

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: JANUARY 14, 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-006/16	CROWNVETCH DEVELOPMENTS INC.	7427 -7431 NINTH LINE	9	Approved
B-007/16	PAWEL MATERSKI	2522 GLENGARRY RD	7	Approved
A-027/16				
A-028/16				

NEW APPLICATIONS - (MINOR VARIANCE)

A-018/16	13365657 ONTARIO LTD.	2380 ROYAL WINDSOR DR	2	Approved
A-019/16	2413826 ONTARIO INC.	2596 BURSLEM RD	7	Refused
A-020/16	CALDIN ENTERPRISE INC.	1744 LAKESHORE RD W	2	Approved
A-021/16	9310924 CANADA INC.	4500 DIXIE RD	3	Feb. 11
A-022/16	AGNIESZKA ZIELINSKA & TOMASZ ZIELINSKI	1545 ADAMSON ST	7	Approved
A-023/16 TO A-026/16	RICOLA DEVELOPMENT INC.	124, 126, 128, 130 CHURCH ST	11	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-476/15	1552653 ONTARIO INC	202 DUNDAS ST W	7	Apr. 7
A-495/15	ALEXANDR SCHOLYAR	271 QUEEN ST S	11	Mar. 10

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

CROWNVETCH DEVELOPMENTS INC.

on Thursday, January 14, 2016

Crownvetch Developments Inc. is the owner of 7427 - 7431 Ninth Line being Part of Lot 13, Concession 10, N.S., zoned G1, Greenbelt, B, Buffer, & E2-117, Employment. The applicant requests the consent of the Committee to the conveyance, lease, mortgage and/or charge subject to and/or together with easements on a parcel of land having a frontage of approximately 119.66m (392.58ft.) and having an area of approximately 2.30 ha (5.70 acres). The effect of the application is to create a new lot for industrial purposes.

Mr. F. Gasbarre, authorized agent, attended and presented the application. Mr. Gasbarre presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. Mr. Gasbarre advised that the severed lands are to be utilized by a warehousing and distribution facility. He indicated that reciprocal easements will be required for access purposes.

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 8, 2016),
City of Mississauga, Transportation and Works Department (January 7, 2016),
City of Mississauga, Community Services Department, Park Planning (January 14, 2016),
Region of Peel, Environment, Transportation & Planning Services (January 11, 2016)
TransCanada Pipelines Limited (January 6, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Gasbarre 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. Gasbarre, 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.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 7, 2016.

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED



File: "B" 006/16
WARD 9

Application Approved, on conditions as stated.

Dated at the City of Mississauga on January 21, 2016.

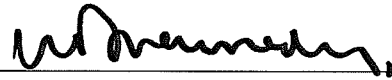
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE FEBRUARY 14, 2016.

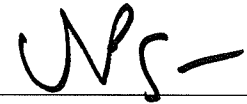
Date of mailing is January 25, 2016.


S. PATRIZIO (CHAIR)


D. GEORGE

ABSENT
J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on January 21, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before January 25, 2017.

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

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

PAWEL MATERSKI

on Thursday, January 14, 2016

Pawel Materski is the owner of 2522 Glengarry Road being Lot 21, Registered Plan 393, zoned R1-9, Residential. The applicant requests the consent of the Committee to convey a parcel of land having a lot frontage of 15.24m (50.00ft.) and an area of approximately 812.90m² (8750.26sq.ft.). The effect of the application is to create a new lot for residential purposes.

This application will be considered concurrently with Minor Variance Application Files 'A' 027/16 and 'A' 028/16.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. Mr. Oughtred indicated that, as the lot frontages do not comply with the current Zoning By-law requirements, minor variances have been submitted. He advised that the lot sizes are consistent with those in the immediate vicinity. He presented a sketch plan for the Committee's review illustrating the lot patterning for the lots fronting on Glengarry Road and Sharon Crescent. Mr. Oughtred advised that a similar application for severance was considered and approved by the Ontario Municipal Board for the adjacent lot.

Mr. Oughtred provided plans of a house design that could be built on the lots and advised that it is their intent to construct a dwelling in accordance with the Zoning By-law. He indicated that the dwellings will be similar to those in the neighbourhood.

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 12, 2016),
City of Mississauga, Transportation and Works Department (January 7, 2016),
City of Mississauga, Community Services Department (January 12, 2016),
Region of Peel, Environment, Transportation & Planning Services (January 11, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Oughtred 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. Oughtred, 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 indicated that the proposed lots are consistent with the lot frontages in the neighbourhood. They advised that their approval of the severance is strongly influenced by the applicant's desire to construct dwellings in accordance with the Zoning By-law.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 7, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 12, 2016.

MOVED BY: D. George

SECONDED BY: D. Kennedy

CARRIED



File: "B" 007/16
WARD 7

Application Approved, on conditions as stated.

Dated at the City of Mississauga on January 21, 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 14, 2016.

Date of mailing is January 25, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on January 21, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before January 25, 2017.

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

COMMITTEE OF ADJUSTMENT

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

13365657 ONTARIO LTD.

on Thursday, January 14, 2016

13365657 Ontario Ltd. is the owner of 2380 Royal Windsor Drive being Part of Lot 33, Concession 3, SDS, zoned E3-1, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a car detailing facility within Unit #11 of the subject development; whereas By-law 0225-2007, as amended, does not make provisions for such a use on the subject property in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the operation of a car detailing facility in Unit # 11. He advised that the service is provided for high end performance vehicles.

Mr. Oughtred presented a floor plan for the Committee's review and advised that vehicles are cleaned in the bays and then placed in the "clean air" area. The windows and lights are masked and a waxing and protective coating is applied to the vehicle. He advised that the finish lasts five to six times longer than a typical waxing. Mr. Oughtred advised that the Zoning By-law does not specifically permit the proposed use; however, there are similar types of uses in the complex, such as a car wash.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 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 in order to verify the unit number associated with the proposed use.

Background

Mississauga Official Plan

Character Area: Southdown Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3-1 (Industrial)

Other Applications:

Certificate of Occupancy File: 15-7727

Comments

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. It appears that there are discrepancies between the unit number requested and the unit layout on the key plan within our records. Through speaking with the applicant we understand that a new plan will be submitted through a related Building Permit application in order to rectify a number of these inconsistencies. Additionally, the applicant has indicated that they will ensure that the correct unit has been applied for.

The requested use of a car detailing facility is similar in nature to a variety of the uses permitted as of right under the zoning. A variety of Motor Vehicle Repair and Wash Facilities are permitted under the E3-1 zoning and it is our opinion that the requested use, which is not defined under Zoning By-law 0225-2007, is similar in nature to these permitted uses.

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 in order to verify the unit number associated with the proposed use."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 18/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

"This property is within the vicinity of St. Lawrence Cement Landfill Site. It is an inactive, private landfill located between Winston Churchill and Southdown Rd., at Lakeshore Blvd.

This property is also within the vicinity of an inactive, private landfill site with M.O.E.C.C. as #A220111."

No other persons expressed any interest in the application.

Mr. Oughtred, upon hearing the comments of the Committee and the Planning and Building Department, indicated that he did not wish to defer the application.

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

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

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

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


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

Dated at the City of Mississauga on January 21, 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 10, 2016.

Date of mailing is January 25, 2016.

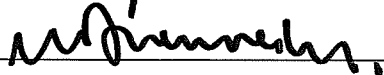

S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 21, 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

2413826 ONTARIO INC.

on Thursday, January 14, 2016

2413826 Ontario Inc. is the owner of 2592 Burslem Road being Part of Lot 16, Registered Plan 446, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing a southerly side yard of 1.22m (4.00ft.) to the second storey of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum 1.81m (5.93ft.) side yard to the second storey of the dwelling 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 detached dwelling proposing a reduced side yard. Mr. Oughtred indicated that a Consent application was considered and approved by the Committee in 2013. He presented a site plan and advised that a reduction in the southerly side yard is being requested for the second storey. He indicated that the reduced side yard will allow the two bedrooms to have a more functional layout.

Mr. Oughtred advised that the property is located across the street from a Commercial plaza. He indicated that the lot is close to Dundas Street East where automotive uses are predominant.

Mr. Oughtred indicated that the neighbours have expressed support for the application noting that there will be no adverse impact.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

The proposed dwelling will be located on a lot which was created in 2014 through a Consent application. The adjacent lot, created through the same application, has a dwelling constructed on it without needing any variances. In our opinion a brand new build should be able to be accommodated on this lot without variances, as demonstrated by the dwelling constructed next door at 2596 Burslem Road by the applicant. The lot severance was supported under the assumption that the lots were of a sufficient size for the construction of a dwelling.

Additionally, planning staff have done a review of other lots within the immediate area, along Burslem Road and the neighbouring Cliff Road, and have found that no variances have been granted for side yard setbacks. This demonstrates that the character of the area is one which has maintained sufficient side yard setbacks throughout the area.

Based on the preceding information, the Planning and Building Department are of the opinion that the lot should be able to accommodate a dwelling without the need for variances, as demonstrated by the adjacent dwelling built on an identical lot, and as a result, recommend that the application be refused."

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

"This property is within the vicinity of Lara Woods Landfill Site. It is an inactive, private landfill located north of Dundas, between Cawthra and Hurontario."

No other persons expressed any interest in the application.

Mr. Oughtred, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to request a reduced side yard on the northerly side yard rather than the southerly side yard.

The Committee consented to the request and, after considering the submissions put forward by Mr. Oughtred and having reviewed the site plan and comments received, is not satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the original severance was granted as each property was sufficiently sized to accommodate a dwelling without the need for a variance. The Committee noted that other dwellings have been constructed in the vicinity without requesting relief from the Zoning By-law requirements. They indicated that the application, if approved, would contribute to excessive massing and would not be in character with the neighbourhood. The Committee advised that it appears that similar applications for severance may be submitted in the future for properties to the south of the subject lot and noted that if they were to allow a reduction in the side yard, it may set a precedent for future development in the area.



MISSISSAUGA

File: "A" 019/16
WARD 7

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

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

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

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

Dated at the City of Mississauga on January 21, 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 10, 2016.

Date of mailing is January 25, 2016.

DISSENTED

S. PATRIZIO (CHAIR)


D. GEORGE

ABSENT

J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on January 21, 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

CALDIN ENTERPRISE INC.

on Thursday, January 14, 2016

Caldin Enterprise Inc. is the owner of 1744 Lakeshore Road West being Part of Lot 28, Concession 3, SDS, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the existing restaurant and ancillary outdoor patio use, known as the "Clarkson Pump", to remain being located within 60.00 m (196.85 ft.) of a Residential zone as previously approved pursuant to Committee of Adjustment Decision File "A" 441/10; whereas By-law 0225-2007, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line, from the nearest part of the building or structure or portion of the building or structure containing the use to the closest lot line of a Residential Zone in this instance and does not permit an outdoor patio use in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the existing restaurant and outdoor patio to remain within 60.00m (196.85ft.) of a Residential Zone. Mr. Oughtred advised that the most recent Minor Variance application (Reference 'A' 441/10) was approved by the Committee in 2010. He advised that there have been no changes in the manner in which the restaurant and outdoor patio operate. He advised that they are agreeable to the conditions previously imposed by the Committee with the exception of condition # 3, which restricts the service hours for the outdoor patio. Mr. Oughtred requested that condition # 3 be removed noting that there are no complaints or letters of objection with respect to the operation.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

Other Applications:

N/A

Comments

The proposed restaurant use, and associated outdoor patio, has had approvals extending back nearly three decades with the most recent five year approval given in 2010 under file A 441/10. The Planning and Building Department are not aware of any formal complaints or concerns related to the recent operation of the Clarkson Pump restaurant and patio. The most recent approval in 2010 had 6 conditions attached to it; in our opinion it would be appropriate to maintain these conditions.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, subject to the same conditions imposed under the previous approval."

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

"We note that there is an existing Region of Peel sanitary easement through the subject lands. Certain restrictions apply with respect to easement as per the documents registered on title."

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

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that based upon previous complaints with respect to the operation, the conditions were imposed to address the concerns of the neighbours. They noted that the restaurant and patio operators endeavoured to ensure that the patio and restaurant function without detrimental effects on the community. The Committee indicated that they are unwilling to change the hours of the operation of the patio as they believe that the reduced hours address the concerns of the neighbours with respect to noise.

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

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

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

1. This decision is personal to "Clarkson Pump" and shall be in effect so long as the subject premises are leased and/or occupied by same.
2. The entire patio area shall be limited to a total of eighty eight (88) seats.

3. There shall be no live music on the outdoor patio and only low volume background type music shall be played until 10:30 p.m..
4. Service to the outdoor patio shall be stopped at 10:30 p.m. and the patio shall be completely closed by 11:00 p.m. daily.
5. A 2.50 m (8.20 ft) high solid wood fence shall continue to be maintained along the southerly side of the patio and a 1.80 m (5.90 ft) solid wood fence shall continue to be maintained along the westerly side of the patio.
6. An angled fence barrier shall be maintained adjacent to the existing 2.50 m (8.20 ft) solid wood fence along the southerly fence line to act as a buffer.
7. All lighting shall be soft in nature and directed into the patio below the level of the fencing.

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

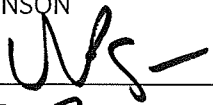
Dated at the City of Mississauga on January 21, 2016.

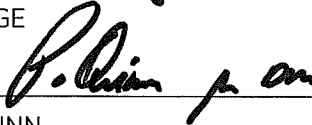
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE FEBRUARY 10, 2016.

Date of mailing is January 25, 2016.

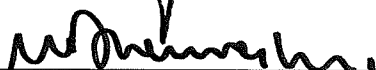

S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON


J. PAGE

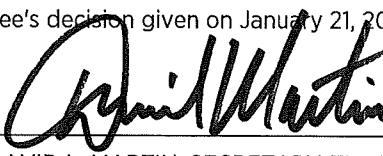

P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 21, 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

AGNIESZKA ZIELINSKA & TOMASZ ZIELINKSKI

on Thursday, January 14, 2016

Agnieszka Zielinska & Tomasz Zielinski are the owners of 1545 Adamson Street being Part of Lot 6, Plan TOR-7, zoned R2-22, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a second storey addition over the existing garage and a front entrance addition proposing:

1. a front yard of 5.74m (18.83ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
2. a front yard to the second storey addition of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
3. a proposed side yard of 1.14m (3.74ft.) to the second storey addition; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft) to the second storey in this instance,
4. an existing side yard of 0.56m (1.83ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance,
5. an existing 0.16m (0.52ft.) setback of the driveway to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum 0.60m (2.00ft.) setback from a driveway to the side lot line in this instance,
6. to permit the existing driveway to remain having a width of 7.60m (24.93ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.05m (16.56ft.) in this instance; and,
7. to permit an existing air conditioning unit to remain in the front yard; whereas By-law 0225-2007, as amended, does not permit an air conditioning unit in the front yard in this instance.

Ms. D. Kowiazio-Sitko, authorized agent, attended and presented the application to permit the construction of a second storey addition above the existing garage and a front entrance vestibule addition. Ms. Kowiazio-Sitko presented plans for the Committee's review and consideration. She indicated that she wishes to utilize the existing footprint to construct the second storey addition and the existing dwelling does not comply with the minimum Zoning By-law requirements for front yard.

Ms. Kowiazio-Sitko advised that they wish to construct the addition in line with the existing walls. The side yard setback to the existing dwelling does not comply with the By-law. She wishes to maintain the same setback for the second storey.



MISSISSAUGA

File: "A" 022/16
WARD 7

Ms. Kowiaz-Sitko indicated that there are no changes proposed to the dwelling on the westerly side yard. Permission is being requested to allow the dwelling to remain with the existing setback of 0.56m (1.83ft.).

Ms. Kowiaz-Sitko advised that they are requesting that the driveway width and setback to the side property line and the location of the existing air conditioning unit in the front yard be permitted to remain. She advised that she has spoken with many of the neighbours and submitted letters expressing support for the application.

Ms. Kowiaz-Sitko indicated that there is no adverse impact to the neighbour to the east as their home is a two storey dwelling and there is no adverse impact to the neighbour to the west as the home is surrounded by greenery.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation"

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

Background

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-22 (Residential)

Other Applications:

Pre-Zoning Review File: 15R 6409

Comments

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

The requested variances primarily seek to recognize a number of existing deficiencies with the current dwelling on the site. Variances #2 and #3 are required as a result of the new construction of the proposed second storey addition.

The second storey addition is proposed to be constructed on the existing dwelling footprint over the garage; as a result the deficient side yard setback of 1.14 m (3.74 ft.) is maintained. The second storey addition would be adjacent to a two storey dwelling with a large, relatively featureless wall. This should help to mitigate any concerns about the reduced setback imposing on the adjacent property.

The increased driveway width would not allow for the parking of three vehicles across the front of the dwelling and the lot frontage and size still allows for adequate front yard landscaped area.



MISSISSAUGA

File: "A" 022/16
WARD 7

The air conditioning unit is technically in the front yard, but is located to the side of the garage and proposed second storey, and tucked into the corner. As a result of the relative shielding and recessed position of the unit we have no objection to this variance.

The existing setbacks will be maintained on the westerly side yard, with no new construction proposed. The adjacent dwelling is set well back from the side lot line and the impact of the reduced existing side yard should be negligible. The front yard setback has also been maintained to the front of the garage and we don't anticipate any negative impacts with it remaining as constructed.

Based on the preceding information, the Planning and Building Department are of the opinion that the requests are minor in nature and we have no objection to the requested variances."

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

"This department has no objections to the applicant's request. We are noting that any Transportation and Works Department concerns/requirements for the proposed second storey addition over the existing garage will be addressed at the time of the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

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

"This property is within the vicinity of Erindale Park. This former landfill site was used for the disposal of waste and was closed in 1962. Both methane gas and leachate have been detected historically. An environmental monitoring program is in place and consists of ground and surface water monitoring on a routine basis. It is catalogued by the M.O.E as #7072."

A letter was received from E. Boroniec, property owner at 2546 Robinson Street, expressing no objection to the application.

A letter was received from the resident at 1590 Adamson Street, expressing no objection to the application.

A letter was received from M. Rainville, resident at 1532 Adamson Street, expressing no objection to the application.

A letter was received from A. Zibek, resident at 1541 Adamson Street, expressing no objection to the application.

A letter was received from A. Skorupinska and A. Skorupinski, property owners at 1568 Adamson Street, expressing no objection to the application.

A letter was received from M. Szemplinska & J. Szemplinski, property owners at 2565 Robinson Street expressing objection to variance # 4.

Mr. S. Szemplinski, a representative of the property owners at 2565 Robinson Street, attended and expressed objection to the request for the dwelling to remain with a reduced side yard. Mr. Szemplinski presented photographs and indicated that there is too small a space between the dwelling and the property line to do required maintenance or fence repairs. Mr. Szemplinski advised that, in order for maintenance to be completed, the neighbours must enter onto their property. He advised that when they granted approval to previous neighbours to enter their property to do maintenance or fence repairs, damage occurred to their property. He noted that the neighbours did not rectify the problem. Mr. Szemplinski advised that the variance directly and negatively affects their property and quality of life.

Mr. Szemplinski advised that the applicant's house was built too close to the property line. He was unaware why the property has been allowed to remain with the non-compliances for so long. He indicated that when a property does not comply with the By-law, steps should be taken to bring the property into compliance. Mr. Szemplinski explained that the house wall should be moved into compliance with the Zoning By-law and, although it may cause a hardship now, it will improve the property value and marketability and save them costs and conflicts with their neighbours.

Mr. Szemplinski advised that if the variance is granted, it will create a perpetual situation where the homeowner will not be able to maintain their property without entering onto the neighbouring property. The reduction in side yard setback is not minor in nature as it erodes the local aesthetics and is incompatible with the neighbourhood.

Mr. Szemplinski advised that the application should not be approved as it does not meet the intent of the Zoning By-law. He noted that the By-law states that "No land shall be used and no building or structure shall be constructed, altered, expanded or used within the Planning Area except in conformity with the provisions of this By-law."

Mr. Szemplinski indicated that the wall, if permitted to remain, causes a barrier effect and loss of enjoyment of their property as the neighbours must enter onto their property to service their property. Access through their property always results in loss to trees, vegetation, and damage to their property.

Mr. Szemplinski advised that the variance is contrary to the Official Plan as the proposed changes are not sensitive to the existing character of the neighbourhood which contain provisions for wider side yards. He indicated that the Official Plan requires clearly defined access and egress to avoid entrapment areas. Mr. Szemplinski advised that the neighbours have windows in the house wall adjacent to the fence and in the event of an emergency, such as a fire, occupants would not be able to escape. Fire-fighters would have to enter through the neighbour's property which would result in damages to their property.

Mr. Szemplinski indicated that the Official Plan mandates that over time, all legal non-conforming uses will cease. If the variance is approved, the non-conforming situation will not be brought into compliance with the Official Plan. He indicated that if the Committee were to approve the request, a future applicant may wish to construct a new dwelling using the same setback.

Mr. Szemplinski presented photographs and advised that he does not believe that the measurements of the dwelling from the property line are accurate. He indicated that this means that there is actually less space to conduct maintenance repairs to the property. Mr. Szemplinski advised that the reduced side yard creates less privacy for both properties.

Ms. M. Szemplinska, property owner at 2565 Robinson Street, attended and advised that the fence was constructed by the neighbour; however, the cost of the fence was shared.

No other persons expressed any interest in the application.

Ms. Kowiaz-Sitko advised that an updated survey was prepared. She indicated that the fence is actually located on her client's property. Ms. Kowiaz-Sitko advised that her client's renovation is required to allow for more space for their growing family. She advised that the house has had basement underpinning completed and the electrical and plumbing updated. She advised that the dwelling has already been renovated and it would be impractical to move the wall as requested by the neighbours. Ms. Kowiaz-Sitko indicated that the home is being brought up to standards so that it will meet the character of the neighbourhood.

The Committee, after considering the submissions put forward by Ms. Kowiaz-Sitko 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 addition to the dwelling is located on the east side. They noted that permission is being requested to allow the dwelling to remain in its present location so that the renovations and addition permit may be obtained. The Committee indicated that access to maintain the property can be obtained through the other three sides if the neighbouring property owner does not wish to grant access through their property. The Committee advised that the existing dwelling is permitted to remain on the lot with the reduced side yard; however, if a new dwelling is proposed, it must meet the minimum requirements of the By-law or another variance request may be submitted. The Committee indicated that their approval is based upon the plans that they reviewed.

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

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



MISSISSAUGA

File: "A" 022/16
WARD 7

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 plans reviewed by the Committee.

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

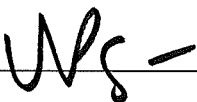
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Date of mailing is January 25, 2016.


S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 21, 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

RICOLA DEVELOPMENT INC.

on Thursday, January 14, 2016

Ricola Development Inc. is the owner of 124 Church Street being Part of Lots 1 and 2, Plan STR 4, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit:

1. a dwelling unit within the first two storeys of a building having a dwelling unit above; whereas By-law 0225-2007, as amended; only permits a dwelling unit located above the first storey of a commercial building in a C4, Commercial zone in this instance; and,
2. parking at a rate of 1.25 spaces per unit for the residential unit on the ground floor; whereas By-law 0225-2007, as amended, does not provide a parking standard for a dwelling unit on the ground floor with dwelling units located above the first storey in a C4, Commercial zone in this instance.

Mr. P. Ricciuto, authorized agent, attended and presented the application to permit the ground and second floor units to be utilized for residential purposes. Mr. Ricciuto advised that the C4, Commercial zone designation only permits a dwelling unit above the first storey of a Commercial building. He presented elevation plans for the Committee's review and advised that the units are designed as four vertical units with separate entrances. He advised that they were originally designed as live/work units. Mr. Ricciuto explained that they wish to have residential or commercial uses on the ground floor. He advised that as the Zoning By-law does not permit the use, there is no parking standard for a dwelling unit on the ground floor.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

Other Applications:

N/A

Comments

Based on a review of the Minor Variance application the Planning and Building Department are unable to confirm the accuracy of the requested variances. Additional information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

However, based on the drawings submitted with this application it appears that the variance request should be amended as follows:

"2. parking at a rate of 1.25 spaces per residential unit; whereas By-law 0225-2007, as amended does not provide a parking standard for a dwelling unit on the ground floor or dwelling units located above dwelling units in this instance."

The requested variances serve the purpose of giving the applicant flexibility of uses within each unit of the building. Zoning By-law 0225-2007 does not contemplate all potential arrangements or specific flexible use configurations in this zone, or associated parking standards. As a result the variance for the specific rate of parking allows the applicant to apply parking at the rate for second storey residential units to all residential units in the building.

Residential uses are not permitted on the ground floor in a C4 zone, and our department would not generally support a variance to allow it, however in this case the property is in close proximity to other residential use and residential zones along Church Street to the south as well as across the road from greenbelt lands adjacent to the Credit River. This specific location does not serve as the same type of commercial uses that would be expected in other C4 zones, such as the neighbouring Queen Street South.

In our opinion a mix of commercial and residential uses on the main floor of the building in this location would be appropriate based on the character of the immediate area and the expected commercial uses which would be likely to go into these units.

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 6, 2016):

"Enclosed are photos are a number of photo's which depict the subject property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

"Any changes to servicing as a result of minor variance should be circulated to the Region of Peel. Please be advised that service connection shall be in compliance with Ontario Building Code and Region of Peel Design Criteria."

"The property is within the vicinity of DHI, which is a private landfill site. It is an inactive landfill located south of Britannia, west of Queen. No further information is available.

This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E as #7074."

The Credit Valley Conservation commented as follows (December 23, 2015):

"The above noted properties are outside of a Credit Valley Conservation (CVC) Regulated Area. As such, CVC has no comment on the minor variance applications."

No other persons expressed any interest in the application.

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

The Committee requested clarification with respect to parking standards if the entire building was residential.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that if the building was entirely residential, then the parking standard would be 2.00 parking spaces per unit. He clarified that if the entire building was occupied with residential uses, they would not object as the built form suits the character of the immediate area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Ricciuto 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 parking requirements for residential use would be lower than the requirements for a Commercial use. They indicated that the proposed mix of Residential and Commercial uses on the ground floor would suit the character of the neighbourhood.

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. a dwelling unit within the first two storeys of a building having a dwelling unit above; whereas By-law 0225-2007, as amended; only permits a dwelling unit located above the first storey of a commercial building in a C4, Commercial zone in this instance; and,
2. parking at a rate of 1.25 spaces per residential unit; whereas By-law 0225-2007, as amended, does not provide a parking standard for a dwelling unit on the ground floor or dwelling units located above dwelling units in this instance.

MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
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File: "A" 023/16
WARD 11

Application Approved, as amended.

Dated at the City of Mississauga on January 21, 2016.

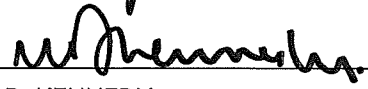
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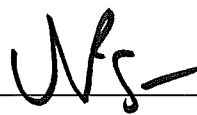
Date of mailing is January 25, 2016.


S. PATRIZIO (CHAIR)


D. GEORGE

ABSENT
J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on January 21, 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.
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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

RICOLA DEVELOPMENT INC.

on Thursday, January 14, 2016

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Mr. P. Ricciuto, authorized agent, attended and presented the application to permit the ground and second floor units to be utilized for residential purposes. Mr. Ricciuto advised that the C4, Commercial zone designation only permits a dwelling unit above the first storey of a Commercial building. He presented elevation plans for the Committee's review and advised that the units are designed as four vertical units with separate entrances. He advised that they were originally designed as live/work units. Mr. Ricciuto explained that they wish to have residential or commercial uses on the ground floor. He advised that as the Zoning By-law does not permit the use, there is no parking standard for a dwelling unit on the ground floor.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

Other Applications:

N/A

Comments

Based on a review of the Minor Variance application the Planning and Building Department are unable to confirm the accuracy of the requested variances. Additional information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

However, based on the drawings submitted with this application it appears that the variance request should be amended as follows:

"2. parking at a rate of 1.25 spaces per residential unit; whereas By-law 0225-2007, as amended does not provide a parking standard for a dwelling unit on the ground floor or dwelling units located above dwelling units in this instance."

The requested variances serve the purpose of giving the applicant flexibility of uses within each unit of the building. Zoning By-law 0225-2007 does not contemplate all potential arrangements or specific flexible use configurations in this zone, or associated parking standards. As a result the variance for the specific rate of parking allows the applicant to apply parking at the rate for second storey residential units to all residential units in the building.

Residential uses are not permitted on the ground floor in a C4 zone, and our department would not generally support a variance to allow it, however in this case the property is in close proximity to other residential use and residential zones along Church Street to the south as well as across the road from greenbelt lands adjacent to the Credit River. This specific location does not serve as the same type of commercial uses that would be expected in other C4 zones, such as the neighbouring Queen Street South.

In our opinion a mix of commercial and residential uses on the main floor of the building in this location would be appropriate based on the character of the immediate area and the expected commercial uses which would be likely to go into these units.

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

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"The above noted properties are outside of a Credit Valley Conservation (CVC) Regulated Area. As such, CVC has no comment on the minor variance applications."

No other persons expressed any interest in the application.

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

The Committee requested clarification with respect to parking standards if the entire building was residential.

Mr. G. Kirtan, Planner with the City of Mississauga, attended and advised that if the building was entirely residential, then the parking standard would be 2.00 parking spaces per unit. He clarified that if the entire building was occupied with residential uses, they would not object as the built form suits the character of the immediate area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Ricciuto 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 parking requirements for residential use would be lower than the requirements for a Commercial use. They indicated that the proposed mix of Residential and Commercial uses on the ground floor would suit the character of the neighbourhood.

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. a dwelling unit within the first two storeys of a building having a dwelling unit above; whereas By-law 0225-2007, as amended; only permits a dwelling unit located above the first storey of a commercial building in a C4, Commercial zone in this instance; and,
2. parking at a rate of 1.25 spaces per residential unit; whereas By-law 0225-2007, as amended does not provide a parking standard for a dwelling unit on the ground floor or dwelling units located above dwelling units in this instance.

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

Dated at the City of Mississauga on January 21, 2016.

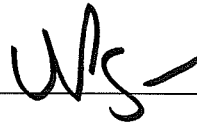
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Date of mailing is January 25, 2016.



S. PATRIZIO (CHAIR)


ABSENT
J. ROBINSON



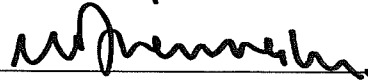
J. PAGE



P. QUINN



D. GEORGE



D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 21, 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

RICOLA DEVELOPMENT INC.

on Thursday, January 14, 2016

Ricola Development Inc. is the owner of 128 Church Street being Part of Lots 1 and 2, Plan STR 4, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit:

1. a dwelling unit within the first two storeys of a building having a dwelling unit above; whereas By-law 0225-2007, as amended; only permits a dwelling unit located above the first storey of a commercial building in a C4, Commercial zone in this instance; and,
2. parking at a rate of 1.25 spaces per unit for the residential unit on the ground floor; whereas By-law 0225-2007, as amended, does not provide a parking standard for a dwelling unit on the ground floor with dwelling units located above the first storey in a C4, Commercial zone in this instance.

Mr. P. Ricciuto, authorized agent, attended and presented the application to permit the ground and second floor units to be utilized for residential purposes. Mr. Ricciuto advised that the C4, Commercial zone designation only permits a dwelling unit above the first storey of a Commercial building. He presented elevation plans for the Committee's review and advised that the units are designed as four vertical units with separate entrances. He advised that they were originally designed as live/work units. Mr. Ricciuto explained that they wish to have residential or commercial uses on the ground floor. He advised that as the Zoning By-law does not permit the use, there is no parking standard for a dwelling unit on the ground floor.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

Other Applications:

N/A

Comments

Based on a review of the Minor Variance application the Planning and Building Department are unable to confirm the accuracy of the requested variances. Additional information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

However, based on the drawings submitted with this application it appears that the variance request should be amended as follows:

"2. parking at a rate of 1.25 spaces per residential unit; whereas By-law 0225-2007, as amended does not provide a parking standard for a dwelling unit on the ground floor or dwelling units located above dwelling units in this instance."

The requested variances serve the purpose of giving the applicant flexibility of uses within each unit of the building. Zoning By-law 0225-2007 does not contemplate all potential arrangements or specific flexible use configurations in this zone, or associated parking standards. As a result the variance for the specific rate of parking allows the applicant to apply parking at the rate for second storey residential units to all residential units in the building.

Residential uses are not permitted on the ground floor in a C4 zone, and our department would not generally support a variance to allow it, however in this case the property is in close proximity to other residential use and residential zones along Church Street to the south as well as across the road from greenbelt lands adjacent to the Credit River. This specific location does not serve as the same type of commercial uses that would be expected in other C4 zones, such as the neighbouring Queen Street South.

In our opinion a mix of commercial and residential uses on the main floor of the building in this location would be appropriate based on the character of the immediate area and the expected commercial uses which would be likely to go into these units.

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 6, 2016):

"Enclosed are photos are a number of photo's which depict the subject property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

"Any changes to servicing as a result of minor variance should be circulated to the Region of Peel. Please be advised that service connection shall be in compliance with Ontario Building Code and Region of Peel Design Criteria."

"The property is within the vicinity of DHI, which is a private landfill site. It is an inactive landfill located south of Britannia, west of Queen. No further information is available.

This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E as #7074."

The Credit Valley Conservation commented as follows (December 23, 2015):

"The above noted properties are outside of a Credit Valley Conservation (CVC) Regulated Area. As such, CVC has no comment on the minor variance applications."

No other persons expressed any interest in the application.

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

The Committee requested clarification with respect to parking standards if the entire building was residential.

Mr. G. Kirtan, Planner with the City of Mississauga, attended and advised that if the building was entirely residential, then the parking standard would be 2.00 parking spaces per unit. He clarified that if the entire building was occupied with residential uses, they would not object as the built form suits the character of the immediate area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Ricciuto 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 parking requirements for residential use would be lower than the requirements for a Commercial use. They indicated that the proposed mix of Residential and Commercial uses on the ground floor would suit the character of the neighbourhood.

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:

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

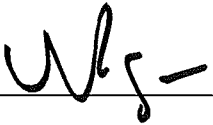
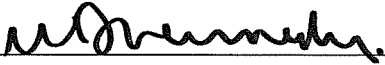
Dated at the City of Mississauga on January 21, 2016.

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 10, 2016.

Date of mailing is January 25, 2016.


S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON


J. PAGE
P. QUINN
D. GEORGE
D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on January 21, 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.
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Zoning: C4 (Mainstreet Commercial)

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The Committee consented to the request and, after considering the submissions put forward by Mr. Ricciuto 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 parking requirements for residential use would be lower than the requirements for a Commercial use. They indicated that the proposed mix of Residential and Commercial uses on the ground floor would suit the character of the neighbourhood.

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.

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

Dated at the City of Mississauga on January 21, 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 10, 2016.

Date of mailing is January 25, 2016.



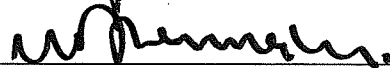
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

J. ROBINSON



D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on January 21, 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.
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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

PAWEL MATERSKI (BY AGREEMENT OF PURCHASE & SALE)

on Thursday, January 14, 2016

Pawel Materski (By Agreement of Purchase and Sale) is the owner of 2522 Glengarry Road being Lot 21, Registered Plan 393, zoned R1-9, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "severed lands" of Consent Application 'B' 007/16 having a lot frontage of 15.24m (50.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (73.81ft.) in an R1-9 Residential zone in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred presented a site plan for the Committee's review and consideration indicating that a Consent application (Reference 'B' 007/16) has been submitted to allow the lots to be created. Minor Variance applications have been submitted to request approval for a reduction in the lot frontage. Mr. Oughtred advised that the lot sizes are consistent with those in the immediate vicinity. He presented a sketch plan for the Committee's review illustrating the lot patterning for the lots fronting on Glengarry Road and Sharon Crescent. Mr. Oughtred advised that a similar application was considered and approved by the Ontario Municipal Board for the adjacent lot.

Mr. Oughtred provided plans of a house design that could be built on the lots and advised that it is their intent to construct a dwelling in accordance with the Zoning By-law. He indicated that the new dwellings will be comparable to others in the neighbourhood.

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

The City of Mississauga Planning and Building Department commented as follows (January 12, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested consent application and associated variance applications.

Background

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-9 (Residential)

Other Applications:

'B' 7/16 and 'A' 27/16 and 'A' 28/16 all related

Comments

In 2013, the Planning and Building Department processed Consent and Minor Variance applications for the adjacent lot to create lots that would be identical to what is being proposed in the current application. The previous applications on the adjacent property were not supported by staff or the Committee, and subsequently refused. However, the applicant appealed the decision to the Ontario Municipal Board and the Board found that the requested severance was appropriate. The Board provided multiple comments including references to Provincial Policy and planning hierarchy as well as an analysis that both sides of a street must be taken into consideration when defining character and appropriateness for a Consent application. Given the identical nature of the current application, the Planning and Building Department is of the opinion that the requested Consent and Minor Variance applications should be supported.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and Minor Variance applications, provided that the severed and retained lands comply with the provisions of Zoning By-law No. 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on-site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete."

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements will be addressed under Consent Application 'B' 7/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 11, 2016):

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

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee advised that their approval of the Consent and related Minor Variance Applications is strongly influenced by the applicant's desire to construct dwellings in accordance with the Zoning By-law.

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

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

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

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

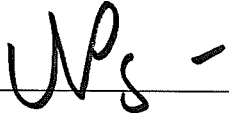
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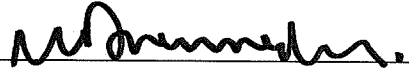

S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

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DAVID L. MARTIN, SECRETARY-TREASURER

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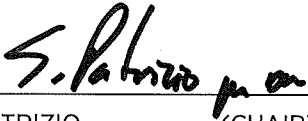
MOVED BY:	D. George	SECONDED BY:	D. Kennedy	CARRIED
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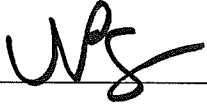
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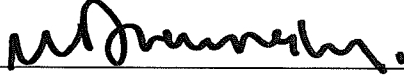

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