

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: MARCH 3, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-18/16	DERRY TEN LIMITED	6800 HURONTARIO ST	5	Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-86/16	FERNANDO SOLANES	593 ARBOR RD	1	Approved
A-87/16	PETER LEE	368 LAKESHORE RD W	1	Approved
A-88/16	SAKTINDER DHOTER	5465 GLEN ERIN DR	9	Approved
A-89/16	THE CORPORATION OF THE CITY OF MISSISSAUGA	300 CITY CENTRE DR	4	Approved
A-90/16	CHIEFTON INVESTMENTS LIMITED	6005 – 6133 ERIN MILLS PKY	11	Approved
A-91/16	QUARRE PROPERTIES INC	2450 HOGAN DR	11	Approved
A-92/16	DAVID ROETERINK	2412 PYRAMID CRES	2	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-34/16	KIM MCKENNA	944 OWENWOOD DR	2	Approved
A-422/15	HELEN BUTCHER	20 BEN MACHREE DR	1	Withdrawn
A-461/15	TUAN ANH TRAN	909 FOCAL RD	6	Refused

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

DAVE and SUE ROETERINK

on Thursday, March 3, 2016

Dave and Sue Roeterink are the owners of 2412 Pyramid Crescent being Lot 310, Registered Plan 755, zoned R3, Residential. The applicant requests the Committee to authorize the following minor variance to permit the existing garage addition to remain providing:

1. a front yard of 2.80m (9.19ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft) in this instance,
2. a driveway width of 7.92m (25.98ft); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft); and,
3. an attached garage floor area of 102.75m² (1106.00ft²); whereas By-law 0225-2007, as amended, permits a maximum attached garage floor area of 75.00m² (807.29ft²) in this instance.

Mr. D. Roeterink and Mrs. S. Roeterink, the property owners, attended and presented their application to allow the existing garage addition to remain. During the construction of the garage addition they advised they were notified by City Staff of the non-compliance issues. They complied with the City's request to stop all construction and applied for a minor variance application. Mr. Roeterink presented drawings illustrating the design of the garage and explained that the additional space is required to store their boats and related hobby accessories. The design of the garage is intended to blend in with the surrounding homes and does not obstruct any sightlines beyond that of the existing landscaping. Mr. Roeterink submitted a package of signed petitions by local residents supporting the application as well as photographs showing examples of similar street line views in the neighbourhood.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: 15-6952

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed garage. Based on a review of the application, we advise that variances #1 and #2 are correct, as requested.

Variance #3, as applied for, is not required. The drawings show the proposed development as a second garage instead of an addition. In order for this development to be considered an addition, a minimum of 50% of the shared wall must be open.

As a result, variance #3 should be amended as follows:

"to permit two garages; whereas By-law 0225-2007, as amended, permits only one garage in this instance."

The applicant is reminded that a full zoning review has not been completed specifically for this Minor Variance application and that zoning comments provided are based on the zoning review completed through the Building Permit application process. Any changes submitted through the Minor Variance application must also be submitted through the Building Permit application in order to ensure that all drawings and information are the same.

Planning

Although the requested driveway width increase is larger than what this Department would generally support, we are of the opinion that it does not create significant impacts on the streetscape in this instance. The access point is located in the side yard of the lot rather than along the frontage, which allows the width of the driveway to be accommodated along a significantly wider space than would normally be available; the width of the side lot line where the driveway is located is 36.61 m (120.11 ft.). This allows for adequate landscaping opportunities along the remainder of the side yard. It also appears that the increased width is solely for access to the additional garage structure, for trailer and boat storage, and is not actively used for additional parking.

The additional garage structure should not have a significant impact on the streetscape or have any significant massing impacts on the adjacent properties. One of the intents of restricting lots to a single garage is to reduce the visual dominance of garage and carport structures over the rest of the dwelling. In our opinion, the proposed additional garage will not create a situation where the garage structures are the primary focal point of the dwelling. The additional garage structure scales down in height and impact from the existing dwelling and garage. Further, the proposed lot coverage, including all proposed structures, is 28.75% which is well below the permitted 35% in the R3 zone.

The requested 2.80 m (9.19 ft.) setback from the front yard is required to approximately the same spot as the previously existing fence was located. The proposed additional garage structure should have functionally similar impacts on corner sightlines as the previously existing fence. Existing landscaping near the corner of the lot, in the side yard, additionally impacts sight lines beyond what the proposed garage structure would, in our opinion. Further, there is a generous city boulevard adjacent to the structure, including landscaped areas and a sidewalk, which further helps to increase the apparent setback of the structure.

Based on the preceding information, the Planning and Building Department are of the opinion that the requested variances, as amended, are minor in nature and maintain the general intent of the Zoning By-law, in this instance."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"Enclosed for Committee's reference are a number of photos which depict the existing garage addition and widened driveway. Although we did not see any evident drainage related concerns with the garage addition, we do recommend that the addition be equipped with an eaves trough and the downspout be located such that drainage does not impact on the abutting property to the west. The applicant should also be advised that no further widening of the driveway would be supported by this department in the future."

A letter was received from the Sheridan Homelands Ratepayers Association (SHORA) expressing opposition to the application. SHORA is concerned that this application could set a precedent for others to build without a building permit. It is also concerned about the safety of the intersection with sightlines being impeded by the garage addition.

A letter was received from Councillor K. Ras expressing concern about the potential negative impact on the neighbouring properties and that the application is not in keeping with the neighbourhood. Councillor K. Ras requested the application be refused or deferred for further discussion.

A letter was received from N. Rogers, resident at 2491 Winthrop Crescent indicating that the garage addition sticks out from the building line of all other properties on Homelands Drive and that the intersection sightlines have been negatively impacted. Mr. Rogers requested the application be refused and the building addition be removed.

A letter was received from P. and V. Soares, residents at 2401 Pyramid Crescent expressing support for the application indicating that the garage addition does not impact the character of the neighbourhood, displays curb appeal and does not have any impact on the intersection sightlines or the safety of the street.

An email was received from S. Struthers, resident at 2395 Pyramid Crescent expressing support for the application if the garage addition meets the allowable density standards, building and safety codes and a building permit is issued.

A letter was received from D. Lawson, resident at 2318 Pyramid Crescent expressing full support for the garage addition.

A letter was received from R. and S. Ryan, residents at 2360 Pyramid Crescent expressing support for their project.

A letter was received from M. and J. Brison, residents at 2385 Pyramid Crescent expressing full support of the garage addition and that it blends in with the general surroundings.

A letter was received J. and G. Reynolds, residents at 2405 Pyramid Crescent expressing full support for the garage addition.

A letter was received from S. Edwards, resident at 2404 Pyramid Crescent expressing support for the application and indicating that the garage addition does not impede the sightlines from Pyramid Crescent or Homelands Drive.

A petition was received and signed by 17 residents indicating no objection to the requested variances.

Mr. P. Kool, president of SHORA and resident at 2328 Belfast Crescent, attended and expressed SHORA's concerns and opposition to the application.

No other persons expressed any interest in the application.

Mr. Roeterink 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. Roeterink and Mr. Kool and having reviewed the plans and comments from city Staff, 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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing garage addition to remain providing:

1. a front yard of 2.80m (9.19ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft) in this instance,
2. a driveway width of 7.92m (25.98ft); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft); and,
3. two attached garages; whereas By-law 0225-2007, as amended, permits only one attached garage in this instance.

MOVED BY:	S. PATRIZIO	SECONDED BY:	J. ROBINSON	CARRIED
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Application Approved, as amended.

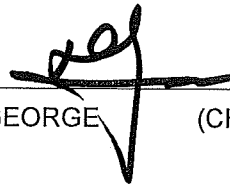
Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

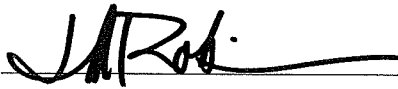
Date of mailing is March 14, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



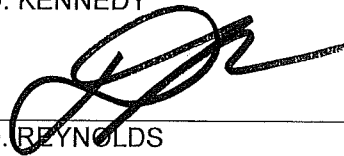
J. ROBINSON

ABSENT

D. KENNEDY

DISSENTED

J. PAGE



D. REYNOLDS

ABSENT

P. QUINN

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

FERNANDO SOLANES

on Thursday, March 3, 2016

Fernando Solanes is the owner of 593 Arbor Road being Lot 4, Registered Plan 412, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an attached garage and covered front porch addition proposing a 2.80m (9.18ft.) exterior side yard to the covered porch including stairs; whereas By-law 0225-2007; as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Mr. F. Solanes, the property owner, attended and presented the application to construct a new attached garage and a front porch addition to the existing dwelling on the subject property. The proposed additions will provide the convenience of having a mud room, covered front porch and adequate garage space. Mr. Solanes explained that the home is on a corner lot, and the existing home and proposed additions will continue to comply with the zoning regulations with the exception of the requested exterior side yard variance. Mr. Solanes further indicated that the proposed additions will maintain the character of the existing bungalow and that the requested variance is minor. He clarified that the existing Arbor Road driveway will be removed and an existing shed on the property will be removed as well.

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred in order for the applicant to apply for the required Site Plan Approval and Building Permit applications.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval	File: Required
Building Permit	File: Required

Comments

Zoning

Site Plan Approval and Building Permit applications are required, and in the absence of a Site Plan Approval application or a Building Permit application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

The applicant may require additional variances for items such as lot coverage, however based on the information provided with the application we are unable to determine what variances will be required.

Planning

The property is subject to Site Plan Control, and without a Site Plan Approval application a comprehensive review cannot be completed. It is appropriate for the applicant to submit a Site Plan Approval application for a full review by Planning and Building Department staff prior to variances being considered. It appears that additional variances may be required, and the application should be deferred in order for the applicant to submit the required Site Plan Approval and Building Permit applications."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"We note for the applicant's and Committee's information that this property currently has two driveways, one fronting onto Arbor Road and the other onto Radcliffe Boulevard. Acknowledging that the two driveways have existed on this property for a number of years, we are advising the owner that this department can only support one access to this property. In view of the above and upon the submission of a Site Plan Application to the City for review/approval, we are advising that one of the Transportation and Works Department conditions will be to remove and re-instate the existing Arbour Road driveway."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 29, 2016):

"This property is within the vicinity of Canada Post landfill site. It is an inactive, private landfill located on the southwest corner of Cawthra Road and Aviation Road. It has been clean to M.O.E.C.C. standards."

No other persons expressed any interest in the application.

After hearing the comments of the Committee, the Planning and Building Department, the Transportation and Works Department and the Region of Peel, Environment, Transportation and Planning Services Department, Mr. Solanes confirmed that he wished to proceed with the application as presented, without any additional variances.

The Committee, after considering the submissions put forward by Mr. Solanes 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 existing Arbor Road driveway is to be removed to the satisfaction of the City of Mississauga Transportation and Works Department as per their comments dated February 11, 2016.

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


Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

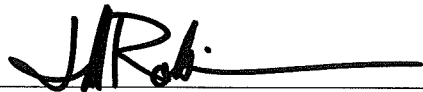
Date of mailing is March 14, 2016.



S. PATRIZIO



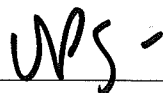
D. GEORGE (CHAIR)



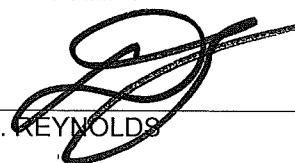
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. KEYNOLDS

ABSENT

P. QUINN

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

DERRY TEN LIMITED

on Thursday, March 3, 2016

Derry Ten Limited is the owner of 6800 Hurontario Street being Part of Lot 9, Concession 1 W.H.S. zoned H-E2-126, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a lot frontage of approximately 128.15m (420.44ft) and an area of approximately 2.06ha (5.10ac). The effect of the application is to create a new lot for employment purposes.

Mr. T Pierce, authorized agent, attended and presented an aerial image for the Committee's review illustrating the application to sever approximately 2.06ha (5.10ac) of land and retain approximately 1.98ha (4.90ac) from the total of approximately 4.05ha (10.00ac) of employment lands owned by the applicant.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (February 29, 2016),
City of Mississauga, Transportation and Works Department (February 25, 2016),
Region of Peel, Environment, Transportation & Planning Services (February 29, 2016).

No other persons expressed any interest in the application.

When asked, Mr. Pierce 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. Pierce, 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 additional services easement(s) and/or right(s)-of-way, are necessary.



MISSISSAUGA

File: "B" 18/16
WARD 5

3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 25, 2016.
5. A letter shall be received from the Region of Peel, Public Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 29, 2016.

MOVED BY: J. Robinson

SECONDED BY: S. Patrizio

CARRIED

Application Approved, on conditions as stated.

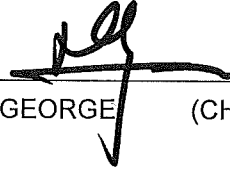
Dated at the City of Mississauga on March 10, 2016.

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 **APRIL 3, 2016**.

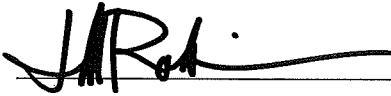
Date of mailing is March 14, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



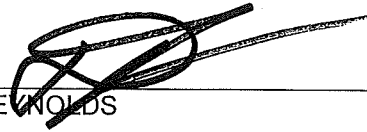
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on March 3, 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 **March 14, 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

SAKTINDER DHOTHER

on Thursday, March 3, 2016

Saktinder Dhother is the owner of 5465 Glen Erin Drive being Lot 49, Registered Plan M-911, zoned R3-24, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property having a width 13.014m (42.69ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Ms. S. Dhother, the authorized agent, attended and presented the application to permit the existing driveway to remain on the subject property. Ms. Dhother explained that the driveway hammerhead was originally constructed larger than permitted to allow her children to safely turn around their vehicles on the driveway before exiting onto Glen Erin Drive, a very busy street. The hammerhead was not constructed to park additional vehicles on the property. Ms. Dhother further explained that upon being notified of the driveway non-compliance issue, she proceeded to have the size of the driveway reduced prior to applying for the minor variance.

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

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

"Recommendation

The Planning and Building Department recommend the application be deferred in order for the applicant to provide additional information and revised drawings.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-24

Other Applications:

N/A

Comments

Zoning

Based on the information provided we are unable to verify the accuracy of the requested variances or whether additional variances will be required. Be advised, the maximum allowable driveway width in this zone is equal to the width of the garage door opening(s) plus 2.0m to a maximum of 6.0m. A minimum soft landscaped soft area of 40% of the yard containing the driveway is also required.

Planning

The application has been revised, but new drawings have not been submitted. The driveway width variance should be amended to reflect an oversized hammerhead, however in the absence of revised drawings we are unable to determine the accuracy or whether additional variances are required.

Based on the preceding information, the Planning and Building Department recommend the application be deferred in order for the applicant to provide additional information and revised drawings."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"Enclosed for Committee's reference are some photos which depict the existing driveway. On our site inspection of this property we had a discussion with the owner and were advised that they took the advice of city staff to modify and reduce the original width of the driveway. From the enclosed photos it is evident that modifications have been made to the driveway, both within the applicant's lands and also the area between the municipal sidewalk and curb.

In view of the above we have no objections to the remaining widened portion of the driveway as it also functions as a turn-around facility for any vehicles exiting onto Glen Erin Drive which is a Major Collector Road."

An email was received from R. Aggarwal, of 5457 Elgar Court objecting to the application, expressing concern about the impact of the widened driveway on the storm water system, the curb appeal of the neighbourhood and safety.

Mr. K. Johnson, property owner at 5458 Glen Erin Drive attended and expressed his support for the application. He indicated that the driveway looks beautiful and provides for the safe maneuvering of vehicles out onto Glen Erin Drive.

Mr. J. Walters, property owner at 5457 Glen Erin Drive attended and expressed his support for the application. He indicated that the driveway is beautiful and that every driveway on the street should have a hammerhead to promote safety.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Dhother 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 there were neighbours in support of the wider hammerhead driveway and noted the driveway will provide for safer egress of vehicles from the property.

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

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

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

MOVED BY:	S. PATRIZIO	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved.

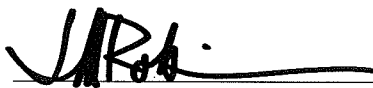
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Date of mailing is March 14, 2016.



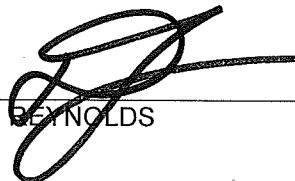
S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

ABSENT

P. QUINN

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

on Thursday, March 3, 2016

Chiefton Inv. Ltd., is the owner of 6005, 6039, 6077, 6099, 6111, and 6133 Erin Mills Parkway being Part of Block 1 and Block 4, Registered Plan 43M-1780, zoned E2-99 and E2-100, Employment. The applicant requests the Committee to authorize a minor variance to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property; whereas By-law 0225-2007, as amended, does not permit the requested use in this instance.

Mr. G. Broll, the authorized agent, attended and presented the application to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property. Mr. Broll presented a site plan illustrating the location of the proposed car dealership and the location of the proposed parking areas to store the new vehicles on the adjacent property subject to application 'A' 091/16. Mr. Broll indicated that the proposed development conforms to all other zoning regulations at this time and that the required buffers surrounding Wabukayne Creek will continue to be maintained.

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

The City of Mississauga Planning and Building Department commented as follows (March 1, 2016):

"Recommendation

The Planning and Building Department have no objection to the minor variance application subject to the condition below, however the applicant may wish to defer to ensure that no additional variances are required.

Background

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-99, E2-100

Other Applications:

BP 15-5242

Comments

Zoning

We note that a Zoning Certificate of Occupancy is required and in the absence of a Zoning Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

Planning

The application should be understood in conjunction with A 91/16. The subject property is a shallow lot fronting Erin Mills Parkway at Britannia Road W. In the vicinity, there are four motor vehicle sales facilities on Erin Mills Parkway. The proposed motor vehicle sales, leasing and/or rental facility on a portion of this property is a minor and appropriate use. However, given the location abutting to Wabukayne Creek and its natural area, we recommend the following condition:

1. a fence and screening separating the parking area from the existing landscaped areas and natural areas.

Based on the preceding information, the Planning and Building Department have no objection to the minor variance application subject to the condition, however the applicant may wish to defer to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 29, 2016):

"Regional staff are currently reviewing the associated site plan application, SP-11-121. Staff have no objections with the minor variance application to permit a motor vehicle sales, leasing, and/or rental facility on the subject property, but do note that the conceptual site plan shows the removal of an access onto Erin Mills Parkway. As such, an updated Traffic Impact Study may be required through the site plan application.

This property is within the vicinity of Canada Brick Landfill site. It is an inactive, private landfill located north of Britannia, between Erin Mills and Queen Street."

The Credit Valley Conservation commented as follows (February 19, 2016):

"Site Characteristics:

The subject property is adjacent to the Wabukayne Creek valley system. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the adjacent Wabukayne Creek has an ecological linkage function between Lake Wabukayne NAS MW12 and Mullett Creek NAS MB9.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit a motor vehicle sales, leasing and/or rental facility – restricted use on the subject property; whereas By-law 0225-2007, as amended, does not permit the requested use in this instance.

Comments:

CVC has reviewed another proposal on the subject property through Site Plan application (SP 11/121). It is noted that the proposal as shown on this application is different from the proposed development in the Site Plan application.

The proposed use of this variance does not impact the Authority's interests in this case. As such, CVC has **no objection** to the approval of this application by the Committee at this time. The applicant is to note that the north portion of the property is within a CVC Regulated Area and a CVC permit would be required for development as proposed."

Mr. E. Dahonick, property owner at 2511 Windwood Drive attended and expressed objections to the requested variances and noted concern about the noise from flags and any outdoor intercom systems, as well as increased traffic generated by the development. He also indicated that not all of the neighbours received a notice of the application.

An email was received from Ms. J. Biondi at 2426 Cobbinshaw Circle expressing concern that many residents in the area feel that the addition of a car dealership on the site will have a negative impact on the residents and wildlife as a result of increased levels of traffic, noise and light.

No other persons expressed any interest in the application.

The Secretary Treasurer advised the Committee that all the neighbours within the required 60m distribution area were sent notices in accordance with the Planning Act requirements.

The Committee, after considering the submissions put forward by Mr. Broll and Mr. Dahonick and having reviewed the plans and comments from city Staff, is satisfied that the request is desirable for the appropriate further use of the subject property. The Committee explained that the requested use is similar to other uses permitted by the current zoning and is consistent with the uses that would be expected in an employment designated area.

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

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

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

1. A fence and screening shall be provided separating the parking area from the existing landscaped areas and natural areas to the satisfaction of the Planning and Building Department.
2. No external intercom or loudspeaker system shall be permitted in conjunction with the car dealership.

MOVED BY:	J. PAGE	SECONDED BY:	J. ROBINSON	CARRIED
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Application Approved, on conditions as stated.

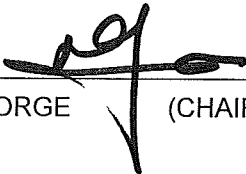
Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

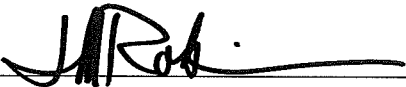
Date of mailing is March 14, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



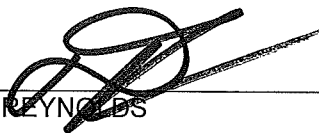
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. REYNOLDS

ABSENT

P. QUINN

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

THE CORPORATION OF THE CITY OF MISSISSAUGA

on Thursday, March 3, 2016

The Corporation Of The City Of Mississauga is the owner of 300 City Centre Drive being Part of Lot 18 Concession 2 NDS, zoned CC2(1) and CCOS, Commercial. The applicant requests the Committee to authorize a minor variance to permit a reduction to the existing parking spaces on site by one (1) space to permit the installation of three (3) new air-cooled condensers on P2 level of the Executive Parking Garage, providing a total of 581 spaces on site; whereas By-law 0225-2007, as amended, requires a total of 633 parking spaces on site in this instance.

Mr. V. Hasanovic, the authorized agent, attended and presented the application to permit a reduction in the total parking supply by one space. Mr. Hasanovic noted that the subject property was previously granted a variance under application 'A'-10/10 to permit a total of 582 parking spaces be provided. Mr. Hasanovic explained that the existing condensers that supply the data center with cooling need to be replaced and that the current location which suspends the condensers above the parking area is not sufficient. He indicated that the most effective, safe and feasible location to store the new condensers is within the existing parking space illustrated on the drawings provided.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use and Open Space

Zoning By-law 0225-2007

Zoning: CC2(1) and CCOS

Other Applications:

N/A

Comments

Zoning

The Planning and Building Department is currently processing a building permit application under file BP 15-8370. Based on the information provided with the building permit application, the variances, as requested, are correct.

Planning

The applicant submitted a satisfactory letter of justification as part of a January 7, 2010 application to the Committee of Adjustment to justify a reduction from 633 parking spaces to 582 parking spaces. The current application will reduce the parking by one additional space, resulting in 581 parking spaces being available. No impact is anticipated as a result of the removal of an additional parking space in order to accommodate new air-cooled condensers on P2 level of the Executive Parking Garage at the Mississauga Civic Centre.

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

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

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

No other persons expressed any interest in the application.

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

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

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

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

MOVED BY:	J. PAGE	SECONDED BY:	S. PATRIZIO	CARRIED
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Application Approved.

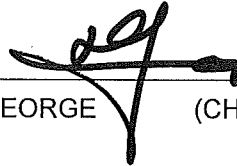
Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

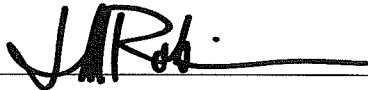
Date of mailing is March 14, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



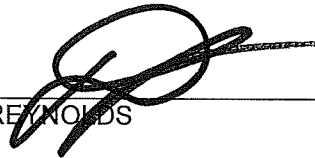
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE



D. REYNOLDS

ABSENT

P. QUINN

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

PETER LEE

on Thursday, March 3, 2016

Peter Lee is the owner of 368 Lakeshore Road West being Part of Lot 12 Range C.I.R., zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the outdoor display and retail sale of flowers ancillary to the existing retail store on the subject property as previously approved pursuant to Committee of Adjustment File 'A' 404/09; whereas By-law 0225-2007, as amended, states that all uses shall be located wholly within a building, structure or part thereof in this instance.

Mr. X. Zheng, the authorized agent, attended and presented the application to continue to permit the outdoor display and sale of flowers at the existing retail store on the subject property.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:
N/A

Comments

Zoning
No Comment

Planning

The subject property has previous approvals for the sale of flowers in front of the existing retail store, which go back over a decade. The operation is relatively small in scope with

limited space available for flower sales. We have no record of any concerns associated with the requested use since the prior approval in 2009, however we would remind the applicant that the proposed use must take place wholly within their property and may not encroach onto city owned lands.

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

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"This department has no objection to the applicant's request to continue to permit the outdoor display and sale of flowers provided that it does not obstruct the sidewalk."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 29, 2016):

"This property is within the vicinity of two inactive, private landfill sites with M.O.E.C.C. #A220107 and #A220108. They are located on the southwest and northwest corners of Mississauga Road and Lakeshore Boulevard and have been cleaned to M.O.E.C.C. standards."

No other persons expressed any interest in the application.

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

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 flower display area shall only be located in front of the subject building in accordance with the plan reviewed and approved by the Committee. Display of flowers on the municipal boulevard is not permitted.

MOVED BY:	D. REYNOLDS	SECONDED BY:	J. PAGE	CARRIED
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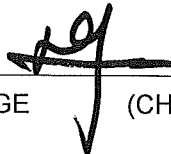
Application Approved, on condition as stated.

Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.


Date of mailing is March 14, 2016.

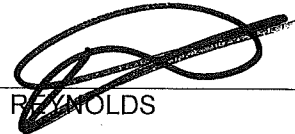

S. PATRIZIO


D. GEORGE (CHAIR)


J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS

ABSENT
P. QUINN

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

QUARRE PROPERTIES INC.

on Thursday, March 3, 2016

Quarre Properties Inc., is the owner of 2450 Hogan Drive being Part of Block 1 and Block 4, Registered Plan 43M-1780, zoned E2-99, Employment. The applicant requests the Committee to authorize a minor variance to permit the outdoor storage of motor vehicles accessory to the motor vehicle sales, leasing and/or rental facility – restricted use located at 6005-6133 Erin Mills Parkway; whereas By-law 0225-2007, as amended, does not permit outdoor storage unless accessory to a use permitted in the E2 zone and located on the same lot in this instance.

Mr. G. Broll, the authorized agent, attended and presented the application to permit the storage of new vehicles for the proposed car dealership on the adjacent property subject to application 'A' 90/16. Mr. Broll presented a site plan illustrating the location of the proposed new vehicle parking areas and the location of the new dealership. Mr. Broll indicated that the parking areas will be located below grade and will not be visible from Erin Mills Parkway. He further indicated that the required buffers surrounding Wabukayne Creek will continue to be maintained.

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

The City of Mississauga Planning and Building Department commented as follows (March 1, 2016):

"Recommendation

The Planning and Building Department have no objection to the minor variance application subject to the conditions below, however the applicant may wish to defer to ensure that no additional variances are required.

Background

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-99

Other Applications:
N/A

Comments

Zoning

We note that a Zoning Certificate of Occupancy is required and in the absence of a Zoning Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

Planning

The application should be understood in conjunction with A 90/16. The site in question is a large existing industrial building and adjoining lot at 2450 Hogan Drive adjacent to 6005 - 6133 Erin Mills Parkway. The outdoor storage of motor vehicles is only permitted when accessory to the use and located on the same lot in this instance. The storage of motor vehicles as an accessory to 6005 - 6133 Erin Mills Parkway comprises a small area of the existing property and is well shielded from Erin Mills Parkway and Hogan Drive. However, given the location abutting to Wabukayne Creek and its natural area, we recommend the following conditions:

1. a fence and screening enclosing the motor vehicle storage area; and
2. delineation of property lines ensuring no encroachment of existing landscaped areas or natural areas.

Based on the preceding information, the Planning and Building Department have no objection to the minor variance application subject to the conditions, however the applicant may wish to defer to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 29, 2016):

"This property is within the vicinity of Canada Brick Landfill site. It is an inactive, private landfill located north of Britannia, between Erin Mills and Queen Street."

The Credit Valley Conservation commented as follows (February 19, 2016):

"Site Characteristics:

The subject property is adjacent to the Wabukayne Creek valley system. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the adjacent Wabukayne Creek has an ecological linkage function between Lake Wabukayne NAS MW12 and Mullett Creek NAS MB9.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the outdoor storage of motor vehicles accessory to the motor vehicle sales, leasing and/or rental facility

– restricted use located at 6005 Erin Mills Parkway; whereas By-law 0225-2007, as amended, does not permit outdoor storage unless accessory to a use permitted in the E2 zone and located on the same lot in this instance.

Comments:

There was a previously approved Site Plan application (SP 12/120) on the subject property. As part of the application, there were landscape restoration requirements on the north end of the site.

The proposed use of this variance does not impact the Authority's interests in this case. As such, CVC has no objection to the approval of this application by the Committee at this time. However, the applicants are to note that the location and grading works for the driveway and for the parking storage area are to be refined through the Site Plan approval process to be in conformance with the previously approved landscape restoration (SP 12/120) and with CVC permitting requirements."

Mr. E. Dahonick, property owner at 2511 Windwood Drive attended and expressed objections to the requested variances and noted concern about the noise from flags and any outdoor intercom systems, as well as increased traffic generated by the development. He also indicated that not all of the neighbours received a notice of the application.

No other persons expressed any interest in the application.

The Secretary Treasurer advised the Committee that all the neighbours within the required 60m distribution area were sent notices in accordance with the Planning Act requirements.

The Committee, after considering the submissions put forward by Mr. Broll and Mr. Dahonick and having reviewed the plans and comments from city staff, is satisfied that the request is desirable for the appropriate further use of the subject property. The Committee explained that the requested use is similar to other uses permitted by the current zoning and is consistent with the uses that would be expected in an employment designated area.

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

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

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

1. A fence and screening shall be provided separating the parking area from the existing landscaped areas and natural areas to the satisfaction of the Planning and Building Department.
2. Delineation of property lines ensuring no encroachment of existing landscaped areas or natural areas shall be provided to the satisfaction of the Planning and Building Department.


MOVED BY:	J. ROBINSON	SECONDED BY:	J. PAGE	CARRIED
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Application Approved, on conditions as stated.



Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

Date of mailing is March 14, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)
J. ROBINSON

ABSENT

D. KENNEDY
J. PAGE
D. REYNOLDS

ABSENT

P. QUINN

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

KIM MCKENNA

on March 3, 2016

Kim McKenna is the owner of 944 Owenwood Drive being Lot 5, Plan 496, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure (cabana) on the subject property proposing:

1. a height of 4.26m (13.97ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance; and,
2. a floor area of 36.30m² (390.74ft².); whereas By-law 0225-2007, as amended, permit a maximum floor area of 10.00m² (107.64ft.²) in this instance.

On January 28, 2016, Mr. M. DeJong, authorized agent, and Mr. McKenna, a representative of the property owner, attended and presented the application to permit the construction of a pool cabana in the rear yard. Mr. DeJong presented plans for the Committee's review and consideration. He advised that the cabana will be utilized by his client as a relaxation area for the family.

Mr. McKenna advised that a large maple tree that provided shade was removed. He indicated that the cabana will provide a shaded environment. Mr. McKenna indicated that the increased height of the structure will allow natural light to enter.

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 accessory structure to address staff concerns.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Building Permit File: BP 9NEW 15-7570

Comments

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

Variance #1 should be revised to identify: "a proposed height of 4.87m (16ft), whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft) in this instance;"

Variance #2 should be revised to identify: "a proposed floor area of 36.3m² (390.7ft. sq.), whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64ft. sq.) in this instance;"

The proposed accessory structure is significantly larger in floor area than permitted by the By-law, however the lot is significantly sized at approximately 1620 m² (17 437.53 sq. ft.). The lot coverage, including the proposed accessory structure, would be 19.4%, which is well below the permitted 30% for a lot zoned R2. The location of the accessory structure in the central portion of the rear yard also helps mitigate any impacts of the larger gross floor area on neighbouring lots.

The accessory structure is designed with an architectural feature at the top of the roof, which adds significantly to the height increase. It is our opinion that the requested height increase is a concern, in this instance. There have been no approvals for height variances for accessory structures in the immediate neighbourhood and the height of the structure would be visible from neighbouring properties. Redesigning the structure to reduce the height from the floor to the roof line as well as removing or modifying the feature at the peak of the roof would help lower the height and reduce the visible impact.

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 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 Ward Councillor Ras requesting that the application be deferred as neighbouring residents and staff have expressed concerns with respect to the application.

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

A letter was received from the Owenwood Resident's Association expressing concerns with respect to the size of the structure.

A letter was received from A. and B. Brown, property owners at 967 Porcupine Avenue, expressing concerns with respect to the height of the structure.

No other persons expressed any interest in the application.

Mr. DeJong, 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 the structure was designed with the increased height for aesthetic reasons.

The Committee consented to the request to amend the application.

Mr. McKenna, upon hearing the comments of the Committee requested that the application be deferred.

The Committee consented to the request and deferred the application to March 3, 2016.

On March 3, 2016, Mr. M. DeJong, authorized agent, and Mrs. McKenna, the property owner, attended and presented a revised application to permit the construction of a pool cabana in the rear yard with a proposed roof height of 4.26m (13.96ft) instead of the 4.90m (16.07ft) roof height originally requested. Mr. DeJong presented a revised plan to the Committee for their review and consideration noting the decorative portion of the roof has been removed and the roof pitch has been reduced.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Building Permit File: BP 9NEW 15-7570

Comments

Zoning

The information submitted through the Minor Variance application is not consistent with the most recent submission through the Building Permit application, therefore we are unable to verify the accuracy of the requested variances or determine whether any additional variances will be required.

Planning

When the committee previously heard this application at the January 28th, 2016 hearing, staff indicated that we had concerns with the proposed height of the accessory structure. The applicant requested a deferral of the application in order to redesign to address the concerns of staff, and of the committee. The applicant has proposed to reduce the accessory structure height to 4.26 m (13.97 ft.). Although this is still taller than what we would generally support, the structure is located centrally in the rear yard of a significantly sized property, and has adequate screening from tree cover on most sides. In our opinion the central location helps to mitigate any impact of increased height that may be felt by neighbouring properties. In conjunction with the screening provided by the mature trees



MISSISSAUGA

File: "A" 34/16

WARD 2

within the area, we are of the opinion that the requested variances are minor in nature, in this instance.

As per our comments from the previous hearing, we have no objection to the requested floor area variance for the accessory structure. The structure is located on a large lot and the proposed lot coverage including the accessory structure is well below the permitted maximum which helps to minimize massing impacts.

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

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"Please refer to our comments submitted for the January 28, 2016 hearing of this application as those comments are still applicable.

An email was received from Councillor K. Ras indicating that the applicants have reduced the height of the structure which has mitigated the massing concerns. Councillor K. Ras has no further objections to the application."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. DeJong, and Mrs. McKenna, and having reviewed the plans and comments from city Staff, 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 outstanding deferral fee payment of \$200.00 shall be received by the Committee of Adjustment office.

MOVED BY:	S. PATRIZIO	SECONDED BY:	J. PAGE	CARRIED
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Application Approved, on condition as stated.

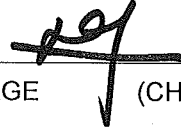
Dated at the City of Mississauga on March 10, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

Date of mailing is March 14, 2016.



S. PATRIZIO



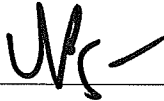
D. GEORGE (CHAIR)



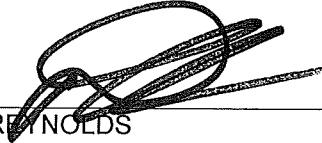
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE

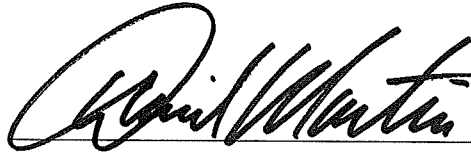


D. REYNOLDS

ABSENT

P. QUINN

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

TUAN ANH TRAN

on Thursday, March 3, 2016

TUAN ANH TRAN is the owner of 909 FOCAL ROAD being Lot 81, Registered Plan M-975, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having:

1. a driveway width of 7.95m (26.08ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of the width of the garage door openings plus 2.00m (6.56ft.) to a maximum of 6.00m (19.68ft.) in this instance;
2. a setback from the driveway to the side property line of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum setback from the driveway to the side property line of 0.60m (2.00ft.) in this instance; and,
3. a landscaped soft area of approximately 30.00% of the front yard; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% of the front yard in this instance.

On November 26, 2015, the application was called and no one was in attendance to present the application. The Committee noted that the required notification sign was not displayed on the property as required by the *Planning Act*.

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: **East Credit Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007:

Zoning: "R4", Residential

Other Applications:

N/A



MISSISSAUGA

File: "A" 461/15
WARD 6

Comments:

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

We further advise that based on a review of the variance application it appears that variance #1 should be amended as follows:

"1. a driveway width of 7.95 m (26.08 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of the width of the garage door openings plus 2.00 m (6.56 ft.) to a maximum of 6.00 m (19.68 ft.) in this instance."

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 and too little landscaped area. The requested driveway width of 7.95 m (26.08 ft.) would allow for the parking of three vehicles side by side across the front of the dwelling, whereas the intent of the Zoning By-law is to limit it at two. The Department also does not support a 0.00 m (0.00 ft.) setback to the side lot line from the driveway in this instance.

With regards to variance #3, the soft landscaped area would increase if the driveway was narrowed. This variance would likely no longer be required if the driveway were significantly reduced in size. The current request provides too little landscaped area in conjunction with the increased hard surfaced area. It is our opinion that this is not desirable and does not meet the general intent of the Zoning By-law.

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):

"We are enclosing for Committee's easy reference some photos which depict the existing driveway. Acknowledging the excessive width of the existing driveway, this department would suggest that variance number 2 which is requesting a proposed setback of 0.00 m to the side property line whereas in this instance 0.60 m is required not be supported. We feel that in this instance modifications should be made to the existing driveway and the minimum 0.60 m should be provided."

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

"Please be advised of the following involvement with Compliance and Licensing Enforcement regarding the excessive driveway width.

- January 5, 2015, Compliance and Licensing received a complaint for the subject property regarding an oversized widened driveway.
- January 19, 2015, The area Municipal Law Enforcement Officer (MLEO) attended property and was unable to measure the driveway due to snow. Photographs were taken. Driveway measurement of approximately 8 metres.
- January 20, 2015, A Notice of Contravention (NOC) was sent to the property owner with a compliance date of April 3, 2015.
- June 3, 2015, the MLEO attended the property, no change with the driveway and no Committee of Adjustment (COA) application on file. MLEO noted a "for sale sign" erected in front yard of the subject property. Photographs taken.

On July 16, 2015, Legal Action was taken with a charge sworn and summons issued. First appearance court date was set for October 1, 2015 at 3pm.



MISSISSAUGA

File: "A" 461/15
WARD 6

- August 18, 2015, the MLEO contacted the broker of sale regarding the non-compliance of the driveway and requested the property owner contact information.
- August 19, 2015 the MLEO received a telephone call from the property owner, the owner was advised of inspection results, zoning by-law, the NOC with compliance date, and the COA application process.
- September 16, 2015 the MLEO received a telephone call from the property owner. The owner was again advised of the complaint, inspection results, zoning by-law, the NOC with compliance date, and the COA application process.

October 2, 2015 – Multiple attempts were made to arrange meetings with the owner. No date could be set. Prosecutions marked the summons out for service and re issue of summons. Assigned new first Appearance Court Date of December 17, 2015.

November 4, 2015 – The property was sold. Ownership change with the subject property. A NOC was issued to the current property owners with a compliance date of January 8, 2016.

NOTE:

Summons for the December 17, 2015 Court date will be served to the former property owner at the COA hearing pending the results of the committee's decision. Should the Committee approve the application, summons will not be issued and will request withdrawal of court action."

A letter was received from A. Minaudo, a resident of 917 Focal Road, stating his objection to the requested variances.

No other persons expressed any interest in the application.

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

On January 28, 2016, the application was called and no one attended to present the application. The Committee requested that the Secretary-Treasurer contact the applicant to arrange a new Hearing date.

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 (Residential)

Other Applications:

Building Permit File: N/A



MISSISSAUGA

File: "A" 461/15
WARD 6

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.

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

We further advise that based on a review of the variance application it appears that variance #1 should be amended as follows:

"1. a driveway width of 7.95 m (26.08 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of the width of the garage door openings plus 2.00 m (6.56 ft.) to a maximum of 6.00 m (19.68 ft.) in this instance."

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 and too little landscaped area. The requested driveway width of 7.95 m (26.08 ft.) would allow for the parking of three vehicles side by side across the front of the dwelling, whereas the intent of the Zoning By-law is to limit it at two. The Department also does not support a 0.00 m (0.00 ft.) setback to the side lot line from the driveway in this instance.

With regards to variance #3, the soft landscaped area would increase if the driveway was narrowed. This variance would likely no longer be required if the driveway were significantly reduced in size. The current request provides too little landscaped area in conjunction with the increased hard surfaced area. It is our opinion that this is not desirable and does not meet the general intent of the Zoning By-law.

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 J. Selazek, property owner at 912 Focal Road, expressing opposition to the application and noting her concerns regarding snow removal, excessive driveway width, lack of landscaping and the change in the character of the neighbourhood.

No other persons expressed any interest in the application.

The Committee deferred the application to March 3, 2016.

On March 3, 2016 the application was called and no one was in attendance to present the application. The Committee noted that the required notification sign was not displayed on the property as required by the *Planning Act*.

The City of Mississauga Planning and Building Department commented as follows (February 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 Residential

Other Applications:
N/A

Comments

Zoning

The application has not changed and therefore there is no change to the previous comments.

Planning

The application was originally scheduled for the November 26, 2015 hearing, and subsequently for the January 28, 2016 hearing. Both times the application was called and no one was in attendance to present the application.

The comments provided for the previous hearing remain the applicable and we continue to recommend the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

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

No other persons expressed any interest in the application.

The Secretary-Treasurer advised the Committee that his office had contacted the applicant to provide them with some information.

The Committee after having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property.

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

The Committee is of the opinion that the requested variances are not minor in nature in this instance.

Accordingly, the Committee resolves to deny the variances, as requested.


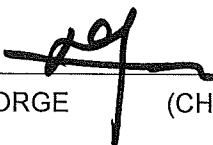
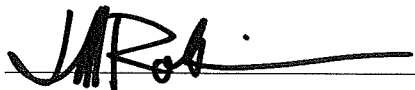
MOVED BY:	S. PATRIZIO	SECONDED BY:	J. PAGE	CARRIED
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Application Refused.

Dated at the City of Mississauga on March 10, 2016.

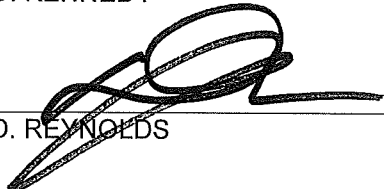
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MARCH 30, 2016**.

Date of mailing is March 14, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)
J. ROBINSON

ABSENT

D. KENNEDY


J. PAGE
D. REYNOLDS

ABSENT

P. QUINN

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