

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: MARCH 10, 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
<b><u>NEW APPLICATIONS - (CONSENT)</u></b>				
B-19/16	ARMDALE ESTATES INC.	3600 HURONTARIO ST	7	Approved
B-20/16	TOUCHTONE CONSTRUCTION LTD.	0 ENFIELD PL	7	Approved

**NEW APPLICATIONS - (MINOR VARIANCE)**

A-093/16	CHARANJIT AND NARINDER SINGH	2360 LUCKNOW DR	5	Apr. 7
A-094/16	WILLIAM ELBIM	703 BYNGMOUNT AVE	1	Approved
A-095/16	EAGLEWOOD DEVELOPMENT GROUP LIMITED	174 EAGLEWOOD BLVD	1	Approved
A-096/16	HAJUNA INVESTMENTS LTD	3663 MAVIS RD	7	Approved
A-097/16	MANUEL LOPES	748 BALBOA DR	2	Approved
A-098/16	FRANK & CANDICE CAREY	1309 DUPREE PL	2	Approved
A-099/16	MARTA & BOHDAN LYCHACZ	891 LONGFELLOW AVE	2	Approved
A-100/16	ADRIANA OSTROWSKI	198 LAKESHORE RD W	1	Approved
A-101/16	SUMIT SHUKLA	1138 GARDEN RD	2	Approved
A-102/16	ARNALDO AND ELVIRA CORTELLUCCI	7171 TORBRAM RD	5	Mar. 31
A-103/16	RICK TAKAMATSU	910 PORCUPINE AVE	2	Approved
A-104/16	JEAN GOLIAS	2135 GORDON DR	7	Approved

**DEFERRED APPLICATIONS - (MINOR VARIANCE)**

A-495/15	2491082 ONTARIO INC.	271 QUEEN ST S	11	Approved
A-003/16	PAUL AND CATHERINE GREEN	1215 INDIAN RD	2	Approved
A-038/16	ASIF SATTAR	5865 SIDMOUTH ST	6	Withdrawn

## 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

ARMDALE ESTATES INC.

on Thursday, March 10, 2016

Armdale Estates Inc. is the owner of 3600 - 3606 Hurontario Street being Part of Lot 16, Concession 1, N.D.S., zoned H-CC2(2), City Centre. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 22.82m (74.86ft.) and an area of approximately 1,101.50m<sup>2</sup> (11,856.83sq.ft.) to allow for the transfer of the lot to create a new lot, along with access and maintenance easements.

The effect of the transfer is to create a new lot for residential and commercial purposes.

Mr. J. Lethbridge, of James Lethbridge Planning Inc., authorized agent, attended and presented the application. Mr. Lethbridge presented a site plan for the Committee's review and consideration indicating that approval is being requested to allow the lot to be severed. He indicated that a Consent application (Reference 'B' 007/15) was previously considered and approved by the Committee; however, they were unable to fulfil all the conditions associated with the application and the approval lapsed. He explained that the current application is identical to the previously approved application.

Mr. Lethbridge indicated that a concurrent application has been submitted for the adjoining property (Reference 'B' 020/16). He explained that this L-shaped property will be severed and a portion of the property attached to the adjoining lands (severed portion of Consent Application 'B' 019/16).

Mr. Lethbridge indicated that a land exchange will take place resulting in the creation of two parcels of land which are intended to be utilized for high density residential and commercial purposes. Mr. Lethbridge advised that easements will be required for access and servicing, noting that land dedications for road widenings may also be required.

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 (March 4, 2016),  
City of Mississauga, Transportation and Works Department (March 3, 2016),  
Region of Peel, Environment, Transportation & Planning Services (March 7, 2016)  
Ministry of Transportation (February 19, 2016).

No other persons expressed any interest in the application.

Mr. Lethbridge advised 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. Lethbridge, 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.
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 March 3, 2016.

MOVED BY: D. George

SECONDED BY: S. Patrizio

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on March 17, 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 10, 2016**.

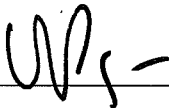
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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 21, 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

TOUCHTONE CONSTRUCTION LTD.

on Thursday, March 10, 2016

Touchtone Construction Ltd. is the owner of 0 Enfield Place being Part of Block 22, Registered Plan M-492, zoned H-CC2(2), City Centre. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 32.96m (108.13ft.) and an area of approximately 2,895.58m<sup>2</sup> (31,168.78sq.ft.). The effect of the application is for the transfer of a lot to create a new lot, along with access and maintenance easements for high density residential and commercial purposes.

Mr. J. Lethbridge, of James Lethbridge Planning Inc., authorized agent, attended and presented the application. Mr. Lethbridge presented a site plan for the Committee's review and consideration indicating that approval is being requested to allow the lot to be severed. He indicated that a Consent application (Reference 'B' 006/15) was previously considered and approved by the Committee; however, they were unable to fulfil all the conditions associated with the application and the approval lapsed. He explained that the current application is identical to the previously approved application.

Mr. Lethbridge indicated that a concurrent application has been submitted for the adjoining property (Reference 'B' 019/16). He explained that this property will be severed and a portion of the property attached to the adjoining lands (severed portion of Consent Application 'B' 020/16).

Mr. Lethbridge indicated that a land exchange will take place resulting in the creation of two parcels of land which are intended to be utilized for high density residential and commercial purposes. Mr. Lethbridge advised that easements will be required for access and servicing, noting that land dedications for road widenings may also be required.

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 (March 4, 2016),  
City of Mississauga, Transportation and Works Department (March 3, 2016),  
Region of Peel, Environment, Transportation & Planning Services (March 7, 2016)  
Ministry of Transportation (February 19, 2016).

No other persons expressed any interest in the application.

Mr. Lethbridge advised 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. Lethbridge, 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.
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 March 3, 2016.
5. A letter shall be received from the Region of Peel indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 7, 2016.

MOVED BY: D. George

SECONDED BY: S. Patrizio

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on March 17, 2016.

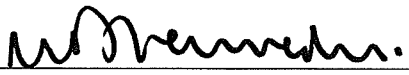
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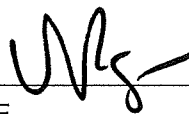
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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 21, 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

WILLIAM ELBIM

on Thursday, March 10, 2016

William Elbim is the owner of 703 Byngmount Avenue being Part of Lot 17, Registered Plan A-26, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new three (3) storey dwelling proposing:

1. an exterior side yard of 1.75m (5.74ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft) in this instance;
2. an interior side yard on the second storey of 1.25m (4.10ft); whereas By-law 0225-2007, as amended, requires a minimum interior side yard on the second storey of 1.81m (5.94ft) in this instance;
3. a lot area of 377.70m<sup>2</sup> (4065.53ft<sup>2</sup>); whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00m<sup>2</sup> (7750.02ft<sup>2</sup>) in this instance; and,
4. a lot frontage of 10.10m (33.13ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft) in this instance.

Mr. M. Galea, of Axiis Architects, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Galea presented a site plan for the Committee's review and consideration. He indicated that the Planning and Building Department comments advise that the variances for lot area and frontage are not necessary as the lot is existing non-conforming.

Mr. Galea advised that the existing dwelling will be demolished and replaced with a new structure. He advised that the existing dwelling does not comply with the requirements for the exterior side yard. Mr. Galea explained that variances are necessary to allow the lot to be developed and presented a sketch illustrating the developable area if the By-law requirements are adhered to. Mr. Galea indicated that the developable area ranges between 2.25m (7.38ft.) to 2.87m (9.41ft.) in width due to the arc of the lot boundary. He indicated that, within the neighbourhood, there are examples of other dwellings that have obtained variances to allow construction in the required exterior side yard.

Mr. Galea indicated that the property to the north fronts on Lakeshore Road. He advised that it is occupied with commercial type uses and would not be adversely affected if the dwelling was located in the exterior side yard.

Mr. Galea advised that they have contacted neighbouring property owners and obtained letters expressing 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 (March 4, 2016):

**"Recommendation**

The Planning and Building Department has no objection to the requested variances in principle, however the applicant should consider deferring the application in order to apply for the required Building Permit to verify the accuracy of the requested variances, and to determine whether any additional variances will be required.

**Background**

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning:** R3 (Residential)

**Other Applications:**

Building Permit File: Required

**Comments**

**Zoning**

A Building Permit application is required, and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances or determine whether additional variances will be required. Should the applicant choose to proceed without the submission of a Building Permit application, further variances may be required once a full zoning review has been completed. Alternatively, the applicant may wish to defer the application to apply for the required Building Permit or a Pre-Zoning Review application, and submit working drawings so that a detailed zoning review may be completed.

Notwithstanding the above, it appears that an additional variance may be required for the width of a walkway attachment to the driveway; however, we are unable to confirm this. Further, variances #3 and #4 are not required.

**Planning**

The proposed dwelling will be located on an existing narrow corner lot within the Lakeview Neighbourhood. Existing corner lots with limited frontages always pose development challenges when designing an infill project. The required exterior side yard setback of 6.00 m (19.68 ft.) applies to all storeys of the proposed dwelling; given that the frontage of the lot is 10.16 m (33.40 ft.), maintaining the required exterior side yard setback would make the lot virtually undevelopable. The applicant has designed the dwelling in a way that each storey steps in further from the street in the exterior side yard to help minimize any impacts on the street that may be created by the reduced setback. The lot backs onto a commercial property which has a limited exterior side yard setback to the building located on it as well, which would allow for a less impactful the transition between lots into the neighbourhood. The city boulevard also angles out towards the intersection providing additional separation distance from the roadway and the dwelling, further helping reduce the impact of the proposed reduction in exterior side yard.

Variance #2 is required for the interior side yard to the second storey, of 1.25 m (4.10 ft.), on the westerly side. The first storey complies with the R3 zoning regulations, and the third storey steps in further, although we cannot verify whether the setback to the third storey meets the required setback provisions. The westerly side of the dwelling should be partially shielded from the adjacent property by vegetation along the lot line, which should help minimize impacts of the reduction in the required second storey setback.

Based on the preceding information, the Planning and Building Department are of the opinion that the requested variances are minor in nature, in this instance, and maintain the general intent of the Zoning By-law, however the applicant should consider deferring the application in order to apply for the required Building Permit 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 (March 3, 2016):

"We are noting for information purposes that any Transportation and Works Department requirements for the proposed new three-storey dwelling will be addressed through the Building Permit Process. Information submitted with this application indicates that the new driveway is to be located fronting onto Byngmount Avenue and the existing driveway is currently located on Montbeck Crescent. Acknowledging that this department can only support one access location to this property, we are advising that through the Building Permit Process the Transportation and Works Department as a condition of approval will be requesting that the Montbeck Crescent driveway be removed. The applicant is also advised that they will be responsible for any costs incurred to remove and re-instate the existing municipal curb and sidewalk on Montbeck Crescent and also re-instate the area with topsoil and sod."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"The subject lands are located within the regulation limit of the Credit Valley Conservation (CVC). The Region relies on the environmental expertise of CVC staff for the review of development applications with respect to potential natural hazards. Staff requests that the Committee consider any comments or conditions of approval appropriately."

"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 building permit."

"The subject lands are within the vicinity of Albert Crookes Memorial Park and the Canada Post landfill site. Both are inactive landfill sites which have been cleaned and/or catalogued by the M.O.E.C.C."

The Ministry of Transportation commented as follows (February 19, 2016):

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

Letters were received from the property owners at 699 and 719 Byngmount Avenue expressing no objection to the application.

A letter was received from the property owner at 909 Goodwin Road expressing no objection to the application.

Letters were received from the property owners at 597 and 602 Curzon Avenue expressing no objection to the application.



**MISSISSAUGA**

File: "A" 094/16  
WARD 1

Letters were received from the property owners at 591, 685, 712, 757, 771, and 790 Montbeck Crescent expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee suggested that the applicant consider increasing the interior side yard noting that the dwelling could be situated closer to the street and it would not adversely impact the neighbouring properties.

Mr. Galea, upon consultation with his client, indicated that they have no objection to re-locating the dwelling closer to Montbeck Crescent. He requested that the application be amended accordingly.

The Secretary-Treasurer indicated that, although the Planning and Building Department comments advise that a variance for lot area and frontage is not required, many homeowners prefer to obtain a formal approval to allow existing non-conforming lots to remain.

Mr. Galea indicated that he preferred that the Committee grant the requests for the lot to remain with insufficient lot area and lot frontage.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new three (3) storey dwelling proposing:

1. an exterior side yard of 1.14m (3.74ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft) in this instance;
2. a lot area of 377.70m<sup>2</sup> (4065.53ft<sup>2</sup>); whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00m<sup>2</sup> (7750.02ft<sup>2</sup>) in this instance; and,
3. a lot frontage of 10.10m (33.13ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft) in this instance.

This application is 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:	D. Reynolds	CARRIED
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MISSISSAUGA

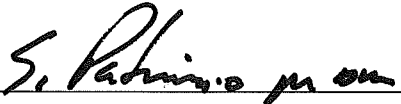
File: "A" 094/16  
WARD 1

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on March 17, 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 6, 2016**.

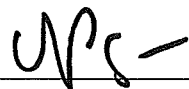
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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  
EAGLEWOOD DEVELOPMENT GROUP LIMITED

on Thursday, March 10, 2016

Eaglewood Development Group Limited is the owner of 174 Eaglewood Boulevard being Part of Lot 140, Registered Plan C-20, zoned R3-1, Residential. The applicant requests the Committee to authorize the following minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property proposing:

1. a gross floor area - infill residential of 315.60m<sup>2</sup> (3397.10ft<sup>2</sup>); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 296.80m<sup>2</sup> (3194.73ft<sup>2</sup>) in this instance,
2. a dwelling height of 9.59m (31.46ft); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (29.52ft) in this instance; and,
3. a height of 6.73m (22.08ft) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (21.00ft) to the underside of the eaves in this instance.

Mr. M. Palmieri, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Palmieri presented plans for the Committee's review and consideration and advised that due to the grade differences on the property, variances are required for height. He indicated that they have also requested a slight increase in the gross floor area to provide a more functional layout for the kitchen and family room areas in the dwelling.

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

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

### **"Recommendation**

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

### **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: SPI 16-03

**Comments**

**Zoning**

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

" 2. a dwelling height of 9.6 m (31.17ft); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00 m (29.52ft) in this instance; and"

**Planning**

Eaglewood Boulevard is a street that is made up of a mix of housing types which is starting to undergo a transition from bungalows to two storey dwellings. The applicant is proposing to construct a new two storey dwelling that requires variances for height and Gross Floor Area (GFA). Variances #2 and #3 for height are partially a product of a minor elevation change on the property. The average grade is slightly lower than where the dwelling meets the ground along the front yard. If the dwelling height and height to eaves were measured from the point of contact with the ground, the appearance from the street would be of a dwelling that appears to comply with the Zoning By-law height requirements.

Variance #1 is proposing a GFA increase of 18.80 m<sup>2</sup> (202.36.15 sq. ft.) which represents a 6% increase beyond the permitted GFA. A 6% increase should have a negligible impact on any massing impacts on the neighbourhood, over what the By-law permits.

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 (March 3, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/03. 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 (March 7, 2016):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your exiting service may be required. Please note that site servicing approvals will be required prior to building permit."

The Ministry of Transportation commented as follows (February 19, 2016):

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

A letter was received from V. Luckese, property owner at 181 Troy Street, indicating he has no objection to the request. He expressed concerns with respect to noise and security of property and materials during the construction of the dwelling.

Letters were received from the property owners/residents at 171 Troy Street, 161, 167 177, 181, and 178 Eaglewood Boulevard expressing no objection to the application.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new two (2) storey detached dwelling on the subject property proposing:

1. a gross floor area - infill residential of 315.60m<sup>2</sup> (3397.10ft<sup>2</sup>); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 296.80m<sup>2</sup> (3194.73ft<sup>2</sup>) in this instance,
2. a dwelling height of 9.60m (31.49ft); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (29.52ft) in this instance; and,
3. a height of 6.73m (22.08ft) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (21.00ft) to the underside of the eaves in this instance.

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


File: "A" 095/16  
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on March 17, 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 6, 2016**.

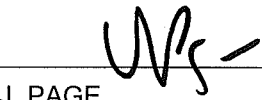
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)


  
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 17, 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

HAJUNA INVESTMENTS LTD.

on Thursday, March 10, 2016

Hajuna Investments Ltd. is the owner of 3663 Mavis Road being Part of Lot 20, Concession 1 N.D.S., zoned D-10, Development. The applicant requests the Committee to authorize a minor variance to permit wholesale and retail sales of household furniture within Unit #7 on the subject property; whereas By-law 0225-2007, as amended, does not permit the use in this instance.

Mr. Mason, a representative of the property owner, attended and presented the application and advised that there are 22 tenants in the building. He indicated that the building is utilized primarily for industrial type uses. He explained that since the property is zoned D-10, Development, variances must be obtained each time a new tenant wishes to occupy the premises. Mr. Mason advised that the proposed tenant wishes to establish a business to permit the wholesale distribution of furniture. He indicated that the lease is conditional on obtaining approval from the Committee of Adjustment. Mr. Mason advised that the unit was previously occupied for wholesaling and distribution of clothing.

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

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

### **"Recommendation**

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application to apply for the required Certificate of Occupancy application to determine whether any additional variance will be required.

### **Background**

#### **Mississauga Official Plan**

Character Area: Fairview Neighbourhood  
Designation: Mixed Use, Special Site #1

#### **Zoning By-law 0225-2007**

**Zoning:** D-10 (Development)

#### **Other Applications:**

Certificate of Occupancy File: Required

**Comments**

**Zoning**

A Certificate of Occupancy application is required. In the absence of a Certificate of Occupancy application we are unable to confirm the accuracy of the requested variance, or determine whether additional variances will be required.

**Planning**

The subject property has a long history of changes in uses through the Committee of Adjustment; unit #7 was previously approved to be used for the wholesaling and service of computer parts in 2012. The plaza has a large mix of commercial and industrial uses in a number of units throughout the buildings. Although changes in use and additional development are generally not permitted in a D zone, the D-10 exception zoning allows for minor alterations within the existing buildings, which has been interpreted to allow for minor changes in uses. Certificates of Occupancy have been granted for alternate uses, in other units, in the past. The proposed wholesaling of household furniture would be functionally similar to the previously existing wholesaling and servicing of computer parts.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application to apply for the required Certificate of Occupancy application to determine whether any additional variance will be required."

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 96/15."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"Any changes to the underground water or sanitary sewer as a result of the proposed use will require review by the Region of Peel. Site servicing approval will be required before a building permit is issued."

An e-mail, dated February 19, 2016, was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area. Therefore, they have no concerns or comments to offer, and permits will not be required.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Mason 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:	D. George	SECONDED BY:	J. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on March 17, 2016.

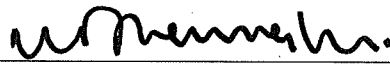
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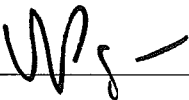
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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

MANUEL LOPES

on Thursday, March 10, 2016

Manuel Lopes is the owner of 748 Balboa Drive being Lot 10, Registered Plan 683, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure (shed) to remain having a rear yard of 0.00m (0.00ft.) and a side yard of 0.18m (0.59ft.); whereas By-law 0225-2007, as amended, requires minimum side and rear yards of 1.20m (3.93ft.) for an accessory structure (shed) in this instance.

Ms. J. Robinson declared a pecuniary interest in the application and left the hearing room and did not participate in the proceedings in any manner.

Ms. C. Robinson, of Design Plan Services, authorized agent, attended and presented the application to permit the existing shed to remain in the rear yard with reduced setbacks to the rear and side yards. Ms. Robinson presented a photograph of a shed and advised that the shed was in the same location for approximately 30 years. She explained that the property owner replaced the shed with a new structure in the same general location. She presented another photograph illustrating the new structure and advised that there is plenty of vegetation in the rear yard for screening.

Ms. Robinson advised that the shed is located on Bell and Hydro easements and she indicated that she contacted both utilities and obtained letters indicating that they have no objection to the shed remaining on the easements.

Ms. Robinson advised that the pool pump equipment is located within the shed and it would be difficult to move.

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

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

### **"Recommendation**

The Planning and Building Department recommends that the application be deferred in order for the applicant to provide a letter from the utility that holds the easement on which the accessory structure is located.

### **Background**

#### **Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

**Zoning:** R1-2 (Residential)

**Other Applications:**

N/A

**Comments**

**Zoning**

Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances will be required.

**Planning**

The existing accessory structure is located on what appears to be a Hydro and Bell easement. The city requests that the application be deferred for the applicant to provide correspondence from the utility with regards to the location of the accessory structure within their easement."

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

"We are noting from our review of the application and also from the sketch survey plan submitted that a portion of the accessory structure (shed) is located within the limits of an easement. It's our understanding that the easement is in favour of Bell and Hydro (Instrument No. TT187330). In view of the above we would suggest that the applicant/owner provide confirmation to ensure that satisfactory arrangements have been made with the appropriate utility company for any encroachment or alternatively any encroachment be removed (i.e. shed be relocated)."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"The subject lands are within the vicinity of Lorne Park 7 landfill site. It is an inactive, private landfill located south of Lakeshore Boulevard and east of Lorne Park Drive."

The Ministry of Transportation commented as follows (February 19, 2016):

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

A letter, dated March 9, 2016, was received from Bell Canada indicating that, at this time, Bell Canada does not request that any action be taken to remove the encroachment. They noted that the letter does not supersede Bell Canada's existing rights to access the land parcel in the future for maintenance and operating requirements.

A letter, dated March 9, 2016, was received from Enersource indicating that they have no objection to allowing the shed to remain; however, Enersource Hydro Mississauga reserves the right to enforce its right to request access.

Ms. N. Strait, property owner at 934 Lynnrod Court, attended and expressed her opposition to the application. She advised that the new structure is taller than the previous one. Ms. Strait advised that the trees and hedges were removed to facilitate construction noting that the shed was constructed without approval and is visible from her home. Ms. Strait advised that the shed has eaves troughs and a downspout; however the water drains onto her property. She indicated that she spoke with the neighbour about the pooling and erosion on her property and the downspout was re-routed to the other neighbour's property. Ms. Strait indicated that the water still drains on her property.

No other persons expressed any interest in the application.

Ms. Robinson indicated that the downspout was moved to address the neighbour's concerns with respect to drainage. She presented the photograph and advised that the greenery from the trees is essentially the same as it was when the previous shed was in the same location. She noted that there is a fence on the property line.

The Committee, after considering the submissions put forward by Ms. Robinson 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 is sufficient greenery in the rear yard to shield the structure from view. They noted that the shed was in the same location for approximately 30 years. They indicated that the Transportation and Works Department should be requested to review the drainage to ensure it is acceptable.

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 Committee shall be in receipt of a letter from the Transportation and Works Department indicating that the shed does not drain on the neighbouring properties and that the drainage flow is acceptable.

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

Dated at the City of Mississauga on March 17, 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 6, 2016**.

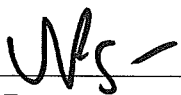
Date of mailing is March 21, 2016.

  
S. PATRIZIO (CHAIR)

  
D. GEORGE

ABSENT  
J. ROBINSON

  
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 17, 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

FRANK & CANDICE CAREY

on Thursday, March 10, 2016

Frank & Candice Carey are the owners of 1309 Dupree Place being Lot 21, Registered Plan 681, zoned R3-1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. a front yard of 7.09m (23.26ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance; and,
2. a side yard of 1.34m (4.39ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

Mr. M. Furlani, of Urbanest Construction, authorized agent, attended and presented the application to permit the construction of a second storey addition to the existing dwelling utilizing the existing footprint. He indicated that they will be constructing a master bedroom and ensuite above the garage.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

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

#### **Zoning By-law 0225-2007**

**Zoning:** R3-1 (Residential)

#### **Other Applications:**

Pre-Zoning Review Application File: PREAPP 15-8397

### **Comments**



### Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application for the proposed second storey addition. Based on the review of the Pre-Zoning Review application we advise that variance #2 should be amended as follows:

"2. a side yard setback of 1.32m (4.33 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.94 ft.) to the second storey in this instance."

### Planning

The second storey addition is proposed to be built above the garage on the existing building footprint. The existing garage is setback 1.32 m (4.33 ft.) from the side lot line and the applicant is proposing to maintain that setback throughout the second storey. The second storey addition would be adjacent to the garage of the neighbouring property and, as a result, the reduced setback should not create significant additional massing impacts to the neighbour.

The required variance for the front yard setback is a relatively minor decrease that represents an existing condition to the front face of the garage near the entrance way. The curve in the front lot line means that the rest of the dwelling is set back further than the requested 7.09 m (23.26 ft.) from the front lot line.

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 (March 3, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your exiting service may be required. Please note that site servicing approvals will be required prior to building permit."

The Ministry of Transportation commented as follows (February 19, 2016):

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

No other persons expressed any interest in the application.

Mr. Furlani, 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. Furlani 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.



MISSISSAUGA

File: "A" 098/16  
WARD 2

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 second storey addition to the existing dwelling proposing:

1. a front yard of 7.09m (23.26ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance; and,
2. a side yard of 1.32m (4.33ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

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

Dated at the City of Mississauga on March 17, 2016.

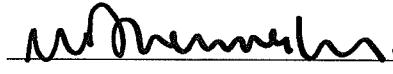
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **APRIL 6, 2016**.


Date of mailing is March 21, 2016.

  
 \_\_\_\_\_  
 S. PATRIZIO

  
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 D. GEORGE

  
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 J. ROBINSON (CHAIR)

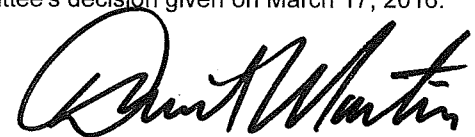
  
 \_\_\_\_\_  
 D. KENNEDY

  
 \_\_\_\_\_  
 J. PAGE

  
 \_\_\_\_\_  
 D. REYNOLDS

ABSENT  
 \_\_\_\_\_  
 P. QUINN

I certify this to be a true copy of the Committee's decision given on March 17, 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

MARTA & BOHDAN LYCHACZ

on Thursday, March 10, 2016

Marta & Bohdan Lychacz are the owners of 891 Longfellow Avenue being Lots 72-29, Plan A-23, zoned R2-5, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a two storey dwelling and a detached garage proposing:

1. a front yard of 7.15m (23.45ft.) to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) to the detached garage in this instance;
2. a garage projection of 9.45m (31.00ft.) beyond the front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum projection of 0.00m (0.00ft.) beyond the front wall of the dwelling in this instance;
3. a dwelling depth of 24.49m (80.34ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance;
4. a dwelling height to the highest ridge of 11.48m (37.66ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (31.16ft.) in this instance;
5. a height of 8.39m (27.52ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) to the underside of the eaves in this instance;
6. a driveway width of 10.89m (35.72ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,
7. a garage height of 6.74m (22.11ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m (15.09ft.) in this instance.

Mr. B. Hicks, of Hicks Partners, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Hicks indicated that extensive consultation with the Credit Valley Conservation, Lorne Park Estates and the Ward Councillor has taken place with respect to the property. He presented a site plan and advised that a stream runs through the property and the developable area is restricted.

Mr. Hicks advised that a detached three-car garage is proposed in the same general location as the original garage. He advised that a variance is required as the garage projects in front of the proposed dwelling on the lot. He explained that the garage location is restricted due to the existing top of bank line. Mr. Hicks advised that they designed the garage so that it does not project beyond the house on the adjacent lot.

Mr. Hicks indicated that the proposed new dwelling is located further from the side yard than the side yard provided for the existing dwelling on the lot.

Mr. Hicks indicated that the heights of the garage and dwelling have all been reduced and requested that the application be amended to allow the height of the detached garage to be 5.95m (19.52ft.), the height of the dwelling to the underside of eaves to be 8.21m (26.93ft.) and the height of the dwelling to be 11.29m (37.04ft.).

Mr. Hicks advised that a variance has been requested for the driveway as the septic tank limits the location of the driveway. He indicated that a turn-around area has been provided and additional landscaping will be provided to screen the area.

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

The City of Mississauga Planning and Building Department commented as follows (March 8, 2016):

**"Recommendation**

The Planning and Building Department has no objection to variances #1, #2, and #4 - #7; however, we recommend that variance #3 be refused.

**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:**

Site Plan Approval Application File: SPI 13/186

**Comments**

**Zoning**

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

**Planning**

The applicant is requesting a significant number of variances for the proposed dwelling; however, the restrictions on the lot, as well as the grading on site, are responsible for a number of them. Although the subject property is very large, a substantial portion of the site is undevelopable under Credit Valley Conservation Authority (CVC) regulations and the development is forced into the southwest corner of the lot.

Variations #1, #2 and #7 are related to the garage structure. The proposed garage is to be located in roughly the same location as the existing garage on site. The garage is not permitted to project beyond the front wall of the dwelling, however due to space constraints as a result of the top of bank limit, the proposed location is reasonable, in our opinion. The requested front yard setback is similarly required as a result of the top of bank location; further, 7.15 m (23.45 ft.) should be an adequate front yard setback given that the main dwelling is substantially further setback and the area has a number of trees providing screening to the garage structure. The applicant initially requested a garage height of 6.74 m (22.11 ft.) and through conversations with staff the applicant has agreed to lower the height to 5.95 m (19.52 ft.). The reduction in height reduces the impact of the massing of the garage close to the street and the height variance is somewhat exaggerated by the changes in grade.

Variations #4 and #5 are required for the height of the main dwelling. There is a significant grade change on the site of nearly 2.00 m (6.56 ft.), which accounts for the seemingly large increase. The applicant has further lowered the height of the dwelling and the height to eaves after meeting with staff to 11.29 m (37.04 ft.) and 8.21 m (26.93 ft.) respectively, to help further decrease any potential massing impacts.

The driveway width request of 10.89 m (35.72 ft.) is substantially larger than what this department would generally support, however the proposed driveway narrows as it approaches the street and the width is only present in front of the garage. Landscaping and tree cover will be present between the larger portion of the driveway and the street which help to minimize the appearance of excessive hard surface area. The lot also has a significant frontage which could reasonably accommodate a larger than permitted driveway.

The applicant has worked with staff to bring down the height of the dwelling and the garage to reduce the massing impacts of the proposed dwelling; however, we are of the opinion that the dwelling depth is excessive and would impact the neighbouring property. The requested depth increase is approximately 25% beyond what is permitted by the by-law and would create a large wall along the western lot line that would create significant massing impacts on the neighbouring single storey dwelling. While we recognize the limitations on the building envelope as a result of the CVC regulations, the dwelling would have less impact if the wall was broken up and the floor plan was reoriented to prevent the continuous 24.49 m (80.34 ft.) of wall along the property line.

Based on the preceding information, the Planning and Building Department has no objection to the requested variations, with the exception of variance #3, which we recommend be refused."

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 13/186. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (March 8, 2016):

"The subject property is listed under the *Ontario Heritage Act* as it forms part of the Lorne Park Estates Cultural Heritage Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation measures. The heritage permit application is incomplete and concerns remain for impact to features that contribute to the Cultural Heritage Landscape. As such, Heritage Planning staff recommends that the subject variations be deferred."



## MISSISSAUGA

File: "A" 099/16  
WARD 2

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"The subject lands are partially designated as a Core Area of the Peel Greenlands System under Policy 2.3.2 of the Regional Official Plan (ROP). The Region relies on the technical expertise of Credit Valley Conservation (CVC) staff for the review of development applications that are within or adjacent to the Core Area designation. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

"This property is within the vicinity of Lorne Park 7 landfill site. It is an inactive, private landfill located south of Lakeshore Boulevard east of Lorne Park Drive."

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

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

### **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 construction of a two storey dwelling and a detached garage proposing:

1. A front yard of 7.15m to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m to the detached garage in this instance;
2. A garage projection of 9.45m beyond the front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum projection of 0.00m beyond the front wall of the dwelling in this instance;
3. A dwelling depth of 24.49m; whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m in this instance;
4. A dwelling height to the highest ridge of 11.48m; whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m in this instance;
5. A height of 8.39m to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m to the underside of the eaves in this instance;
6. A driveway width of 10.89m; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m in this instance; and,
7. A garage height of 6.74m to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m in this instance.

### **Comments:**

CVC has reviewed the proposal through Site Plan application (SP 12/120). The subject property is traversed by a valley slope and Core Greenlands as designated by the Region of Peel. CVC has determined that the proposed setbacks from the natural features and natural hazards are satisfactory. On this basis, CVC has no objection to the approval of this application by the Committee at this time.

Be advised a permit from CVC is required for the works as proposed."

An e-mail, dated February 19, 2016, was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area. Therefore, they have no concerns or comments to offer, and permits will not be required.

Mr. R. Tierney, property owner at 872 Longfellow Avenue, attended and expressed his objection due to the magnitude of the variances. He especially expressed his concerns



**MISSISSAUGA**

File: "A" 099/16  
WARD 2

with regard to the height variances, garage projection and the reduction in the front yard to the detached garage.

No other persons expressed any interest in the application.

Mr. Hicks indicated that the grade changes significantly and the garage appears to be higher due to the change in grade. He indicated that the height and style of the garage was designed to match the style of the dwelling. Mr. Hicks advised that they were unable to connect the house and garage together due to the top of bank line.

The Committee consented to the request to amend the application and, after considering the submissions put forward by Mr. Hicks 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 lot is unique and development is restricted by geography. The Committee indicated that the Credit Valley Conservation is in support of the request.

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 two storey dwelling and a detached garage proposing:

1. a front yard of 7.15m (23.45ft.) to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) to the detached garage in this instance;
2. a garage projection of 9.45m (31.00ft.) beyond the front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum projection of 0.00m (0.00ft.) beyond the front wall of the dwelling in this instance;
3. a dwelling depth of 24.49m (80.34ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance;
4. a dwelling height to the highest ridge of 11.29m (37.04ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (31.16ft.) in this instance;
5. a height of 8.21m (26.93ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) to the underside of the eaves in this instance;
6. a driveway width of 10.89m (35.72ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,
7. a garage height of 5.95m (19.52ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m (15.09ft.) in this instance.


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

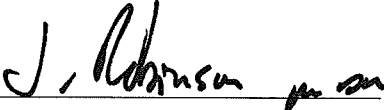
Dated at the City of Mississauga on March 17, 2016.

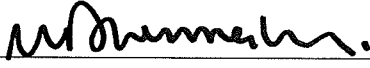
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE APRIL 6, 2016.


Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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

ADRIANA OSTROWSKI

on Thursday, March 10, 2016

Adriana Ostrowski is the owner of 198 Lakeshore Road West being Unit #1, Level 1 of Peel Standard Condominium Plan 740, zoned C4-22, Commercial. The applicant requests the Committee to authorize a minor variance to permit an aesthetics studio on the subject property; whereas By-law 0225-2007, as amended, makes no provision for such a personal service use in this instance.

Ms. A. Ostrowski, property owner, attended and presented the application to continue to permit the operation of an aesthetics studio on the subject property. Ms. Ostrowski advised that she applied for the original minor variance in 2005. The application was appealed to the Ontario Municipal Board and approved for a three year period. A subsequent application was approved by the Committee of Adjustment in 2008 for a five year period. Ms. Ostrowski indicated that the current application is to allow a further continuation of the use.

Ms. Ostrowski advised that she is the sole practitioner for the aesthetics studio. She indicated that there are no employees. She advised that the business operates from Monday to Saturday. She indicated that she takes one appointment at a time. Ms. Ostrowski advised that there is a medical office and an aesthetic studio located in the complex and the remainder of the units are being utilized for residential purposes. She advised that the Condominium Board only permits one aesthetic studio in the complex.

Ms. Ostrowski advised that there are six (6) business use parking spaces located in the underground parking and they are accessed by buzzer. She indicated that there is a municipal parking lot located nearby. She advised that the business operates similar to an office use and is appropriate at this location.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Community Node  
Designation: Mixed Use

**Zoning By-law 0225-2007**

**Zoning:** C4-22 (Commercial)

**Other Applications:**

N/A

**Comments**

**Zoning**

N/A

**Planning**

The aesthetics studio has been in operation at this location for over a decade, with no concerns that we are aware of. The zoning on the property permits townhouse dwellings and offices, which was designed to allow for live-work style units. Although the existing use is not an office, it is our opinion that any impacts from the aesthetics studio are negligible and that the variance request is minor in nature.

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 (March 3, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 100/16.

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

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

- Two private landfill site with M.O.E.C.C. #A220107 and #A220108
- Port Credit Memorial Park
- Saddlington Memorial Park"

The Ministry of Transportation commented as follows (February 19, 2016):

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

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that there have been no adverse impacts with respect to the operation and noted that it is similar to an office use in the live work unit.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Ostrowski 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.



MISSISSAUGA

File: "A" 100/16  
WARD 1

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

1. The personal service use of an aesthetic salon will be conducted by the sole practitioner.

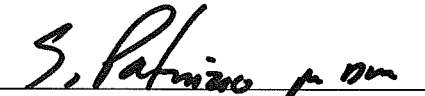
MOVED BY:	J. Page	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on March 17, 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 6, 2016**.

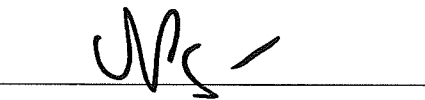
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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

SUMIT SHUKLA

on Thursday, March 10, 2016

Sumit Shukla is the owner of 1138 Garden Road being Part of Lot 15, Registered Plan 335, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit a 6.96m (22.83ft) setback from a railway right-of-way to allow the construction of a new two (2) storey dwelling, whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00m (98.43ft) from a railway right-of-way in this instance.

Mr. H. Madan, of Labrecche Patterson and Associates Inc., authorized agent, attended and presented the application to permit the construction of a new dwelling with a reduced setback to a railway right-of-way. Mr. Madan advised that they wish to construct a new larger dwelling utilizing the same setback to the railway right-of-way as the existing dwelling. Mr. Madan advised that upon review of the building permit, an additional variance was identified for the height to the underside of the eaves. He requested that the application be amended to allow a height of 7.30m (23.95 ft.) to the underside of the eaves.

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

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

### **"Recommendation**

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

### **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:**

Pre-Zoning Review Application File: 14-4154

#### **Comments**

## Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application. Based on the information provided with the Pre-Zoning Review application, the variance, as requested, is correct. However, in addition we advise that the following additional variance is required:

"2. a height of 7.30 m (23.95 ft.) to the underside of the eaves; whereas bylaw 0225-2007, as amended, permits a maximum height of 6.40 m (21.00 ft.) to the underside of the eaves."

## Planning

The proposed dwelling is located on a lot that is entirely within the railway right-of-way setback and would be undevelopable if the setback was to be maintained. This area has a number of historic lots that have insufficient railway right-of-way setbacks, on both sides of the tracks, which have dwellings constructed on them. The proposed dwelling will replace the previously existing dwelling. In our opinion, the proposed variance is minor in nature given that there is no increase in the number of dwellings within the right-of-way and that the area has numerous other dwellings in similar unavoidable circumstances.

Variance #2 for the height to the underside of the eaves should not create significant additional massing impacts on the neighbouring property; the overall height of the dwelling complies with the Zoning By-law requirements and the lot is heavily treed and screened from neighbours. Although a number of trees will be removed through the construction process there will be mature trees retained along the lot line to help minimize the visual impacts of the proposed dwelling from the property to the north.

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 (March 3, 2016):

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed through the Building Permit and Site Plan Approval Process. It should also be noted that there is an existing sanitary sewer easement across the southerly limits of these lands approximately 7.62M in width. The owner will also have to comply with any restrictions included in the easement document for this particular easement and any questions should be directed to the Region of Peel as sanitary sewers are under their jurisdiction."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"Please note that there is an existing Region of Peel sanitary easement through the subject lands. Certain restrictions apply with respect to this easement as per the documents registered on title. No encroachments are permitted on this sanitary easement prior to the review and comment by Region of Peel. Scaled site plan, landscape plan, and servicing and grading plan should be forwarded to the Region of Peel for review and comment."

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

The Ministry of Transportation commented as follows (February 19, 2016):

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



**MISSISSAUGA**

File: "A" 101/16  
WARD 2

No other persons expressed any interest in the application.

The Committee consented to the request to amend the application and, after considering the submissions put forward by Mr. Madan 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 allow the construction of a new two (2) storey dwelling proposing:

1. a 6.96m (22.83ft) setback from a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00m (98.43ft) from a railway right-of-way in this instance; and,
2. a height of 7.30m (23.95ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 to the underside of the eaves in this instance.

MOVED BY:	S. Patrizio	SECONDED BY:	D. George	CARRIED
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File: "A" 101/16  
WARD 2

Application Approved, as amended.

Dated at the City of Mississauga on March 17, 2016.

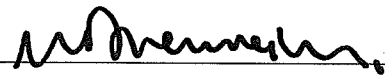
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **APRIL 6, 2016**.

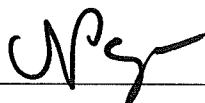
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

ABSENT  
P. QUINN

I certify this to be a true copy of the Committee's decision given on March 17, 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

RICK TAKAMATSU

on Thursday, March 10, 2016

Rick Takamatsu is the owner of 910 Porcupine Avenue being Part of Lot 18 and 19, Registered Plan 332, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two (2) storey dwelling on the subject property proposing:

1. a dwelling height of 10.70m (35.10ft); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft) in this instance,
2. a height to the underside of eaves of 8.13m (26.67ft); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft) in this instance,
3. a front yard of 7.76m (25.46ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft) in this instance; and,
4. a combined width of side yards of 8.54m (28.02ft); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 10.29m (33.76ft) in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application to permit the construction of a detached dwelling on the subject property. Mr. Brown presented plans for the Committee's review and consideration and indicated that the front yard is measured to the nearest part of the building or structure. He advised that the setback to the dwelling complies with the By-law; however, the planter, located in the front yard, does not. A variance is required to allow a reduced front yard to the planter.

Mr. Brown indicated that the combined width of side yards is measured to the closest point of each side yard. He explained that, as the eave projections are greater than 0.45m (1.47ft.), the setbacks are measured to the eaves and therefore do not comply with the requirements. Mr. Brown indicated that if the combined width of side yards was measured to the main wall, they would comply with the By-law requirements.

Mr. Brown indicated that due to the topography of the lot, the average grade is below the first floor level of the dwelling. This causes the height measurements to be slightly over the By-law requirements.



Mr. Brown indicated that there is a pond located in the rear yard, which was constructed by the previous owners. Mr. Brown advised that the pond was constructed as a requirement of the Site Plan Agreement that was registered on title. He presented a photograph of the pond and advised that the property was recently purchased by his client, who believed that the pond must remain on the property. Mr. Brown indicated that he has discussed the pond with the Credit Valley Conservation and was advised that the pond is not regulated by them. Mr. Brown indicated that the property owner would like to remove the pond. He indicated that he would like to have the agreement released from title. Mr. Brown indicated that City Council would have to decide whether the agreement could be released from title or amended. Mr. Brown indicated that this issue could be addressed through the Site Plan Approval process.

Mr. Brown indicated that the dwelling will be located approximately 30.00m (98.42ft.) from the neighbours to the rear. He indicated that the separation distance, combined with the existing foliage, will provide ample screening for the properties to the rear.

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

The City of Mississauga Planning and Building Department commented as follows (March 4, 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 Building Permit and Site Plan Approval applications to verify the accuracy of the requested variances, and to determine whether any additional variances will be required.

**Background**

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

**Zoning:** R2-5 (Residential)

**Other Applications:**

Building Permit File: Required  
Site Plan Approval File: Required

**Comments**

**Zoning**

A Building Permit and Site Plan Approval application is required. In the absence of a Building Permit or Site Plan Approval application we are unable to confirm the accuracy of the requested variances or determine whether additional variances will be required. Should the applicant choose to proceed without the submission of a Building Permit or Site Plan Approval application, a full zoning review may result in further variances being required. Alternatively, the applicant may wish to apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

## Planning

The required variances for dwelling height and height to the underside of the eaves are required as a result of a significant change in grade from the front to the rear of the dwelling. The change in elevation between the base of the dwelling and the average grade is nearly 2.00 m (6.56 ft.). The appearance of the dwelling from the street would be of a dwelling that complies with the height requirements of the zoning by-law, and the dwelling height is further reduced near the rear of the dwelling. The eave line is broken up along the front of the dwelling with different sections at different heights to help break up the massing impacts of the dwelling.

Variance #3 for the front yard setback is required to the planter in the front yard. The main front wall of the dwelling complies with the required 9.00 m (29.53 ft.) front yard setback. It is our opinion that the intent of the Zoning By-law is maintained with the main wall of the dwelling meeting the required setback.

Although the combined width of side yards is 1.75 m (5.74 ft.) smaller than required, it is the Departments opinion that the provided 8.54 m (28.02 ft.) of combined side yard setbacks meets the intent of the by-law, with regards to adequate separation from adjacent dwellings. Relative to other dwellings within the neighbourhood, the proposed dwelling provides side yards that are keeping with the general character of the neighbourhood.

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 apply for the required Building Permit and Site Plan Approval applications 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 (March 3, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/116. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from Ward Councillor Ras requesting that the application be deferred to allow an opportunity for the neighbours to discuss the application with the proponents and address the concerns. In addition, she indicated that the pond in the backyard is unattended and acts as a mosquito cesspool in the summer and requested that the applicants be made aware of this issue. She indicated that she was willing to assist in arranging a meeting with the neighbours and the applicant to discuss the concerns.

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"We have no comments or objections."

The Ministry of Transportation commented as follows (February 19, 2016):

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

A letter was received from the Owenwood Resident's Association expressing objection to the application and noting that the applicant should construct a dwelling in accordance with the Zoning By-law requirements. In addition, the Association expressed concerns with respect to the pond located on the property and requested that it be drained and the natural water course reinstated.

An e-mail was received from Mr. C. Mason, property owner at 915 Bexhill Road, expressing opposition to the application and noting his concerns that the variances are excessive and will create a large dwelling that is out of character with the neighbourhood. Mr. Mason also expressed concerns with respect to the existing pond located on the property and requested that it be drained and the natural water course reinstated.

An e-mail was received from Mr. C. Mason, resident at 935 Bexhill Road, expressing opposition to the application and noting his concerns that the new dwelling will dwarf the surrounding dwellings and create a unpleasant streetscape.

Letters were received from the residents/property owners at 922, 891, 901, 911, 946, and 940 Porcupine Avenue expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Brown and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the variance for the height of the dwellings results from the grades. They indicated that the large separation distance and the amount of foliage will provide sufficient screening for the neighbouring properties.

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 elevation plans reviewed by the Committee.

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

File: "A" 103/16  
WARD 2

Application Approved, on condition as stated.

Dated at the City of Mississauga on March 17, 2016.

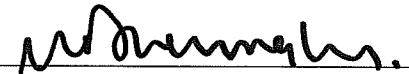
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE APRIL 6, 2016.

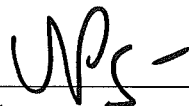
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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

JEAN GOLIAS

on Thursday, March 10, 2016

Jean Golias is the owner of 2135 Gordon Drive being Part of Lot 5, Registered Plan E-20 and Block A, Registered Plan M-203, zoned R1-7, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two (2) storey dwelling on the subject property proposing:

1. an exterior side yard of 6.30m (20.67ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance;
2. an eave projection of 0.81m (2.66ft) into a required interior side yard; whereas By-law 0225-2007, as amended, permits a maximum eave projection of 0.45m (1.48ft) into a required side yard in this instance; and,
3. a driveway width of 8.24m (27.03ft), whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.10m (26.57ft) in this instance.

Mr. D. Brown, of David Small Design, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. He presented a site plan and advised that the new home is situated further back than the existing dwelling; however, a variance for the exterior side yard is still required.

Mr. Brown indicated that the dwelling walls comply with the minimum side yard requirements. As the eaves project into the side yard more than the permitted maximum eave projection, the side yards are measured to the eave projection.

Mr. Brown advised that the Planning and Building Department comments indicate that the driveway width complies with the By-law and he requested that the application be amended to withdraw this request.

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

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

### **"Recommendation**

The Planning and Building Department has no objection to the requested Minor Variance application, as amended.

### **Background**

**Mississauga Official Plan**

Character Area: Cooksville Neighbourhood (West)  
Designation: Residential Low Density I,  
Special Site #4

**Zoning By-law 0225-2007**

**Zoning:** R1-7 (Residential)

**Other Applications:**

Site Plan Approval Application File: SPI 15/122

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed replacement dwelling. Based on the review of the Site Plan Approval application we advise that variance #1 is correct as requested and that variance #2 and #3 are not required for the following reasons:

Variance #2 is not required as the proposed eave projection of 0.81m (2.66ft) meets the requirements for side yard setback as well as coverage, in this instance.

Variance #3 is not required as By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.89ft) in this instance.

**Planning**

The Planning and Building Department are of the opinion that the requested decrease in the exterior side yard to 6.30 m (20.67 ft.) should provide adequate separation from the street, in this instance. The proposed dwelling is well setback from the front lot line and the corner of the street so that sight lines are not impacted, as well as further buffered by a generous city boulevard along Autumn Breeze Drive, which is unlikely to be widened in the near future.

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

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/122. 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 (March 7, 2016):

"We have no comments or objections."

The Ministry of Transportation commented as follows (February 19, 2016):

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

No other persons expressed any interest in the application.

Mr. Brown, upon hearing the comments of the Committee and the Planning and Building Department, requested that the variance for the eaves projection remain.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new two (2) storey dwelling on the subject property proposing:

1. an exterior side yard of 6.30m (20.67ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance; and,
2. an eave projection of 0.81m (2.66ft) into a required interior side yard; whereas By-law 0225-2007, as amended, permits a maximum eave projection of 0.45m (1.48ft) into a required side yard in this instance.

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


Dated at the City of Mississauga on March 17, 2016.

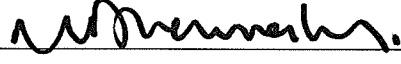
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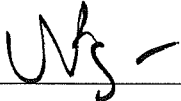
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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  
2491082 ONTARIO INC.

on Thursday, March 10, 2016

2491082 Ontario Inc. is the owner of 271 Queen Street South being Part of Lot 21, Registered Plan STR-3, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit interior alterations of the existing three storey building with a basement on the subject property proposing a total of 16 parking spaces (to be provided through the Payment-in-Lieu-of-Parking program); whereas By-law 0225-2007, as amended, requires a total of 38 parking spaces to be provided on site for the proposed Medical and Professional Office use in this instance.

On December 10, 2015, Ms. S. Ahmed, a representative of the authorized agent, attended and requested that the application be deferred as the principal planner most familiar with the file is out of the country.

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 understand that the applicant will be requesting that the application be deferred, and we support that request.

Background:

*Mississauga Official Plan:*

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

*Zoning By-law 0225-2007:*

*Zoning:* "C4", Mainstreet Commercial

Other Applications:

*Building Permit* File: Required - No application received

Comments:

The Planning and Building Department has been informed by the applicant that they will be requesting that the application be deferred. We would strongly suggest that the applicant apply for the required Building Permit before the next hearing in order to verify the accuracy of all requested variances and determine whether any additional variances will be required."



File: "A" 495/15  
WARD 11

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

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

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to the issuance of a building permit."

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

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to January 14, 2016.

On January 14, 2016, Mr. M. Evans, authorized agent, attended and requested that the application be deferred to allow him an opportunity to discuss Heritage matters with staff noting that a Heritage Permit application is required.

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

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

#### **"Recommendation**

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application in order to apply for the required Building Permit to verify the accuracy of the variances, as well

#### **Background**

##### **Mississauga Official Plan**

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

##### **Zoning By-law 0225-2007**

**Zoning:** C4 (Mainstreet Commercial)

##### **Other Applications:**

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.



## MISSISSAUGA

File: "A" 495/15  
WARD 11

The property is subject to Ontario Heritage Act regulations and a permit will be required prior to Building Permit issuance. This process will control exterior development to the façade of the building. Although the applicant is proposing an additional storey within the building, which exceeds the limit for this property, they are not proposing any significant façade or height alterations at this point. The Planning and Building Department is of the opinion that an additional storey within the building is appropriate given that the existing exterior of the dwelling will remain relatively unchanged.

Planning staff have reviewed the Parking Study provided by the applicant and have concluded that the variance can be supported subject to 2 conditions. A flexible approach to parking is required given that:

- The site does not have any space available for surface parking;
- Has been vacant since 2004; and
- Is designated under the Ontario Heritage Act.

A Payment-in-lieu contribution for parking would be acceptable, in this instance, to provide for all of the requested 19 spaces, provided that the floor area dedicated to medical office and/or non-office uses is limited to 390 square metres. This floor area limitation was an important assumption in the provided parking study.

Based on the preceding information the Planning and Building Department has no objection to the requested variances, subject to the following conditions:

1. That the Gross Floor Area dedicated to medical office and/or non-office uses be limited to 390 square metres.
2. That confirmation from the applicant be provided showing that the Payment-in-lieu of Off-street Parking Agreement has been made for the required 19 spaces.

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 6, 2016):

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

The City of Mississauga Community Services Department, Culture Division, commented as follows (January 7, 2016):

### "Comments

The subject property is protected by Part IV designation under the *Ontario Heritage Act* by by-law 122-83 for its physical/design/architectural, historical/associative and contextual value and is considered a landmark. The property contains the building known as the Odd Fellow's Hall, built c. 1875. The property is also located within the Streetsville Core Cultural Landscape

#### 1. Creation of a third and fourth storey within the existing building

The proposal constitutes an alteration under the Ontario Heritage Act; therefore a heritage permit is required. Section 30 of the Ontario Heritage Act states:  
*Section 33 of the Ontario Heritage Act states:*

***Alteration of property***

***33. (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the alteration. 2002, c. 18, Sched. F, s. 2 (16); 2005, c. 6, s. 21 (1)."***

The Heritage Permit process and requirements are outlined in By-law 215-2007 and includes review and approval by the statutory committee to council on heritage matters, (the Heritage Advisory Committee), and Council.

The required heritage permit application and the required supporting information have not been submitted for review in order for the City to follow due process by reviewing complete information regarding a proposal involving a heritage resource protected under the Ontario Heritage Act and make informed recommendations and decisions concerning the cultural heritage resources involved in the subject property. Sufficient information has not been submitted to ascertain the impact and provide for the protection of the heritage resources. The required documentation is to be prepared by heritage professionals and includes, but is not limited to, a Heritage Impact Assessment and Heritage Conservation Plan including architectural drawings describing the proposal.

Heritage Planning staff met with the owner's consultants on site on December 18, 2015. There is concern for negative impact to the cultural value of the structure if additional levels were to be introduced into the structure, since at least the original timber framed roof would be adversely affected. More information as per the above comments is required. Therefore Heritage Planning is of the opinion that the variance application is premature and concerns remain for impact to cultural heritage resources at 271 Queen Street South. More comments will be forthcoming upon the review of the submission.

2. Parking spaces

Heritage Planning does not have a concern with a request for reduction in number of parking spaces to be provided on site.

Recommendation:

Heritage Planning staff recommends that the subject Committee of Adjustment application is premature and it be deferred to allow for the applicant to submit the required information and for the City to undertake the required heritage review process to be able to make informed recommendations regarding the subject property."

An e-mail was received from Ward Councillor Carlson requesting that the application be deferred in order to meet with the property owner to discuss planning, heritage and parking issues associated with the application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to March 10, 2016.

On March 10, 2016, Mr. M. Evans, authorized agent, attended and presented the application. He advised that the original variance application request was for a four (4) storey building instead of a three (3) storey building as well as parking relief. Upon discussions with staff, a three (3) storey building is now proposed accompanied with a request for a reduction in parking. Mr. Evans advised that the building was originally constructed in 1875 and was known as the "Odd Fellows Hall". He indicated that the building was utilized for retail purposes and has been vacant for a number of years.

Mr. Evans indicated that they wish to renovate and construct a three (3) storey building which will be utilized for office, medical office and subordinate uses such as a coffee and snacks shop and a drug dispensary. He estimated that the total square footage of the building will be approximately 9,000.00 square feet (836.10m<sup>2</sup>).

Mr. Evans indicated that no parking has been provided on site for the historic building. A traffic study was prepared and the actual demand for parking is 16 parking spaces. Mr. Evans indicated that they are willing to enter into an agreement for payment-in-lieu of parking spaces (PIL) for 16 parking spaces.

Mr. Evans indicated that a Heritage Permit has been applied for. He presented plans indicating a rendering of the proposed building noting that the roof is being replaced and the roof line being changed. He indicated that extensive repairs and renovations are required.

Mr. Evans indicated that there is a municipal parking lot located adjacent to the rear of the adjoining property. He indicated that if the variance is approved, it provides an opportunity for the space to be occupied, rather than the building to remain vacant.

Mr. Evans indicated that the Planning and Building Department comments indicate that they wish to impose caps on uses within the building and he is in agreement with the recommended caps.

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

The City of Mississauga Planning and Building Department commented as follows (March 9, 2016):

**"Recommendation**

The Planning and Building Department has no objection to the requested variance, subject to the conditions outlined below, however the applicant may wish to defer the application to apply for the required Building Permit, or a Pre-Zoning Review application, to determine the accuracy of the requested variance and whether any additional variances will be required.

**Background**

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

Zoning: C4 (Commercial)

**Other Applications:**

Building Permit File: Required

**Comments**

**Zoning**

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. The applicant may apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

## Planning

Based on a review of the Parking Justification Study prepared by Tranplan Associates, dated August 2015, the requested reduction in provided parking spaces can be supported by staff. We note that a flexible approach to parking is required given the site constraints with no available parking on site, and the heritage designation of the building. Staff support of the Parking Justification Study is based upon assumptions made in the study; as a result, we recommend that the following conditions be applied to the application, if the Committee grants approval:

- "1) A maximum of 340.00 m<sup>2</sup> (3659.73 sq.ft.) Gross Floor Area - Non-Residential will be permitted for a medical office and/or non-office uses (including restaurant);
- 2) A maximum of 100.00 m<sup>2</sup> (1076.39 sq.ft.) Gross Floor Area - Non-Residential will be permitted for a restaurant and take-out restaurant;

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, subject to the conditions outlined above, however the applicant may wish to defer the application to apply for the required Building Permit, or a Pre-Zoning Review application, to determine the accuracy of the requested variance and whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

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

The City of Mississauga Community Services Department commented as follows (March 9, 2016):

"The subject property is protected by Part IV designation under the *Ontario Heritage Act* by by-law 122-83 for its physical/design/architectural, historical/associative and contextual value and is considered a landmark. The property contains the building known as the Odd Fellow's Hall, built c. 1875. The property is also located within the Streetsville Core Cultural Landscape. As such, a heritage permit is required to undergo changes to the building and property.

Heritage Planning has no objection to the requested variance for reduction in number of parking spaces as proposed."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"Please refer to our previous comments."

A letter was received from Ms. M. Kiraly, representing the property owner at 275 and 277 Queen Street South, expressing opposition to the application and noting her concerns with respect to the reduction in parking.

A letter was received from 2463041 Ontario Inc., property owners at 258-256 Queen Street South expressing opposition to the application and noting their concerns with respect to parking, safety, and traffic.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and provided clarification with respect to the caps put on the maximum floor area. He explained that a maximum of 100.00m<sup>2</sup> (1,076.42sq.ft.) of the 340.00m<sup>2</sup> (3,659.84sq.ft.) may be utilized for restaurant and take-out restaurant use.

The Committee, after considering the submissions put forward by Mr. Evans 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 conditions:

- 1) A maximum of 340.00 m<sup>2</sup> (3,659.73 sq.ft.) Gross Floor Area - Non-Residential will be permitted for a medical office and/or non-office uses (including restaurant).
- 2) Within the maximum 340.00 m<sup>2</sup> (3,659.73 sq.ft.) Gross Floor Area - Non-Residential will be permitted for a medical office and/or non-office uses (including restaurant) a maximum of 100.00 m<sup>2</sup> (1,076.39 sq.ft.) Gross Floor Area - Non-Residential will be permitted for a restaurant and take-out restaurant.

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

Dated at the City of Mississauga on March 17, 2016.

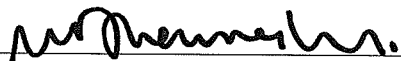
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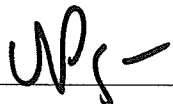
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

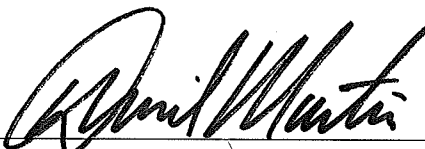
  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

ABSENT  
P. QUINN

I certify this to be a true copy of the Committee's decision given on March 17, 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

PAUL & CATHERIN GREEN

on Thursday, March 10, 2016

Paul & Catherine Green are the owners of 1215 Indian Road being Part of Lot 12, Range 2, CIR, zoned R2-4 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an accessory structure (pool cabana) and gazebo proposing:

1. a floor area of 13.38 m<sup>2</sup> (144.00 sq. ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for an accessory structure in this instance;
2. a floor area of 17.84 m<sup>2</sup> (192.00 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for a gazebo in this instance;
3. a maximum height of 3.50 m (11.48 ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance;
4. a maximum height of 3.50 m (11.48 ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance.

On January 7, 2016, Ms. C. Green, co-owner of the property, attended and requested that the application be deferred to allow her an opportunity to submit a building permit application for processing and confirm whether any additional variances are required.

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

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

### **"Recommendation**

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the required Building Permit application to ensure that all required variances have been accurately identified.

### **Background**

#### **Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

**Zoning:** R2-4, Residential

**Other Applications:**

Site Plan File: Required – No application received  
Building Permit File: Required – No application received

**Comments**

In the absence of a Building Permit application, we are unable to confirm the accuracy of the requested variances. However, we note that variance #2 should be amended as follows:

"2. A floor area of 17.84 m<sup>2</sup> (192.00 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for a gazebo in this instance;"

Further, based on the drawings submitted with the Minor Variance application, it appears that the following additional variances may be required:

"3. A maximum height of 3.5 m (11.48 ft.) for the proposed accessory structure; whereas By-law 0225-2007, as amended, permits a maximum height of 3.0 m (9.84 ft.) in this instance;

4. A maximum height of 3.5 m (11.48 ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.0 m (9.84 ft.) in this instance."

In regards to the requested variances as amended, the lot is relatively large and deep, and therefore can accommodate the proposed pool cabana and gazebo without becoming an overdevelopment of the site. It is our opinion that the requested variances are minor.

Based on the preceding information, we have no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the required Building Permit application to ensure that all required variances have been accurately identified.

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

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

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

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 March 10, 2016.

On March 10, 2016, Mr. M. Loschiavo, landscape contractor, attended and presented the application. He advised that the property owners wish to construct a cabana and an eating pavilion on the property. Mr. Loschiavo indicated that the lot is large and can accommodate the structures. He presented a photograph of the rear yard and advised that there is a large dwelling being constructed on the neighbouring lot which impacts his client's privacy.

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

The City of Mississauga Planning and Building Department commented as follows (March 8, 2016):

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

**Zoning:** R2-4 (Residential)

**Other Applications:**

Building Permit File: BP 9NEW 16-253

**Comments**

**Zoning**

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

"1. a floor area of 19.90 m<sup>2</sup> (214.20 sq. ft.) for the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for an accessory structure (cabana) in this instance;"

2. a floor area of 19.40 m<sup>2</sup> (208.82 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for an gazebo in this instance;

3. a maximum height of 3.81 m (12.50 ft.) for the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for an accessory structure (cabana) in this instance;

4. a maximum height of 3.54 m (11.61 ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for a gazebo in this instance;"

In addition to the above, a fifth variance is required for the following:

"5. an insufficient side yard setback of 0.66 m (2.17 ft.) to the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.94 ft.) for an accessory structure (cabana) in this instance."

### Planning

Previous staff comments from the January 7<sup>th</sup> hearing date supported the requested variances noting the size and depth of the lot and the provided screening on site. Although the applicant has amended their application to slightly increase the Gross Floor Area and height of both the cabana and the gazebo structures, we maintain our position that the size of the lot is able to accommodate the larger structures without representing overdevelopment of the lot.

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 have no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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

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

1. a floor area of 19.90 m<sup>2</sup> (214.20 sq. ft.) for the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for an accessory structure (cabana) in this instance;"
2. a floor area of 19.40 m<sup>2</sup> (208.82 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq. ft.) for an gazebo in this instance;
3. a maximum height of 3.81 m (12.50 ft.) for the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for an accessory structure (cabana) in this instance;

4. a maximum height of 3.54 m (11.61 ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for a gazebo in this instance;"
5. an insufficient side yard setback of 0.66 m (2.17 ft.) to the proposed accessory structure (cabana); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.94 ft.) for an accessory structure (cabana) in this instance.


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

Dated at the City of Mississauga on March 17, 2016.

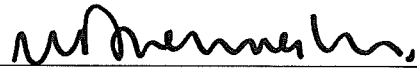
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **APRIL 6, 2016**.

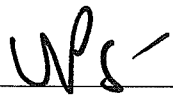
Date of mailing is March 21, 2016.

  
S. PATRIZIO

  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
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 17, 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.