

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: JANUARY 28, 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
NEW APPLICATIONS - (CONSENT)				
B-008/16	VINCENT YUNG	1440 BLOOR ST. E.	3	Approved
B-009/16 A-041/16	CANDU ENERGY INC.	2210 SPEAKMAN DRIVE	2	Approved Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-029/16	UZMA IMRAN AL-HAR & MUHAMMAD IMRAN AL-HAR	3916 MILKWOOD CRESCENT	10	Approved
A-030/16	JOAO B.S. FERNANDES	1505 Highbrook Avenue	6	Approved
A-031/16 A-032/16	REINHOLD DELAND	1438 HAIG BLVD	1	Approved (1 year)
A-033/16	YU QIAO	1834 DELDERFIELD CRESCENT	8	Refused
A-034/16	KIM MCKENNA	944 OWENWOOD DRIVE	2	Mar. 3
A-035/16	DAVID SHALDOFF	2880 GARDENVIEW CRESCENT	9	Approved
A-036/16	SHAKIL HAMID	6630 EDENWOOD DRIVE	9	Approved
A-037/16	BHOOMESCHWARIE POSHENDRANAATH	7369 SHALLFORD ROAD	5	Approved
A-038/16	ASIF SATTAR	5865 SIDMOUTH STREET	6	Mar. 10
A-039/16	GIANNONE BOYES CORP.	801 INDIAN ROAD	2	Approved
A-040/16	1441757 ONTARIO LTD.	480-488 EGLINTON AVE. WEST	4	Withdrawn
A-042/16	RAMZY NUQUL	1333 QUEEN VICTORIA AVE.	2	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-259/15	1438864 ONTARIO INC	241 LAKESHORE RD E	1	Approved
A-379/15	RITA DIAS	3232 DOVETAIL MEWS	8	Approved
A-461/15	TUAN ANH TRAN	909 FOCAL RD	6	Mar. 3
A-465/15	KARENJEANE, MAURISS & MAURA TUIZA	669 AMESBURY AVE	5	Refused
A-477/15	AMACON DEVLPMT (CITY CENTRE) CORP	4055 PARKSIDE VILLAGE DR	4	Approved
A-480/15	ASTRA CAPITAL PROPERTIES INC.	2213 NORTH SHERIDAN WAY	2	Approved

COMMITTEE OF ADJUSTMENT

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

TAPES INVESTMENTS LTD.

on Thursday, January 28, 2016

Tapes Investments Ltd. is the owner of 1440 Bloor Street being Part of Block E, PLAN 729, zoned RA2-56, Residential and RM5-55, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 87.70m (287.72ft.) and a lot area of approximately 2,143.00m² (23,067.81sq.ft.). The effect of the application is to create a new lot for residential purposes.

Mr. P. Favot, Architect and Urban Planner, attended and presented the application. Mr. Favot presented a site plan for the Committee's review and consideration. Mr. Favot indicated that there is an existing 93 unit apartment building on the site and permission is being requested to sever a portion of the lands to facilitate the construction of a ten (10) unit townhouse development. Mr. Favot advised that the retained lands have been re-configured to accommodate the parking spaces that were originally provided on the severed lands. He presented a rendering and advised that additional landscaping will be provided on the retained lands.

Mr. Favot advised that there is an existing shared access to the apartment development site which is shared with the surrounding apartment complexes. He advised that the townhouse site will not use this access. Mr. Favot indicated that the access for the townhouses will be provided through Tyneburn Crescent.

Mr. Favot advised that the site plan has been submitted to the City for the townhouse development. He indicated that the proposed development has been approved by the Ontario Municipal Board and the development agreement has been signed.

Mr. Favot presented an aerial photograph and indicated that there is an existing stairwell that is located close to the new property line. He advised that a minor variance application (Reference 'A' 49/16) has been submitted to allow the stairwell to remain noting that the application will be considered by the Committee on February 11, 2016.

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 26, 2016),
City of Mississauga, Transportation and Works Department (January 21, 2016),
City of Mississauga, Community Services Department, Park Planning (January 26, 2016),
Region of Peel, Environment, Transportation & Planning Services (January 25, 2016)

A letter was received from I. Ahmad, of Quadra-Star Investments Limited, property owners at 1470 Bloor Street expressing concerns with respect to parking and the increased use of the shared entrance to the four apartment buildings. Mr. Ahmad also expressed concerns with respect to traffic, debris, and vandalism.

Mr. K. Tran, property owner at 3361 Dixie Road, and Mr. D. Tran, property owner at 3351 Dixie Road, attended and expressed their concerns with respect to the distance of the proposed townhouse dwellings to their home. They requested that the same separation distance be provided to their homes as the apartment building separation distance.

No other persons expressed any interest in the application.

Mr. Favot indicated that he does not believe that any variances will be required for the townhouse development site. He advised that the buildings will comply with the Zoning By-law requirements. Mr. Favot indicated that a variance is required for the apartment building site as the stair is located within the buffer strip. Mr. Favot advised that the existing shared access for the apartment buildings will not be utilized for the townhouse development site. He advised that the townhouses will front on Tynebrun Crescent and have their own access.

When asked, Mr. Favot 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. Favot, 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, Planning and Building Department, indicating that satisfactory arrangements have been made with respect to Condition # 1 of their comments dated January 26, 2016.
5. 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 21, 2016.

6. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 26, 2016. (re: street trees)
7. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, Transportation Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 25, 2016.

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

Application Approved, on conditions as stated.


Dated at the City of Mississauga on February 4, 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 28, 2016**.

Date of mailing is February 8, 2016.

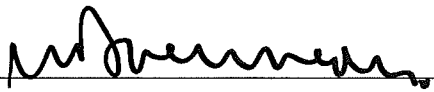


S. PATRIZIO

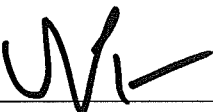


D. GEORGE (CHAIR)

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 February 4, 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 **February 8, 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

CANDU ENERGY INC.

on Thursday, January 28, 2016

Candu Energy Inc. is the owner of 2210 Speakman Drive being Part of Block D, Plan 718, zoned E2-5. The applicant requests the Consent of the Committee to convey a parcel of land proposing a lot frontage of approximately 140.60m (461.28ft.) and a lot area of approximately 4.61ha (46,103.91m²). The effect of the application is to create a new parcel for Employment purposes.

The subject lands are also the subject of Minor Variance Application File 'A' 41/16.

Mr. M. Lipkus, Planner and authorized agent, attended and presented the application. Mr. Lipkus presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He advised that a Minor Variance application (Reference 'A' 41/16) has also been submitted requesting a reduction in the required lot area. Mr. Lipkus indicated that they have become aware that a further variance is required to allow a reduction in the rear yard setback. He requested that the application be amended accordingly.

The Committee consented to the request.

Mr. Lipkus advised that the subject property is currently being utilized as a data storage facility. He indicated that the data storage facility currently services the business park through underground infrastructure. Mr. Lipkus advised that his client wishes to sever a portion of the vacant lands to allow them to be sold and developed, and retain the lands containing the data storage facility. Mr. Lipkus presented a site plan for the Committee's review and consideration and identified the proposed lot line. He advised that the minimum lot area is 0.80ha (1.97ac.) in the Sheridan Park Corporate Centre. He indicated that the lots in the Corporate Centre are typically larger as they are utilized for science and technology purposes. Mr. Lipkus advised that due to the nature of his client's business, a large lot is not required. He indicated that the retained lands will be approximately 0.34ha (3,399.99m²) and of sufficient size to conduct the undertakings of the data storage facility.

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 22, 2016),
City of Mississauga, Transportation and Works Department (January 21, 2016),
City of Mississauga, Community Services Department (January 26, 2016),
Region of Peel, Environment, Transportation & Planning Services (January 25, 2016)

Ms. M. Stubits, property owner at 2222 Malden Court, attended and requested information as to the distance from the proposed buildings to her fence/property line. She indicated that the grass and weeds are constantly overgrown on the property.

Mr. Lipkus advised that the property will be sold and re-developed. He indicated that there is no development concept for the property yet.

No other persons expressed any interest in the application.

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

The Committee indicated that since no development concept has been prepared for the property, it may be appropriate to consider revising the rear boundary line so that the Zoning By-law requirements may be met.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the building should comply with the setback requirements noting that there are also landscaping requirements. He noted that providing a greater rear yard will increase the lot area and bring the retained lands more into compliance with the By-law and Official Plan.

Mr. Lipkus, upon hearing the comments of the Committee and the Planning and Building Department, requested that the amendment be rescinded. He advised that they will adjust the lot line to increase the rear yard setback resulting in a larger lot area for the retained parcel.

The Committee consented to the request and, after considering the submissions put forward by Mr. Lipkus, 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 21, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 26, 2016.

MOVED BY: S. Patrizio

SECONDED BY: J. Page

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on February 4, 2016.

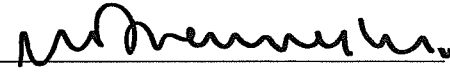
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **FEBRUARY 28, 2016**.

Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

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 February 4, 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 **February 8, 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
UZMA IMRAN & MUHAMMAD IMRAN AL-HAQ

on Thursday, January 28, 2016

Uzma Imran & Muhammad Imran Al-Haq are the owners of 3916 Milkwood Crescent being Part of Lot 63, Registered Plan M-1438, zoned RM2, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 6.70m (21.98ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance.

Mr. M. Imran Al-Haq, authorized agent, attended and presented the application to permit the existing driveway to remain having an increased driveway width. Mr. Imran Al-Haq advised that they widened the driveway to allow additional cars to be parked and avoid receiving parking tickets. He advised that they require parking spaces for his family's vehicles and for their tenant's vehicle.

The Committee inquired whether the rental unit was a legal accessory unit.

Mr. Imran Al-Haq replied that the unit existed when he purchased the dwelling in 2008 and he is unaware of its status as a legal unit.

Mr. Imran Al-Haq advised that he has discussed the application with his neighbours and they have expressed support for 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 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2, Residential Medium Density, Semi Detached Dwellings

Other Applications:

N/A

Comments

We are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

However, based on the information provided with the variance application it appears that an additional variance is required as follows:

2. a setback from the driveway to the westerly side lot line of 0.18m; whereas By-law 0225-2007 as amended, requires a minimum setback from the driveway to the side lot line of 0.60m in this instance.

A driveway width of 6.70m (21.98ft.) on a 6.88m (22.57ft.) represents an excessive amount of hard surface. The hard surface covers approximately 97% of the front yard.

Although we cannot confirm the accuracy of the requested variances, the Planning and Building Department is of the opinion that the request represents an excessive amount of hard surfaced area and without sufficient setback from the side lot line.

Therefore, the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

An e-mail was received from M. & F. Ali, of 3922 Milkwood Crescent, expressing no objection to the application.

An e-mail was received from F. Siddiqui, resident and property owner at 3918 Milkwood Crescent, expressing no objection to the application.

An e-mail was received from S. Shahid Rashid and S. Zaki, property owners and residents at 3906 Milkwood Crescent, expressing no objection to the application.

An e-mail was received from Mr. Rashid, resident and property owner at 3785 Milkwood Crescent, expressing no objection to the application.

An e-mail was received from F. Chandna, resident and property owner at 3885 Milkwood Crescent, expressing no objection to the application.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that there is no requirement for soft landscaping as the lots are too small.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Imran Al-Haq 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 there is no requirement for soft landscaping in the Zoning By-law. They indicated that the design of the driveway makes it appear to function more as a walkway adjacent to a driveway. They further noted that the properties in the immediate vicinity are similar.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing driveway to remain having:

1. a driveway width of 6.70m (21.98ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance; and,
2. a setback from the driveway to the westerly side lot line of 0.18m; whereas By-law 0225-2007 as amended, requires a minimum setback from the driveway to the side lot line of 0.60m in this instance.

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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MISSISSAUGA

File: "A" 029/16
WARD 10

Application Approved, as amended.

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.

DISSENTED
S. PATRIZIO

D. George
D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

D. Kennedy
D. KENNEDY

UPG -
J. PAGE

ABSENT
D. REYNOLDS

P. Quinn
P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 2016.

David L. Martin
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

JOAO B.S. FERNANDES

on Thursday, January 28, 2016

Joao B.S. Fernandes is the owner of 1505 Highbrook Avenue being Lot 20, Registered Plan M-768, zoned R4-20, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 8.00m (26.24ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. J. Fernandes, authorized agent, attended and presented the application to permit the existing driveway to remain having an increased driveway width. Mr. Fernandes advised that he recently renovated his home and constructed a basement apartment. He indicated that he increased the driveway width to allow easier access for his family to their vehicles and also for his tenant to park on the driveway without having to drive over the grass.

Mr. Fernandes advised that he received a letter from the City indicating the driveway was too wide. He indicated that his family have two cars and a van and his tenant requires one parking space. Mr. Fernandes advised that he parks his van in the garage. He requested that the driveway be permitted to remain noting that the driveway extension is attractive and functional.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

“Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R4-20, Residential

Other Applications:

N/A

Comments

A driveway width of 8.00m (26.24ft.) is wide enough to accommodate three vehicles parked side by side across the front of the dwelling. In the opinion of planning staff this creates a situation with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated. The driveway width should be limited to the permitted 6.00 m (19.69 ft.) which is proportional to the width of the existing garage and similar to the adjacent properties.

A minimum landscaped soft area of 40% of the front yard is required for the R4-20 zone. Based on the information submitted with the variance application, it appears an additional variance may be required. However, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

The Planning and Building Department is of the opinion that the request represents too large of a hard surfaced area and too little landscaped area in the front yard. Based on the preceding information, we recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

A letter was received from L. Zhang & Y. Zhou, property owners at 1506 Highbrook Avenue, expressing objection to the application and noting their concerns regarding a change in the character of the neighbourhood.

Mr. H. Harris, property owner at 1501 Highbrook Avenue, attended and expressed his objection to the application indicating that 60.00% of the lot is hard surface area and five vehicles can park on the property. Mr. Harris indicated that a commercial vehicle is parked in the front yard and obstructs the view when he enters or exits his property.

No other persons expressed any interest in the application.

Mr. Fernandes indicated that he has sold the house and the new owners wish for the existing driveway to remain as is.

The Committee, after considering the submissions put forward by Mr. Fernandes 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 design of the interlock is attractive and functional. They noted that there were two cars in the driveway when they conducted their site inspections. They indicated that the driveway extension appears to function more as a walkway noting it is unlikely to be parked upon. They advised that the landscaping is attractive and appears to comply with the soft landscaping requirement. They noted that there has been no change to the boulevard portion of the driveway.

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



MISSISSAUGA

File: "A" 030/16
WARD 6

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

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

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

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 February 4, 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

REINHOLD DELAND

on Thursday, January 28, 2016

Reinhold Deland is the owner of 1438 Haig Boulevard, being Part of Lot 10, Plan 348, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a dwelling on the newly created lot (being the 'retained' lands of the Consent Application 'B' 36/12) as previously approved pursuant to Committee of Adjustment File 'A' 400/14, proposing:

1. to permit the existing dwelling to remain until such time as the construction of the new dwelling is complete; whereas By-law 0225-2007, as amended, permits only one (1) dwelling per lot in this instance;
2. to permit the existing dwelling to remain with a 0.00 m (0.00 ft.) side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft.) in this instance; and,
3. to permit the existing dwelling to be used for both a dwelling unit and an editing/production office for the filming of a television series on site providing no additional parking; whereas By-law 0225-2007, as amended, does not permit an editing/production office and requires parking to be provided at a rate of 3.20 parking spaces per 100.00m² (1,076.42sq.ft.) of the gross floor area in this instance.

Mr. R. Deland, property owner, attended and presented the application to continue to permit the dwelling to remain temporarily on the property, straddling the shared property line, while two new dwellings are being constructed. He indicated that the existing dwelling is utilized for film editing, production and storage.

Mr. Deland advised that he has obtained a building permit for the first dwelling, which is under construction, and will be completed in the Spring. He advised that he will be applying for a building permit for the second dwelling shortly and expects that construction will be completed within a year.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, if approved on a temporary basis; however the applicant may wish to defer the application to apply for the required building permits in order to verify the accuracy of the requested variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

A Building Permit is required, and in the absence of a Building Permit application we are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application.

Similar variances were applied for and approved by the committee at the November 13th, 2014 hearing. A temporary approval of one year was given at this meeting. According to the applicant they require additional time for the production of their television show centred around the construction of new dwellings on the lots, and they have estimated that six months from the start of construction should be adequate to finish their project. Prior to construction the applicant will be required to obtain Building Permits for their proposed dwellings. The Building Permit application process and a six month construction time frame should be able to be completed within a year.

Based on the preceding information the Planning and Building Department has no objection to the requested variances, provided that they are approved on a temporary basis again; however the applicant may wish to defer the application to apply for the required building permits in order to verify the accuracy of the requested variances and determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"Based on the information submitted with this application this department has no objections to the applicant's request, however, we would suggest that some mechanism be in place to ensure that the request be for a temporary period of time."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"The property is within the vicinity of Delco Landfill Site. It is an inactive, private landfill located on Ogden Ave., North of Atwater Ave. It has been cleaned to MOECC standards."

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

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Deland and noting the nature of the operation, is satisfied that the request is desirable for the appropriate temporary use of the subject property.



MISSISSAUGA

File: "A" 031/16
WARD 1

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of one (1) year to expire and terminate on February 28, 2017.

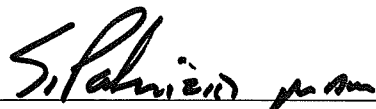
MOVED BY:	J. Page	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, temporarily, as stated.

Dated at the City of Mississauga on February 4, 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 24, 2016.

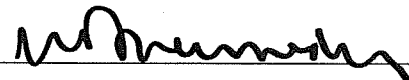
Date of mailing is February 8, 2016.

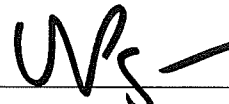

S. PATRIZIO


D. GEORGE (CHAIR)

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 February 4, 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

REINHOLD DELAND

on Thursday, January 28, 2016

Reinhold Deland is the owner of 1438 Haig Boulevard, Part of Lot 10, Plan 348, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a dwelling on the newly created lot (being the 'severed' lands of the Consent Application 'B' 36/12) as previously approved pursuant to Committee of Adjustment File 'A' 401/14, proposing:

1. to permit the existing dwelling to remain until such time as the construction of the new dwelling is complete; whereas By-law 0225-2007, as amended, permits only one (1) dwelling per lot in this instance;
2. to permit the existing dwelling to remain with a 0.00 m (0.00 ft.) side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft.) in this instance; and,
3. to permit the existing dwelling to be used for both a dwelling unit and an editing/production office for the filming of a television series on site providing no additional parking; whereas By-law 0225-2007, as amended, does not permit an editing/production office and requires parking to be provided at a rate of 3.20 parking spaces per 100.00m² (1,076.42sq.ft.) of the gross floor area in this instance.

Mr. R. Deland, property owner, attended and presented the application to continue to permit the dwelling to remain temporarily on the property, straddling the shared property line, while two new dwellings are being constructed. He indicated that the existing dwelling is utilized for film editing, production and storage.

Mr. Deland advised that he has obtained a building permit for the first dwelling, which is under construction, and will be completed in the Spring. He advised that he will be applying for a building permit for the second dwelling shortly and expects that construction will be completed within a year.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, if approved on a temporary basis; however the applicant may wish to defer the application to apply for the required building permits in order to verify the accuracy of the requested variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

A Building Permit is required, and in the absence of a Building Permit application we are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application.

Similar variances were applied for and approved by the committee at the November 13th, 2014 hearing. A temporary approval of one year was given at this meeting. According to the applicant they require additional time for the production of their television show centred around the construction of new dwellings on the lots, and they have estimated that six months from the start of construction should be adequate to finish their project. Prior to construction the applicant will be required to obtain Building Permits for their proposed dwellings. The Building Permit application process and a six month construction time frame should be able to be completed within a year.

Based on the preceding information the Planning and Building Department has no objection to the requested variances, provided that they are approved on a temporary basis again; however the applicant may wish to defer the application to apply for the required building permits in order to verify the accuracy of the requested variances and determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"Based on the information submitted with this application this department has no objections to the applicant's request, however, we would suggest that some mechanism be in place to ensure that the request be for a temporary period of time."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"The property is within the vicinity of Delco Landfill Site. It is an inactive, private landfill located on Ogden Ave., North of Atwater Ave. It has been cleaned to MOECC standards."

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

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Deland and noting the nature of the operation, is satisfied that the request is desirable for the appropriate temporary use of the subject property.

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



MISSISSAUGA

File: "A" 032/16
WARD 1

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of one (1) year to expire and terminate on February 28, 2017.

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

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.



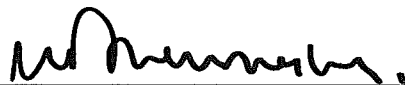
S. PATRIZIO



D. GEORGE (CHAIR)

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 February 4, 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
YU QIAO

on Thursday, January 28, 2016

Yu Qiao is the owner of 1834 Delderfield Crescent being Lot 60, Registered Plan M-601, zoned R2-48, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure to remain having:

1. a height of 4.90m (16.07ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance; and,
2. an exterior side yard of 1.70m (5.57ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Mr. A. Bartels, of Ceddar Springs Landscape Group, a representative of the authorized agent, attended and presented the application to permit the existing accessory structure (gazebo) to remain. Mr. Bartels presented Illustration 10 from the Zoning By-law and explained that they misinterpreted the definition of exterior side yard and constructed the gazebo in what they thought was the rear yard. He indicated that they are requesting that the structure remain as the footings would be difficult to remove. Mr. Bartels indicated that a variance is also required for the height of the gazebo. He indicated that the gazebo height was designed for aesthetic reasons.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

“Recommendation

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

Background

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-48 (Residential)

Other Applications:

N/A

Comments

We are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

However, based on the review of the information provided, it appears that the variance request for variance #1 should be amended as follows;

"To authorize a minor variance to permit the existing gazebo to remain having a height of 4.90m (16.07 ft); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84 ft) in this instance."

We have concerns with the proposed height of the gazebo as well as the location. The location of the gazebo is in view of the street in the corner of the lot and, although the yard is fenced, we are of the opinion that the height is excessive for such a visible location near the street. A combination of a roof slop reduction and roof-to-floor reduction should be able to be accommodated while still having a functional structure. The gazebo should also be relocated to an area further away from the exterior side lot line.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the structure to address staff concerns. The applicant may also wish to apply for a pre-zoning review application in order to verify the accuracy of the requested variances and determine whether any additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

A letter was received from K. Liu, residents at 4559 Badminton Drive expressing opposition to the application.

No other persons expressed any interest in the application.

Mr. Bartels, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He indicated that his client intends on providing additional trees to screen the structure.

The Committee consented to the request and, after considering the submissions put forward by Mr. Bartels and having reviewed the plans 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 height of the gazebo is excessive and imposes on the streetscape. They noted that the location of the gazebo was acceptable.

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

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



MISSISSAUGA

File: "A" 033/16
WARD 8

Accordingly, the Committee resolves to deny the amended request.


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

Dated at the City of Mississauga on February 4, 2016.

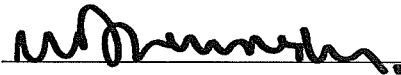
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **FEBRUARY 24, 2016**.

Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

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 February 4, 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

DAVID SHALDOFF

on Thursday, January 28, 2016

David Shaldoff is the owner of 2880 Gardenview Crescent being Lot 11, Plan M-1080, zoned R5, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing deck to remain having a side and rear yard of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) and a minimum rear yard of 1.50m (4.92ft.) in this instance.

Ms. K. Cathcart, authorized agent, attended and presented the application to permit the existing deck to remain. Ms. Cathcart advised that the deck surrounds the pool and was constructed adjacent to the fence. She indicated that the homeowner is disabled and uses the pool for six months of the year for physical therapy. Ms. Cathcart advised that if the deck width was reduced, he would not be able to access the pool.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 (Residential)

Other Applications:

Building Permit File: 14-3198

Comments

The intent of the minimum setbacks to interior side and rear lot lines for decks is to provide proper drainage, sufficient space for fence and property maintenance as well as to limit overlook conditions and privacy concerns. As the deck is approximately 1-2m above ground level the requested variance of 0.00m represents insufficient setback from the property line in this instance.



MISSISSAUGA

File: "A" 035/16
WARD 9

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"Enclosed for Committee's information are a number of photos which depict the subject property, in particular the existing deck. We have also enclosed a copy of the Lot Grading Plan (DWG C-35108) which was approved when the subdivision was constructed. From our site inspection and from the Lot Grading Plan it is evident that the front elevation of this property is significantly higher than the rear yard, this is also evident on the abutting properties (Lots 10 and 12, Plan M-1080). The drainage pattern for this property and the abutting properties was designed so that the drainage would be directed towards the rear yard. Once the drainage was directed towards the rear yard a portion of the drainage was designed to be directed into a catch basin located on Lot 22 (abutting property to the north) and the remainder towards Lot 21 & 20. In view of the above we have no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

Letters were received from the residents at 2966, 2948, 2922, 2972, 2910, 2944, and 2906 Gardenview Crescent expressing no objection to the application.

A letter was received from Mr. K. S. Lo, resident at 2878 Gardenview Crescent, expressing opposition to the application and noting his concerns with respect to infringement of privacy, potential trespassing and liability issues, nuisance, and maintenance issues. He suggested that the applicants consider moving the deck to the opposite side of the pool.

Letters were received from the residents at 2878, 2954, and 2884 Gardenview Crescent requesting that the deck be removed.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Cathcart 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 if the deck were reduced in size by 0.61m (2.00ft.) to comply with the Zoning By-law, it would not address the neighbour's concerns with respect to overlook. They indicated that the Transportation and Works Department indicate that there are no concerns with respect to drainage.

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" 035/16
WARD 9

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

1. This decision is personal to "David Shaldoff" and shall be in effect so long as he resides in and/or owns the dwelling.

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.



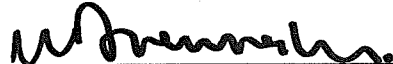
 S. PATRIZIO



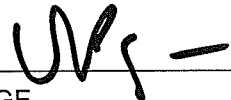
 D. GEORGE (CHAIR)

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 February 4, 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

SHAKIL HAMID

on Thursday, January 28, 2016

Shakil Hamid is the owner of 6630 Edenwood Drive being Lot 76, Registered Plan M-386, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 8.74m (28.67ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. S. Hamid, property owner, attended and presented the application to permit the existing driveway to remain on the subject property with an increased driveway width. Mr. Hamid advised that he extended the driveway as he believed that wider lots could have wider driveways. He indicated that he requires parking areas for the five cars that his family utilizes noting that they were receiving parking tickets for parking on the road. Mr. Hamid indicated that one car is parked in the garage, two are parked on the driveway and one car is parked parallel to the road, on the boulevard.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: N/A

Comments

We are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.



MISSISSAUGA

File: "A" 036/16
WARD 9

A driveway width of 8.74m (26.24ft.) is wide enough to accommodate three vehicles parked side by side across the front of the dwelling. In the opinion of planning staff this creates a situation with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated. The driveway width should be limited to the permitted 6.00 m (19.69 ft.) which is proportional to the width of the existing garage and similar to the adjacent properties.

The intent of the Zoning By-law in restricting the width of driveways is to limit the hard surfaced area and excessive parking of vehicles in the front yard in residential zones, as well as provide an opportunity for greater landscaped area. Although we cannot confirm the accuracy of the requested variances, the Planning and Building Department is of the opinion that the request represents too large of a hard surfaced area.

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

An e-mail was received from F. Charbati, resident at 6533 Tisler Crescent, expressing no objection to the application.

An e-mail was received from M. Lambert, resident at 6471 Tisler Crescent, expressing opposition to the application and noting her concerns regarding the widened driveway being utilized for a car repair business. She expressed her concerns regarding oil spills, cars running at excessive high speeds and danger to the children in the neighbourhood. She requested that they move their business to a commercial area.

An e-mail was received from J. Flynn, resident at 6608 Edenwood Drive, expressing opposition to the application and noting concerns with respect to running a business from the home, oil spills, car and engines being delivered to the property, as well as lack of property maintenance.

An e-mail was received from B. and S. Lytle, residents at 6612 Edenwood Drive, expressing opposition to the application and noting their concerns with respect to the number of vehicles parking on the property and street as well as the landscaped area on the boulevard being damaged.

No other persons expressed any interest in the application.

The Secretary-Treasurer advised that a driveway width of 8.50m (27.88ft.) is permitted for lots in excess of 18.00m (59.05ft.); however, the driveway must be immediately in front of the garage. Based upon the design of the subject property, the provision cannot be utilized.

The Committee, after considering the submissions put forward by Mr. Hamid 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 prior to the passing of By-law 0225-2007, as amended, the previous Zoning By-law permitted a maximum driveway width of 8.50m (27.88ft.) or 50.00% of the lot frontage, whichever was less. The slight increase in the driveway width is minor in this instance due to the amount of landscape and green space provided on the property.



MISSISSAUGA

File: "A" 036/16
WARD 9

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 shall provide a landscape buffer, composed of shrubs or bushes, to a maximum height of 1.00m (3.28ft.) in height, adjacent to the walkway to prevent cars from driving over the soft surface area provided between the street and the walkway.
2. The applicant is to proceed in accordance with the plan reviewed by the Committee.


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

Dated at the City of Mississauga on February 4, 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, ACGOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **FEBRUARY 24, 2016**.

Date of mailing is February 8, 2016.



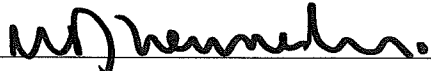
 S. PATRIZIO




 D. GEORGE (CHAIR)

ABSENT

 J. ROBINSON



 D. KENNEDY



 J. PAGE

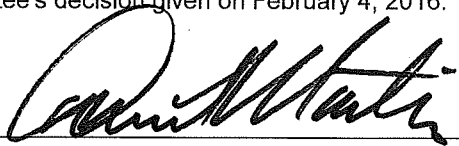
ABSENT

 D. REYNOLDS



 P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 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
BHOOMESCHWARIE POSHENDRANAATH

on Thursday, January 28, 2016

Bhoomeschwarie Poshendranauth is the owner of 7369 Shallford Road being Part of Lot 52, Plan 804, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 6.78m (22.24ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance.

Ms. B. Poshendranauth, property owner, attended and presented the application to permit the existing driveway to remain having an increased driveway width. Ms. Poshendranauth advised that the driveway existed when she purchased the property five years ago. She indicated that they use the extended portion as a walkway.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Other Applications: N/A

Comments

We are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

The intent of the Zoning By-law in restricting the width of driveways is to limit the hard surfaced area and excessive parking of vehicles in the front yard in residential zones, as well as provide an opportunity for greater landscaped area. Although we cannot confirm the accuracy of the requested variances, the Planning and Building Department is of the opinion that the request represents too large of a hard surfaced area.

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

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

The City of Mississauga Community Services Department commented as follows (Date):

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

No other persons expressed any interest in the application.

Ms. Poshendranauth indicated that she is willing to provide planters along the walkway to reduce the appearance of hard surface material.

The Committee, after considering the submissions put forward by Ms. Poshendranauth and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the driveway extension appears to function as a walkway. They noted that the boulevard portion of the driveway has not been altered. The Committee indicated that they believe that the widened driveway will be utilized as a walkway in this instance due to the location of the stairs and the basement entrance.

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:	S. Patrizio	CARRIED
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Application Approved.

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.



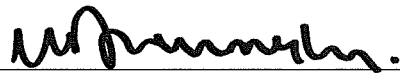
S. PATRIZIO




D. GEORGE (CHAIR)

ABSENT

J. ROBINSON



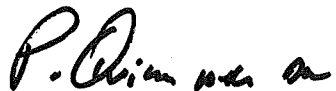
D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 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.



MISSISSAUGA

File: "A" 039/16
WARD 2

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

GIANNONE BOYES CORP.

on Thursday, January 28, 2016

Giannone Boyes Corp. is the owner of 801 Indian Road being Part of Lot 10, Range 2, C.I.R., zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing a front yard of 17.19m (56.39ft.) to the face of the detached garage; whereas By-law 0225-2007, as amended, requires that the minimum front yard to the face of the detached garage be at least the same distance from the front property line to the main front wall of the dwelling on the same lot (approximately 25.82m (84.71ft.) in this instance.

Mr. J. Wallace, authorized agent, attended and presented the application. He advised that he was before the Committee with the same design and plans in September, 2015 and obtained an approval (Reference File 'A' 388/15) for the construction of a new dwelling on the subject property. Mr. Wallace advised that during the processing of the Site Plan approval, an additional variance was identified. He indicated that the setback of the front yard to the detached garage must match the setback to the front wall of the dwelling. He advised that garage is not evident from the street and is in line with the streetscape. Mr. Wallace further advised that there are many other homes in the neighbourhood with projecting garages.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan File: SPI 15/048
Building Permit File: Required

Comments

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

"The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing a setback of a detached garage to the front lot line of 17.19m, whereas the same distance to the street as the front wall of the dwelling on the same lot is required (25.82m)."

Previously, at the September 10th, 2015 hearing, the applicant applied to the committee to permit a projecting attached garage in conjunction with other variances for height and driveway width, which was approved. At the time planning staff recommended against the projecting garage, citing concerns related to the Official Plan and Zoning By-law provisions. Although projecting garages are common along this portion of Indian Road, their construction predates the zoning regulations that prohibit them. The Official Plan additionally has policy directing development in the Clarkson-Lorne Park Neighbourhood, including subsection 'd' within policy section 16.5.1.4, which states that:

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

Although the applicant has previous approval for a garage projection of 13.03 m (42.74 ft.), we maintain the position that a garage in front of the dwelling is inappropriate, in this instance. The intent of the Official Plan for redevelopment in this area is to reduce and limit the emphasis placed on garages on the streetscape. A detached garage in the front yard would be less in character with the neighbourhood than an attached garage, which we previously did not support; while this area of Indian Road has multiple projecting attached garages, it has no detached garages in the front yards of any of the lots.

Another consideration for restricting detached garages in front of dwellings is that the proposed configuration of how the garage and breezeway relates to the primary dwelling. The proposed configuration is not in line Crime Prevention Through Environmental Design (CPTED) principles which the City of Mississauga supports. CPTED is a proactive design philosophy built around a set of principles that is based on the belief that proper design and effective use of built environment can lead to a reduction in the fear of and incidence of crime. The proposed breezeway location creates a shielded environment between the doorway exiting the garage and a doorway into the dwelling which is discourage through CPTED standards.

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/048. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."



The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"This property is within the vicinity of a private landfill site with MOECC #220108. It is an inactive landfill. There are two locations on the northwest corner of Mississauga Rd. and Lakeshore Blvd. It has been cleaned to MOECC standards. No further information is available."

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Wallace and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed dwelling is in character with other dwellings in 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 the construction of a new dwelling on the subject property proposing a setback of a detached garage to the front lot line of 17.19m, whereas the same distance to the street as the front wall of the dwelling on the same lot is required (25.82m) in this instance.

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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MISSISSAUGA

File: "A" 039/16
WARD 2

Application Approved, as amended.

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 February 4, 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

CANDU ENERGY INC.

on Thursday, January 28, 2016

Candu Energy Inc. is the owner of 2210 Speakman Drive being Part of Block D, Plan 718, zoned E2-5, Employment. The applicant requests the Committee to authorize a minor variance to permit the subject lot, being the 'retained' portion of Consent Application 'B' 009/16, to remain, proposing a lot area of 0.34ha (3,399.99m²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 0.80ha (7,999.99m²) in this instance.

Mr. M. Lipkus, Planner and authorized agent, attended and presented the application. Mr. Lipkus presented a site plan for the Committee's review and consideration indicating that a Consent application (Reference 'B' 009/16) has been submitted to allow a large portion of the lands to be severed. He explained that the subject minor variance application is requesting approval for the retained lands to have a reduced lot area. Mr. Lipkus indicated that they have been advised that a further variance is required for the rear yard setback as it is less than the minimum requirement. He requested that the application be amended accordingly.

The Committee consented to the request.

Mr. Lipkus advised that the subject property is being utilized as a data storage facility. He indicated that the data storage facility currently services the business park through underground infrastructure. Mr. Lipkus advised that his client wishes to sever a portion of the vacant lands to allow them to be sold and developed, and retain the lands containing the data storage facility. Mr. Lipkus presented a site plan for the Committee's review and consideration and identified the proposed lot line. He advised that the minimum lot area is 0.80ha (1.97ac.) in the Sheridan Park Corporate Centre. He indicated that the lots in the Corporate Centre are typically large as they are utilized for science and technology purposes. Mr. Lipkus advised that due to the nature of his client's business, a large lot is not required. He indicated that the retained lands will be approximately 0.34ha (3,399.99m²) and of sufficient size to conduct the undertakings of the data storage facility.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance application, however the applicant may wish to defer the applications in order to apply for a pre-zoning review application to verify the accuracy of the requested variance and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-5 (Employment)

Other Applications:

N/A

Comments

More information is required to determine whether additional variances will be required. The applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

The requested consent is for the purpose of severing a larger portion of the existing site and retaining the existing data centre for continued use. A building permit was issued in 2011 which classified the data centre as a science and technology facility. Although the requested lot area is significantly lower than required under the by-law, the proposed use does not require the same lot area as other uses that would fall within the broad heading of a science and technology facility. The majority of science and technology facilities, or education and training facilities, require significant land area and accommodate large numbers of employees. The existing data centre is much less dependent on large land areas and only requires a couple of employees at a time to maintain servers and generally keep the site operational. The general intent of the lot size requirement in the zoning by-law is to keep in character with the size of the type of uses that would generally be considered as science and technology facilities or education and training facilities; a data processing centre is an exception within these general headings with regards to the type of lot that would be required to accommodate it.

Based on the preceding information the Planning and Building Department has no objection to the requested consent and associated minor variance application, however the applicant may wish to defer the application in order to apply for a pre-zoning review application to verify the accuracy of the requested variances and determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"We are noting for information purposes that any Transportation and Works Department requirements for this property will be addressed under Consent Application 'B' 09/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

Ms. M. Stubits, property owner at 2222 Malden Court, attended and requested information as to the distance from the proposed buildings to her fence/property line. She indicated that the grass and weeds are constantly overgrown on the property.

No other persons expressed any interest in the application.

Mr. Lipkus advised that the property will be sold and re-developed. He indicated that there is no development concept for the property yet.

The Committee indicated that since no development concept has been prepared for the property, it may be appropriate to consider revising the rear boundary line so that the Zoning By-law requirements may be met.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the buildings should comply with the setback requirements noting that there are also landscaping requirements. He noted that providing a greater rear yard will increase the lot area and bring the retained lands more into compliance with the By-law and Official Plan.

Mr. Lipkus, upon hearing the comments of the Committee and the Planning and Building Department, requested that the amendment be rescinded. He advised that they will adjust the lot line to increase the rear yard setback. The lot area for the retained parcel will be slightly higher.

The Committee consented to the request and, after considering the submissions put forward by Mr. Lipkus 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.

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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File: "A" 041/16
WARD 2

Application Approved.

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.



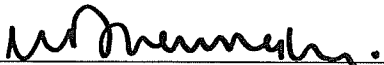
S. PATRIZIO



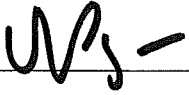
D. GEORGE (CHAIR)

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 February 4, 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

RAMZY NUQUL

on Thursday, January 28, 2016

Ramzy Nuqul is the owner of 1333 Queen Victoria Avenue being Lot 17, Plan H-13, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing a height of 8.30m (27.23ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) in this instance.

Mr. J. Huether, a representative of the authorized agent, attended and presented the application to permit the construction of a new dwelling proposing a height of 8.30m. Mr. Huether presented a set of plans for the Committee's review and consideration. He advised that the home is designed with a flat roof and a portion of the roof is elevated to give the dwelling visual interest. Mr. Huether advised that if a two storey dwelling was being constructed, the maximum permitted height would be 9.50m (31.16ft.).

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred in order for staff to review the recently submitted Site Plan application to verify the accuracy of the requested variances and determine whether additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan File: SP 16/7
Building Permit File: Required

Comments

The applicant has recently submitted a Site Plan application for the proposed dwelling, which has not yet been reviewed by planning staff, other city departments, or external agencies. It is our opinion that it would be appropriate to defer the application until the Site Plan is at a more adequate stage to ensure that all variance have been captured and that no additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"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 and Site Plan approval process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

No other persons expressed any interest in the application.

Mr. Huether, 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. Huether and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

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

MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
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MISSISSAUGA

File: "A" 042/16
WARD 2

Application Approved, on condition as stated.

Dated at the City of Mississauga on February 4, 2016.

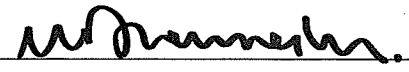
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE FEBRUARY 24, 2016.


Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

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 February 4, 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

1438864 ONTARIO INC.

on Thursday, January 28, 2016

1438864 Ontario Inc. is the owner of part of Lot 124, Registered Plan H-21, located and known as 241 Lakeshore Road East, zoned C4 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a restaurant on the subject property proposing:

1. to be located within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential Zone in this instance; and,
2. a total of 2 parking spaces for the proposed restaurant use; whereas By-law 0225-2007, as amended, requires a minimum of 11 parking spaces in this instance.

On June 4, 2015, Mr. C. Pierozzi, the authorized agent, attended and requested a deferral of the application to allow him the necessary time to prepare a parking utilization study and submit it to staff for review.

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

The City of Mississauga Planning and Building Department commented as follows (May 29, 2015):

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to submit the requested PIL application and/or Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 13-4238

4.0 COMMENTS

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

In regards to variance #1, we note that there have been past as well as currently existing restaurants along this portion of Lakeshore Road East. Given the context of the site, we have no objection to the request.

In regards to variance #2, we advise that the City's Payment-In-Lieu (PIL) of parking program applies to the subject property and that the applicant has the following options:

1. Apply for a PIL application for City Council's consideration for the parking deficiency. Through the PIL process the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study potentially justifying a reduced number of spaces to be paid through PIL. Given this option potentially requires both a variance and a PIL application (in the event that the study justifies a reduction) the application should be deferred to allow for the submission of an appropriate Parking Utilization Study."

The City of Mississauga Transportation and Works Department commented as follows (May 28, 2015):

"This Department has no objections, comments or requirements with respect to C.A. 'A'259/15."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the September 10, 2015 hearing.

On September 10, 2015, Mr. Carlo Pierozzi, a representative of the tenant, attended and advised that a parking study was prepared and submitted for review by the Planning and Building Department; however, it was unsatisfactory. Mr. Pierozzi requested that the application be deferred to allow him an opportunity to submit revised data.

Mr. Lee, Planner with the City of Mississauga, attended and advised that the survey data was unacceptable as it was based on including the on-street parking as being available for the business. He explained that the on-street parking has been provided through the Payment-in-Lieu-of-Parking process by other businesses in the area.

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

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

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to submit the requested PIL application and/or satisfactory Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Mixed Use - Special Site 38

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C13-4238

4.0 COMMENTS

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

In regards to variance #1, this portion of Lakeshore Road East has a history of past and present restaurant uses. Given the context of the site, we have no objection to the request.

Regarding variance #2, when this application was previously before the Committee on June 4, 2015, the applicant requested a deferral of the application to prepare a Parking Utilization Study. Since that time, we are in receipt of a Parking Utilization Study completed by Edgeweir Consulting. Upon review, we advise that the study is unsatisfactory, as the surrounding on-street parking was used to justify a reduction in parking. Staff request that a parking survey of the subject site be completed to accurately capture the peak parking demand of the restaurant on-site. As per our Terms of Reference of Parking Utilization Studies, on-street parking cannot be used to justify a reduction in parking for off-street private parking. Given that the City's Payment-in-Lieu (PIL) of parking program applies to the subject property, a properly completed Parking Utilization Study could be used to reduce the applicant's PIL contribution. The applicant has the following options:

1. Apply for a PIL application for City Council's consideration for the parking deficiency. Through the PIL process, the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study that provides survey data for the subject site in accordance with the Terms of Reference for Parking Utilization Studies, explains the nature of the operation and how it can operate at a reduced standard (e.g. only one employee/instructor who drives, hours of operation for other uses in the building, etc.).

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

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

"This Department has no objections, comments or requirements with respect to C.A. "A" 259/15."

No other persons expressed any interest in the application.

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

On November 19, 2015, Mr. W. Oughtred, a representative of the authorized agent, attended and advised that a parking utilization study is currently being prepared. He requested that the application be further deferred to allow the report to be completed and submitted to the Policy Section for review.

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 PIL application and/or satisfactory Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Mixed Use - Special Site 38

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C13-4238

4.0 COMMENTS

As no new information has been submitted, our comments dated September 4, 2015 remain applicable."

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

"This Department has no objections, comments or requirements with respect to C.A. "A" 259/15."

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

"We have no comments and no objections to the application."

An e-mail was received from M. Luksic and B. Mascioli, property owners at 12 Minnewawa Road, expressing objections to the application and noting their concerns with respect to increased noise, traffic, and lack of privacy.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to January 28, 2016.

On January 28, 2016, Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., a representative of the authorized agent, attended and advised that the parking study was completed and reviewed by the Planning and Building Department. Mr. Oughtred advised that the proposed business operation can be described as a small restaurant dessert lounge. He indicated that based upon a review of the submitted parking study, a reduction in parking can be supported. Mr. Oughtred advised that five (5) parking spaces will be paid for through the Payment-in-Lieu of Parking process. He noted that two (2) parking spaces are provided on site.

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

The City of Mississauga Planning and Building Department commented as follows (January 33, 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: Mixed Use – Special Site 38

Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

Other Applications:

Certificate of Occupancy File: C13-4238

Comments

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

As per previous comments on this application, we have no objection to variance #1 as this portion of Lakeshore has a number of other restaurant uses currently existing in close proximity to the proposed location without concern. Given the context of the area, we have no objection to this variance.

Previous staff comments relating to variance #2 indicated that the previous Parking Utilization Study was completed incorrectly and had to be redone to city guidelines. Since the previous hearing, the applicant has submitted an updated Parking Utilization Study for staff to review. Based on the review by planning staff the variance can be supported, provided that the applicant address five spaces through the Payment-in-lieu (PIL) program with the city.

The corporate policy for PIL allows for the 'grandfathering' of previous parking deficiencies. In this instance the previous use provided two parking spaces and was deficient by 4 parking spaces, requiring a total of six spaces. Based on this policy, planning staff are able to support a variance for four spaces. The remaining required five spaces should be covered through a PIL application to the city.

Therefore, we recommend that variance #2 should be amended as follows:

"To provide a total of 7 parking spaces (2 on site, 5 by way of payment-in-lieu of parking) for the proposed restaurant use; whereas By-law 0225-2007, as amended requires a minimum of 11 parking spaces in this instance."

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 21, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 259/15."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2016):

"We have no comments and no objections."

No other persons expressed any interest in the application.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a restaurant on the subject property proposing:

1. to be located within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential Zone in this instance; and,
2. to provide a total of 7 parking spaces (2 on site, 5 by way of payment-in-lieu of parking) for the proposed restaurant use; whereas By-law 0225-2007, as amended, requires a minimum of 11 parking spaces in this instance.

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

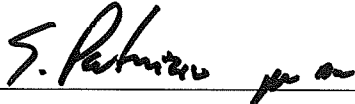
File: "A" 259/15
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on February 4, 2016.

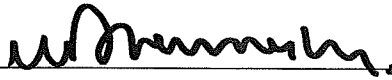
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE FEBRUARY 24, 2016.

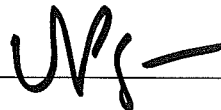
Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

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 February 4, 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

RITA DIAS

on Thursday, January 28, 2016

Rita Dias is the owner of 3232 Dovetail Mews being Lot 84, Registered Plan M-742, zoned R4-52 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing pergola and accessory structure to remain within the rear yard of the subject property proposing:

1. a floor area of 18.00 m² (193.75 sq. ft.) for the proposed pergola; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) for a pergola in this instance;
2. a height of 3.17 m (10.40 ft.) for the proposed pergola; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for a pergola in this instance;
3. a side yard setback of 0.20 m (0.65 ft.) for the proposed pergola; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61 m (2.00 ft.) for a pergola in this instance;
4. a height of 4.75 m (15.58 ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for an accessory structure in this instance;
5. a side yard setback of 0.53 m (1.73 ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61 m (2.00 ft.) for an accessory structure in this instance; and,
6. a rear yard setback of 0.35 m (1.14 ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61 m (2.00 ft.) for an accessory structure in this instance.

On September 10, 2015, Mr. D. Peart, husband of the property owner, attended and presented the application. Mr. Peart advised that there was an existing play structure located in the rear yard which he re-located and updated. Mr. Peart indicated that because the play structure is larger than the By-law permits, it is treated as an accessory structure and relief is required for excessive height and a reduced rear yard.

Mr. Peart advised that there is also a pergola located in the rear yard on the deck. He advised that when he constructed it, there were no regulations for pergolas. Mr. Peart indicated that the height of the pergola exceeds the By-law requirements. He advised that there are many similar pergola structures located in the neighbourhood.

Mr. Peart requested that the two structures be permitted to remain in their present location.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Erin Mills Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

Zoning: **"R4-52", Residential**

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that in absence of any associated application, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required.

In order to confirm the accuracy of the requested variances, the applicant may wish to 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 variances #1, #2 and #3 for the existing pergola structure, although it has been constructed higher, larger and closer to the side lot line than what is permitted by the By-law, based on a recent site visit, it is our opinion that the requested variances would not have a negative impact on adjacent neighbours. The pergola has been designed to be open, and the rear yard maintains adequate amenity space.

The purpose of variances #4, #5 and #6 are to recognize the existing children's play equipment in the rear yard. The Zoning By-law regulates play equipment, but if the structure does not comply with the regulations, it is considered an accessory structure. Based on a recent site visit and photographs, it is our opinion that the play equipment is not excessively large and therefore we do not anticipate any negative impacts to neighbouring properties.

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

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

"Enclosed for Committee's information are a number of photos which depict the subject property, in particular the existing pergola and accessory structure. We are also enclosing for easy reference a copy of the approved Lot Grading Plan which was approved for this property when the dwelling was constructed and it depicts a rear to front drainage pattern which means that any drainage from the subject property was designed to drain out towards the street."

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 379/15
WARD 8

Letters were received from the property owners/residents at 3256, 3255, 3263, 3240, 3243, 3228, 3224, 3220, 3247, 3420, and 3231 Dovetail Mews and 3199 and 3151 Valcourt Crescent expressing support for the application.

An e-mail was received from J. Thompson, property owner at 3236 Dovetail Mews, expressing his comments with respect to the application and noting that he believes that zoning by-laws exist to protect and should be adhered to.

Mr. Malinowski, of 3195 Valcourt Crescent, attended and expressed his objection to the application noting his concerns with respect to the windows in the play structure. He indicated that half of the area of his rear yard is obstructed by the structures in his neighbour's yard. Mr. Malinowski indicated that the pergola is too high and is visible from his yard. He noted that there is a lack of privacy when the children play in the playhouse.

Upon hearing the comments of the Committee, the neighbours, and the Planning and Building Department, requested that the application be deferred to allow him an opportunity to address their concerns and submit a Pre-Zoning Review application.

The Committee consented to the request and deferred the application to December 10, 2015.

On December 10, 2015, the Secretary-Treasurer advised the Committee that the applicant has requested a deferral of the application as he is out of the country. The Secretary-Treasurer advised that he believes that the applicant wishes to amend the application to permit an accessory structure instead of a play structure.

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

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

"Recommendation:

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

Background:

Mississauga Official Plan:

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007:

Zoning: R4-52, Residential

Other Applications:

No other applications currently in process.

Comments:

When this application was previously before the Committee on September 10, 2015, the applicant requested a deferral of the application to address concerns raised by adjacent neighbours and the Committee. Since that time, we have not received any additional information. Therefore, our comments dated September 4, 2015 remain applicable."

The City of Mississauga Transportation and Works Department commented as follows (December 2, 2015):

"Please refer to our comments submitted for the September 10, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (December 7, 2015):

"We have no comments and no objections."

No other persons expressed any interest in the application.

The Committee deferred the application to January 28, 2016.

On January 28, 2016, Mr. D. Peart, husband of the property owner, attended and presented the application. Mr. Peart advised that he constructed a pergola and a play structure in the rear yard. He advised that there were no Zoning By-law regulations for pergolas when he constructed it. He indicated that the pergola is five inches too tall and is larger than the area permitted to be occupied by a pergola. He presented photographs for the Committee's review.

Mr. Peart advised that the play structure that he constructed for his children also does not comply with the Zoning By-law. He indicated that part of the structure contained a deck and the neighbours expressed concerns with respect to overlook. Mr. Peart indicated that the play structure does not comply with the requirements so it is being treated as an accessory structure with respect to determining compliance with the Zoning By-law.

Mr. Peart indicated that he is willing to remove the second floor interior floor space so that it will become a one storey accessory structure but variances are still required for height and the setback to the side and rear property lines. Mr. Peart advised that since the roof is constructed with cedar shingles, it would be difficult to remove. He requested that the Committee consider approving the structure, as constructed, for a temporary period of three years until his children outgrow the structure.

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

The City of Mississauga Planning and Building Department commented as follows (January 27, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-52 (Residential)

Other Applications:

N/A



Comments

As no new information has been submitted relating to the pergola structure, previous comments from the September 10th, 2015 hearing still apply in regards to variances #1, #2, and #3.

Based on a review of plans submitted by the applicant, it appears that they are proposing to modify the play structure by removing the balcony portion and modifying it to a single storey. Previous staff comments indicated that we had no objection to their requested variances relating to this structure. The proposed modification would reduce the requested height variance which would improve the condition. As a result, our department continues to have no objection to variances #4, #5, and #6. However, based on the plans submitted we are still unable to verify the accuracy of the requested variances or determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"Please refer to our comments submitted for the September 10, 2015 Hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 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. Peart and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that they do not believe that it is necessary to change the structure for a temporary period. They noted that there is a tree in the rear yard that screens a portion of the structure.

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. Prior to building permit issuance, a letter shall be received from the Committee of Adjustment Office indicating that all outstanding deferral fees have been paid.

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

Dated at the City of Mississauga on February 4, 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 24, 2016**.

Date of mailing is February 8, 2016.



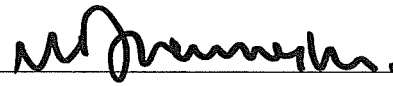
S. PATRIZIO



D. GEORGE (CHAIR)

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 February 4, 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

KARENJEANE, MAURISS & MAURA TUIZA

on Thursday, January 28, 2016

Karenjeane, Mauriss, & Maura Tuiza are the owners of 669 Amesbury Avenue being Lot 1, Registered Plan M-866, zoned R4, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain, having an overall driveway width of 10.25m (33.62ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

On November 26, 2015, Mr. M. Tuiza, a co-owner of the property, attended and presented the subject application to permit the existing driveway to remain on the subject property. Mr. Tuiza advised the Committee that the oversized driveway had been constructed by a previous owner and that he had recently modified the driveway by repaving and levelling it for safety purposes.

Mr. Tuiza indicated that the oversized driveway was required for his large family.

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 refused.

Background:

Mississauga Official Plan:

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007:

Zoning: "R4", Residential

Other Applications:

N/A

Comments:

The intent of the Zoning By-law in restricting the width of driveways is to limit the hard surfaced area and excessive parking of vehicles in the front yard in residential zones, as well as provide an opportunity for greater landscaped area. The Zoning By-law intends to limit the number of vehicles parked side by side in the front yard to two. A standard parking stall width is 2.60 m (8.53 ft.). The requested driveway width of 10.25 m (33.62 ft.) far exceeds the permitted 6.00 m (19.68 ft.) and nearly allows for the width of four parking stalls side by side in the front yard. The Planning and Building Department are of the opinion that this represents excessive hard surfaced area, does not meet the general intent of the Zoning By-law, and is not a desirable development.

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

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

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

No other persons expressed any interest in the application.

The Committee indicated that the existing driveway was excessive in size and that a modification to reduce the width of the driveway would better maintain the provisions of the Zoning By-law. The Committee noted that a portion of the municipal boulevard had been paved and would need to be reinstated with sod.

Mr. Tuiza indicated he wished to defer the application to modify the proposal.

The Committee consented to the request and deferred the application to the January 28, 2016 hearing.

On January 28, 2016, Ms. M. Coloma, a representative of the property owner, attended and requested that the Committee approve the driveway width, as constructed.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4 (Residential)

Other Applications:

Building Permit File: N/A

Comments

This application originally was heard at the November 26, 2015 hearing. Since then, no new submissions have been received. The comments provided for the previous hearing remain applicable and we continue to recommend the application be refused.

The intent of the Zoning By-law in restricting the width of driveways is to limit the hard surfaced area and excessive parking of vehicles in the front yard in residential zones, as well as provide an opportunity for greater landscaped area. The Zoning By-law intends to limit the number of vehicles parked side by side in the front yard to two. A standard parking stall width is 2.60 m (8.53 ft.). The requested driveway width of 10.25 m (33.62 ft.) far exceeds the permitted 6.00 m (19.68 ft.) and nearly allows for the width of four parking stalls side by side in the front yard. The Planning and Building Department are of the opinion that this represents excessive hard surfaced area, does not meet the general intent of the Zoning By-law, and is not a desirable development.

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 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 25, 2016):

"We have no comments and no objections."

A letter was received from Ward Councillor Parrish indicating that the home owners were issued a notice of contravention for the extended driveway. She advised that the homeowners purchased the property with the extended driveway in 2004 and only now received a notice because of their plans to repave the property. The property sits on a large corner lot with sufficient greenspace.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Coloma and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the applicant has not reduced the driveway width. In addition, the boulevard has been altered and accentuates the amount of hard surface area.

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

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



MISSISSAUGA

File: "A" 465/15
WARD 5

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

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

Dated at the City of Mississauga on February 4, 2016.

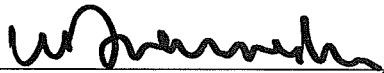
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **FEBRUARY 24, 2016**.

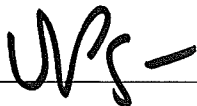
Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT
J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 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

AMACON DEVELOPMENT (CITY CENTRE) CORP.

on Thursday, January 28, 2016

Amacon Development (City Centre) Corp. is the owner of 4055 Parkside Village Drive being Block 5, Registered Plan M-1925, zoned CC4-3, City Centre. The applicant requests the Committee to authorize a minor variance to permit development of Block 9 of the subject development proposing:

1. a building within Parcel Block 3A having a maximum building height of 25 storeys and being 80.0m (262.46ft.) in height; whereas By-law 0225-2007, as amended, permits a maximum building height of 22 storeys and being 70.00m (229.65ft.) in height in this instance,
2. a building within Parcel Block 3C having a maximum building height of 34 storeys and being 106.50m (349.40ft.) in height; whereas By-law 0225-2007, as amended, permits a maximum building height of 22 storeys and being 70.00m (229.65ft.) in height in this instance
3. a maximum podium height of 7 storeys and being 24.00m (78.74ft.) for Parcel Block 3B; whereas By-law 0225-2007, as amended, permits a maximum podium height of 5 storeys and being 21.00m (68.89ft.) for Parcel Block 3B in this instance,
4. a maximum podium height of 4 storeys and being 14.00m (45.93ft.) for Parcel Block 3D; whereas By-law 0225-2007, as amended, permits a maximum podium height of 3 storeys and being 12.00m (39.37ft.) for Parcel Block 3D in this instance,
5. buildings within Parcel Blocks 3C and 3A having a maximum tower floor plate of 735.00m² (7,911.73sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum tower floor plate of 730.00m² (7,857.91sq.ft.) in this instance,
6. a total of 2 loading spaces for the entire Block 9 parcel; whereas By-law 0225-2007, as amended, requires a total of 4 loading spaces (2 residential loading spaces and 2 commercial loading spaces) on site in this instance,
7. to permit a minimum street line setback of 0.70m (2.29ft.) for buildings within Block 9; whereas By-law 0225-2007, as amended, requires a minimum 3.00m (9.84ft.) setback from the street line in this instance,
8. to permit development not in accordance with Schedule CC4-3; whereas By-law 0225-2007, as amended, requires development in accordance with Schedule CC4-3 in this instance; and,
9. to permit the development standards of CC4-3 to apply to the zoning boundary of Block 9; whereas By-law 0225-2007, as amended, requires the development standards of CC4-3 to apply to each property in this instance.

On November 26, 2016, Mr. A. Pirrello, a representative of the property owner, attended and requested a deferral of the application to allow him an opportunity to provide additional information to Planning staff and to amend the variances.

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.

Background:

Mississauga Official Plan:

Character Area: **Downtown Core**
Designation: **Mixed Use**

Zoning By-law 0225-2007:

Zoning: **"CC4-3", City Centre**

Other Applications:

<input type="checkbox"/>	<i>Site Plan</i>	File: Required - No application received
<input type="checkbox"/>	<i>Building Permit</i>	File: Required - No application received

Comments:

The Planning and Building Department understand that the applicant will be requesting a deferral in order to meet with staff to discuss the application."

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the subject property will be addressed through the Building Permit and Site Plan Approval Process."

A memorandum was received from Ward Councillor Kovac requesting that the application be deferred to allow him an opportunity to discuss the proposal with the applicant.

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. A. Pierello, a representative of the property owner, attended and requested that the application be deferred to allow for further discussion with Planning and Building Department staff regarding the heights of the buildings.

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 understand that the applicant is planning to request a deferral for the application; we agree with this request.

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: CC4-3 (City Centre)

Other Applications:

N/A

Comments

The Planning and Building Department understand that the applicant will be requesting a deferral, as stated in correspondence dated December 17th, 2015."

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):

"We have no comments and no objections."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to January 28, 2016.

On January 28, 2016, Ms. S. Rosenthal, authorized agent, attended and presented the application. Ms. Rosenthal advised that the property has undergone extensive review through Official Plan and Zoning By-law amendments since 2003. She indicated that a detailed urban design analysis was conducted noting that it was recognized that variances may be required to achieve a desirable, unique urban built form.

Ms. Rosenthal advised that variances are being requested for the subject site. She indicated that the minor variance application was deferred for discussion to take place. She indicated that the Planning and Building Department have reviewed the revisions and support the minor variance application requests noting that modifications to the build-to areas and heights are proposed. Ms. Rosenthal further advised that a variance is also required to permit the zoning provisions to apply to all of the subject lands as a whole, instead of to each parcel of land.

Ms. Rosenthal indicated that the variances are being requested in advance of Site Plan Approval so that the process will not halt while they obtain decisions regarding the development.

Ms. Rosenthal indicated that the Planning and Building Department requested that they vary the heights of the structures as the development is located within the gateway area of the city centre. She advised that the varying heights allow proper light penetration, reduction of shadowing, and proper view corridors. She noted that the lower building is adjacent to the park. Ms. Rosenthal indicated that the proposed changes maintain the intent of the Official Plan.

Ms. Rosenthal advised that the relief requested with respect to the loading spaces allows the loading bays to be shared and located centrally between the residential and commercial development.

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

The City of Mississauga Planning and Building Department commented as follows (January 27, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: CC4-3 (City Centre)

Other Applications:

Site Plan File: Required
Building Permit File: Required

Comments

In the absence of a Site Plan or Building Permit application we are unable to verify the accuracy of the requested variances or determine whether any additional variances will be required. The applicant may wish to apply for either of these applications, or a Pre-Zoning Review application, in order to confirm their requested variances.

However, based on the review of the application it appears that Variance #8 and #9 should be amended as follows:

"8. To permit development in accordance with a revised schedule; whereas by-law 0225-2007, as amended, requires development in accordance with schedule CC4-3 in this instance.

9. To permit the zoning provisions for the subject lands to apply to all of the subject lands as a whole; whereas By-law 0225-2007, as amended, requires the zoning provisions to apply to each of the individual parcels of land in this instance."

Variations #1 through #4 are related to building heights and podium heights within the block. Although generally there is no restriction on height for buildings within the downtown core, the site specific zoning on this parcel restricts the heights. Our potential concerns with increased heights in this area would be shadowing impacts on the adjacent park and lower density residential areas to the west. The applicant has provided shadow studies based on their preliminary designs which have been reviewed by urban design staff and found to be acceptable. The total yearly average shaded area would increase approximately 0.8% based on the new proposal. Our Department is of the opinion that this is a minor increase.

Variance #5 is related to the size of the tower floorplates, and requests an increase in permitted size of 5.00 m² (53.82 sq. ft.). This represents approximately 0.68% of the permitted floor area for the tower plate. The required separation distance between towers is maintained with the increased floor plate size. In our opinion the requested variance is minor in nature.

The variance requesting a decrease in the number of loading spaces required is a result of the design of the buildings, which accommodate both residential and commercial uses to share loading spaces. A similar variance has been granted for another phase of development in Block 7, which is currently built and functioning without issue, as far as we are aware. Streamlining the loading space area makes efficient use of space and should accommodate all uses without issue, in this instance.

Preliminary site plans show that the requested reduction of setback from a street line to 0.70 m (2.29 ft.) from the required 3.00 m (9.84 ft.) will only be located at one portion of the site. Variance #7 seeks to allow for proper construction of columns supporting the balconies and units in the podium. Although there is proposed reduction in street line setback in this area, the applicant also proposed to introduce a new schedule through variance #8. The new schedule requests to expand the build to areas on the site which will help to further vary the streetscape and create an interesting physical landscape with opportunities for varying sidewalks, café areas and pedestrian zones. The concept plans and elevations were presented to the Urban Design Review Panel on November 19, 2014 where they received favourable comments.

Variance #9, as amended, is requested in order to have the site function as one under the zoning by-law, should there be any future land divisions within this parcel. The functionality of the site, as constructed, would not change and this would just serve to prevent the need for a technical variance in the future.

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 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 25, 2016):

"We have no comments and no objections."

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Ms. Rosenthal 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 request to permit development of Block 9 of the subject development proposing:

1. a building within Parcel Block 3A having a maximum building height of 25 storeys and being 80.0m (262.46ft.) in height; whereas By-law 0225-2007, as amended, permits a maximum building height of 22 storeys and being 70.00m (229.65ft.) in height in this instance,
2. a building within Parcel Block 3C having a maximum building height of 34 storeys and being 106.50m (349.40ft.) in height; whereas By-law 0225-2007, as amended, permits a maximum building height of 22 storeys and being 70.00m (229.65ft.) in height in this instance
3. a maximum podium height of 7 storeys and being 24.00m (78.74ft.) for Parcel Block 3B; whereas By-law 0225-2007, as amended, permits a maximum podium height of 5 storeys and being 21.00m (68.89ft.) for Parcel Block 3B in this instance,
4. a maximum podium height of 4 storeys and being 14.00m (45.93ft.) for Parcel Block 3D; whereas By-law 0225-2007, as amended, permits a maximum podium height of 3 storeys and being 12.00m (39.37ft.) for Parcel Block 3D in this instance,
5. buildings within Parcel Blocks 3C and 3A having a maximum tower floor plate of 735.00m² (7,911.73sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum tower floor plate of 730.00m² (7,857.91sq.ft.) in this instance,
6. a total of 2 loading spaces for the entire Block 9 parcel; whereas By-law 0225-2007, as amended, requires a total of 4 loading spaces (2 residential loading spaces and 2 commercial loading spaces) on site in this instance,
7. to permit a minimum street line setback of 0.70m (2.29ft.) for buildings within Block 9; whereas By-law 0225-2007, as amended, requires a minimum 3.00m (9.84ft.) setback from the street line in this instance,
8. to permit development in accordance with a revised schedule reviewed by the Committee; whereas by-law 0225-2007, as amended, requires development in accordance with schedule CC4-3 in this instance; and,
9. to permit the zoning provisions for the subject lands to apply to all of the subject lands as a whole; whereas By-law 0225-2007, as amended, requires the zoning provisions to apply to each of the individual parcels of land in this instance.

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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MISSISSAUGA

File: "A" 477/15
WARD 4

Application Approved, as amended.

Dated at the City of Mississauga on February 4, 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 24, 2016.

Date of mailing is February 8, 2016.

S. Patrizio

S. PATRIZIO

D. George

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

D. Kennedy

D. KENNEDY

J.P.

J. PAGE

ABSENT

D. REYNOLDS

P. Quinn

P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 2016.

David L. Martin

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

ASTRA CAPITAL PROPERTIES INCORPORATED

on Thursday, January 28, 2016

Astra Capital Properties Incorporated is the owner of 2213 North Sheridan Way being Part of Lot 32, Concession 1, SDS, zoned E2-6 - Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a Motor Vehicle Sales and Leasing use (to a maximum of 8% of the total gross floor area of the existing building) on the subject property; whereas By-law 0225-2007, as amended, does not permit such a use on the subject property in an E2-6, Employment zone in this instance.

On November 26, 2015, Mr. D. Walker, a representative of the authorized agent, attended and requested a deferral of the subject application to allow him the opportunity to submit supplementary information and to address the concerns raised by staff.

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 recommends that the application be refused.

Background:

Mississauga Official Plan:

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Discussion:

The vision for Sheridan Park Corporate Centre, implemented through the policies of Mississauga Official Plan, is to reinforce and grow Sheridan Park as a unique science and technology hub. To implement this vision, the types of uses permitted in the park are specified in Section 15.5.2. The policy states that for lands designated Business Employment, only the following uses will be permitted:

- a. Facilities involved with scientific and engineering research and development, including: laboratories, pilot plants and prototype production facilities;
- b. Education and training facilities, but excluding a public school or private school used for elementary or secondary level education and training;
- c. Data processing centres;
- d. Engineering services;
- e. Offices associated with science and technology uses;
- f. Hotels; and



MISSISSAUGA

File: "A" 480/15

WARD 2

- g. Accessory commercial uses, namely, conference facilities, fitness facilities, banks and restaurants within building provided they do not exceed 15% of the overall floor space.

The Planning and Building Department is currently in the process of proposed Official Plan and Zoning By-law amendments for the Sheridan Park Corporate Centre. The amendments were adopted by Council on October 28, 2015, and the implementing By-laws are expected to be before Council in the new year. The proposed amendments will clarify permissions for commercial and retail uses in Sheridan Park. Section 15.5.4.1.4 of the draft Mississauga Official Plan policies state that,

A freestanding building with commercial uses intended to serve the employees in the Sheridan Park Corporate Center Character Area will be permitted, the location of which is to be determined. An Official Plan amendment will be required for the redesignation of lands to accommodate commercial uses. Major retail uses will not be permitted.

Zoning By-law 0225-2007:

Zoning: E2-6, Employment

Discussion:

The property is currently zoned E2-6 – Employment. The Exception zone specifically prohibits certain motor vehicle related uses such as motor vehicle repair facility – restricted, motor vehicle rental facility, motor vehicle wash facility – restricted, motor vehicle service station, gas bar and motor vehicle sales, leasing and/or rental facility – commercial motor vehicles. Motor vehicle sales for passenger vehicles are also not a permitted use, as they are not permitted in the E2 base zone.

The proposed Zoning By-law amendment for Sheridan Park would rezone the subject property from E2-6 to E2-5, which states that the lands shall only be used for the following:

1. Science and technology facility;
2. Education and training facility;
3. Broadcasting/communication facility;
4. Office;
5. Pilot plant;
6. Prototype production facility;
7. University/college;
8. Manufacturing facility legally existing on the date of passing of this By-law;
9. A banquet hall/conference centre/convention centre, fitness centre, financial institution, restaurant, take-out restaurant day care and manufacturing provided that such uses are located within, and form an integral part of, the building used for one or more of the uses in Sentence 8.2.3.5.1 of this Exception (the eight uses referenced above).

Other Applications:

Certificate of Occupancy File: Required - No application received

Comments:

A Certificate of Occupancy is required and in the absence of a Certificate of Occupancy application, we are unable to verify the accuracy of the requested variances, and to determine whether additional variances will be required. However, based on the information submitted with the Minor Variance application, it appears that the following additional variances may be required:

"3. To permit a corner lot used for a motor vehicle wash facility - restricted or a motor vehicle wash facility - commercial motor vehicle in combination with any other permitted use to have a lot frontage of 60.96 m (200.00 ft.); whereas By-law 0225-2007 requires a lot used for a motor vehicle wash facility - restricted or a motor vehicle wash facility - commercial motor vehicle in combination with any other permitted use to have a minimum lot frontage of 70.00 m (229.66 ft.)."

Further, we recommend that the applicant clarify the requested variances to determine whether the uses will be for restricted or commercial motor vehicles, in order to be consistent with By-law terminology.

In regards to the Official Plan policies, the intent is to encourage and reinforce uses related to science and technology in Sheridan Park. The amending policies, which have been Council endorsed, state that the only permitted commercial uses shall be those that serve the Sheridan Park Corporate Centre. Motor vehicles sales is considered a commercial use, and would likely attract customers from beyond the limits of Sheridan Park.

The Zoning By-law contemplates accessory retail sales and/or accessory retail display in Employment zones. Section 8.1.3.1 of the By-law permits a maximum of 20% of the total gross floor area – non-residential of a Business Activity use for accessory retail sales, leasing and/or rental, accessory retail display and/or installation of products in an E1 to E3 zone. However, there is one restriction on this By-law provision, which is for motor vehicle sales. Therefore, we are not satisfied that the above By-law provision justifies the accessory use.

In the past, the Committee has considered and approved requests for accessory motor vehicle sales in Employment zones, when they are ancillary to other motor vehicle uses such as repair or service stations. However, in those instances, the motor vehicle sales were very limited in display area and number of vehicles. In addition, the sales function was clearly ancillary to the permitted use. In this instance, based on the Site Plan and concept drawings provided by the applicant, the building would have the appearance of a car dealership showroom, with the display area clearly visible from the Queen Elizabeth Way highway. In addition, we recognize that the proposed retail/display area would constitute approximately 15% of the building area. However, due to the overall size of the building, the retail area would be 575 m² (6,189.3 sq. ft.). We do not consider that to be an ancillary use, and we have concerns that the warehouse area will be used for additional retail/display area.

Regarding variance #2, a Parking Utilization Study that satisfactorily justifies the requested reduction in parking is required. Until we are in receipt of this information, we cannot determine the appropriateness of the requested variance.

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Official Plan or the Zoning By-law. They are not minor in nature, and are not desirable for the appropriate development of the property. Therefore, we recommend that the application be refused."

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' 480/15."

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

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

The Ministry of Transportation commented as follows (November 20, 2015):

"This email is in regards to file A-480/15 Ward 2 (2213 North Sheridan Way). The location of the proposal is within MTO's permit control area and permits will be required. MTO will require site plans and a drainage plan to be submitted by the applicant. Once an initial package is submitted, additional information may be requested from the Ministry."

A memorandum was received from Ward Councillor expressing concerns for the subject application. She requested the Committee to refuse the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the January 28, 2016 hearing.

On January 28, 2016, Mr. M. Gagnon, of Gagnon & Law Urban Planners Ltd., and Mr. S. Snider, of Turkstra Mazza Associates, attended and presented the application. Mr. Gagnon presented a package for the Committee's review and consideration.

Mr. Gagnon advised that Astra Capital Properties purchased the building in 2003. His client, Quantum, received a Zoning Certificate in August 2015 for 'warehouse and wholesale operation facility'. He indicated that the premises are utilized for a motor vehicle warehousing and wholesale business.

Mr. Gagnon indicated that the original minor variance application was amended to eliminate the request for parking, and removed the retail, detailing and washing of motor vehicles. The current request before the Committee is the ancillary sales area of 8.00% of the total area occupied. Mr. Gagnon presented a floor plan identifying the area to be utilized for the retail sales of automobiles. He explained that the type of vehicles that will be offered for sale will be high end exotic cars such as the Lamborghini, McLaren, Ferrari etc.. He explained that the premises will not be operated as a 'classic' new car dealership as warehousing and wholesale distribution of vehicles is not a typical use in a dealership. Typical 'classic' dealerships include new car showrooms, servicing and parts facilities and outdoor display of new and pre-owned vehicles. Mr. Gagnon indicated that the premises will be utilized for motor vehicle sales and leasing accessory/ancillary to the primary business of motor vehicle warehousing and wholesaling. He advised that fewer people would come to the facility to view the exotic vehicles noting that the clientele for such vehicles is small.

Mr. Gagnon advised that the Zoning By-law permits accessory retail sales and/or display to a maximum of 20.00% of the total floor area, but it excludes motor vehicle sales. Mr. Gagnon advised that he tried to obtain information as to why motor vehicle sales were excluded; however, there was no official record stating the original rationale for the restriction.

Mr. Gagnon advised that the Official Plan designates the property as business employment and this allows the warehousing, distributing and wholesale operation. Typically, accessory uses are restricted to a maximum of 20.00% of the total gross floor area. He advised that his client wishes to use a maximum of 8.00% of the total gross floor area for ancillary retail sales of the exotic vehicles. He noted that there would be two to three vehicles displayed for sale in the designated area.

Mr. Gagnon advised that the proposed ancillary use is compatible to the predominant use and the proximity and visibility of the site to the Queen Elizabeth Way (QEW) allows potential customers convenience and access.

Mr. Gagnon advised that he understands that a Report was recently considered by Planning Committee with respect to proposed amendments to the Official Plan and the Zoning By-law with respect to the Sheridan Park Corporate Centre.

Mr. Gagnon and Mr. Snider requested that the Committee examine a copy of an Ontario Municipal Board Decision (Case No. PL060701, OMB File S060062). Mr. Gagnon advised that the Decision indicates that testing an application using 'evolving' policy can contravene the principles of natural justice; therefore, the existing, relevant policy is to be utilized. Mr. Gagnon advised that the Committee should therefore evaluate the use against the current policy and not the future policy

Mr. Gagnon advised that the neighbouring property owner at 2185 North Sheridan Way has expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (January 26, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-6 (Employment)

Other Applications:

Certificate of Occupancy File: Required

Comments

The applicant has modified their initial application to reflect that they now propose to allocate 8% of their gross floor area to accessory motor vehicle sales, rather than the 15% which was originally applied for. However, this reduction doesn't change our opinion that any level of motor vehicle sales is an inappropriate use in the Sheridan Park Corporate Centre. As a result, our comments from the November 26, 2015 Committee of Adjustment hearing that relate to the use are still generally applicable. The revised proposal does not require variances related to parking or a wash facility use as previously commented on by planning staff; as such, comments from the November 26, 2015 hearing related to those issues should be disregarded.

For clarification, previous staff comments indicated that Council had adopted new policies related to the Sheridan Park Corporate Centre; however, they have only been endorsed in principle thus far. Our department is of the opinion that the Council endorsement of the new and strengthened policies for Sheridan Park are still relevant to consider when evaluating this application. It is our opinion that the clear direction of Council should be given consideration under the minor variance test of whether or not the proposed development is desirable for the appropriate development or use of the land, building or structure. In this instance, the proposed development would not be desirable, in our opinion. Further, as per our previous comments, we are not satisfied that the proposed application meets the general intent of the Zoning By-law or the Official Plan.



MISSISSAUGA

File: "A" 480/15
WARD 2

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

The City of Mississauga Transportation and Works Department commented as follows (January 21, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 480/15."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 25, 2015):

"Please refer to our previous comments."

A letter was received from Ward Councillor Ras expressing opposition to the application noting that the proposal detracts from what the City is trying to achieve to create a high tech, innovative hub.

A letter was received from Voith Hydro Inc., of 2185 North Sheridan Way, expressing support for the application.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a new policy has been approved by Council and is ready to be implemented. He requested that the Committee consider the direction of City Council when deliberating, specifically when considering the desirability test. Mr. Kirton indicated that the current Zoning By-law does not allow the use noting that motor vehicle sales are specifically prohibited. He explained that motor vehicle sales area tend to expand and the By-law Enforcement Section have difficulty in enforcing the provisions of the By-law with respect to determining whether the retail sales are in fact ancillary to the principal use. The intent of the policy is to eliminate any used car sales or service related type of use in the Employment lands. He advised that the retail sale of motor vehicles is not appropriate in this location.

Mr. Kirton indicated that the ancillary retail sales component of the Zoning By-law is intended to allow the Research Park manufacturers to sell their product, if desired.

The Committee expressed concerns with respect to the exciting façade design proposed for the site noting that there is a strong retail presence.

Mr. Gagnon indicated that they wish to provide an exciting façade to show the branding and lifestyle projection that is part of Quantum Motorsports. He noted that the close proximity to the highway will allow clients to easily determine the location of the building and property.

Mr. Snider indicated that the façade provides interest to consumers. He indicated that the ancillary retail sales area is a clearly defined area. Mr. Snider advised that if the product to be sold at retail was not a motor vehicle, the area would comply with requirements of the Zoning By-law. Mr. Snider indicated that it is unclear as to why motor vehicles sales were prohibited other than it may be an enforcement issue. Mr. Snider indicated that the retail sales area enhances the efficiency of sales of the exotic cars into one location. He indicated that the retail area will not expand into the remainder of the unit. Mr. Snider indicated that if the façade undermines the image of the business park, then the design can be modified when the proposal is reviewed through the Site Plan Approval process.

The Committee, after considering the submission put forward by Mr. Gagnon and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that the principal use is permitted and there is no documented rationale behind why ancillary motor vehicle sales are not permitted. The Committee indicated that perception issues can be addressed through the Site Plan Approval process.

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

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

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

1. A maximum of three (3) exotic vehicles may be displayed in the retail sales area.
2. No outdoor storage or display of vehicles is permitted.
3. The applicant shall proceed in accordance with the floor plan reviewed by the Committee clearly delineating the separation between the ancillary retail sales area and the warehousing and distribution area.

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

Dated at the City of Mississauga on February 4, 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 24, 2016**.


Date of mailing is February 8, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

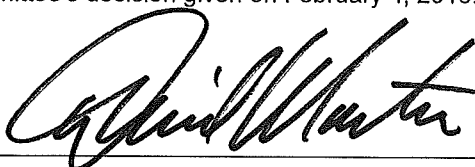
DISSENTED
D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on February 4, 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.