

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: APRIL 14, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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DEFERRED APPLICATIONS - (CONSENT)

B-02/16 - ADINA DI BLASIO B-05/16 and A-13/16 - A-17/16		2365 CAMILLA RD	7	June 23
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NEW APPLICATIONS - (MINOR VARIANCE)

A-134/16	ROBERT D'ORAZIO	58 MAPLEWOOD RD	1	Approved
A-135/16	TADEUSZ & MIROSLAWA WIERCISZEWSKI	3256 NOBLETON DR	3	May 19
A-136/16	BAHRAM OWJI	5611 RIVER GROVE AVE	6	Refused
A-137/16	CANADIAN TIRE PROPERTIES INC.	5970 MAVIS RD	6	Approved
A-138/16	SIVANANDARAJAH SIVARAJAN	1499 WOODDEDEN DR	2	Approved
A-139/16	SAINT CHARBEL MARONITE PARISH	7250 WEST CREDIT AVE	9	Approved - 3 Years
A-140/16	2209449 ONTARIO INC	455 GIBRALTAR DR	5	Refused
A-141/16	GURDIAL SINGH AUJLA	1168 SYLVANIA DR	3	Approved
A-142/16 - A-146/16	HALLETT TRAIL CORPORATION	3952, 3959, 3960, 3955, 3956 BANFF CRT	10	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-390/15	CINDY WENNERSTROM & MARCIN WROBLEWSKI	516 RICHEY CRES	1	Refused
A-045/16	TIBOR URAC & WANDA BOGOROS	518 RICHEY CRES	1	Refused

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

ROBERT D'ORAZIO

on Thursday, April 14, 2016

Robert D'Orazio is the owner of 58 Maplewood Road being Lot 9, Registered Plan 856 zoned R1-1, Residential. The applicant requests the Committee to authorize a minor variance to permit two (2) accessory structures (pool cabanas) to remain; whereas Bylaw 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance.

Mr. R. D'Orazio, property owner, attended and presented the application to permit two (2) pool cabanas to remain in the rear yard of the subject property. Mr. D'Orazio presented photographs of the recently constructed pool cabanas which replaced the old cabana that existed previously. He indicated that the height and floor area of the new cabanas comply with the Zoning Bylaw regulations and that he is only requesting a variance to permit two (2) cabanas to remain whereas the Zoning Bylaw only permits one (1) Cabana on the subject property.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, we are unable to verify the accuracy of the variance or determine whether additional variances will be required.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-1 (Residential)

Other Applications:

Site Plan Approval File: Required

Comments

Zoning

A Building Permit is not required in this instance and based on the information provided with this application, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required.

Planning

The requested variance is to permit the existing accessory structures to remain on the subject property. Each cabana is approximately 3.90 m² (41.98 sq. ft.) in Gross Floor Area (GFA), modest in height, and combined would be under the permitted GFA for an accessory structure. Further, the lot is large in size and capable of accommodating multiple accessory structures without negative impacts on the neighbouring properties.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"This department has no objections to the applicants request to permit the two accessory structures (pool cabanas) to remain."

Ms. K. Stevens, property owner at 39 Pinewood Trail attended and expressed concern about the noise generated from the pool equipment pumps. Ms. Stevens had no objection with regards to the requested variance.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. D'Orazio and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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


MOVED BY:	D. GEORGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.

Date of mailing is April 25, 2016.

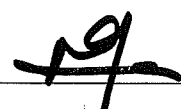
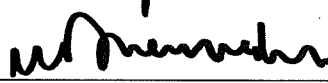

S. PATRIZIO (CHAIR)
J. ROBINSON

ABSENT

J. PAGE


P. QUINN

P. QUINN


D. GEORGE
D. KENNEDY
D. REYNOLDS

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

BAHRAM OWJI

on Thursday, April 14, 2016

Bahram Owji is the owner of 5611 River Grove Avenue being Lot 226, Registered Plan M-710, zoned R4-20, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having:

1. a setback of 0.00m (0.00ft) from the northerly side lot line to the nearest part of the driveway; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 0.60m (1.96ft) from the side lot line to the nearest part of the driveway in this instance,
2. a front yard landscaped soft area of 26.27%; whereas Bylaw 0225-2007, as amended, requires a minimum front yard landscaped soft area of 40.00% in this instance; and,
3. a maximum driveway width of 9.60m (31.48ft); whereas Bylaw 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft) in this instance.

Mr. B. Owji, property owner attended and presented the application to permit the existing widened driveway to remain on the subject property. Mr. Owji, presented a site plan illustrating the existing driveway and landscaped area. Mr. Owji explained that River Grove Avenue is a very busy street and that a nearby bus stop and fire hydrant exacerbate the problem. He indicated that many other property owners on the street have widened their driveways and that he received consent from his neighbour to permit a 0.00m (0.00ft) setback from the edge of the driveway to the property line. Mr. Owji confirmed that he had widened the driveway approximately 5 years ago. He recently applied for a second unit license to legalise his existing basement unit even though he does not intend to rent out the basement unit. Mr. Owji explained that if he did not legalise the second basement unit he would be required to renovate the basement back to its original state which he did not want to do. He further confirmed that four (4) vehicles are owned by the residents of the home but that only one (1) vehicle is parking in the garage. Mr Owji requested the Committee approve the requested variances as he believed they were minor in nature.

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

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

"Recommendation

The Planning and Building Department recommend the application be refused.

Background

Mississauga Official Plan

Character Area: East Credit



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WARD 6

Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4-20

Other Applications:

Residential Second Unit Permit: CSU 15/4950

Comments

Zoning

The Planning and Building Department is currently processing a zoning certificate application under file CSU 15-4950. Based on the information provided with that application, the variances, as requested, are correct.

Planning

Part of the intent of the Zoning By-law provisions on driveway width and landscaped soft area is to provide opportunities for front yard landscaping and minimize the effect of hard-surfaced areas on the streetscape. It is in the opinion of planning staff that the existing driveway creates a negative streetscape impact with too much emphasis on hard surfaced area and vehicular parking.

The zoning bylaw defined width of a parking space is 2.6m. At this rate three parking spaces across the front of a dwelling would equal 7.6m, therefore a proposed driveway of 9.6m is considered excessively large.

Aerial imagery from the City of Mississauga in 2006 show three cars parked on the driveway prior to the most recent driveway widening. The current driveway was widened further in 2011.

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

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"We are enclosing for Committee's easy reference some photos which depict the existing driveway. Acknowledging the excessive width of the existing driveway, this department would suggest that Variance Number 1 requesting a proposed setback of 0.00M to the northerly side lot line not be supported. We feel that in this instance modifications could be made to the existing driveway and the minimum 0.6M setback could be provided."

An email was received from C. & M.A. Grunt of 5599 River Grove Avenue requesting that the application be refused and that the applicant be required to make the driveway comply with the Zoning Bylaw regulations. Mr. & Ms. Grunt expressed that the existing driveway does not fit in with the character of the neighbourhood and having three cars parked on a driveway with a two car garage is not necessary and viewed as excessive. Included with their submission were photographs illustrating the widened driveway compared to the standard driveway widths of the surrounding properties.

An email was received from W. & R Turner of 5615 River Grove Avenue indicating that they have no issues with the requested variances.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Owji and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development and use of the subject property. The widened driveway is excessively large leaving a minimal amount of soft landscaping that is not in keeping with



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the character of the neighbourhood and the requested variances have a negative impact on the surrounding properties.

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

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

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

MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Refused.

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

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Date of mailing is April 25, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

CANADIAN TIRE PROPERTIES INC.

on Thursday, April 14, 2016

Canadian Tire Properties Inc. is the owner of 5970 Mavis Road being Part of Lot 5, Registered Plan 43R23913, zoned C3-32 and C3-10, Commercial. The applicant requests the Committee to authorize a minor variance to permit a seasonal garden centre use within the existing parking lot area and providing a total of 334 parking spaces be provided on site; whereas Bylaw 0225-2007, as amended, requires a minimum of 468 parking spaces be provided on site in this instance.

Mr. S. Arbuckle, from IBI Group, authorized agent, attended and presented the application to permit a garden centre use during the spring operating season situated within the existing parking lot. Mr. Arbuckle explained that this application is similar to previous minor variance applications approved by the Committee in the past. Mr. Arbuckle indicated that a parking study was submitted and reviewed by Staff who are satisfied that the existing supply of 334 parking spaces is sufficient to meet the parking demands of the Canadian Tire store. Mr. Arbuckle confirmed that the applicant is seeking a permanent approval from the Committee.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: East Credit
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-10 and C3-32

Other Applications:

A 204/10 Withdrawn: Permit conversion of car rental kiosk into garden centre sales kiosk

Comments

Zoning

The Planning and Building Department is currently processing a building permit application for the proposed seasonal garden centre under file 15-7466. Based on the review of the building permit application we advise that the following additional variance(s) is required:

1. Excessive consecutive number of days erected on site; 92 consecutive days is proposed whereas By-law 0225-2007; as amended, requires a maximum permitted consecutive number of days of 14 in this instance.
2. Excessive maximum number of calendar days within one (1) year; 92 days within a calendar year are proposed, whereas By-law 0225-2007; as amended permits a maximum number of 28 calendar days permitted in this instance.

Planning

A parking study was undertaken base on utilization surveys, the results of which were adjusted to account for seasonal increased in parking demand.

Using the adjusted parking utilization rates, the estimated parking demand generated by the site results in a maximum peak parking demand of 286 parking spaces which is lower than the proposed 334 spaces.

Based on the findings of the parking utilization study staff can support the proposed variance to permit a seasonal garden centre uses within the existing parking lot area, providing a total of 334 parking spaces whereas Bylaw 225-2007 requires a minimum of 468 parking spaces be provided on site in this instance.

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

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Based on the information submitted with this application this department has no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to building permit.

For Infrastructure Records, please contact Records at 905-791-7800 x7882 or by email at PWSserviceRequests@peelregion.ca."

The Committee, after considering the submissions put forward by Mr. Arbuckle and having reviewed the plans and comments from city Staff, is satisfied that the request is desirable for the appropriate use of the subject property.

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

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

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

1. This decision is personal to "Canadian Tire Properties Inc." and shall be in effect so long as the subject premises are leased, owned and/or occupied by same.
2. The merchandise sold in the garden centre shall be wholly contained within the designated fenced area in accordance with the plan submitted and approved by the Committee and be restricted to seeds, bulbs, box plants, roses, shrubs, fertilizers, soils and aggregates, conditioners, mulches, planters, bird baths, lawn accessories, garden tools and accessories and insect controls.
3. The garden centre shall only operate from April 1st to July 31st.


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

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 11, 2016**.

Date of mailing is April 25, 2016.




S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON

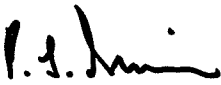


D. KENNEDY



J. PAGE

D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

SIVANANDARAJAH SIVARAJAN

on Thursday, April 14, 2016

Sivanandarajah Sivarajan is the owner of 1499 Woodeden Drive being Lot 32, Registered Plan 425, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two (2) storey dwelling on the subject property proposing:

1. an exterior side yard of 4.80m (15.75ft) to the garage overhang; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance,
2. an exterior side yard of 6.77m (22.21ft) to the dwelling; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance,
3. an exterior side yard of 6.62m (21.72ft) to the front garage face; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance,
4. a garage projection of 0.15m (0.49ft) beyond the exterior side wall of the first storey; whereas Bylaw 0225-2007, as amended, permits a maximum garage projection of 0.00m (0.00ft) beyond the exterior side wall of the first storey in this instance,
5. a dwelling height of 10.31m (33.83ft); whereas Bylaw 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft) in this instance; and,
6. a driveway width of 9.14m (29.99ft) in the area of the driveway beyond 6.00m (19.68ft) of the front garage face; whereas Bylaw 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88ft) in the area of the driveway beyond 6.00m (19.68ft) of the front garage face in this instance.

Mr. S. Sivarajan, property owner, attended and presented the application to permit the construction of a new two (2) storey dwelling on the subject property. Mr. Sivarajan explained that the application was requesting six (6) variances but he has recently redesigned the dwelling and variance #1 is no longer required. Mr. Sivarajan presented a site plan to identify and explain the remainder of the variances requested. He indicated that he has submitted a site plan application and has been consulting with planning staff to arrive at the plans that are before the Committee for consideration. The two (2) remaining side yard variances are required to provide a larger interior side yard adjacent the neighbouring property with the intent of mitigating any impacts to the neighbour. The garage projection variance is more of a technical variance required to maintain the design of the home. Mr. Sivarajan explained that the driveway variance is required to maintain a uniform driveway width along the entire length of the driveway whereas the Zoning Bylaw requires the driveway to be narrowed from 9.14m (29.99ft) to 8.50m (27.88ft) in the area beyond 6.0m (19.68ft) of the front garage face. He indicated that the height variance is required to maintain the gabled roof design and that the height to the eaves has been kept below the allowable limit to minimize the massing effect of the roof design. Mr. Sivarajan



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WARD 2

concluded by stating that the requested variances are necessary to maintain the attractive design elements of the home and to create curb appeal on a corner lot.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval File: 15/124

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed single detached dwelling. Based on the review of the Site Plan Approval application we advise that variance #5 should be amended as follows:

"5) a driveway width of 9.14 m (29.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50 m (34.45 ft.) for the portion of the driveway within 6.00 m (19.69 ft.) of the garage face, and a maximum of 8.50 m (27.89 ft.) for the portion of the driveway beyond 6.00 m (19.69 ft.) of the garage face in this instance."

Furthermore, additional information has been requested through the identified application, therefore we are unable to verify that all required variance have been identified.

Planning

Requested variances #1 to #4 all relate to the exterior side of the dwelling. Variance #1 is required to the pillar and awning above two of the garage doors and the reduced depth should not add significant additional massing or presence near the street line; the awning is a single storey in height and not overly significant in size. Variance #2 and #3 are required for the setback to the dwelling and garage, respectively. The main wall of the garage and the dwelling are further set back than the pillar and awning and, although deficient to the by-law requirement, should not have a significant negative impact on the streetscape or sight triangle. The fourth requested variance is to permit a projecting garage, whereas the by-law does not allow any projection. The proposed garage forms a relatively seamless integration with the rest of the dwelling and does not impact the streetscape or draw undue attention to the garage structure.

Regarding variance #6, as amended, the only part of the driveway that does not comply with the Zoning By-law is the portion extending from the exterior lot line a distance of 0.62 m (2.03 ft.) towards the garage. 10.50 m (34.45 ft.) is the permitted width for the remainder



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WARD 2

of the driveway. Further, the lot line which the driveway fronts onto is 60.91 m (199.84 ft.) which leaves ample additional space for soft landscaped area along the street line.

The final variance, variance #5, represents an unnecessary increase in height, in our opinion. The site is relatively flat with a negligible grade change so there is no technical interpretation that is responsible for the request. The requested height is consistent along the majority of the roofline and creates a significant appearance of massing along both Woodedden Drive and Caldwell Avenue. Given that the proposal is a new build, the applicant should be able to design a dwelling within the permitted height requirements for the zone.

Based on the preceding information, the Planning and Building Department has no objections to variances #1 to #4 and variance #6, however we recommend that the applicant defer the application in order to redesign the dwelling to address staff concerns related to the excessive height requested under variance #5."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/124. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from Councillor K. Ras expressing concern that the requested variances may have a negative impact on the neighbourhood and requests the application be deferred to address Staff and neighbour concerns related to height and setbacks.

Mr. V. Gazzola, property owner at 925 Caldwell Avenue, attended and expressed concern and opposition regarding the application. Mr. Gazzola stated that the requested variances are not minor and will negatively impact his property and they also do not fit in with the character of the surrounding neighbourhood.

No other persons expressed any interest in the application.

Mr. Sivarajan, after hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations and requested that variance #1 and variance #5 be withdrawn to address the height and setback concerns raised by Staff, the Committee, Councillor Ras and Mr. Gazzola.

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

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

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

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

1. an exterior side yard of 6.77m (22.21ft) to the dwelling; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance,
2. an exterior side yard of 6.62m (21.72ft) to the front garage face; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft) in this instance,



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File: "A" 138/16
WARD 2

3. a garage projection of 0.15m (0.49ft) beyond the exterior side wall of the first storey; whereas Bylaw 0225-2007, as amended, permits a maximum garage projection of 0.00m (0.00ft) beyond the exterior side wall of the first storey in this instance,
4. a driveway width of 9.14m (29.99ft); whereas Bylaw 0225-2007, as amended, permits a maximum driveway width of 10.50m (34.45ft.) for the portion of the driveway within 6.00 m (19.69 ft.) of the garage face, and a maximum of 8.50 m (27.89 ft.) for the portion of the driveway beyond 6.00 m (19.69 ft.) of the garage face in this instance.

This decision is subject to the following condition:

1. Revised elevation drawings that are substantially similar in design to the drawings presented to the Committee but that are in compliance with the maximum height restrictions of the Zoning Bylaw shall to be submitted to the Committee of Adjustment office.


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


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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 11, 2016**.

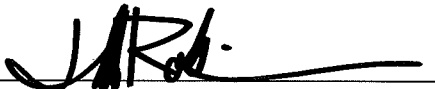
Date of mailing is April 25, 2016.



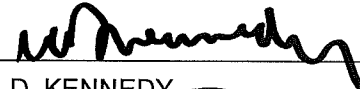
S. PATRIZIO (CHAIR)



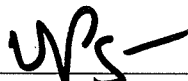
D. GEORGE



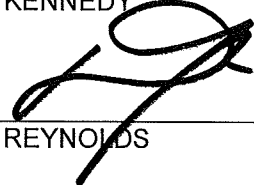
J. ROBINSON




D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

SAINT CHARBEL MARONITE PARISH

on Thursday, April 14, 2016

Saint Charbel Maronite Parish is the owner of 7250 West Credit Avenue being Part of Block 2, Registered Plan M-589, zoned E2-1, Employment. The applicant requests the Committee to authorize a minor variance to permit the renovation of the existing building to accommodate a place of religious assembly proposing:

1. a total of 43 parking spaces be provided on site; whereas Bylaw 0225-2007, as amended, requires a total of 134 parking spaces be provided on site in this instance,
2. a front yard of 6.12m (20.08ft) to the existing building; whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft) to the existing building in this instance,
3. a front yard of 7.23m (23.72ft) to the proposed roof addition; whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft) to the proposed roof addition in this instance; and,
4. a front yard of 6.68m (21.92ft) to the proposed tower; whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft) to the proposed tower in this instance.

Mr. I. Franko, authorized agent, attended and presented the application to permit the renovation of the existing building on the subject property to accommodate the Saint Charbel Maronite Parish. Mr. Franko together with other representatives of the congregation advised that this site was purchased by the church because they outgrew their current location in Toronto and had issues with a lack of parking. They indicated that the subject property had enough parking to accommodate their current needs and that there is sufficient land available to provide more parking in the future if it becomes necessary with the growth of the congregation.

Mr. W. Maria, a Transportation Engineer with GHD Inc. summarised the results of the parking assessment that was submitted and reviewed by Staff. Mr. Maria indicated that the congregation is splitting the single service into two separate services to reduce the parking demand so that the existing 43 parking spaces on the subject property are sufficient. Mr. Maria confirmed that off-site parking arrangements have not been considered and that there are some on-street parking spaces that were not accounted for in their assessment but could be available if the demand required it.

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

The City of Mississauga Planning and Building Department commented as follows (April 13, 2016):

"Recommendation

The Planning and Building Department recommends the application be deferred in order that an off-site parking agreement be investigated, and to verify the accuracy of requested variances.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2-1

Other Applications:

A 277/13 Minor Variance to permit new entrance canopy with an existing front yard of 6.12m where 7.50m is required
PAM 15/265 Alterations to site including parking lot expansion and changes to exterior of building
C 15/5653 Place of Religious Assembly

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Place of Religious Assembly under file 15-5653. Based on the review of the Certificate of Occupancy application we advise the following:

An additional variance for accessible parking spaces is required.

A total of 1 (one) accessible parking space be provided on site; whereas Bylaw 0225-2007, as amended, requires 6 (six) accessible parking spaces to be provided on site in this instance.

Furthermore, the pre-zoning review has determined more information is required in order to verify the accuracy of the requested variances and has outlined additional variances.

Planning

A parking assessment dated March 7, 2016 was submitted with this application. The current congregation is surpassing the parking provided at the new location. While the applicant suggests the current single service is planned to be split into two separate services, and thereby reducing parking demand, we expect that the congregation will grow. In order to ensure that sufficient parking is available for the existing and future church congregation, it is recommended that the Committee of Adjustment application be deferred and that an off-site parking agreement be investigated with adjacent employment uses that may not be in operation on Sundays.

Should the Committee see merit in approving the subject application for parking variance, the following conditions are requested:

1. A cap of 451 m² (4,855 sq.ft.) GFA – non-residential in the worship area;
2. An overall cap of 1,207 m² (12,992 sq.ft.) GFA non-residential for the building;
3. That the variance be approved for 3 years in order to evaluate the church operation and effect on parking;
4. That the variance application be amended to reflect the required parking as 123 spaces and the provided parking as 44 spaces.

Regarding variances #2-4, the deficiencies are minor and we have no objection.

Based on the preceding information, we recommend the application be deferred in order that an off-site parking agreement be investigated, and to verify the accuracy of requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Enclosed for Committee's easy reference are a number of photo's which depict the subject property."

The Credit Valley Conservation commented as follows (March 4, 2016):

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

Site Characteristics:

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

As you may be aware, the subject site is partially within the Mississauga Natural Heritage System and within the City's Natural Areas System designated as a Significant Natural Site (MB6) as well as within an area designated as Core Greenlands by the Region of Peel.

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 renovation of the existing building to accommodate a place of religious assembly proposing:

1. a total of 43 parking spaces to be provided on site; whereas Bylaw 0225-2007, as amended, requires a total of 134 parking spaces be provided on site in this instance,
2. a front yard of 6.12m (20.08 ft) to the existing building, whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft) to the existing building in this instance,
3. a front yard of 7.23m (24.60 ft) to the proposed roof addition; whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft) to the proposed roof addition in this instance; and,
4. a front yard of 6.68m (21.92 ft) to the proposed tower, whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft) to the proposed tower in this instance.

Comments:

The proposed variance does not impact the Authority's interests in this case. As such, CVC has **no objection** to the approval of this application by the Committee at this time."

An email was received from M. Clark a partner of Leeswood Construction located at 7200 West Credit Avenue expressing their objections to the application. Mr. Clark, indicated that their representative A. Karaman from CWS Property Holdings Ltd. will attend the hearing to



MISSISSAUGA

File: "A" 139/16

WARD 9

voice their objections to the requested variances. Mr. Clark further indicated that if the requested variances are approved that he will be demanding the same variances for his lot.

Mr. D. Belluz of Bering Mechanical Ltd. and property owner of 7220 West Credit Avenue attended and expressed his concerns with the application. Mr. Belluz does not want to have to install a fence or gate around his property to prevent church patrons from parking on his property. Approving the requested parking variance would have a negative impact on the existing truck traffic and parking problems as well as create the potential for additional problems to arise that could directly affect neighbouring properties.

Ms. A. Karaman, from CWS Property Holding Ltd. owner of 7200 West Credit Avenue and representing Leeswood Construction, attended and expressed her objections to the application. Ms. Karaman, indicated that she shared Mr. Belluz's concerns and is concerned about on-street parking issues that could arise as a result of the requested parking variance.

No other persons expressed any interest in the application.

After hearing the comments of the Committee, the Planning and Building Department, and Transportation and Works Department, Mr. Franko confirmed to the Committee that they are requesting a variance to permit 43 parking spaces be provided on the subject property.

The Committee, after considering the submissions put forward by Mr. Franko and having reviewed the plans and comments from city Staff, is satisfied that the request is desirable for the appropriate further development and use of the subject property. The Committee was of the opinion that the requested variances would not exacerbate the truck traffic and truck parking concerns raised by adjacent business owners.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of three (3) years to expire or terminate on or before May 31, 2019, subject to the following conditions:

1. A Gross Floor Area cap of 451.00m² (4,854.68 sq.ft.) GFA – non-residential is permitted in the worship area.
2. An overall Gross Floor Area cap of 1,207.00m² (12,992.46sq.ft.) GFA non-residential for the building is permitted.
3. Parking attendant (s) shall be present on site during regular service hours to assist with vehicular parking and ingress and egress to and from the subject property.

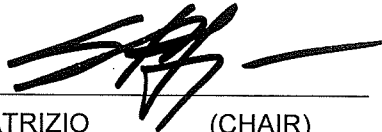
MOVED BY:	P. QUINN	SECONDED BY:	J. PAGE	CARRIED
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Application Approved, temporarily, on conditions as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 11, 2016**.

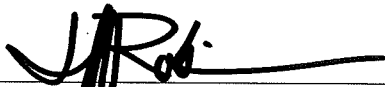
Date of mailing is April 25, 2016.




S. PATRIZIO (CHAIR)




D. GEORGE



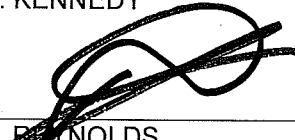
J. ROBINSON



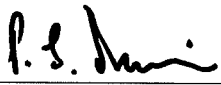
D. KENNEDY



J. PAGE




D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

2209449 ONTARIO INC.

on Thursday, April 14, 2016

2209449 Ontario Inc. is the owner of 455 Gibraltar Drive being Part of Lot 10, Registered Plan 43R21424, zoned E2-52, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a retail sales use (flea market) within a portion of the existing building; whereas Bylaw 0225-2007, as amended, only permits ancillary retail sales to a maximum of 20% of the Gross Floor Area (GFA) of the principal permitted use within the same unit in this instance.

Mr. P. Dhir and Mr. H. Dhir, of Hardial Dhir Architects Inc., authorized agent, attended and presented the application to permit the establishment of a flea market use within the existing building on the subject property. Mr. Dhir presented a site plan and indicated that the existing building is currently used as a warehouse distribution facility with 20.00% of the total floor area being used for retail purposes. He indicated that the warehouse facility operates Monday to Friday while the retail function only operates on weekends. Mr. Dhir confirmed that this application is similar to the one that was before the Committee in 2014 but that the restaurant and banquet hall uses are no longer proposed. Mr. H. Dhir confirmed that the proposed flea market use will only operate on weekends and that the site currently has an excess of 79 parking spaces for the proposed uses as required by the Zoning Bylaw. Mr. Dhir indicated that the property currently has three access driveways with the opportunity to add a fourth driveway. He also indicated that the proposal would provide approximately 300 new jobs.

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

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

"Recommendation

The Planning and Building Department recommend the application be refused.

Background

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-52

Other Applications:



MISSISSAUGA

File: "A" 140/16

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Withdrawn: A 325/15 Applicant requests to permit the use of a Flea Market within the subject building

Certificate of Occupancy: File C 15-5982

Comments

Zoning

The Planning and Building Department is currently processing a zoning certificate application for the proposed Retail Store (Flea Market) under file 15-5982. Based on the review of the zoning certificate application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Planning

The subject lands are designated 'Business Employment' which permits offices, business activities, and limited commercial uses. Retail uses are only permitted as accessory uses, generally limited to 20% of the total GFA. Accessory uses should be incidental and subordinate to and directly related to the permitted principal use.

In this case, the Planning and Building Department is of the opinion that the proposed Flea Market does not represent an accessory retail use to the existing warehouse distribution facility. Additionally we suggest that it is not minor in nature as it will account for just under 40% of the total GFA of the building. Larger scale primary retail uses are better suited to commercial zones within the City that are designed to be used for that purpose.

The local context of 455 Gibraltar Drive in the Gateway Employment Area is a high quality business employment district. Nearby warehouses are operating well. Mississauga Official Plan supports protecting employment lands and directs future retail commercial development in more urban and mixed-use formats on existing lands designated for commercial or mixed use purposes.

It is the opinion of Planning staff that the requested variance does not meet the general intent of the Official Plan or Zoning By-law surrounding retail uses in Employment lands, is not minor in nature and is not a desirable development. As a result the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"As Committee is aware a similar request was submitted under Committee of Adjustment File 'A' 325/15 which we understand was withdrawn. In the previous request we indicated that the parking statistics submitted with the application were provided by the applicant's Architect and the report concluded that the proposal did not require a relief in parking requirements as the onsite parking would be sufficient for the existing warehouse operations and the proposed Flea Market to run simultaneously. Under that previous request we recommended that a condition of approval be that a Professional Qualified Traffic Consultant prepare and provide for our Traffic Section's review and approval a Traffic Impact Study to substantiate the request.

Submitted with the current request the applicant has provided a similar "Planning Rational Brief" prepared by Hardial Dhir Architects Inc. dated March 7, 2016. In view of the above we have concerns with the request and cannot support the requested variance until such time that our Traffic Section has reviewed/approved a Transportation Impact Study which is representative of the proposed land use (being a Flea Market). The study is to include a Transportation Demand Management component and the Professional Qualified Traffic Consultant must first provide a terms of reference to our Traffic Section for review prior to commencing the study."

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

As per the Region of Peel Storm Sewer Design Criteria 2.0:

- "No additional storm drainage shall be conveyed to the Region of Peel's Right of Way."
- "No grading will be permitted within any Region of Peel Right of Way to support adjacent development."

As per Region of Peel Storm Sewer Design Criteria 3.0, "Post-Development flows must be equal to or less than Pre-Development levels."

Region of Peel traffic staff would like to advise the Committee that the proposed new access onto Derry Road was evaluated through SP-133/12 with the understanding that no changes to on-site uses were taking place. Accordingly, the proposed access should not be considered in relation to the current minor variance application.

Condition: Should the applicant pursue the request for an access via Derry Road, additional traffic analysis through a revised Traffic Impact Study is required, in which additional fees will apply. For reference, the Region's access application requirements can be found at <http://www.peelregion.ca/pw/transportation/business/applications.htm>.

A letter was received from H. Beauchamp, Director of Commercial Leasing & Operations of Downing Street Property Management Inc. acting on behalf of Spruce Peak Investments Inc. (landlords of 408, 412, and 418 Gibraltar Drive, Mississauga) expressing their opposition and concern with the application.

A letter was received from Tony Di Florio of Tondif Investors Inc., owners of 448 Gibraltar Drive expressing their opposition to the application and requesting the Committee to refuse the application.

A petition stating strong opposition to the application was received and signed by ten (10) tenants of 448 Gibraltar Drive.

A letter was received from Carlo Di Florio of Caldif Investors Inc., owners of 438 Gibraltar Drive expressing their opposition to the application and requesting the Committee to refuse the application.

A petition stating strong opposition to the application was received and signed by fourteen (14) tenants of 438 Gibraltar Drive.

Mr. C. Di Florio, of Caldif Investors Inc., owner of 438 Gibraltar Drive and Mr. T. Di Florio of Tondif Investors Inc., owners of 448 Gibraltar Drive attended the hearing. Mr. C. Di Florio presented their concerns and those of their respective tenants who strongly oppose the application because of the negative impacts they have experienced as a result of the subject property operating a monthly flea market sale that causes immense parking and traffic related problems in the surrounding area. Mr. Florio explained issues related to flea market patrons parking illegally on their private property, parking on both sides of the surrounding streets, safety concerns, tenant frustration and loss of business.

A representative of 438 Gibraltar Drive shared the same opposition, concerns and issues expressed by Mr. Florio and added that the City parking enforcement officers have been called out to the area many times and have issued multiple tickets to flea market patrons parking illegally. Ms. Orerio indicated that the City's parking enforcement efforts have proven to be unsuccessful in controlling or managing the parking and traffic related chaos that occurs during the flea market sale events.

H. Beauchamp, Director of Commercial Leasing & Operations of Downing Street Property Management Inc. acting on behalf of Spruce Peak Investments Inc. (landlords of 408, 412, and 418 Gibraltar Drive, Mississauga) attended and presented her concerns and opposition to the application. Ms. Beauchamp shared the same concerns and issues raised by the previous speakers.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. P. Dhir and Mr. H. Dhir and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property. The Committee noted that the proposed use is clearly not subordinate to a permitted use on the subject property. The argument that the proposed use will provide jobs or the area is not a planning rationale to approve the request. The Committee preferred the analysis by the Planning and Building Department comments and concluded that the application did not meet any of the four tests of a minor variance.

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

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

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


MOVED BY:	D. GEORGE	SECONDED BY:	J. PAGE	CARRIED
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Application Refused.


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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.


Date of mailing is April 25, 2016.



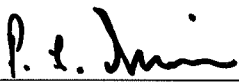
S. PATRIZIO (CHAIR)



J. ROBINSON



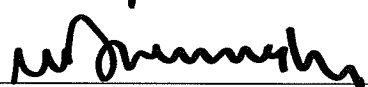
J. PAGE



P. QUINN



D. GEORGE



D. KENNEDY



D. REYNOLDS

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

GURDIAL SINGH AUJLA

on Thursday, April 14, 2016

Gurdial Singh Aujla is the owner of 1168 Sylvania Drive being Part of Lot 7, Registered Plan 670, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a carport addition proposing an interior side yard of 0.46m (1.50ft) whereas Bylaw 0225-2007, as amended, requires an interior side yard of 1.80m (5.91ft) in this instance.

Mr. D. Taank, authorized agent, and Mr. H. Singh, the applicants Engineer, attended and presented the application to permit the already constructed carport addition to remain on the subject property. Mr. Singh explained that the applicant requires the carport to provide shelter from the elements and can accommodate one (1) vehicle. The width of the parking space and carport results in the requested variance.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Applewood
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: RM1

Other Applications:

BP 9 ALT 15/7182 Roof canopy at side entrance is built and existing.
Minor Variance is to increase previously approved canopy.

Comments

Zoning

We note that 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



MISSISSAUGA

File: "A" 141/16

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

Planning

The applicant is proposing the construction of a carport addition with an interior side yard of 0.46m (1.50ft.) where 1.80m (5.91ft.) is required. The neighbourhood character is semi-detached back-split dwellings built in the early 1960s. Carports are common as the majority do not have garages.

Furthermore, the proposed carport is an expansion of an existing entry canopy BP 9ALT 15R 7182.

The Planning and Building Department have no objection to the requested variance, but the applicant may wish to defer in order to verify the accuracy of the requested variance, or determine whether additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

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

Signed letters indicating no issue or objection to the application were received from the property owners at 1216, 1180, 1162, 1174, 1215, and 1166 Sylvania Drive.

An email was received from V. Jagoo of 1172 Sylvania Drive, expressing concern and objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Taank and Mr. Singh and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that carports are common and prevalent in this area and that the requested variance is appropriate in this neighbourhood.

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

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

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


MOVED BY:	D. GEORGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved.

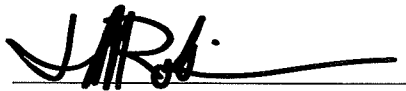
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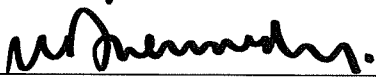
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Date of mailing is April 25, 2016.

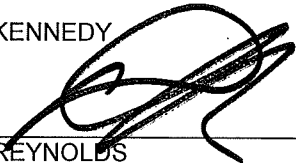


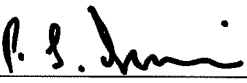
S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

HALLETT TRAIL CORPORATION

on Thursday, April 14, 2016

Hallett Trail Corporation is the owner of 3952 Banff Court being Lot 42, Registered Plan M-1105, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two-storey dwelling proposing:

1. an interior side yard of 0.87m (2.85ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft) in this instance,
2. a lot coverage of 41.83% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
3. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
4. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of a two-storey dwelling on the subject property. Mr. Levac explained that the subject properties, were part of a previous subdivision agreement which held the lots in escrow by the City of Mississauga until such time that Banff Court was constructed to completion. He further explained that the abutting subdivision on Banff Court (Cesta Developments) was registered and constructed in the past 2 years and as such the subject lots were released from escrow status and acquired by Hallett Homes.

Mr. Levac indicated that Hallett Homes recently completed the construction of three (3) homes on other former escrow lots located on Berryman Trail south of the subject lands which received approval by the Committee in 2014 for similar types of variances now being requested for the subject lands. The proposed variances are a result of the irregularly shaped lot and necessary siting of the dwelling which create pinch points at certain areas along the required side, front or rear yards along with other challenges in meeting lot coverage requirements for example.

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

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

"Recommendation



MISSISSAUGA

File: "A" 142/16
WARD 10

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lisgar
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It should be noted that the variance(s), as requested, have been reviewed based on information provided however a full zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Planning

We note that Applications 'A' 142/16 to 'A' 146/16 relate to five detached dwellings proposed to complete Banff Court. The existing streetscape of Banff Court consists of semi-detached dwellings on lots with approximately 6.80m (22.31ft.) frontage, and a heritage dwelling. The five detached lots vary in shape due to the curvature of the road and the established lotting pattern and as a result create pinch points and encroachments when the dwellings are sited.

Variance #1, an interior side yard of 0.87m (2.85ft.) abuts a similarly proposed condition at A 143/16, 3956 Banff Court. We are satisfied with this condition.

Variances #2 and #3 are minor increases in lot coverage. The exclusion of porches from lot coverage calculation is an approach that has been utilized elsewhere in the neighbourhood in the zoning bylaw.

Variance #4, a porch encroachment, is minor in our opinion.

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Based on the information provided with these applications, in particular the March 11, 2016 letter from Glen Schnarr & Associates Inc, this department has no objections to the applicant's request. We are also noting that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to building permit.

A letter was received from Councillor S. McFadden expressing her full support for the applications submitted by Hallett Trail Corporation. Councillor McFadden indicated that she engaged the local community and Lisgar Residents Association to advise them of the proposals and she received nothing but support for the applications.

An email was received from D. Mollignano of 3957 Baggins Court expressing concern with the side and rear yard requested variances and that these two variances not be approved by the Committee.

An email was received from S. Smith of 3911 Baggins Court expressing concern with the impact of the variances on increasing parking demand as a potential result of more occupants. Mr. Smith would support the variances if justified.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments from city Staff, is satisfied that the request is desirable for the appropriate development of the subject property.

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

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

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

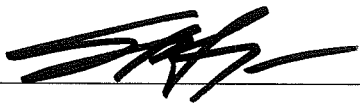
MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved.

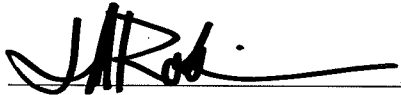
Dated at the City of Mississauga on April 21, 2016.

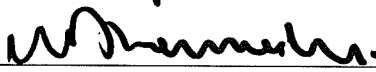
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.

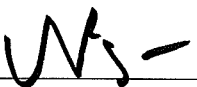
Date of mailing is April 25, 2016.

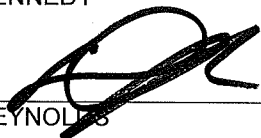


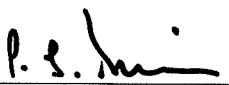
S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

HALLETT TRAIL CORPORATION

on Thursday, April 14, 2016

Hallett Trail Corporation is the owner of 3956 Banff Court being Lot 43, Registered Plan M-1105, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two-storey dwelling proposing:

1. an interior side yard of 0.68m (2.23ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft) in this instance,
2. a rear side yard of 6.55m (21.49ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. a lot coverage of 45.55% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of a two-storey dwelling on the subject property. Mr. Levac explained that the subject properties, were part of a previous subdivision agreement which held the lots in escrow by the City of Mississauga until such time that Banff Court was constructed to completion. He further explained that the abutting subdivision on Banff Court (Cesta Developments) was registered and constructed in the past 2 years and as such the subject lots were released from escrow status and acquired by Hallett Homes.

Mr. Levac indicated that Hallett Homes recently completed the construction of three (3) homes on other former escrow lots located on Berryman Trail south of the subject lands which received approval by the Committee in 2014 for similar types of variances now being requested for the subject lands. The proposed variances are a result of the irregularly shaped lot and necessary siting of the dwelling which create pinch points at certain areas along the required side, front or rear yards along with other challenges in meeting lot coverage requirements for example.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lisgar
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It should be noted that the variance(s), as requested, have been reviewed based on information provided however a full zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Planning

We note that Applications 'A' 142/16 to 'A' 146/16 relate to five detached dwellings proposed to complete Banff Court. The existing streetscape of Banff Court consists of semi-detached dwellings on lots with approximately 6.80m (22.31ft.) frontage, and a heritage dwelling. The five detached lots vary in shape due to the curvature of the road and the established lotting pattern and as a result create pinch points and encroachments when the dwellings are sited.

Variance #1, an interior side yard of 0.68m (2.23ft.) abuts a similarly proposed condition at A 142/16, 3952 Banff Court. We are satisfied with this condition.

Variance #2 represents a pinch point, we have no objection.

Variances #3 and #4 are minor increases in lot coverage. The exclusion of porches from lot coverage calculation is an approach that has been utilized elsewhere in the neighbourhood in the zoning bylaw.

Variance #5, a porch encroachment, is minor in our opinion.

In addition, variance #2 should be amended to say rear yard instead of rear side yard.

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Based on the information provided with these applications, in particular the March 11, 2016 letter from Glen Schnarr & Associates Inc, this department has no objections to the applicant's request. We are also noting that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to building permit.

A letter was received from Councillor S. McFadden expressing her full support for the applications submitted by Hallett Trail Corporation. Councillor McFadden indicated that she engaged the local community and Lisgar Residents Association to advise them of the proposals and she received nothing but support for the applications.

An email was received from D. Mollignano of 3957 Baggins Court expressing concern with the side and rear yard requested variances and that these two variances not be approved by the Committee.

An email was received from S. Smith of 3911 Baggins Court expressing concern with the impact of the variances on increasing parking demand as a potential result of more occupants. Mr. Smith would support the variances if justified.

No other persons expressed any interest in the application.

Mr. Levac, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to correct the wording of Variance #2 in the public notice which was intended to read "rear yard" instead of "rear side yard".

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

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

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

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

1. an interior side yard of 0.68m (2.23ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft) in this instance,
2. a rear yard of 6.55m (21.49ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. a lot coverage of 45.55% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

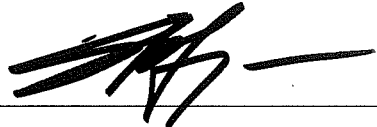
MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved, as amended.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.

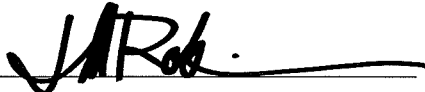
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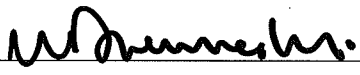
S. PATRIZIO (CHAIR)



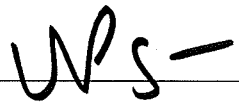
D. GEORGE



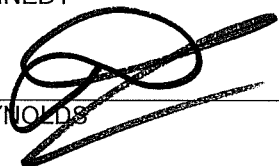
J. ROBINSON



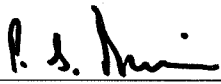
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

HALLETT TRAIL CORPORATION

on Thursday, April 14, 2016

Hallett Trail Corporation is the owner of 3960 Banff Court being Lot 44, Registered Plan M-1105, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two-storey dwelling proposing:

1. an interior side yard of 0.89m (2.92ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft) in this instance,
2. a rear side yard of 6.53m (21.42ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. a lot coverage of 44.03% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of a two-storey dwelling on the subject property. Mr. Levac explained that the subject properties, were part of a previous subdivision agreement which held the lots in escrow by the City of Mississauga until such time that Banff Court was constructed to completion. He further explained that the abutting subdivision on Banff Court (Cesta Developments) was registered and constructed in the past 2 years and as such the subject lots were released from escrow status and acquired by Hallett Homes.

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

"Recommendation

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Background

Mississauga Official Plan

Character Area: Lisgar
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

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Variance #1, an interior side yard of 0.89m (2.92ft.) is a pinch point on an irregularly shaped lot.

Variance #2 represents a pinch point, we have no objection.

Variances #3 and #4 are minor increases in lot coverage. The exclusion of porches from lot coverage calculation is an approach that has been utilized elsewhere in the neighbourhood in the zoning bylaw.

Variance #5, a porch encroachment, is minor in our opinion.

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MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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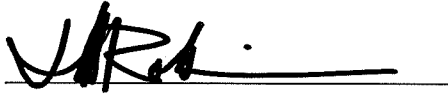
Application Approved, as amended.

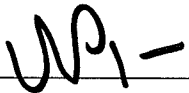
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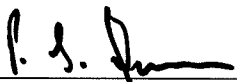
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Date of mailing is April 25, 2016.

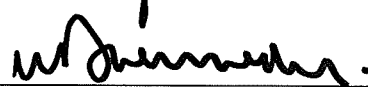

S. PATRIZIO (CHAIR)



J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

HALLETT TRAIL CORPORATION

on Thursday, April 14, 2016

Hallett Trail Corporation is the owner of 3959 Banff Court being Lot 45, Plan M-1105, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two-storey dwelling proposing:

1. a front yard of 4.57m (14.99ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 6.00m (19.68ft) in this instance,
2. a rear side yard of 6.64m (21.13ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. a lot coverage of 43.20% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of a two-storey dwelling on the subject property. Mr. Levac explained that the subject properties, were part of a previous subdivision agreement which held the lots in escrow by the City of Mississauga until such time that Banff Court was constructed to completion. He further explained that the abutting subdivision on Banff Court (Cesta Developments) was registered and constructed in the past 2 years and as such the subject lots were released from escrow status and acquired by Hallett Homes.

Mr. Levac indicated that Hallett Homes recently completed the construction of three (3) homes on other former escrow lots located on Berryman Trail south of the subject lands which received approval by the Committee in 2014 for similar types of variances now being requested for the subject lands. The proposed variances are a result of the irregularly shaped lot and necessary siting of the dwelling which create pinch points at certain areas along the required side, front or rear yards along with other challenges in meeting lot coverage requirements for example.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lisgar
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It should be noted that the variance(s), as requested, have been reviewed based on information provided however a full zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Planning

We note that Applications 'A' 142/16 to 'A' 146/16 relate to five detached dwellings proposed to complete Banff Court. The existing streetscape of Banff Court consists of semi-detached dwellings on lots with approximately 6.80m (22.31ft.) frontage, and a heritage dwelling. The five detached lots vary in shape due to the curvature of the road and the established lotting pattern and as a result create pinch points and encroachments when the dwellings are sited.

Variance #1, an interior side yard of 0.89m (2.92ft.) is a pinch point on an irregularly shaped lot.

Variance #2 represents a pinch point, we have no objection.

Variances #3 and #4 are minor increases in lot coverage. The exclusion of porches from lot coverage calculation is an approach that has been utilized elsewhere in the neighbourhood in the zoning bylaw.

Variance #5, a porch encroachment, is minor in our opinion.

In addition, variance #2 should be amended to say rear yard instead of rear side yard.

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Based on the information provided with these applications, in particular the March 11, 2016 letter from Glen Schnarr & Associates Inc, this department has no objections to the applicant's request. We are also noting that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to building permit.

A letter was received from Councillor S. McFadden expressing her full support for the applications submitted by Hallett Trail Corporation. Councillor McFadden indicated that she engaged the local community and Lisgar Residents Association to advise them of the proposals and she received nothing but support for the applications.

An email was received from D. Molignano of 3957 Baggins Court expressing concern with the side and rear yard requested variances and that these two variances not be approved by the Committee.

An email was received from S. Smith of 3911 Baggins Court expressing concern with the impact of the variances on increasing parking demand as a potential result of more occupants. Mr. Smith would support the variances if justified.

No other persons expressed any interest in the application.

Mr. Levac, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to correct the wording of Variance #2 in the public notice which was intended to read "rear yard" instead of "rear side yard".

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

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

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

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

1. a front yard of 4.57m (14.99ft); whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 6.00m (19.68ft) in this instance,
2. a rear yard of 6.64m (21.13ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. a lot coverage of 43.20% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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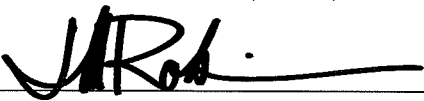
Application Approved, as amended.

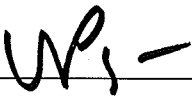
Dated at the City of Mississauga on April 21, 2016.

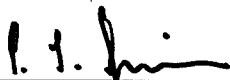
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.

Date of mailing is April 25, 2016.

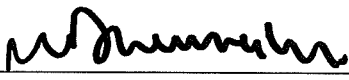


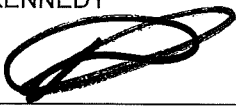
S. PATRIZIO (CHAIR)

J. ROBINSON

J. PAGE

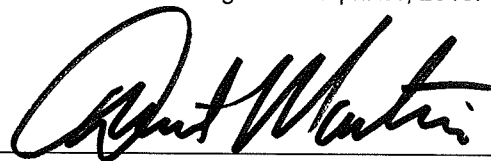
P. QUINN

D. GEORGE

D. KENNEDY

D. REYNOLDS

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

HALLETT TRAIL CORPORATION

on Thursday, April 14, 2016

Hallett Trail Corporation is the owner of 3955 Banff Court being Lot 46, Registered Plan M-1105, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two-storey dwelling proposing:

1. a front yard of 4.55m (14.93ft); whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft) in this instance,
2. a rear side yard of 6.52m (21.39ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. an interior side yard of 0.65m (2.13ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft) in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of a two-storey dwelling on the subject property. Mr. Levac explained that the subject properties, were part of a previous subdivision agreement which held the lots in escrow by the City of Mississauga until such time that Banff Court was constructed to completion. He further explained that the abutting subdivision on Banff Court (Cesta Developments) was registered and constructed in the past 2 years and as such the subject lots were released from escrow status and acquired by Hallett Homes.

Mr. Levac indicated that Hallett Homes recently completed the construction of three (3) homes on other former escrow lots located on Berryman Trail south of the subject lands which received approval by the Committee in 2014 for similar types of variances now being requested for the subject lands. The proposed variances are a result of the irregularly shaped lot and necessary siting of the dwelling which create pinch points at certain areas along the required side, front or rear yards along with other challenges in meeting lot coverage requirements for example.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lisgar
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It should be noted that the variance(s), as requested, have been reviewed based on information provided however a full zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Planning

We note that Applications 'A' 142/16 to 'A' 146/16 relate to five detached dwellings proposed to complete Banff Court. The existing streetscape of Banff Court consists of semi-detached dwellings on lots with approximately 6.80m (22.31ft.) frontage, and a heritage dwelling. The five detached lots vary in shape due to the curvature of the road and the established lotting pattern and as a result create pinch points and encroachments when the dwellings are sited.

Variances #1 and #2 represent pinch points on an irregularly shaped lot.

Variances #3 is justified due to a required easement on the opposing side of the dwelling.

Variance #4 is an exclusion of lot coverage, but a lot coverage variance is not requested.

Variance #5, a porch encroachment, is minor in our opinion.

In addition, variance #2 should be amended to say rear yard instead of rear side yard.

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order to apply for a building permit to confirm the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 7, 2016):

"Based on the information provided with these applications, in particular the March 11, 2016 letter from Glen Schnarr & Associates Inc, this department has no objections to the applicant's request. We are also noting that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to building permit.

A letter was received from Councillor S. McFadden expressing her full support for the applications submitted by Hallett Trail Corporation. Councillor McFadden indicated that she engaged the local community and Lisgar Residents Association to advise them of the proposals and she received nothing but support for the applications.

An email was received from D. Molignano of 3957 Baggins Court expressing concern with the side and rear yard requested variances and that these two variances not be approved by the Committee.

An email was received from S. Smith of 3911 Baggins Court expressing concern with the impact of the variances on increasing parking demand as a potential result of more occupants. Mr. Smith would support the variances if justified.

No other persons expressed any interest in the application.

Mr. Levac, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to correct the wording of Variance #2 in the public notice which was intended to read "rear yard" instead of "rear side yard".

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

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

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

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

1. a front yard of 4.55m (14.93ft); whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft) in this instance,
2. a rear yard of 6.52m (21.39ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance,
3. an interior side yard of 0.65m (2.13ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft) in this instance,
4. the exclusion of a porch from the calculation of lot coverage; whereas Bylaw 0225-2007, as amended, requires the porch be included in the calculation of lot coverage in this instance; and,
5. a porch encroachment of 2.00m (6.56ft), exclusive of stairs; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) in this instance.

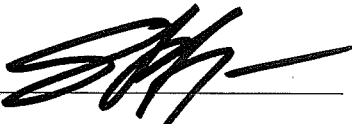
MOVED BY:	J. PAGE	SECONDED BY:	D. REYNOLDS	CARRIED
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Application Approved, as amended.


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


THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **May 11, 2016**.

Date of mailing is April 25, 2016.

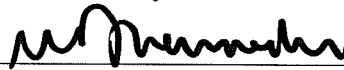

S. PATRIZIO (CHAIR)

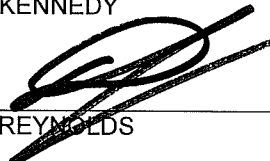

J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

CINDY WENNERSTROM & MARCIN WROBLEWSKI

on Thursday, April 14, 2016

Cindy Wennerstrom & Marcin Wroblewski are the owners of 516 Richey Crescent being PLAN part of Lot 28, Registered Plan C-19, zoned R3 – Residential & G1 - Greenbelt. The applicants request the Committee to authorize a minor variance to permit the construction of a three storey dwelling on the subject property proposing:

1. a front yard of 6.17m (20.24ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
2. an easterly interior side yard of 0.62m (2.03ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance,
3. a westerly interior side yard of 0.91m (2.99ft.) to the first and second storeys and 1.22m (4.00ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance,
4. a soft landscape area of 31.00% of the front yard; whereas By-law 0225-2007, as amended, requires a minimum soft landscape area of 40.00% in this instance; and,
5. a lot coverage of 41.00% of the lot area, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

On September 10, 2015, Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and requested that the application be deferred to allow him an opportunity to address the concerns of the neighbours and the Committee.

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

The City of Mississauga Planning and Building Department commented as follows (September 9, 2015):

1.0 Recommendation

The Planning and Building Department recommends that variances #1 and #4 be refused. Further, we recommend that variances #2, #3, #5 and #6 be deferred for the applicant to redesign the dwellings and to submit the required Building Permit applications to ensure that all required variances have been accurately identified.

2.0 Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density I, Greenbelt

Discussion:



MISSISSAUGA

File: "A" 390/15

WARD 1

Section 10.1 of the Lakeview Local Area Plan (draft – adopted in principle) outlines policies for desirable urban form in neighbourhoods. The policies state that, "Neighbourhood policies are intended to reflect a number of objectives, including among other things:

- To ensure development is sensitive to the existing low rise context and reinforce the planned character of the area;"

Further, Section 10.1.1 states that, "New development is encouraged to reflect 1 and 2 storey residential building heights and should not exceed 3 storeys."

In addition, Section 2.2.1 of the Lakeview Built Form Standards states that new detached dwellings within Lakeview will maintain the existing character of the area. The following criteria will apply:

- a. The maximum height of any dwelling should be 10.7 m (35.11 ft.). The design of the building will de-emphasize the height of the house and be designed as a composition of small architectural elements, i.e. projecting dormers and bay windows;
- d. New development will fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation, location to railways tracks;
- f. New development will have minimal impact on its adjacent neighbours with respect to overshadowing and overlook;
- k. The building mass, side yards and rear yards will respect and relate to those of adjacent lots.

Zoning By-law 0225-2007

Zoning: "R3", Residential; "G1", Greenbelt

Discussion:

We advise that on June 24, 2015, Council passed By-law 0171-2015 to limit the height of new dwellings with flat roofs to 7.5 m (24.61 ft.) in Ward 1 for properties which are not subject to infill housing regulations. The By-law has subsequently been appealed to the Ontario Municipal Board.

3.0 Other Applications

☐ *Building Permit* File: Required - No application received

4.0 Comments

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

In regards to the requested variances for height, we have concerns with the requests as Council recently passed a By-law to restrict the height for flat roof dwellings to 7.50 m (24.60 ft.) in Ward 1. The intent of the By-law is to ensure that new development for flat roof dwellings is sensitive to the surrounding context and does not impose a negative massing impact to adjacent neighbours and the streetscape. Although the Built Form Standards for Lakeview limit the height of dwellings to 10.70 m (35.11 ft.), zoning regulations may be more restrictive to further refine policy intent.

Based on a recent site visit and photographs, we note that some of the neighbouring dwellings on Richey Crescent are smaller bungalows, including the adjacent house at 522 Richey Crescent. It is our opinion that the requested height, combined with the requests for deficient side yards would create a negative massing impact to the adjacent neighbours and the streetscape. We recognize that the subject lots are narrow, restricting new dwellings to narrow building footprints. However, the height is excessive and we recommend that the applicant construct the dwellings in accordance with the height requirements of the By-law.

Further, we have additional concerns with the requests for excessive floor area above the balcony on top of the garage. Based on the elevation drawings provided with the Minor Variance application, we are of the opinion that the proposed balcony size, combined with the proposed height, would create an overlook situation onto adjacent neighbours.

Based on the preceding information, we recommend that variances #1 and #4 be refused. Regarding the balance of the requested variances, we recommend that the applicant defer to redesign the dwelling. Until we are in receipt of the revised elevation drawings, we are not in a position to comment on the appropriateness of the remaining variances."

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

"Information submitted with this application, in particular Variance #3 indicates that the applicant is requesting side yard setbacks of 0.60m (1.96ft) whereas minimum side yard widths of 1.20m(3.93 ft.) is required in this instance. Acknowledging that any Transportation and Works Department concerns/requirements for this property can be addressed through the Building Permit Process, we are concerned with the granting of this specific variance prior to our Development Construction Section reviewing the Grading Plan.

We are also noting from the front elevation drawings submitted that the applicant may be proposing a reverse grade driveway. This department strongly discourages and does not support reverse grade driveways, even in areas where adequate storm sewers are available.

In view of our concerns relating to the reduced setbacks and also the reverse grade driveway we would request that this application be deferred until such time that our Development Construction Section has had an opportunity to review the proposal and advise that we would be in support of the reduction in the proposed side yard setback and also redesign the proposed dwelling to eliminate the reverse grade driveway."

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (September 8, 2015):

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

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, these same lands are located within the Helen Molasy Memorial (LV4) section of the City's Natural Area System and within the floodplain of the Cooksville Creek. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 4, 2015):

"Regional staff have reviewed the application and understand that the applicant proposes to construct a 3-storey residential dwelling on an existing lot of record. The subject land is partially regulated by Credit Valley Conservation (CVC) under O. Reg. 160/06 due to the Lake Ontario Regulatory Shoreline. The Region relies on the technical expertise of CVC staff for the review of development applications located adjacent to natural hazards in order to prevent or minimize the risk to human life and property. Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

"This property is within the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is currently being used as a park. It is catalogued by the MOECC as #7068."

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



MISSISSAUGA

File: "A" 390/15
WARD 1

be required. Please note that site servicing approvals will be required prior to the issuance of a building permit."

The Credit Valley Conservation commented as follows (September 9, 2015):

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

The applicants are requesting the Committee to authorize a minor variance to permit the construction of a three storey dwelling on the subject property proposing:

1. A height of 10.70m measured to the top of the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m measured to the top of the flat roof in this instance.
2. A front yard of 6.17m; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m in this instance;
3. An easterly and westerly side yard of 0.60m on each side of the dwelling; whereas By-law 0225-2007, as amended, requires minimum easterly and westerly side yards of 1.20m measured to the first storey, 1.81m measured to the second storey and 2.42m measured to the third storey in this instance;
4. A floor area of 24.00 sq. m. for balcony on top of a garage; whereas By-law 0225-2007, as amended, permits a floor area of 10.00 sq. m. for a balcony on top of a garage in this instance; and
5. A total of 15% of the front yard area to be provided as soft landscaping; whereas By-law 0225-2007, as amended, requires a total of 40% of the front yard to be provided as soft landscaping in this instance.

CVC has no objection to the approval of this minor variance application.

The subject property falls within a CVC Regulated Area. On this basis a permit from the Authority is required for the development as proposed. CVC requires appropriate setbacks are maintained from Lake Ontario. CVC will review the application to ensure that appropriate setbacks are maintained from the lake in our permit process."

An e-mail was received from the Ministry of Transportation indicating that they have no objection to the application as the application is outside of the MTO Permit Control Area.

A letter was received from Mr. K. Riddell, property owner at 512 Richey Crescent, expressing objection to the application and noting his comments.

A letter was received from F. Mallin, property owner at 877 Beechwood Avenue expressing opposition to the height of the dwelling.

A letter was received from S. Horbaczyk, property owner at 903 Beechwood Avenue, expressing opposition to the application.

A letter was received from B. Handlopouwi, property owner at 858 Beechwood Avenue, expressing opposition to the application.

A letter was received from E. and A. Seeto, property owners at 916 Beechwood Avenue, expressing opposition to the application.

A letter was received from M. Gara, property owner at 893 Beechwood Avenue, expressing opposition to the application.

A letter was received from N. Korchman, property owner at 873 Beechwood Avenue, expressing opposition to the application.

A letter was received from P. Bianco, property owner at 899 Beechwood Avenue, expressing opposition to the application.



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E-mails were received from M. and D. Kake, property owners/residents of 529 Richey Crescent, expressing support for the application.

A letter was received from M. and E. Esert, property owners at 882 Beechwood Avenue, expressing support for the application.

Letters were received from the property owners/residents at 749 Montbeck Crescent, 685 Montbeck Crescent, 909 Goodwin Road, 651 Beech Street, 771 Montbeck Crescent, 519 Richey Crescent, 2168 Stir Crescent, 899 Lakeshore Road East-2nd Floor, 647 Montbeck Crescent expressing support for the application.

Letters were received from the property owners/residents at 917 and 913 Beechwood Avenue, expressing opposition to the application.

A petition was received, signed by the property owners/residents at 529 Richey Crescent, 506 Richey Crescent, 869 Beechwood Avenue, 510 Richey Crescent, 512 Richey Crescent, 864 Beechwood Avenue, 496 Richey Crescent, 502 Richey Crescent, 868 Beechwood Avenue, 492 Richey Crescent, 522 Richey Crescent, 519 Richey Crescent, 882 Beechwood Avenue, 872 Beechwood Avenue, and 877 Beechwood Avenue, expressing support for the application.

Mr. K. Riddell, property owner at 512 Richey Crescent, attended and expressed opposition to the application. He advised that the application is not minor in nature and the setbacks are inadequate and not in compliance with the Zoning By-law which requires an additional setback 0.61m (2.00ft.) from the side property line for each storey above the first. If the application is approved, it will create a vertical wall 11.73m (38.50ft.) in the side yard. Mr. Riddell indicated that access to the rear yard will be reduced and will impact his property as well as theirs with respect to utility hook-ups, fire protection, grading, retaining walls, construction of foundation and underpinning and access to the lake for emergency crews and fire departments.

Mr. Riddell indicated that the reduction in soft landscaping is inappropriate in an area that is located between a waterfront trail and a conservation area. He indicated that the green space is reduced to less than one third of what it should be. He presented a rendering indicating the style of dwelling and the impact of the dwelling on the streetscape. He noted that the lake view will be obstructed.

Mr. Riddell indicated that a By-law was recently passed restricting the height of dwellings. The By-law was passed to safeguard public interest and prevent structures that exceed the requirements.

Mr. Riddell advised that the proposal does not meet the intent of the Zoning By-law and is not minor in nature or desirable and consequently, he encouraged the Committee to reject the application.

A letter was received from F. Campbell, property owner at 512 Richey Crescent, expressing opposition to the application. She indicated that the reduction in side yard is unsafe and will create difficulty in doing repairs or maintenance and will make it difficult for emergency rescue services to be provided to the subject and adjoining properties. She indicated that the reduction in green space and the size of the new dwelling is inappropriate and undesirable. She encouraged the Committee to reject the application.

Ms. S. Walt, of 909 Goodwin Road, attended and expressed her support for the application. She noted that families should be able to building their dream homes. She indicated that the evolution of the neighbourhood will occur. She advised that some of her neighbours expressed support for the application; however, they were unable to stay to express it in person.

No other persons expressed any interest in the application.

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

On November 19, 2015, Ms. C. Wennerstrom, co-owner of the property, attended and requested that the application be further deferred to allow the architect to re-design the dwelling.

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

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

"1.0 Recommendation

The Planning and Building Department recommends that variances #1 and #4 be refused. Further, we recommend that variances #2, #3, #5 and #6 be deferred for the applicant to redesign the dwelling and to submit the required Building Permit applications to ensure that all required variances have been accurately identified.

2.0 Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density I, Greenbelt

Zoning By-law 0225-2007

Zoning: "R3", Residential; "G1", Greenbelt

3.0 Other Applications

☐ *Building Permit* File: Required - No application received

4.0 Comments

When this application was previously before the Committee on September 10, 2015, the applicant deferred the application to redesign the dwelling. Since that time, staff have met with the applicant to discuss alternative design options to mitigate impacts to neighbouring properties and the streetscape. It was our understanding that the applicant intended to modify the proposal to a pitched roof design. However, we are not in receipt of any revised drawings or a revised Notice of Public Hearing. Based on the preceding information, our comments dated September 9, 2015 remain applicable."

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

"Please refer to our comments submitted for the February 23, 2015 hearing of this application as those comments are still applicable."

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

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

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, these same lands are located within the Helen Molasy Memorial (LV4) section of the City's Natural Area System and within the floodplain of the Cooksville Creek. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

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

"Please refer to our previous comments."



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An e-mail was received from K. Riddell, property owner at 512 Richey Crescent, expressing objection to the application and noting his comments. Mr. Riddell indicated that the applicant has not changed their perspective or direction on their project to come in line with the by-laws governing the neighbourhood. He encouraged the Committee to turn down the application and not allow any further deferrals of the application.

A letter was received from H. Benoit, property owner at 510 Richey Crescent expressing support for the application and noting that the new design will improve the general appearance of the neighbourhood, improve the tax base, and make more efficient use of the lakeshore.

A letter was received from M. and L. Bezemer, property owners at 878 Beechwood Avenue, expressing strong objection to the proposed height of the dwelling. They indicated that the proposed three storey dwelling, if approved, will set a precedent for development on Richey Crescent and encourage similar dwellings to be constructed. They indicated that the aggregate result would be that a wall-like visual barrier to Lake Ontario would be created disconnecting them from their identity as a lake-view community.

Ms. F. Riddell, property owner at 512 Richey Crescent, attended and expressed her opposition to the deferral of the application. She indicated that since the previous deferral request, no new plans have been submitted for review. She advised that the Ontario Municipal Board (OMB) will be reviewing a recently passed By-law for the area restricting the height of dwellings. Ms. Riddell indicated that she believed that the applicant is attempting to delay the proceedings so that they can avoid complying with the new By-law requirements. She requested that the Committee not allow any further deferrals of the application and refuse the requested variances.

No other persons expressed any interest in the application.

The Committee indicated that the applicant has requested additional time to re-design the dwelling. They advised that sufficient time is required for staff to review the revised submission. The Committee consented to the request and deferred the application to February 11, 2016.

On February 11, 2016, Mr. G. Broll, of Glen Schnarr & Associates Inc., authorized agent, attended and requested that the application be deferred to allow him an opportunity to continue having discussions with Planning staff and to further revise their design.

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

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

"Recommendation"

The Planning and Building Department has no objections to variances # 1, #3, and #4, however we recommend that variance #2 be refused. Additionally, we advise that without the benefit of a Building Permit we are unable to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I, Greenbelt

Zoning By-law 0225-2007

Zoning: R3 (Residential) & G1 (Greenbelt)

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. Alternatively, in order to confirm the accuracy of the requested variance, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Applications for 516 and 518 Richey Crescent were previously heard at Committee on November 19th, 2015. At that time the current application 'A' 390/15 for 516 Richey Crescent was deferred and application, 'A' 389/15, for 518 Richey was refused. A new application has been submitted under file 'A' 45/16 for 518 Richey with revised variances.

The applicant's revised proposal has eliminated the height variance by adding a slight slope to the roof, although the actual height of the dwelling remains relatively unchanged. Additionally, the variance for the balcony above the garage has been eliminated. In addition to our previous concerns with those two items, we recommended that a redesign should be done to increase the side yard setbacks to address massing impacts.

Since the November 19th, 2015 Committee hearing, staff have been in conversation with the agent for the applicant to try to reach an acceptable alternate design to maintain an appropriate streetscape and mitigate impacts to neighbouring properties. Staff suggested that the applicant should consider removing the third storey of the dwelling in conjunction with increasing the side yard setbacks on at least one side.

We recognize that a lot with a frontage of 7.62 m (25.00 ft.) poses challenges and would be very difficult to develop without the need for minor variances, however in this instance the proposal is well beyond minor, in our opinion, and represents overdevelopment of the lots. Staff looked into previous variances within the City for dwellings on lots with the same frontage and found that a single storey bungalow was the prevailing built form on this size of lot; the setbacks to additional storey's are intended to provide additional separation distance from neighbouring properties and limit the massing impacts to adjacent dwellings. The predominant character of homes within this area is a mix of bungalows and modest two storey dwellings, with the exception of a similar three storey dwelling across the street. However, this dwelling provides larger side yard setbacks with lower lot coverage, on a slightly larger lot.

In this instance, the requested variances for side yard setbacks will create a large, flat wall with significant massing impacts on either side at a 0.81 m (2.65 ft.) setback whereas 2.42 m (7.93 ft.) would be required at the third storey. Given the narrow width of the lot, a livable space may be difficult to create on the third storey while respecting the required setbacks; however, it is our opinion that dwellings should be scaled to an appropriate size relative to the size of the lot they are to be built on.

The requested front yard setback variance is in keeping with the general character of the street line and is, in our opinion minor in nature.

The front yard landscaping area has increased significantly from the original proposal and is a reasonable request based on the size of the lot, which also represents and improvement on existing conditions, in our opinion.

The lot coverage increase of 7% is required because a portion of the property that is zoned greenbelt near the lakefront is not included in the calculation when calculating the permitted coverage. If this area were to be included it would likely be in compliance, or very close to compliance; setbacks from the greenbelt lands have also been maintained.

Based on the preceding information, the Planning and Building Department has no objection to variances # 1, #3, and #4, however we recommend that variance #2 be



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refused. Additionally, we advise that without the benefit of a Building Permit we are unable to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (February 4, 2016):

"Information submitted with this application indicates that the applicant is requesting a side yard setback of 0.60m (2.0 ft.) whereas a minimum side yard width of 1.20m (3.93 ft.) is required in this instance. Acknowledging that any Transportation and Works Department concerns/requirements for this property can be addressed through the Building Permit Process, we are concerned with the granting of this reduction in side yard setback variance prior to our Development Construction Section having approved a Grading Plan for this property which has been certified by a Consulting Engineer which demonstrates that the proposed reduced setback will be functional.

We are also noting from the information submitted that the applicant is proposing a reverse grade driveway. This department strongly discourages and is typically not supportive of reverse grade driveways unless satisfactory arrangements have been made with our Development Construction Section with regards to satisfying various conditions/requirements which would be applicable to approving a reverse grade driveway. It should also be acknowledged that any proposal for a reverse grade driveway is evaluated on a site by site basis and to date we are advising that our Development Construction Section has not issued any approvals for the subject property.

In view of our concerns relating to the reduced setbacks and the proposed reverse grade driveway we would strongly request that this application be deferred until such time that our Development Construction Section has had an opportunity to further review the proposal in detail and then advises that the Transportation and Works Department would be in support of both the reduction in the proposed side yard setback and the reverse grade driveway proposed for this property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 8, 2016):

"Please refer to our previous comments."

An e-mail was received from F. Gora, resident at 893 Beechwood Avenue, expressing support for the application.

An e-mail was received from R. Joyce and M. Wolfe, property owners at 934 Beechwood Avenue, expressing support for the application.

An e-mail was received from W. Kaschuk, property owner at 506 Richey Crescent, expressing support for the application.

A letter was received from H. and B. Benoit, residents at 510 Richey Crescent since 1969, expressing their strong support for the application and noting their comments.

An e-mail was received from E. Delone, property owner at 954 Beechwood Avenue, expressing support for the application.

A letter was received from A. Joseph, property owner at 963 Beechwood Avenue, expressing opposition to the application.

An e-mail was received from M. and D. Kake, of 529 Richey Crescent, expressing no objections to the application.

A letter was received from K. Riddell, property owner at 512 Richey Crescent, expressing objection to the application and requesting that the applicant construct a dwelling in accordance with the By-law.



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A letter was received from F. Campbell, property owner at 512 Richey Crescent, expressing objection to the application and requesting that the applicant construct a dwelling in accordance with the By-law.

An e-mail was received from L. Pejsa, resident at 953 Beechwood Avenue, expressing support for the application.

An e-mail was received from M. and P. Leigh, residents at 492 Richey Crescent since 1977, expressing support for the application.

A submission was received from C. Wennerstrom, the subject property owner, providing copies of letters of support from neighbours at 945, 872, 906, 934, 952, 958, 904, 970, 967, 869, 887, 893, 913, 923, 868, 909, 917, 933, 882, 954, 962, 949, 864, 929, 937, 898, 941, 883, 953, & 945 Beechwood Avenue, 502, 519, 529, 506, 496, 492, 518, 522, and 516 Richey Crescent.

Letters of objection were received from the property owners at 899 and 873, Beechwood Avenue.

An e-mail was received from L. Looyenga & L. Bom, ratepayers for 964 Beechwood Avenue, expressing support for the application.

An e-mail was received from M. Bruni, property owner at 885 Aviation Road, expressing opposition to the application and noting his comments and concerns.

Letters expressing opposition to the application were received from 933 and 916 Beechwood Avenue.

No other persons expressed any interest in the application.

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

On April 14, 2016 Mr. G. Broll of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit the construction of a new three (3) storey dwelling on the subject property. Mr. Broll indicated that this application was previously deferred to allow the applicant's time to revise their drawings and address comments received from local residents, City Staff and Councillor Tovey.

Mr. Broll presented an aerial image identifying the location of the subject property which backs onto the shore of Lake Ontario. He described the lot having a lot frontage of 7.62m (25.00ft.), a depth of 55.00m (180.44ft.) and a lot area of 421.90m² (4541.44ft.) and that it is primarily subject to the requirements of the R3, Residential zone which is a zone that typically regulates 50ft. lots. Mr. Broll indicated that the lot extends out into Lake Ontario which presents some challenges to meet zoning requirements because only the R3 zoned portion of lands are considered developable.

Mr. Broll presented a site plan of the subject property which also included the building footprints of the adjacent properties. He highlighted the proposed building footprint, landscaped area, the high-water line of Lake Ontario, and the driveway area. Mr. Broll continued by identifying on the site plan the five (5) requested variances. He explained that the setback requirements of the Greenbelt zone and the CVC regulations governing the rear of the property push the dwelling towards the front of the property while the City zoning requirements do the opposite; resulting in the requested front yard variance (#1) of 6.17m (20.24ft.) compared to the approximately 0.30m (1.00ft.) front yard which exists today. Mr. Broll identified the two (2) requested side yard variances (#2 & #3) and explained that the westerly side yards to the first, second and third storeys were increased since the last hearing in response to the interests of the adjacent neighbour. He highlighted the soft landscape areas on either side of the driveway totalling 31.00% of the front yard area (variance #4). Mr. Broll identified the requested lot coverage variance (#5) of 41.00% which is calculated on the area of the R3 zoned lands only and not the entire lot area.



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Mr. Broll continued by presenting a summary of the key design considerations such as flat roof vs. pitched roof, different types of massing and built form which stemmed from consultations with Planning Staff. The resultant design of the proposed dwelling conforms to the height restrictions of the Zoning By-law. The side yard setbacks between the two proposed dwellings at 516 and 518 Richey Crescent have been reduced to allow larger side yard setbacks adjacent the existing neighbouring properties and dwellings. Mr. Broll observed that other properties in the area have front yard setbacks that vary significantly and that the side yard setbacks are not indicative of typical R3 zoned properties. He explained that the proposed lot coverage of 41.00% is more consistent with the lot coverage requirements of the R5 or RM2 zones which typically regulate smaller 9.75m (32.00ft.) lots similar to the subject (25.00ft.) lot and would permit lot coverages between 40.00% and 45.00%. Similarly the proposed landscape area of 31.00% is more consistent with the requirements of an R5 zone which requires 30% soft landscaped area.

Mr. Broll presented the proposed front elevation rendering of 516 Richey illustrating how the design has introduced various forms of massing and the third storey has been set back to avoid a flat façade elevation. He indicated that the grading of the property slopes down from the front towards the rear of the property which results in an at-grade walk-out to the backyard from the basement level. The main floor is than higher than usual which is where the kitchen, living and dining rooms are located. On the second floor are two bedrooms and the master bedroom is on the third floor. Mr. Broll explained that skylights are proposed to allow natural light to penetrate the interior of the home instead of having windows on the side elevations which would be frowned upon by the neighbouring properties.

Mr. Broll indicated that it was important for his clients to receive neighbourhood approval on their applications given the community's sensitivity to redevelopment in this area. His clients canvassed their neighbourhood presenting their plans to the local residents to gain their support. Mr. Broll presented a local street map showing property owners that have no objection and those that do not support the applications. and do not object supported or opposed the applications.

Mr. Broll concluded by stating that the requested variances are considered minor in nature, they meet the intent of the Official Plan and Zoning By-law and the proposed dwelling is appropriate and respects the existing character of the neighbourhood as best as possible. Mr. Broll requested that the Committee approve the application.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application 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 I, Greenbelt

Zoning By-law 0225-2007

Zoning: R3 (Residential) & G1 (Greenbelt)

Other Applications:



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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. In order to confirm the accuracy of the requested variances, the applicant may wish to apply for a Pre-Zoning Review application and submit working drawings.

Planning

The applicant has been working with the Planning and Building Department over a number of months and multiple deferrals to modify their proposal. Lots with frontages of 7.62 m (25.00 ft.) with a zoning of R3 present challenges for re-development. The provisions of the R3 zone are more suited to larger lot sizes than historical cottage style lots. The applicant has proposed to change their design to a partial third storey, from the previously applied for full third storey, which decreases the massing impacts and visual appearance from the street. The third storey, which is permitted as of right and meets the Zoning By-law height requirements, has been pushed back significantly from the front of the dwelling as well as setback an additional 0.30 m (1.00 ft.) from the side lot lines, on the westerly side of 516 Richey and the easterly side of 518 Richey. The third storeys are setback from the front walls of the dwellings far enough that, from eye level at the street, the massing appearance will generally be that of a two storey dwelling.

The applicant has modified variance #2 to provide a slightly larger westerly side yard setback for 516 Richey and easterly side yard setback for 518 Richey. In conjunction with the increased setback for the third storey and the redesign to a partial third storey, the Department is of the opinion that the requested variance #2 is appropriate in this instance. Similar variances were approved across the street at 519 Richey, a full three storey dwelling. Both Richey Crescent and Beechwood Avenue have been undergoing redevelopment on a number of lots, of varying size, from historic cottage style housing to large modern dwellings; similarly, the larger neighbourhood context has experienced significant redevelopment on a variety of lot sizes with a variety of housing styles.

Variance #1 requests a reduced front yard setback that is consistent with other properties on the street, and is required as a result of pushing the house forward slightly to meet setbacks from greenbelt lands adjacent to the lake.

The soft landscaping area of 31% requested in variance #3 is improved upon what was originally requested and is an appropriate amount given the frontage of the lot and the need to fit a driveway within the front yard.

The requested lot coverage increase is a result of the greenbelt lands to the rear of the property not being included in the calculation. In this instance, the greenbelt lands make up a large portion of the lakefront portion of the lot and should be considered when assessing the impact of increased lot coverage.

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 to apply for the required Building Permit's 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 (April 7, 2016):

"As Committee is aware the Transportation and Works Department has previously indicated grading and drainage related concerns with the proposal, specifically relating to the reduction in side yard setbacks and also the proposed reverse grade driveway. Further to our previous comments the applicant has been working with Transportation and Works



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Department staff with regards to achieving an acceptable Site Grading Plan which would give us a comfort level to allow the requested variances to proceed. Our Development Construction Section has identified a number of issues in reviewing the proposal, a number of the issues have been addressed and a few are in the process of being addressed. With regards to our previous concerns with the reverse grade driveway we are now requesting that a driveway drain be considered to gravity drain the driveway at the garage slabs and into the side yard flowing to the rear of the property. We have also addressed issues such as a retaining wall which was previously being proposed within city property and also that any reverse grade driveway would have to be constructed such that it would be split at the property line where no drainage from Richey Crescent would drain onto private property. Our Development Construction Section was also being challenged by reviewing two different grading plans certified by two different consultants, we now have a combined blended grading plan matching the grades between the two properties.

In view of the above we are advising that the applicant has been working with our Development Construction Section for some time in order to address the numerous grading related issues. Acknowledging that a number of our concerns have been addressed we are still working with the applicant to achieve a final approved grading plan. In view of the above and should Committee see merit in the applicant's request we would have no objections to the application provided that the Committee impose a condition of approval which would request that the Transportation and Works Department be in receipt of a Site Grading Plan approved by our Development Construction Section."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

"Please refer to our previous comments and conditions."

An email was received from Mr. M. Bruni of 885 Aviation Road expressing his objections to the applications and advised the Committee to refer back to his objection email of February 10, 2016. He also attached the proposed drawings indicating (on pages 10 and 11) the negative impact created by proposed massing of the buildings and the effect on the views of the lake for passersby and neighbours.

An email was received from Mr H. Benoit of 510 Richey Crescent expressing support for the applications as expressed in their email of November 10, 2015.

An email was received from E. Riddell of 916 Beachwood Avenue expressing her objections to the applications regarding 516 and 518 Richey Crescent.

An email was received from W. & O. Kaschuk of 506 Richey Crescent expressing full support of the applications indicating that the new homes will enhance the area wonderfully.

An email was received from M. & D. Kake of 529 Richey Crescent indicating no objection to the applications.

An email was received from L. Looyenga of 964 Beachwood Avenue expressing support of the applications indicating that the variances requested are appropriate for the neighbourhood and that the applicants should not be penalized for having to abide by zoning regulations intended for 15.24m (50.00ft.) lots. The requested variances would result in an improvement to the existing conditions on the property and have a positive impact to the neighbourhood.

An email was received from A. Seeto of 916 Beachwood Avenue expressing objection to the application. Mr. Seeto does not believe the requested variances are minor in nature; they do not respect the natural environment or the intent of the Zoning By-law. Mr. Seeto indicates that the proposed dwelling is too large for the lot and will negatively impact the surrounding cottage-like character of the neighbourhood.



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Mr. G. Kirton, Planner with the City of Mississauga clarified that any roof having a pitch less than 15.00% would be considered a flat roof. He confirmed the proposed dwelling has a pitched roof.

Mr. K Riddell, property owner at 512 Richey Crescent, attended and presented his objections to the application. Mr. Riddell presented several photographs of the subject property with renderings of the proposed dwellings on 516 and 518 Richey Crescent superimposed to show and explain the various impacts of the proposed dwellings on the neighbourhood. He described the negative impact to the adjacent properties and streetscape with respect to privacy, obstruction of views, blocking of sunlight, maintenance, access and safety issues associated with minimal side yards.

Mr. Riddell explained that the City passed Bylaw 171- 2015 which was recently endorsed by the Ontario Municipal Board to restrict the height of flat roofed homes to 7.50m (24.60ft.) with the intent of preventing the undesirable massing created by flat roofed homes on the streetscape. Mr. Riddell indicated that the applicant has circumvented this Bylaw by adding a pitched roof behind a flat roofed façade. The building from the street has all the negative characteristics of a flat roofed dwelling that the recently passed Bylaw was intending to prevent.

Mr. Riddell indicated that the negative massing of the proposed dwelling is compounded by the proposed setback variances. Mr. Riddell presented a sketch illustrating the Zoning Bylaw requirements versus what the applicant originally requested and what the applicant is currently proposing. He explained that the intent of stepping back the side yard setbacks from one storey to the next is to soften the massing and to protect the views from the street. He stated that the applicant has almost entirely negated these required setbacks.

Mr. Riddell explained that the proposed dwelling's massing from the street is huge and enormous from the lakeside and that the dwelling does not respect the character of the existing neighbourhood, streetscape, of the natural environment. He stated that the requested variances do not meet the intent of the Official Plan policies, Cultural Heritage policies or Zoning Bylaw regulations which specifically speak to protecting and preserving the existing character of this unique area. Mr. Riddell requested that the application be refused.

Mr. P. Farrell, a representative of the Lakeview Ratepayers Association, residing at 608 Montbeck expressed concerns about the proposed development meeting the intent of the Official Plan and Zoning Bylaw. Mr. Farrell recited the Lakeview area built form policies from the Official Plan stating that new development will have minimal impact on adjacent neighbours with respect to overshadowing and overlook. Mr. Farrell also expressed concern with the reduced side yards creating future maintenance challenges and restricting access to the lake by emergency responders.

Ms. F. Campbell of 512 Richey Crescent attended and presented her objection and concerns about the application. Ms. Campbell described the proposed dwelling as being over-sized for such small lot. She indicated that the side yard setback requirements have been completely dismissed by applicants. Ms. Campbell was offended to hear that everyone will eventually need variances when they go to redevelop their properties. She is happy with the size of her home and never intends to request any variances in the future.

Ms. Campbell referenced Goal six (6) of the CVC Strategic Plan 2015-2019 which promotes green infrastructure and low impact development. Ms. Campbell cannot understand how building beyond the maximum allowable permissions adjacent a Greenbelt zone can be considered acceptable. Ms. Campbell also made reference to the Zoning Bylaw passed by City Council and recently endorsed by the OMB which intends to prevent new development (within Ward 1) from creating negative massing impacts associated with three (3) storey flat-roofed homes similar to what is being proposed on the subject property.

Ms. Campbell indicated that the proposed development is situated between two large parks that are used by thousands every day and Richey Crescent acts as a link between them. Pushing the lot coverage beyond the maximum allowable limits will not leave any room for planting new trees to compliment the large mature trees that are prevalent throughout this



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cottage-like neighbourhood. How can this be deemed appropriate along the waterfront trail, asked Ms. Campbell. The Mississauga Official Plan mentions "preserving the character of the neighbourhood" no less than twenty four (24) times. Section 6 speaks to the goals of protecting the natural environment and that "it is imperative that growth not compromise the natural environment."

Ms. Campbell indicated that the subject properties are perched on the edge of the lake and only a few houses away from a river, yet building beyond the allowable permissions of the Zoning By-law is justified by some by deeming the area to be in transition. She referenced Section 6.3.24a of the Official Plan which ensures development adjacent natural heritage systems will protect the natural features and their ecological function through tree preservation and appropriate siting of building envelopes, grading, landscaping and parking. Ms. Campbell explained that the proposed development utterly negates the land it stands on. She thinks it is evident from the numerous deferrals of the applications that Planning Staff have had their reservations to support the requested variances given the issues with overlooking balconies, minimal side yards and landscaping, overshadowing and justifying how a three (3) storey building from the front and four (4) storeys from the rear can be seen as respecting the surrounding one (1) to two (2) storey homes.

Ms. Campbell concluded by stating that redevelopment needs to be smaller and less aggressive and respect the parkland atmosphere and existing cottage-like character of the neighbourhood.

No other persons expressed any interest in the application.

After hearing the comments of the Committee, the Planning and Building Department, the Transportation and Works Department, and the local residents Mr. Broll indicated to the Committee that the applicants went to great lengths to engage the surrounding community and their neighbours with respect their plans and requested variances. The applicants offered the City's mediation services to the immediate neighbours, which unfortunately were not accepted by the neighbours. Mr. Broll clarified that he never recommended that these applications be approved because neighbours in the future will also need variances.

Mr. Broll explained that the R3 zoning on a 7.62m (25.00ft) lot has a wedding cake effect which results in an 8ft wide third storey. Mr. Broll indicated that they are quite familiar with all the Official Plan policies that were mentioned by the neighbours and that the CVC was consulted with and that they are supportive of the requested variances before the Committee. Mr. Broll explained that the applications add more green space than currently exists on the property today. Mr. Broll indicated that the renderings presented are not fully accurate but confirmed the proposed dwellings are 3 storeys tall. He also indicated that the applicants have consulted with Staff to demonstrate that the widths of the proposed side yards are wide enough to provide sufficient access for maintenance equipment and the like. With respect to the waterfront trails and parkland, the proposed developments are entirely within private property and will not affect the waterfront trail connection along Richey Crescent. Mr. Broll reiterated that he still believes that the requested variances meet the land use policies of the Official Plan and requests that the Committee approve the variances before them.

The Committee asked if Mr. Broll had a rendering combining the two proposed dwellings. The Committee was disappointed that given the cooperation of the two owners there wasn't an effort to show the two properties together and their designs are not sympathetic towards each other showing more compatibility.

Mr. Broll commended the applicants for working together on their applications and presenting them to the Committee simultaneously and believes that although the design of each home is very unique, he hopes that the same zone regulations that each must conform to can act to provide the unity the Committee is looking for.

Mr. Broll confirmed that the two proposed dwellings are both designed within the maximum height requirements and have identical front yard setbacks and side yard setbacks to their respective existing adjacent neighbours. Their total Gross Floor Areas may differ by approximately 13.93m² (150.00sq.ft).



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The Committee, after considering the submissions put forward by Mr. Broll and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate development of the subject property.

The Committee realizes this neighbourhood will continue to mature and change over time and also understands the challenges of building a new dwelling on a 7.62m (25.00ft.) lot and that certain variances may be required to accommodate it. It is evident from the illustrations presented that the impact to the neighbourhood is not minor and the variances are not incidental but are rather trying to achieve too much on a lot that is too small to accommodate a dwelling of this magnitude with the proposed variances. The intent of recent changes to the Zoning Bylaw was to eliminate the negative impacts created by three (3) storey flat roofed dwellings which in this instance has not been met but rather circumvented by proposing a pitched roof behind a flat roofed façade.

The Committee does not believe that the requested variances in this instance preserve or respect the existing character of a very sensitive and unique neighbourhood based on the Official Plan policies, Local Area Plan policies, the Zoning By-law, and the negative impact to the surrounding community.

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

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

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

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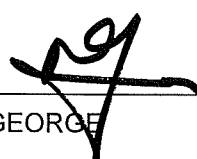
Application Refused.

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

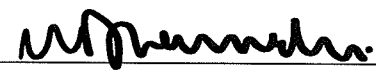
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 11, 2016**.


Date of mailing is April 25, 2016.


S. PATRIZIO (CHAIR)

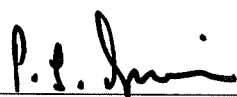

D. GEORGE

DISSENTED
J. ROBINSON


D. KENNEDY


J. PAGE

DISSENTED
D. REYNOLDS


P. QUINN

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

TIBOR URAC & WANDA BOGOROS

on Thursday, April 14, 2016

Tibor Urac & Wanda Bogoros are the owners of 518 Richey Crescent being part of Lot 28, Registered Plan C-19, zoned R3 – Residential & G1 - Greenbelt. The applicants request the Committee to authorize a minor variance to permit the construction of a new three storey dwelling on the subject property proposing:

1. a front yard of 6.17m (20.24ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
2. a westerly interior side yard of 0.61m (2.00ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance,
3. an easterly interior side yard of 0.91m (2.99ft.) to the first and second storey and 1.20m (3.93ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance,
4. a soft landscape area of 31.00% of the front yard; whereas By-law 0225-2007, as amended, requires a minimum soft landscape area of 40.00% of the front yard in this instance; and,
5. a lot coverage of 41.00% of the lot area, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

On February 11, 2016, Mr. G. Broll, of Glen Schnarr & Associates Inc., authorized agent, attended and requested that the application be deferred to allow him an opportunity to continue having discussions with Planning staff and to further revise their design.

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

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

"Recommendation

The Planning and Building Department has no objections to variances # 1, #3, and #4, however we recommend that variance #2 be refused. Additionally, we advise that without the benefit of a Building Permit we are unable to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I, Greenbelt

Zoning By-law 0225-2007

Zoning: R3 (Residential) & G1 (Greenbelt)

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. Alternatively, in order to confirm the accuracy of the requested variance, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

Applications for 516 and 518 Richey Crescent were previously heard at Committee on November 19th, 2015. At that time the current application 'A' 390/15 for 516 Richey Crescent was deferred and application, 'A' 389/15, for 518 Richey was refused. A new application has been submitted under file 'A' 45/16 for 518 Richey with revised variances.

The applicant's revised proposal has eliminated the height variance by adding a slight slope to the roof, although the actual height of the dwelling remains relatively unchanged. Additionally, the variance for the balcony above the garage has been eliminated. In addition to our previous concerns with those two items, we recommended that a redesign should be done to increase the side yard setbacks to address massing impacts.

Since the November 19th, 2015 Committee hearing, staff have been in conversation with the agent for the applicant to try to reach an acceptable alternate design to maintain an appropriate streetscape and mitigate impacts to neighbouring properties. Staff suggested that the applicant should consider removing the third storey of the dwelling in conjunction with increasing the side yard setbacks on at least one side.

We recognize that a lot with a frontage of 7.62 m (25.00 ft.) poses challenges and would be very difficult to develop without the need for minor variances, however in this instance the proposal is well beyond minor, in our opinion, and represents overdevelopment of the lots. Staff looked into previous variances within the City for dwellings on lots with the same frontage and found that a single storey bungalow was the prevailing built form on this size of lot; the setbacks to additional storey's are intended to provide additional separation distance from neighbouring properties and limit the massing impacts to adjacent dwellings. The predominant character of homes within this area is a mix of bungalows and modest two storey dwellings, with the exception of a similar three storey dwelling across the street. However, this dwelling provides larger side yard setbacks with lower lot coverage, on a slightly larger lot.

In this instance, the requested variances for side yard setbacks will create a large, flat wall with significant massing impacts on either side at a 0.81 m (2.65 ft.) setback whereas 2.42 m (7.93 ft.) would be required at the third storey. Given the narrow width of the lot, a livable space may be difficult to create on the third storey while respecting the required setbacks; however, it is our opinion that dwellings should be scaled to an appropriate size relative to the size of the lot they are to be built on.

The requested front yard setback variance is in keeping with the general character of the street line and is, in our opinion minor in nature.



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The front yard landscaping area has increased significantly from the original proposal and is a reasonable request based on the size of the lot, which also represents and improvement on existing conditions, in our opinion.

The lot coverage increase of 7% is required because a portion of the property that is zoned greenbelt near the lakefront is not included in the calculation when calculating the permitted coverage. If this area were to be included it would likely be in compliance, or very close to compliance; setbacks from the greenbelt lands have also been maintained.

Based on the preceding information, the Planning and Building Department has no objection to variances # 1, #3, and #4, however we recommend that variance #2 be refused. Additionally, we advise that without the benefit of a Building Permit we are unable to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (February 4, 2016):

"Information submitted with this application indicates that the applicant is requesting a side yard setback of 0.60m (2.0 ft.) whereas a minimum side yard width of 1.20m (3.93 ft.) is required in this instance. Acknowledging that any Transportation and Works Department concerns/requirements for this property can be addressed through the Building Permit Process, we are concerned with the granting of this reduction in side yard setback variance prior to our Development Construction Section having first approved a Grading Plan for this property which has been certified by a Consulting Engineer which demonstrates that the proposed reduced setback will be functional.

We are also noting from the information submitted that the applicant is proposing a reverse grade driveway. This department strongly discourages and is typically not supportive of reverse grade driveways unless satisfactory arrangements have been made with our Development Construction Section with regards to satisfying various conditions/requirements which would be applicable to approving a reverse grade driveway. It should also be acknowledged that any proposal for a reverse grade driveway is evaluated on a site by site basis and to date we are advising that our Development Construction Section has not issued any approvals for the subject property.

In view of our concerns relating to the reduced setbacks and the proposed reverse grade driveway we would strongly request that this application be deferred until such time that our Development Construction Section has had an opportunity to further review the proposal in detail and then advises that the Transportation and Works Department would be in support of both the reduction in the proposed side yard setback and the reverse grade driveway proposed for this property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 8, 2016):

"Regional staff have reviewed the application and understand that the applicant proposes to construct a 3-storey residential dwelling on an existing lot of record. The subject land is partially regulated by Credit Valley Conservation (CVC) under O. Reg. 160/06 due to the Lake Ontario Regulatory Shoreline. The Region relies on the technical expertise of CVC staff for the review of development applications located adjacent to natural hazards. Regional staff request that the Committee consider comments from CVC and incorporate their comments appropriately."

"This property is within the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is catalogued by the MOECC as #7068."

"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 Ministry of Transportation commented as follows:

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

An e-mail was received from F. Gora, resident at 893 Beechwood Avenue, expressing support for the application.

An e-mail was received from R. Joyce and M. Wolfe, property owners at 934 Beechwood Avenue, expressing support for the application.

An e-mail was received from W. Kaschuk, property owner at 506 Richey Crescent, expressing support for the application.

A letter was received from H. and B. Benoit, residents at 510 Richey Crescent since 1969, expressing their strong support for the application and noting their comments.

An e-mail was received from E. Delone, property owner at 954 Beechwood Avenue, expressing support for the application.

A letter was received from A. Joseph, property owner at 963 Beechwood Avenue, expressing opposition to the application.

An e-mail was received from M. and D. Kake, of 529 Richey Crescent, expressing no objections to the application.

A letter was received from K. Riddell, property owner at 512 Richey Crescent, expressing objection to the application and requesting that the applicant construct a dwelling in accordance with the By-law.

A letter was received from F. Campbell, property owner at 512 Richey Crescent, expressing objection to the application and requesting that the applicant construct a dwelling in accordance with the By-law.

An e-mail was received from L. Pejsa, resident at 953 Beechwood Avenue, expressing support for the application.

An e-mail was received from M. and P. Leigh, residents at 492 Richey Crescent since 1977, expressing support for the application.

A submission was received from C. Wennerstrom, property owner at 516 Richey Crescent, providing copies of letters of support from neighbours at 945, 872, 906, 934, 952, 958, 904, 970, 967, 869, 887, 893, 913, 923, 868, 909, 917, 933, 882, 954, 962, 949, 864, 929, 937, 898, 941, 883, 953, & 945 Beechwood Avenue, 502, 519, 529, 506, 496, 492, 518, 522, and 516 Richey Crescent.

Letters of objection were received from the property owners at 899 and 873 Beechwood Avenue.

An e-mail was received from L. Looyenga & L. Bom, ratepayers for 964 Beechwood Avenue, expressing support for the application.

An e-mail was received from M. Bruni, property owner at 885 Aviation Road, expressing opposition to the application and noting his comments and concerns.

Letters expressing opposition to the application were received from 933 and 916 Beechwood Avenue.

No other persons expressed any interest in the application.

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

On April 14, 2016 Mr. G. Broll of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit the construction of a new three (3) storey dwelling on the subject property. Mr. Broll indicated that this application was previously deferred to allow the applicant's time to revise their drawings and address comments received from local residents, City Staff and Councillor Tovey.

Mr. Broll presented an aerial image identifying the location of the subject property which backs onto the shore of Lake Ontario. He described the lot having a lot frontage of 7.62m (25.00ft.), a depth of 37.20m (122.04ft.) and a lot area of 283.50m² (3051.66sq.ft.) and that it is primarily subject to the requirements of the R3, Residential zone which is a zone that typically regulates 50ft. lots. Mr. Broll indicated that the lot extends out into Lake Ontario which presents some challenges to meet zoning requirements because only the R3 zoned portion of lands are considered developable.

Mr. Broll presented a site plan of the subject property which also included the building footprints of the adjacent properties. He highlighted the proposed building footprint, landscaped area, the existing wooden deck, the high-water line of Lake Ontario, and the driveway area. Mr. Broll continued by identifying on the site plan the five (5) requested variances. He explained that the setback requirements of the Greenbelt zone and the CVC regulations governing the rear of the property push the dwelling towards the front of the property while the City zoning requirements do the opposite; resulting in the requested front yard variance (#1) of 6.17m (20.24ft.) compared to the approximately 0.30m (1.00ft.) front yard which exists today. Mr. Broll identified the two (2) requested side yard variances (#2 & #3) and explained that the easterly side yards to the first, second and third storeys were increased since the last hearing in response to the interests of the adjacent neighbour. He highlighted the soft landscape areas on either side of the driveway totalling 31.00% of the front yard area (variance #4). Mr. Broll identified the requested lot coverage variance (#5) of 41.00% which is calculated on the area of the R3 zoned lands only and not the entire lot area.

Mr. Broll continued by presenting a summary of the key design considerations such as flat roof vs. pitched roof, different types of massing and built form which stemmed from consultations with Planning Staff. The resultant design of the proposed dwelling conforms to the height restrictions of the Zoning By-law. The side yard setbacks between the two proposed dwellings at 516 and 518 Richey Crescent have been reduced to allow larger side yard setbacks adjacent the existing neighbouring properties and dwellings. Mr. Broll observed that other properties in the area have front yard setbacks that vary significantly and that the side yard setbacks are not indicative of typical R3 zoned properties. He explained that the proposed lot coverage of 41.00% is more consistent with the lot coverage requirements of the R5 or RM2 zones which typically regulate smaller 9.75m (32.00ft.) lots similar to the subject (25.00ft.) lot and would permit lot coverages between 40.00% and 45.00%. Similarly the proposed landscape area of 31.00% is more consistent with the requirements of an R5 zone which requires 30% soft landscaped area.

Mr. Broll presented the proposed front elevation rendering illustrating a more traditional design with a pitched roof, using details such as cornices to accentuate the architecture of the façade in contrast to the more modern design of the adjacent proposal at 516 Richey. He indicated that the grading of the property slopes down from the front towards the rear of the property which results in an at-grade walk-out to the backyard from the basement level. The main floor is than higher than usual which is where the kitchen, living and dining rooms are located. On the second floor are two bedrooms and the master bedroom is on the third floor which has been set back from the elevation of the second floor.

Mr. Broll indicated that it was important for his clients to receive neighbourhood approval on their applications given the community's sensitivity to redevelopment in this area. His clients canvassed their neighbourhood presenting their plans to the local residents to gain their support. Mr. Broll presented a local street map showing property owners that have no objection and those that do not support the applications.

Mr. Broll concluded by stating that the requested variances are considered minor in nature, they meet the intent of the Official Plan and Zoning By-law and the proposed dwelling is appropriate and respects the existing character of the neighbourhood as best as possible. Mr. Broll requested that the Committee approve the application.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application 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 I, Greenbelt

Zoning By-law 0225-2007

Zoning: R3 (Residential) & G1 (Greenbelt)

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. In order to confirm the accuracy of the requested variances, the applicant may wish to apply for a Pre-Zoning Review application and submit working drawings.

Planning

The applicant has been working with the Planning and Building Department over a number of months and multiple deferrals to modify their proposal. Lots with frontages of 7.62 m (25.00 ft.) with a zoning of R3 present challenges for re-development. The provisions of the R3 zone are more suited to larger lot sizes than historical cottage style lots. The applicant has proposed to change their design to a partial third storey, from the previously applied for full third storey, which decreases the massing impacts and visual appearance from the street. The third storey, which is permitted as of right and meets the Zoning By-law height requirements, has been pushed back significantly from the front of the dwelling as well as setback an additional 0.30 m (1.00 ft.) from the side lot lines, on the westerly side of 516 Richey and the easterly side of 518 Richey. The third storeys are setback from the front walls of the dwellings far enough that, from eye level at the street, the massing appearance will generally be that of a two storey dwelling.

The applicant has modified variance #2 to provide a slightly larger westerly side yard setback for 516 Richey and easterly side yard setback for 518 Richey. In conjunction with the increased setback for the third storey and the redesign to a partial third storey, the Department is of the opinion that the requested variance #2 is appropriate in this instance.



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Similar variances were approved across the street at 519 Richey, a full three storey dwelling. Both Richey Crescent and Beechwood Avenue have been undergoing redevelopment on a number of lots, of varying size, from historic cottage style housing to large modern dwellings; similarly, the larger neighbourhood context has experienced significant redevelopment on a variety of lot sizes with a variety of housing styles.

Variance #1 requests a reduced front yard setback that is consistent with other properties on the street, and is required as a result of pushing the house forward slightly to meet setbacks from greenbelt lands adjacent to the lake.

The soft landscaping area of 31% requested in variance #3 is improved upon what was originally requested and is an appropriate amount given the frontage of the lot and the need to fit a driveway within the front yard.

The requested lot coverage increase is a result of the greenbelt lands to the rear of the property not being included in the calculation. In this instance, the greenbelt lands make up a large portion of the lakefront portion of the lot and should be considered when assessing the impact of increased lot coverage.

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 to apply for the required Building Permit's 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 (April 7, 2016):

"As Committee is aware the Transportation and Works Department has previously indicated grading and drainage related concerns with the proposal, specifically relating to the reduction in side yard setbacks and also the proposed reverse grade driveway. Further to our previous comments the applicant has been working with Transportation and Works Department staff with regards to achieving an acceptable Site Grading Plan which would give us a comfort level to allow the requested variances to proceed. Our Development Construction Section has identified a number of issues in reviewing the proposal, a number of the issues have been addressed and a few are in the process of being addressed. With regards to our previous concerns with the reverse grade driveway we are now requesting that a driveway drain be considered to gravity drain the driveway at the garage slabs and into the side yard flowing to the rear of the property. We have also addressed issues such as a retaining wall which was previously being proposed within city property and also that any reverse grade driveway would have to be constructed such that it would be split at the property line where no drainage from Richey Crescent would drain onto private property. Our Development Construction Section was also being challenged by reviewing two different grading plans certified by two different consultants, we now have a combined blended grading plan matching the grades between the two properties.

In view of the above we are advising that the applicant has been working with our Development Construction Section for some time in order to address the numerous grading related issues. Acknowledging that a number of our concerns have been addressed we are still working with the applicant to achieve a final approved grading plan. In view of the above and should Committee see merit in the applicant's request we would have no objections to the application provided that the Committee impose a condition of approval which would request that the Transportation and Works Department be in receipt of a Site Grading Plan approved by our Development Construction Section."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 8, 2016):

"Please refer to our previous comments and conditions."

An email was received from A. Seeto of 916 Beachwood Avenue expressing objection to the application. Mr. Seeto does not believe the requested variances are minor in nature; they do not respect the natural environment or the intent of the Zoning By-law. Mr. Seeto



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indicates that the proposed dwelling is too large for the lot and will negatively impact the surrounding cottage-like character of the neighbourhood.

An email was received from W. & O. Kaschuk of 506 Richey Crescent expressing full support of the applications indicating that the new homes will enhance the area wonderfully.

An email was received from M. & D. Kake of 529 Richey Crescent indicating no objection to the applications.

An email was received from L. Looyenga of 964 Beachwood Avenue expressing support of the applications indicating that the variances requested are appropriate for the neighbourhood and that the applicants should not be penalized for having to abide by zoning regulations intended for 15.24m (50.00ft.) lots. The requested variances would result in an improvement to the existing conditions on the property and have a positive impact to the neighbourhood.

Mr. G. Kirton, Planner with the City of Mississauga clarified that any roof having a pitch less than 15.00% would be considered a flat roof. He confirmed the proposed dwelling has a pitched roof.

Mr. K Riddell, property owner at 512 Richey Crescent, attended and presented his objections to the application. Mr. Riddell presented several photographs of the subject property with renderings of the proposed dwellings on 516 and 518 Richey Crescent superimposed to show and explain the various impacts of the proposed dwellings on the neighbourhood. He described the negative impact to the adjacent properties and streetscape with respect to privacy, obstruction of views, blocking of sunlight, maintenance, access and safety issues associated with minimal side yards.

Mr. Riddell explained that the City passed Bylaw 171- 2015 which was recently endorsed by the Ontario Municipal Board to restrict the height of flat roofed homes to 7.50m (24.60ft.) with the intent of preventing the undesirable massing created by flat roofed homes on the streetscape. Mr. Riddell indicated that the applicant has circumvented this Bylaw by adding a pitched roof behind a flat roofed façade. The building from the street has all the negative characteristics of a flat roofed dwelling that the recently passed Bylaw was intending to prevent.

Mr. Riddell indicated that the negative massing of the proposed dwelling is compounded by the proposed setback variances. Mr. Riddell presented a sketch illustrating the Zoning Bylaw requirements versus what the applicant originally requested and what the applicant is currently proposing. He explained that the intent of stepping back the side yard setbacks from one storey to the next is to soften the massing and to protect the views from the street. He stated that the applicant has almost entirely negated these required setbacks.

Mr. Riddell explained that the proposed dwelling's massing from the street is huge and enormous from the lakeside and that the dwelling does not respect the character of the existing neighbourhood, streetscape, of the natural environment. He stated that the requested variances do not meet the intent of the Official Plan policies, Cultural Heritage policies or Zoning Bylaw regulations which specifically speak to protecting and preserving the existing character of this unique area. Mr. Riddell requested that the application be refused.

Mr. P. Farrell, a representative of the Lakeview Ratepayers Association, residing at 608 Montbeck expressed concerns about the proposed development meeting the intent of the Official Plan and Zoning Bylaw. Mr. Farrell recited the Lakeview area built form policies from the Official Plan stating that new development will have minimal impact on adjacent neighbours with respect to overshadowing and overlook. Mr. Farrell also expressed concern with the reduced side yards creating future maintenance challenges and restricting access to the lake by emergency responders.

Ms. F. Campbell of 512 Richey Crescent attended and presented her objection and concerns about the application. Ms. Campbell described the proposed dwelling as being



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over-sized for such small lot. She indicated that the side yard setback requirements have been completely dismissed by applicants. Ms. Campbell was offended to hear that everyone will eventually need variances when they go to redevelop their properties. She is happy with the size of her home and never intends to request any variances in the future.

Ms. Campbell referenced Goal six (6) of the CVC Strategic Plan 2015-2019 which promotes green infrastructure and low impact development. Ms. Campbell cannot understand how building beyond the maximum allowable permissions adjacent a Greenbelt zone can be considered acceptable. Ms. Campbell also made reference to the Zoning Bylaw passed by City Council and recently endorsed by the OMB which intends to prevent new development (within Ward 1) from creating negative massing impacts associated with three (3) storey flat-roofed homes similar to what is being proposed on the subject property.

Ms. Campbell indicated that the proposed development is situated between two large parks that are used by thousands every day and Richey Crescent acts as a link between them. Pushing the lot coverage beyond the maximum allowable limits will not leave any room for planting new trees to compliment the large mature trees that are prevalent throughout this cottage-like neighbourhood. How can this be deemed appropriate along the waterfront trail, asked Ms. Campbell. The Mississauga Official Plan mentions "preserving the character of the neighbourhood" no less than twenty four (24) times. Section 6 speaks to the goals of protecting the natural environment and that "it is imperative that growth not compromise the natural environment."

Ms. Campbell indicated that the subject properties are perched on the edge of the lake and only a few houses away from a river, yet building beyond the allowable permissions of the Zoning By-law is justified by some by deeming the area to be in transition. She referenced Section 6.3.24a of the Official Plan which ensures development adjacent natural heritage systems will protect the natural features and their ecological function through tree preservation and appropriate siting of building envelopes, grading, landscaping and parking. Ms. Campbell explained that the proposed development utterly negates the land it stands on. She thinks it is evident from the numerous deferrals of the applications that Planning Staff have had their reservations to support the requested variances given the issues with overlooking balconies, minimal side yards and landscaping, overshadowing and justifying how a three (3) storey building from the front and four (4) storeys from the rear can be seen as respecting the surrounding one (1) to two (2) storey homes.

Ms. Campbell concluded by stating that redevelopment needs to be smaller and less aggressive and respect the parkland atmosphere and existing cottage-like character of the neighbourhood.

No other persons expressed any interest in the application.

After hearing the comments of the Committee, the Planning and Building Department, the Transportation and Works Department, and the local residents Mr. Broll indicated to the Committee that the applicants went to great lengths to engage the surrounding community and their neighbours with respect their plans and requested variances. The applicants offered the City's mediation services to the immediate neighbours, which unfortunately were not accepted by the neighbours. Mr. Broll clarified that he never recommended that these applications be approved because neighbours in the future will also need variances.

Mr. Broll explained that the R3 zoning on a 7.62m (25.00ft) lot has a wedding cake effect which results in an 8ft wide third storey. Mr. Broll indicated that they are quite familiar with all the Official Plan policies that were mentioned by the neighbours and that the CVC was consulted with and that they are supportive of the requested variances before the Committee. Mr. Broll explained that the applications add more green space than currently exists on the property today. Mr. Broll indicated that the renderings presented are not fully accurate but confirmed the proposed dwellings are 3 storeys tall. He also indicated that the applicants have consulted with Staff to demonstrate that the widths of the proposed side yards are wide enough to provide sufficient access for maintenance equipment and the like. With respect to the waterfront trails and parkland, the proposed developments are entirely within private property and will not affect the waterfront trail connection along Richey Crescent. Mr. Broll reiterated that he still believes that the requested variances meet the



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land use policies of the Official Plan and requests that the Committee approve the variances before them.

The Committee asked if Mr. Broll had a rendering combining the two proposed dwellings. The Committee was disappointed that given the cooperation of the two owners there wasn't an effort to show the two properties together and their designs are not sympathetic towards each other showing more compatibility.

Mr. Broll commended the applicants for working together on their applications and presenting them to the Committee simultaneously and believes that although the design of each home is very unique, he hopes that the same zone regulations that each must conform to can act to provide the unity the Committee is looking for.

Mr. Broll confirmed that the two proposed dwellings are both designed within the maximum height requirements and have identical front yard setbacks and side yard setbacks to their respective existing adjacent neighbours. Their total Gross Floor Areas may differ by approximately 13.93m² (150.00sq.ft).

The Committee, after considering the submissions put forward by Mr. Broll and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate development of the subject property.

The Committee realizes this neighbourhood will continue to mature and change over time and also understands the challenges of building a new dwelling on a 7.62m (25.00ft.) lot and that certain variances may be required to accommodate it. It is evident from the illustrations presented that the impact to the neighbourhood is not minor and the variances are not incidental but are rather trying to achieve too much on a lot that is too small to accommodate a dwelling of this magnitude with the proposed variances. The intent of recent changes to the Zoning Bylaw was to eliminate the negative impacts created by three (3) storey flat roofed dwellings which in this instance has not been met but rather circumvented by proposing a pitched roof behind a flat roofed façade.

The Committee does not believe that the requested variances in this instance preserve or respect the existing character of a very sensitive and unique neighbourhood based on the Official Plan policies, Local Area Plan policies, the Zoning By-law, and the negative impact to the surrounding community.

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

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

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


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

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

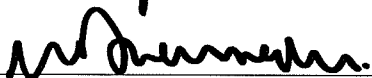
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 11, 2016**.

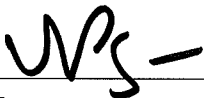
Date of mailing is April 25, 2016.


S. PATRIZIO (CHAIR)



D. GEORGE

DISSENTED
J. ROBINSON



D. KENNEDY


J. PAGE

DISSENTED
D. REYNOLDS


P. QUINN

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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