicated that this requirement came into effect through an Ontario Municipal Board decision.

Mr. Lethbridge indicated that a portion of the drive-through is located within the hatched area and therefore, not permitted. He advised that landscaping has been provided so that the drive-through is not visually prominent from Tomken Road. He indicated that there is no access directly to Tomken Road from the drive-through. Mr. Lethbridge indicated that he believes that the intent of the Ontario Municipal Board decision has been met.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2 (Employment), H-E2-22 (Employment, Holding), G2-2 (Greenbelt)

Other Applications:

Site Plan File: 14-68

Comments

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

An application for Site Plan Approval was submitted in June of 2014 and is nearly ready for final approval. Only a portion of the drive through is in contravention of the by-law as the proposed development would straddle the boundary line at the extent of the 500 m (1640.42 ft.) radius. The majority of the drive through feature remains outside the restricted area. Based on the preceding information the Planning and Building Department has no objection to the requested variance."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/086. 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 (January 4, 2016):

"We have no comments and no objections."

No other persons expressed any interest in the application.

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

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

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

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

MOVED BY:	J. Robinson	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

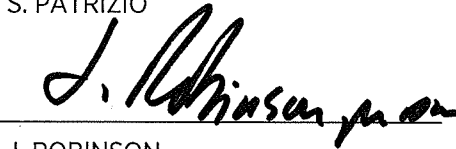
Date of mailing is January 18, 2016.



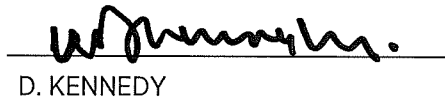
S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



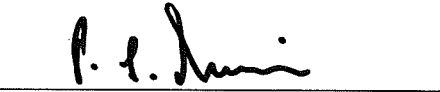
D. KENNEDY



J. PAGE


ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

CHRISTINA NIPPALOW

on Thursday, January 7, 2016

Christina Nippalow is the owner of 2078 Millway Gate being Part of Lots 2 and 3, Registered Plan 956, zoned RM5-40, Residential. The applicant request the Committee to authorize a minor variance to permit the existing porch to remain with an excessive encroachment into the rear yard of 7.50m (24.60ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 5.00m (16.40ft.) in this instance.

Ms. C. Nippalow, property owner, attended and presented the application to permit the existing porch to remain. Ms. Nippalow advised that she applied for a building permit to replace her porch with a larger one. She indicated that the Zoning Section advised her that the Zoning By-law has been amended and her porch is now considered to be located in the rear yard and does not comply with the requirements of the Zoning By-law. Ms. Nippalow advised that her porch is similar to others constructed in the neighbourhood and noted that the porch is more aesthetically pleasing than the previous structure.

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

The City of Mississauga Planning and Building Department commented as follows (January 4, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-40, Residential

Other Applications:

Building Permit File: BP 15-7867
Site Plan File: Required – No application received

Comments

Based on a review of the Building Permit application for the proposed porch, the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the proposed porch to remain with an excessive encroachment into the required rear yard of 7.50 m (24.60ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 5.00 m (16.40ft.) into the required rear yard in this instance."

The property has a unique configuration in relation to the adjacent properties at 2080 and 2082 Millway Gate, which wrap around the subject property to have frontage and access to Millway Gate. According to the Zoning By-law, the functional side yard is considered the front yard. In addition, the dwellings are attached, which results in a 0.00 m (0.00 ft.) rear yard setback to the dwelling. The porch is aligned with the rear yard setback of the dwelling and does not project beyond the front façade of the adjacent dwelling at 2080 Millway Gate.

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

We advise for the applicant's information that the property is subject to Site Plan Approval."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 7/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"We have no comments and no objections."

Mr. M. Horner of 2071 Millway Gate, advised that he attended the Hearing to obtain additional information as the Notice of Public Hearing was unclear. He advised that based upon the presentation, he had no objection to the request.

No other persons expressed any interest in the application.

The Committee consented to the request and, after considering the submissions put forward by Ms. Nippalow 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 proposed porch to remain with an excessive encroachment into the required rear yard of 7.50 m (24.60ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 5.00 m (16.40ft.) into the required rear yard in this instance.

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

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



D. KENNEDY



J. PAGE

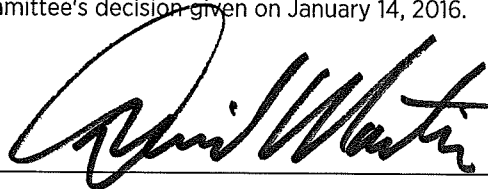
ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

SYED TAHA SHOAI B & RUBINA SAEED

on Thursday, January 7, 2016

Syed Taha Shoaib & Rubina Saeed are the owners of 644 Warhol Way being Lot 140, Registered Plan M-1452, zoned R10-1, Residential. The applicants request the Committee to authorize a minor variance to permit:

1. the existing basement entrance stairwell to remain having a 0.45m (1.47ft.) side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) in this instance; and,
2. the existing driveway to remain having a width of 8.35m (27.39ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. T. Shoaib, co-owner of the property, attended and presented the application to permit the basement entrance stairwell and driveway to remain on the subject property. Mr. Shoaib advised that they were advised that the step in the side yard to facilitate the entry to the basement is not permitted under the Zoning By-law. He indicated that he considered re-designing the stair to the basement so that the step was not required; however, there would be inadequate overhead clearance to meet Ontario Building Code requirements.

Mr. Shoaib advised that he contacted a contractor to design and construct the driveway and was unaware that the driveway exceeded the By-law requirements. He indicated that the neighbours would be subjected to noise and dust if he was required to remove the concrete.

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

The City of Mississauga Planning and Building Department commented as follows (January 6, 2016):

"Recommendation

The Planning and Building Department has no objection to requested variance #1, however the applicant may wish to defer the application in order to submit additional information through the Building Permit application to ensure that the variance is accurately identified and that no additional variances will be required. Additionally, we recommend that if the applicant wishes to defer the application, the driveway width should be reduced; otherwise we would recommend that variance #2 be refused.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R10-1 (Residential)

Other Applications:

Building Permit File: BP 15-4949 and BP 15-4948

Comments

The Planning and Building Department is currently processing a Building Permit application and Zoning Certificate application for the proposed second unit. Based on the review of the applications we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

The basement stairwell is a small single stair step down from the existing grade along the side yard of the dwelling. Both side yards of the dwelling comply with the Zoning By-law side yard setback requirements. Therefore, we have no objection to the reduced setback of the basement stairwell.

A driveway width of 8.35 m (27.39 ft.) on a 12 m (39.37 ft.) lot represents excessive hard surfaced area and allows for the parking of three vehicles across the front of the dwelling. The dwelling also has a two car garage and it is our opinion that the extra driveway width for the purpose of additional vehicular parking is unnecessary and inappropriate in this instance. The majority of the properties along Warhol Way appear to comply with the driveway width provisions of the By-law with the exception of the two corner lots on Warhol Way and Magistrate Terrace; it appears that they may be exceeding the permitted driveway width, however variances have not been requested or granted for either of these properties.

Based on the preceding information, the Planning and Building Department has no objection to requested variance #1, however the applicant may wish to defer the application in order to submit additional information through the Building Permit application to ensure that the variance is accurately identified and that no additional variances will be required. Additionally, we recommend that if the applicant wishes to defer the application, the driveway width should be reduced; otherwise we would recommend that variance #2 be refused."

The City of Mississauga Transportation and Works Department commented as follows (January 6, 2016):

"This department is not supportive of the existing widened driveway as constructed. From the enclosed photos and our site inspection we note that the existing driveway has been significantly widened. This department is also concerned with the widened portion of the driveway between the municipal sidewalk and curb. In view of the above we cannot support the application as submitted and would recommend that the application be refused, or alternatively the application be deferred until such time that the applicant makes satisfactory arrangements with City Staff, in particular our Traffic Section to determine exactly what modifications would be required so that any requested variances could be supported by City Staff.

We are also enclosing for easy reference a copy of the Lot Grading Plan which was approved for this property when the dwelling was constructed and it depicts a split drainage pattern on the side of the lot where the basement entrance stairwell has been constructed. A split drainage pattern means that the high point in elevation is approximately at the mid-point of this property and some of the drainage from the side yard is directed towards the rear yard and the rest towards the front of the dwelling."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"We have no comments and no objections."

An e-mail was received from T. Thom, property owner at 624 Warhol Way, expressing opposition to the application and noting his concerns.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Shoaib and having reviewed the plans, indicated that there is insufficient landscaping provided on the property. They indicated that they would not grant any relief with respect to the driveway width. They advised that the driveway must be modified to reduce the driveway width to the maximum permitted by the Zoning By-law.

The Committee indicated that the request for the basement entrance stairwell to remain with a reduced side yard is desirable for the appropriate further development of the subject property.

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

The Committee is of the opinion that the requested variance for the basement entrance stairwell is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request, in part, to permit the existing basement entrance stairwell to remain having a 0.45m (1.47ft.) side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) in this instance.

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

File: "A" 008/16
WARD 11

Application Approved, in part, as stated.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MARION REWA

on Thursday, January 7, 2016

Marion Rewa is the owner of 1259 Mississauga Road being Part of Lots 1 and 2, Plan A-10, zoned R1-3, Residential and G1, Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the construction of an underground addition to the basement of the existing dwelling proposing a combined width of side yards of 3.80m (12.46ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% of the lot frontage, which is 9.36m (30.70ft.) in this instance.

Mr. M. Luchich, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit the construction of an underground extension of the basement of the dwelling proposing a reduced combined side yard width. He advised that a variance is required for the combined width of side yards as the measurement is taken from the side property line to the closest part of the dwelling on each side.

Mr. Luchich presented plans for the Committee's review and consideration and advised that the underground basement area will be utilized for storage and hobby purposes. He advised that no trees are located in the area where the construction is to occur. Mr. Luchich advised that upon completion of the below grade construction, the area above it will be restored to a driveway. He indicated that shoring will be provided as they wish to retain the existing trees. Mr. Luchich indicated that there will be no visible changes to the site and the change will not be evident from the neighbouring properties or the streetscape.

Mr. Luchich advised that prior to the construction of the dwelling, a coach house existed adjacent to the side property line. He indicated that when the dwelling was excavated, excavation also took place in the area where the basement extension is being proposed. Mr. Luchich indicated that, although they have not applied for Site Plan Approval yet, they do not anticipate any adverse comments due to the fact that the area has already undergone excavation.

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

The City of Mississauga Planning and Building Department commented as follows (January 4, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred for the applicant to submit the required Site Plan Approval application.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-3, Residential; G1, Greenbelt – Natural Hazards

Other Applications:

Building Permit File: BP 15-6101

Comments

Based on a review of the Building Permit application for the proposed addition, the variance as requested is correct. However, Site Plan Approval will be required.

In regards to the requested variance, the addition will be entirely underground, beneath the existing driveway. Therefore, we do not anticipate any negative visual impacts to neighbouring properties or the streetscape. However, we have some concerns that the excavation and construction of the underground addition may have an impact to trees along the southern side lot line. Through Site Plan Approval, potential impacts and mitigation measures may be identified.

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

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"This department has no objection to the applicant's request to permit the construction of an underground addition to the basement of the existing dwelling."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"The subject property is within the vicinity of a private landfill site with MOECC # A220108. It is an inactive landfill which has been cleaned to MOECC standards."

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

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

Site Characteristics:

The subject property is traversed by a valley slope and floodplain associated with the Credit River and is within a CVC Regulated Area subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06).

Proposal:

The applicant requests the Committee to authorize minor variance to permit the construction of an underground addition to the basement of the existing dwelling proposing a combined width of side yards of 3.80m; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% of the lot frontage, which is 9.36m in this instance.

Comments:

The underground addition is sufficiently setback from any CVC areas of concern. On this basis, CVC has no objection to the approval of the minor variance.

The applicant is to note that the proposed development is located within a CVC Regulated Area and a permit from this Authority is required prior to the issuance of a building permit from the City of Mississauga."

Mr. Rewa, husband of the property owner, attended and advised that the shoring is already installed. He indicated that the beams were put in the ground to accommodate the excavation every eight feet so that there would be minimal destruction to the trees. Mr. Rewa indicated that the holes were off-set, as necessary, to ensure tree retention.

No other persons expressed any interest in the application.

Mr. Luchich, upon hearing the comments of the Committee and the Planning and Building Department, advised that he wishes to proceed with the request.

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

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

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

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

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

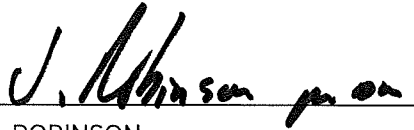
Date of mailing is January 18, 2016.



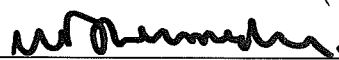
S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



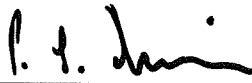
D. KENNEDY



J. PAGE

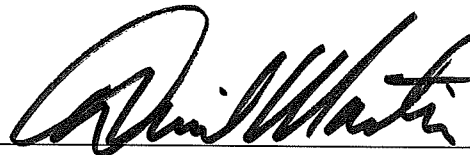
ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

JESSICA RUYGROK & DANIEL DIFLORIO

on Thursday, January 7, 2016

Jessica Ruygrok & Daniel Diflorio are the owners of 1935 Davebrook Road being Lot 8, Plan 721, zoned R3-1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of alterations to the existing garage proposing:

1. a side yard of 1.02m (3.34ft.) to the existing garage; whereas By-law 0225-2007, as amended, requires a minimum of 1.20m (3.93ft.) in this instance;
2. an attachment of the dwelling and an attached garage above grade of 4.00m (13.12ft.) in length; whereas By-law 0225-2007, as amended, requires a minimum area of attachment of a dwelling and attached garage above grade of 5.00m (16.40ft.) in length and 2.00m (6.56ft.) in height in this instance;
3. two accessory structures; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance;
4. a height of 3.68m (12.07ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance;
5. a floor area of 12.08m² (130.03sq.ft.) for the existing accessory structure; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance; and
6. a rear yard of 0.31m (1.01ft.) to the existing accessory structure; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 0.61m (2.00ft.) to an accessory structure in this instance.

Ms. T. Wong, authorized agent, attended and presented the application to permit the construction of alterations to the existing garage. Ms. Wong indicated that variances are required for the accessory structure as it is accessible from the outside of the garage structure. She indicated that the maximum permitted height of an accessory structure is 3.00m (9.84ft.). As the accessory structure is located under the same roof-line as the garage structure, a variance is required. Ms. Wong explained that a new roof is being constructed for the garage/accessory structure to reduce water and snow issues.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Pre-application Zoning Review File: PREAPP 15 R 7975

Comments

The Planning and Building Department is currently processing a Pre-application Zoning Review. Based on the information provided with the Pre-application, the variances, as requested, are correct.

The requested variances relate to the existing accessory structure near the rear property line and the conversion of part of the existing garage into an additional accessory structure.

Variances #5 and #6 deal with the freestanding accessory structure near the rear of the lot. The requested floor area increase of 2.08 m² (22.39 sq. ft.) is relatively minor given that the structure meets the height provisions and is located in the rear centre of the lot; the slightly larger increase in size should not have negative impacts on neighbouring properties. The reduced rear yard setback should also not have any significant impacts on adjacent properties since the lot backs onto a roadway and has additional separation distance and screening between the property and roadway.

Variances #1, #2, #3 and #4 relate to the conversion of part of the existing garage into an accessory structure. Variance #1 represents an existing condition which is a relatively small deficiency. The proposed garage conversion will not worsen the existing condition and only seeks to recognize it. Variance #2 is required as a result of an insufficient length of attached area between the garage and the dwelling. The length of the attachment is 1 m (3.28 ft.) shorter than required. This variance also seeks to recognize an existing condition. Variance #3, which is to permit a second accessory structure, is not seeking to increase the building footprint on the property by adding additional structures. Since the second accessory structure will be created out of a conversion of part of the existing garage, the impacts of an additional accessory structure, in this instance, will be very similar to the impacts of the existing garage. Variance #4 is a result of the accessory structure being part of the existing garage. The garage roofline continues over the proposed accessory structure and maintains the height and shape of the rest of the garage.

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

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"The subject property is within the vicinity of the North Sheridan Sanitary Landfill Site. The site was used for the disposal of residential and industrial wastes, including flyash until the 1980s. A methane collection system continues to remove methane gas from the site. An environmental monitoring program is in place at the site and consists of groundwater and landfill gas monitoring on a routine basis. It is catalogued by the MOECC as A220103."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Wong 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 setback from the side property line is minor. They noted that the accessory structure will not be visible from the street.

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

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

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


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

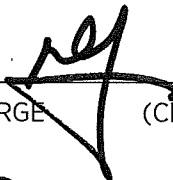
Dated at the City of Mississauga on January 14, 2016.

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Date of mailing is January 18, 2016.



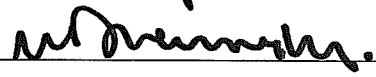
S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON




D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

ANINDA & RUMA BHUNIA

on Thursday, January 7, 2016

Aninda & Ruma Bhunia are the owners of 357 Pinetree Way being Part of Block A, Plan B-09, zoned R2-1, Residential. The applicants request the Committee to authorize a minor variance to permit renovations and the construction of a second storey addition to the existing dwelling proposing:

1. a combined width of side yards of 3.85m (12.63ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.64m (18.50ft.) in this instance;
2. an easterly side yard of 1.83m (6.00ft.) and a westerly side yard of 1.47m (4.82ft.) to the eaves; whereas By-law 0225-2007, as amended, requires minimum side yards of 2.41m (7.90ft.) in this instance;
3. a front yard of 7.50m (24.60ft.) to the proposed roof over the existing porch and 8.80m (28.87ft.) to the existing bay window; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance; and,
4. a lot coverage of 33.91% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance.

Mr. P. Pimentel, of Pedro Pimentel Architect Inc., authorized agent, attended and presented the application to permit the construction of a second storey addition and renovations to the existing dwelling. Mr. Pimentel advised that the variances are being requested to recognize existing conditions. He advised that they wish to construct the second storey in line with the walls of the existing dwelling.

Mr. Pimentel indicated that a variance is required on the easterly side because the existing eaves are wider than the permitted eaves width of 0.45m (1.47ft.). He noted that the proposed eaves meet the Zoning By-law requirement. Mr. Pimentel indicated that the variance is required on the westerly side due to the unusual lot configuration.

Mr. Pimentel indicated that he has canvassed the neighbours and they are in support of the request.

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

The City of Mississauga Planning and Building Department commented as follows (January 6, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the second storey addition to address staff concerns with the westerly side yard.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-1 (Residential)

Other Applications:

Site Plan File: 15-58

Comments

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed addition. Based on the review of the Site Plan Approval application we advise that requested variance #2 should be amended as follows:

"To provide an westerly side yard of 1.83 m (6.00ft.); whereas By-law 0225-2007, as amended, requires minimum side yards of 2.41 m (7.90ft.), and a easterly side yard of 1.47 m (4.82ft.) to the eaves; whereas By-law 0225-2007, as amended, requires minimum side yards of 1.80 m (5.91 ft.) in this instance;"

The requested variances are primarily required to recognize existing conditions on the site. The proposed addition over the westerly side of the dwelling would be built on the existing building footprint, maintaining the existing side yard setback. The westerly side yard setback of 1.83 m (6.00 ft.) complies with the required setback for the first storey, however the second storey is required to be setback an additional 0.61 m (2.00 ft.). The proposed second storey is a new build that should be stepped in to comply with the by-law requirements. The westerly side of the dwelling would be adjacent to a split storey dwelling with the single storey portion directly beside.

The easterly side yard is recognizing an existing condition, including larger eaves. If the eaves were within the permitted encroachment 0.45 m (1.48 ft.) the dwelling would comply with the required setback on this side.

The coverage has increased as a result of a rebuild of the deck in the rear yard; the increase in the height of the deck means that it now counts towards lot coverage. Additionally the proposed roof over the existing porch will be counted towards lot coverage. It is our opinion that both of these coverage increases represent minor changes that should not have any significant increase in massing impacts on the site.

The required front yard setbacks to the proposed roof over the existing porch, as well as to the existing bay window, are also minor in our opinion. Each feature represents a small portion of the front of the dwelling where the variance is required. The rest of the dwelling complies with the required front yard setbacks.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances #1, #3, and #4, however we recommend that the application be deferred in order for the applicant to redesign the dwelling to address concerns related to the westerly side yard setback required in amended variance #2."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed second storey addition will be addressed at through the Building Permit and Site Plan Approval process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 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."

No other persons expressed any interest in the application.

Mr. Pimentel, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. In addition, he requested that the variance application be amended to permit the porch steps to encroach into the front yard.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the Planning and Building Department have no objection to the requested variance for the westerly side yard reduction as the lot shape is irregular.

The Committee consented to the request to amend the application and, after considering the submissions put forward by Mr. Pimentel 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 renovations and the construction of a second storey addition to the existing dwelling proposing:

1. a combined width of side yards of 3.85m (12.63ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.64m (18.50ft.) in this instance;
2. to provide an westerly side yard of 1.83 m (6.00ft.); whereas By-law 0225-2007, as amended, requires minimum side yards of 2.41 m (7.90ft.), and a easterly side yard of 1.47 m (4.82ft.) to the eaves; whereas By-law 0225-2007, as amended, requires minimum side yards of 1.80 m (5.91 ft.) in this instance;
3. a front yard of 7.50m (24.60ft.) to the proposed roof over the existing porch and 8.80m (28.87ft.) to the existing bay window; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance;

4. a lot coverage of 33.91% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance; and,
5. a front yard of 6.60m (21.65ft.) to the porch, inclusive of stairs; whereas By-law 0225-2007, as amended, permits a minimum front yard of 7.40m (24.27ft.), inclusive of stairs 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.

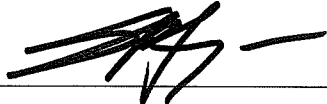
MOVED BY:	J. Page	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.



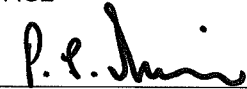
S. PATRIZIO




J. ROBINSON



J. PAGE



P. QUINN



D. GEORGE (CHAIR)

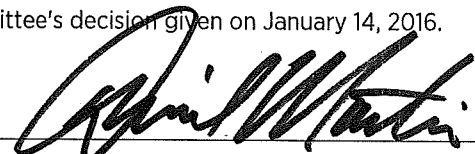


D. KENNEDY

ABSENT

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

HILLMOND INVESTMENTS LTD.

on Thursday, January 7, 2016

Hillmond Investments Ltd. is the owner of 377 Burnhamthorpe Road East being Blocks I and J, Plan M-143, and Blocks H, I, and S, Plan M-159, zoned C2-6, Commercial. The applicant requests the Committee to authorize a minor variance to permit the outdoor display and sales of grapes for wine making; whereas By-law 0225-2007, as amended, does not specifically permit the use and requires all activities to be conducted wholly within the building.

Mr. D. Amaral, authorized agent, attended and presented the application to permit the sale of wine grapes on the subject property. Mr. Amaral advised that wine grapes have been sold from this location for approximately twelve years. He presented a photograph for the Committee's review and consideration and advised that ten parking spaces are utilized for the business, which operates from September 1st to October 31st each year.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2-6 (Neighbourhood Commercial)

Other Applications:

Certificate of Occupancy File: 15-7660

Comments

The Planning and Building Department is currently processing a Certificate of Occupancy application. Based on the review of the Certificate of Occupancy application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

The proposed use is situated on a relatively small portion of the parking lot near the corner of the lot at Central Parkway and Burnhamthorpe. We don't anticipate any negative impacts as a result of the proposed use.

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

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"This department has no objection to the applicant's request provided that the display area does not impede on any vehicular traffic movements."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Amaral 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 business has operated for many years at this location noting with no adverse impact.

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

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

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

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

MOVED BY:	S. Patrizio	SECONDED BY:	P. Quinn	CARRIED
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MISSISSAUGA

File: "A" 012/16
WARD 4

Application Approved, on condition as stated.

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

ANGELO RIZZO & ANDRE ZUPANCIC

on Thursday, January 7, 2016

Angelo Rizzo & Andre Zupancic are the owners of 9 Cumberland Drive being Lot 117, Registered Plan H-21, zoned R15-8, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an addition to the first floor and the construction of a second floor proposing an exterior side yard of 0.57m (1.87ft.) to the existing dwelling and 1.80m (5.93ft.) to the proposed construction; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance.

On October 8, 2015, Mr. G. Dell, a representative of the property owners, attended and requested a deferral of the application indicating that he requires additional time to discuss an eave encroachment with staff.

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

The City of Mississauga Planning and Building Department commented as follows (October 2, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R15-8", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP15-7139

4.0 COMMENTS

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

Due to the amount of outstanding information, this Department has concerns that additional variances will be required, causing a cumulative impact of the deficient exterior side yard. Until we are in receipt of this information, we are not in a position to comment on the appropriateness of the requested variance. We recommend that the applicant defer the application to provide the requested information for the Building Permit application."

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

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

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (October 7, 2015):

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

City of Mississauga Forestry staff has identified four (4) Street Trees along Minnewawa Road; three Norway Maple Trees and a Locust Tree, adjacent to southern portion of the subject property that will be impacted by the proposed development. The trees are in good condition, and have a total appraised value of \$40,900.00. Securities for the Norway Maple Trees that are 71 cm & 78 cm in size, and valued at \$9,000.00 & 15,200.00, and the Locust Tree that is 49 cm in size and valued at \$6,000.00 will be required.

Should the application be approved, this Department requires the following:

1. Securities for the above noted Street Trees, in the amount of \$30,200.00 submitted to the attention of Wayne Holder, Supervisor Tree Preservation and Protection, at the City of Mississauga Forestry Section's office (950 Burnhamthorpe Road West).
2. Tree hoarding installed in accordance with City standards, and to the satisfaction of City of Mississauga Forestry Staff. Please call Wayne Holder, Supervisor, Tree Preservation and Protection, at 905-615-3200 x5481 to arrange for a hoarding inspection.

An ISA Certified Arborist must be present during the construction process to ensure that minimal damage to the tree root systems is mitigated."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 5, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of the existing service may be required."

"Please note that site servicing approvals will be required prior to building permit."

An e-mail was received from D. Currell, property owner at 9 Cumberland Drive, expressing opposition to the application and noting his concerns with respect to the size and massing of the building, loss of sunlight, privacy, views, spacing and openness as well as increased amounts of water run-off contributing to increased storm water entering the system and contributing to costly wear and tear.

No other persons expressed any interest in the application.

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

On October 22, 2015, Mr. G. Dell, a representative of the property owner, attended and presented the subject application to construct additions to the existing dwelling on the subject property. Mr. Dell presented a set of revised plans to the Committee.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R15-8", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP15-7139

4.0 COMMENTS

As no new information has been submitted, our comments dated October 2, 2015 remain applicable."

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

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

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

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

City of Mississauga Forestry staff has identified four (4) Street Trees along Minnewawa Road; three Norway Maple Trees and a Locust Tree, adjacent to southern portion of the subject property that will be impacted by the proposed development. The trees are in good condition, and have a total appraised value of \$30,200.00. Securities for the Norway Maple Trees that are 71 cm & 78 cm in size, and valued at \$9,000.00 & 15,200.00, and the Locust Tree that is 49 cm in size and valued at \$6,000.00 will be required.

Should the application be approved, this Department requires the following:

1. Securities for the above noted Street Trees, in the amount of \$30,200.00 submitted to the attention of Wayne Holder, Supervisor Tree Preservation and Protection, at the City of Mississauga Forestry Section's office (950 Burnhamthorpe Road West).
2. Tree hoarding installed in accordance with City standards, and to the satisfaction of City of Mississauga Forestry Staff. Please call Wayne Holder, Supervisor, Tree Preservation and Protection, at 905-615-3200 x5481 to arrange for a hoarding inspection.
3. An ISA Certified Arborist must be present during the construction process to ensure that minimal damage to the tree root systems is mitigated."

No other persons expressed any interest in the application.

The Committee indicated that they had reviewed the revised plans presented by Mr. Dell and that additional variances may be required.

Mr. J. Lee, a Planner for the City of Mississauga, attended and indicated that several items remained outstanding with respect to an active building permit application.

Mr. Dell requested a deferral of the subject application to allow him time to investigate if any additional variances would be required.

The Committee consented to the request and deferred the application to the November 19, 2015 hearing.

On November 19, 2015, Mr. N. Dell, a representative of the property owner, attended and advised that he has contacted the Zoning Section who have advised that additional variances may be required. He requested that the application be deferred to allow a new Notice to be prepared and circulated.

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

The City of Mississauga Planning and Building Department commented as follows (November 13, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R15-8", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP 15-7139

4.0 COMMENTS

Based on a review of the Building Permit application, we advise that the requested variance does not appear to be correct. Additional information is required to verify the accuracy of the requested variance and to determine whether additional variances will be required.

The applicant submitted drawings for the Building Permit application on November 12, 2015. However, a formal submission has not been received by this Department. We recommend that the applicant make a formal submission.

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

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

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

The City of Mississauga Community Services Department commented as follows (November 4, 2015):

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

"City of Mississauga Forestry staff has identified four (4) Street Trees along Minnewawa Road; three Norway Maple Trees and a Locust Tree, adjacent to southern portion of the subject property that will be impacted by the proposed development. The trees are in good condition, and have a total appraised value of \$30,200.00. Securities for the Norway Maple Trees that are 71 cm & 78 cm in size, and valued at \$9,000.00 & 15,200.00, and the Locust Tree that is 49 cm in size and valued at \$6,000.00 will be required.

Should the application be approved, this Department requires the following:

1. Securities for the above noted Street Trees, in the amount of \$30,200.00 submitted to the attention of Wayne Holder, Supervisor Tree Preservation and Protection, at the City of Mississauga Forestry Section's office (950 Burnhamthorpe Road West).
2. Tree hoarding installed in accordance with City standards, and to the satisfaction of City of Mississauga Forestry Staff. Please call Wayne Holder, Supervisor, Tree Preservation and Protection, at 905-615-3200 x5481 to arrange for a hoarding inspection.
3. An ISA Certified Arborist must be present during the construction process to ensure that minimal damage to the tree root systems is mitigated."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"Please refer to our previous comments."

An e-mail was received from D. Currell, property owner at 10 Cumberland Drive, expressing his objection to the application and noting his concerns with respect to the size of the building, increased rainwater run-off, loss of sunlight, privacy, views, spacing and openness, and the type of building being incompatible with the established built form and character of the neighbourhood.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to January 7, 2016.

On January 7, 2016, Mr. N. Dell, a representative of the property owner, attended and advised that the application was deferred to allow further discussion to take place to ensure that no additional variances would be required. He indicated that there was confusion with respect to the wording of the non-compliances provided through the building permit application and the wording in the comments provided by the Planning and Building Department.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R15-8 (Residential)

Other Applications:

Building Permit File: 15-7139

Comments

The Planning and Building Department is currently processing a Building Permit application for the proposed addition. Based on the review of the Building Permit application we advise that the variance request should be amended as follows;

"to permit an exterior side yard setback of 0.57m (1.87ft.), to the existing dwelling, and 1.03m (3.38ft.) to the proposed construction; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.5m (14.76ft.) in this instance."

Further, we advise that the following additional variance is required:

"to permit an exterior side yard setback of 1.05m (3.44ft.) to the proposed front porch; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 2.9m (9.51ft.) in this instance."

The proposed addition improves on an existing condition in the exterior side yard; the existing dwelling is located 0.57 m (1.87 ft.) from the side lot line, which variance #1 seeks to recognize. The lot is relatively narrow in width for a corner lot and a 4.5 m (14.76 ft.) exterior side yard setback would make building on the lot extremely difficult. The proposed dwelling addition complies with the by-law in all other areas aside from the exterior side yard. The additional required variance for the setback from the front porch is required because of a similar required setback for the exterior side yard.

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 (January 5, 2016):

"Please refer to our comments submitted for the October 8, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"Please refer to our previous comments."

A letter was received from D. Currell, property owner at 10 Cumberland Drive, expressing opposition to the application and noting his concerns with respect to size of the dwelling, increased rainwater run-off, loss of sunlight, privacy, views, spacing and openness, and the type of building being incompatible with the established built form and character of the neighbourhood.

No other persons expressed any interest in the application.

The Committee indicated that the application is to be amended in accordance with the Planning and Building Department comments and, after considering the submissions put forward by Mr. Dell and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit:

1. an exterior side yard setback of 0.57m (1.87ft.), to the existing dwelling, and 1.03m (3.38ft.) to the proposed construction; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance; and,
2. to permit an exterior side yard setback of 1.05m (3.44ft.) to the proposed front porch; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 2.90m (9.51ft.) in this instance

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

Dated at the City of Mississauga on January 14, 2016.

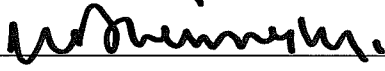
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE FEBRUARY 3, 2016.

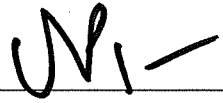
Date of mailing is January 18, 2016.


S. PATRIZIO

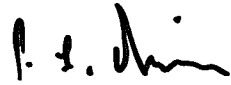

D. GEORGE (CHAIR)


J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

2325000 ONTARIO INC.

on Thursday, January 7, 2016

2325000 Ontario Inc. is the owner of 6765 Invader Crescent being Part of Lots 3 and 4, Registered Plan M-479, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit an addition to the existing building and expansion of the recreational use on the subject property proposing a total of 42 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 87 parking spaces for all uses on site in this instance.

On November 26, 2015, Mr. Y. Somalingam, the authorized agent, attended and requested a deferral of the application to allow staff time to review the additional information that he had recently submitted.

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

The City of Mississauga Planning and Building Department commented as follows (November 23, 2015):

"Recommendation:

The Planning and Building Department recommend that the application be deferred in order for the applicant to submit additional information through the Pre-Zoning Review application so that the required parking can be accurately identified.

Background:

Mississauga Official Plan:

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

Zoning By-law 0225-2007:

Zoning: "E2", Employment

Other Applications:

Pre-Zoning Review File: PZONE 15-6312

Comments:

The Planning and Building Department is currently processing a Pre-Zoning application for the proposed addition to existing industrial building under file 15-6312. Based on the review of the Pre-Zoning application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required. There is some outstanding information regarding the Gross Floor Area (GFA) calculations that need to be addressed to determine the correct number of required parking spaces.

The correct number of parking spaces is required in order to properly evaluate a Parking Utilization Study. A Parking Utilization Study has been submitted with additional requested information late on November 20th, 2015, however there has not been an opportunity for staff to review this updated study. Clarification on the GFA is required first in order to determine the correct number of required parking spaces.

Based on the preceding information the Planning and Building Department recommend that the application be deferred in order for the applicant to submit additional information through the Pre-Zoning Review application in order to verify the GFA and required parking figures."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

"Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site servicing approvals will be required before building permit issuance."

A letter was received from T. Di Donato, a representative of the owner of 6797 Invader Crescent, stating his objection to the requested variances.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the January 7, 2016 hearing.

On January 7, 2016, Mr. Y. Somalingham, authorized agent, attended and presented the application. Mr. Somalingham advised that the application was previously deferred to allow a parking study to be submitted and reviewed by staff.

Mr. Somalingham advised that the building is currently being utilized as a soccer stadium. He indicated that they wish to construct an addition to the building and a mezzanine area for viewing purposes.

Mr. Somalingham advised that the building is utilized for indoor soccer. He indicated that there are no soccer games; the premises are used as a practise field and for instructional purposes. Mr. Somalingham advised that groups of 12-15 students/adults attend the premises at a time and when the first group completes their practise, a new group enters the premises for their practise.

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

The City of Mississauga Planning and Building Department commented as follows (January 6, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2 (Employment)

Other Applications:

Pre-Application Zoning Review File: 15-6312

Comments

The Planning and Building Department is currently processing a Pre-Application Zoning Review for the proposed addition. Based on the review of the Pre-Application Zoning Review we advise that the variance request should be amended as follows:

"1. to permit the proposed Recreational Establishment use providing a total of 42 parking spaces on site, whereas Zoning By-law 225-2007, as amended, requires a minimum of 93 parking spaces on site.

2. An aisle width of 4.9 m (16.08 ft.) for the six parallel parking spaces on the northerly side of the building; whereas Zoning By-law 225-2007, as amended, requires a minimum aisle width of 7.0 m (22.97 ft.)."

The applicant provided the city with a Parking Utilization Study dated October 14, 2015, at which time additional information was requested relating to Gross Floor Area figures. Updated information was submitted by the applicant as of November 24, 2015 and subsequently reviewed by planning staff. The Parking Justification Study can support the requested reduction in parking based on 3 conditions:

1. That the variance be approved for a temporary period of 2 years to allow an opportunity to re-evaluate the reduced parking arrangement;
2. That the parking lot be stripped as shown on the site plan submitted with the Committee of Adjustment application dated February 11, 2013; and
3. That no tractor trailers or storage trailers be permitted to be parked on-site.

The requested reduction in aisle width is required at the rear of the building on the northerly side where a one way drive in indicated, with parallel parking against the building. A 7.0 m (22.97 ft.) drive aisle is required on a one way driveway unless the parking is angled. It is our opinion that these six parking spaces could be functionally serviced by a narrower drive aisle with the proposed parallel parking arrangement.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended, subject to the conditions outlined above."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"Please refer to our comments submitted for the November 26, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"Please refer to our previous comments."

An e-mail was received from H. Lippe, of 6787 Invader Crescent, expressing his opposition to the application and noting his comments with respect to lack of available parking on the site.

An e-mail was received from 1708508 Ontario Inc., expressing opposition to the application and noting comments with respect to shortage of parking and unauthorized overflow parking on their property.

Mr. S. Usatis, of 6767 Invader Crescent, attended and advised that he represented the business owners/property owners at 6767, 6787, 6797, and 6777 Invader Crescent. He indicated that these properties share the driveway adjacent to the subject property and utilize it to access their properties. Mr. Usatis advised that when there is insufficient parking available on the subject site, the patrons park on their sites or obstruct the driveway. He indicated that debris is often found on their property following the weekend, when activities occur at the subject site. Mr. Usatis indicated that the property owner at 6765 Invader Crescent removed the trees from the landscape strip and he was concerned that they may be removing the landscape strip to create parking spaces. Mr. Usatis indicated that they do not want patrons to park on the neighbouring properties or leave litter on any of the adjoining properties.

No other persons expressed any interest in the application.

Mr. Somalingham advised the Committee that the current application differs from a previously refused application considered by the Committee in 2015. He presented a site plan and explained that the landscape strip adjacent to the driveway accessing the neighbouring properties was originally to be removed and replaced with parking spaces. Mr. Somalingham advised that they will retain the landscape strip and re-stripe the parking spaces on the property to provide additional parking at the side and rear of the building. He also advised that the current request has a reduced mezzanine floor area.

Mr. Somalingham advised that the property owner had been allowing his friend to park a tractor trailer on the property; however, he indicated that the property owner will discontinue the practice.

Mr. J. Sandhu, property owner, attended and advised that soccer clubs rent the facility to utilize it for training purposes for their players. He indicated that there are no leagues operating from the location. Mr. Sandhu indicated that they use the premises for soccer practise or recreational play.

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

The Committee consented to the request.

Mr. Somalingham requested that, if the Committee sees merit in the request, that consideration be given to allow the use for a longer period of time. He explained that it will take approximately 1 ½ - 2 years to construct the addition.

The Committee, after considering the submissions put forward by Mr. Somalingham 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 an addition to the existing building and expansion of the recreational use on the subject property proposing:

1. to permit the proposed Recreational Establishment use providing a total of 42 parking spaces on site, whereas Zoning By-law 0225-2007, as amended, requires a minimum of 93 parking spaces on site in this instance; and,
2. an aisle width of 4.90 m (16.08 ft.) for the six parallel parking spaces on the northerly side of the building; whereas Zoning By-law 0225-2007, as amended, requires a minimum aisle width of 7.00 m (22.97 ft.) in this instance.

This application is approved for a temporary period of three (3) years to expire and terminate on January 31, 2019, subject to the following condition:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.
2. That the parking lot be striped in accordance with the site plan reviewed by the Committee.
3. That all outstanding deferral fees with respect to the minor variance application be paid in full prior to building permit issuance.

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

Dated at the City of Mississauga on January 14, 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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



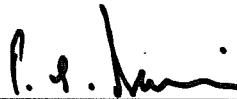
D. KENNEDY



J. PAGE

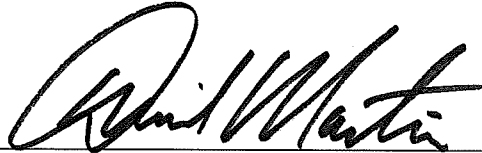
ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

BLUE RIBBON INVESTMENTS INC.

on Thursday, January 7, 2016

Blue Ribbon Investments Inc. is the owner of 1040 Burnhamthorpe Road East being Part of Lot 8, Concession 1, N.D.S., zoned C1 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a take-out restaurant to be located within 6.00m (19.68ft.) of the closest lot line of a residential zone; whereas By-law 0225-2007, as amended, requires a minimum 60.00m (196.85ft.) separation distance from the restaurant to the closest lot line of a residential zone in this instance.

On November 26, 2015, Mr. N. Dell, the authorized agent, attended and presented the subject application to a take-out restaurant to be located on the subject property. Mr. Dell noted that the application had been circulated to allow for relief for a parking deficiency and that upon further investigation he had discovered that sufficient parking spaces were assigned to the unit. He requested to withdraw the variance request for a parking deficiency. He noted an additional variance was required to allow the take-out restaurant to be located within the required separation distance to a Residential zone.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2015):

"Recommendation:

The Planning and Building Department recommend that the application be deferred in order for the applicant to provide a Parking Justification Study or apply for the Payment in-lieu of parking (PIL) program.

Background:

Mississauga Official Plan:

Character Area: Applewood Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007:

Zoning: "C1", Convenience Commercial

Other Applications:

Certificate of Occupancy File: C 15-6643
 Building Permit File: BP 15-7073

Comments:

The Planning and Building Department is currently processing a Certificate of Occupancy application and a Building Permit application for the proposed restaurant. Based on the review of the applications, we advise that the following additional variance is required:

"2. to permit a restaurant to be located within 6m of the closest lot line of a residential zone; whereas By-law O225-2007, as amended, requires a minimum of 60m between a restaurant and the closest lot line of a residential zone."

We further advise that more information is required to verify the accuracy of the parking variance requested or determine whether additional variances will be required. Based on the drawings provided, it is unclear how many spaces are associated with the proposed restaurant use.

Although the site is only deficient by one space, the applicant should demonstrate that this space is not needed through a Parking Utilization Study or by applying for a PIL application to cover the deficiency.

With regards to the additional variance #2, the restaurant is in close proximity to the closest residential zone, however it is relatively low traffic and since it is a take-out restaurant there should be minimal noise and activity on site. Additionally there are numerous other restaurants in the plaza in which the proposed restaurant would be located and it is our opinion that the proposal would not significantly impact the neighbours in any additional ways.

Based on the preceding information, the Planning and Building Department has no objection to variance #2; however, the application should be deferred in order to provide the requested Parking Utilization Study or PIL application for variance #1."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 478/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

"An existing Region of Peel sanitary easement traverses the subject lands. Certain restrictions may apply as per the documents registered on title."

No other persons expressed any interest in the application.

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and indicated that insufficient information had been provided to confirm Mr. Dell's assertion.

The Committee noted that an additional variance would be required for relief to the required separation to the abutting Residential zone. The Committee indicated that further circulation of the application was required prior to adjudicating the application. The Committee deferred the application to the January 7, 2016 hearing.

On January 7, 2016, Mr. N. Dell, authorized agent, attended and indicated that a variance for the setback of the take-out restaurant to a Residential zone is required. He indicated that a parking variance is not required.

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

The City of Mississauga Planning and Building Department commented as follows (January 5, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance, however more information is required to determine whether the parking variance which was initially applied for is still necessary. The applicant may wish to defer the application in order to submit additional information in order to determine what variances will be required.

Background

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1 (Convenience Commercial)

Other Applications:

Building Permit File: 15-7073

Comments

As per our previous comments, the Planning and Building Department has no objection to the requested variance relating to the separation distance for the restaurant use. However, the applicant may still require the parking variance which they had initially applied for and subsequently withdrawn. We would require more information in order to determine whether the variance is necessary. It appears that there are four units on the property which would all require parking, in addition to the parking required for the take out restaurant.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant should considering deferring the application in order to submit additional information through the Building Permit application in order to determine whether a parking variance is still required."

The City of Mississauga Transportation and Works Department commented as follows (January 5, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 478/15."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"Please refer to our previous comments."

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that they are unable to confirm whether a variance for parking is required. He advised that although the property appears to function as one site, there are different owners for parts of the plaza. He indicated that additional information is required with respect to the use of the units and the number of parking spaces provided on the subject property.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years, to expire and terminate on January 31, 2021, subject to the following condition:

1. The hours of operation for the take-out restaurant shall be limited to:
Mondays to Fridays from 9:00 a.m. to 12:00 a.m. (mid-night); and,
Saturdays and Sundays from 9:00 a.m. to 1:00 a.m.

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

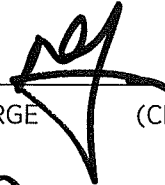
Dated at the City of Mississauga on January 14, 2016.

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 FEBRUARY 3, 2016.

Date of mailing is January 18, 2016.



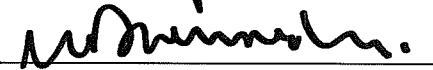
S. PATRIZIO




D. GEORGE (CHAIR)



J. ROBINSON



D. KENNEDY



J. PAGE

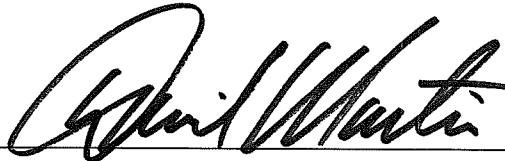
ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 14, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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