

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: APRIL 21, 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	Wa	Disposition
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NEW APPLICATIONS - (CONSENT)

B-27/16	K.S.P.HOLDINGS INC./GESTION K.S.P. INC.	7450 TORBRAM RD	5	Approved
B-28/16	REAL ALLOY CANADA LTD.	7496 TORBRAM RD	5	Approved
B-29/16	CRISTINA MASTRANTONI	140 HIGH ST W	1	Approved
B-30/16	GAIL CRUIKSHANK	146 HIGH ST W	1	Approved
B-31/16	GAIL CRUIKSHANK	146 HIGH ST W	1	Approved
B-32/16	CORTLEIGH PROPERTIES INC.	148 HIGH ST W	1	Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-147/16	MOTHER PARKER'S TEA & COFFEE INC.	2530 STANFIELD RD	1	Approved
A-148/16	MAVUNGAL KRISHNAPILL RAJESHLAL	253 FAIRVIEW RD W	7	May 5
A-149/16	LISGAR DEVELOPMENT LTD	1684 LAKESHORE RD W	2	Approved
A-150/16	EVA KIRSH, DIMITROS KOSMOS AND BOB PASSIOS	80 LAKESHORE RD E	1	Approved
A-151/16	KERAVA GROVE ESTATES INC	3672 KARIYA DR	7	Approved 5 Years
A-152/16	MONIKA & PIOTR KAMYCKI	2171 HILLFIELD CRT	7	Approved
A-153/16	1482125 ONTARIO LTD.	121 LAKESHORE RD W	1	Approved
A-154/16	1512410 ONTARIO INC.	104 LAKESHORE RD E	1	Approved
A-155/16	MICHAEL ALI	945 AVIATION RD	1	May 19
A-156/16	STEPTTEK INC.	263 QUEEN ST S	11	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-452/15	DIG & MKG HOLDINGS INC.	6860 REXWOOD RD	5	Sept. 15 (Peremptory)
A-123/16	AMIRALLI & SHEHENAZ MANJI	107 SWANHURST BLVD	1	Approved

COMMITTEE OF ADJUSTMENT

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

K.S.P.HOLDINGS INC./GESTION K.S.P. INC.

on Thursday, April 21, 2016

K.S.P.Holdings Inc. / Gestion K.S.P. Inc. is the owner of 7450 Torbram Road being Part of Lot 13, Registered Plan 43-R31447, zoned E3, Employment. The applicant requests the consent of the Committee for the creation of an easement for water meter and water line purposes. The proposed easement is in favour of the lands to the north of the subject property, municipally known as 7496 Torbram Road.

Mr. M. Gatien, Barrister & Solicitor and authorized agent, attended and presented the application. Mr. Gatien presented a site plan for the Committee's review and consideration indicating that approval is being requested for an easement for water meter and water line purposes. He explained that when Torbram Road was reconstructed, the water line was positioned in a different location. The intent of the subject application is to appropriately define the location.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (April 15, 2016),
City of Mississauga, Transportation and Works Department (April 14, 2016),
Region of Peel, Environment, Transportation & Planning Services (April 18, 2016)

No other persons expressed any interest in the application.

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

The Committee, after considering the submissions put forward by Mr. Gatien, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, Transportation Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 18, 2016.
3. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 27/16 and "B" 28/16.



File: "B" 027/16
WARD 5

MOVED BY: J. Robinson

SECONDED BY: P. Quinn

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on April 28, 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 22, 2016**.

Date of mailing is May 2, 2016.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

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 28, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 2, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

REAL ALLOY CANADA LTD.

on Thursday, April 21, 2016

Real Alloy Canada Ltd. is the owner of 7496 Torbram Road being Part of Lot 13, Registered Plan 43-R22089, zoned E3, Employment. The applicant requests the consent of the Committee for the creation of an easement for water meter and water line purposes. The proposed easement is in favour of the lands to the south of the subject property, municipally known as 7450 Torbram Road.

Mr. M. Gatien, Barrister & Solicitor and authorized agent, attended and presented the application. Mr. Gatien presented a site plan for the Committee's review and consideration indicating that approval is being requested for an easement for water meter and water line purposes. He explained that when Torbram Road was reconstructed, the water line was positioned in a different location. The intent of the subject application is to appropriately define the location.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (April 15, 2016),
City of Mississauga, Transportation and Works Department (April 14, 2016),
Region of Peel, Environment, Transportation & Planning Services (April 18, 2016)

No other persons expressed any interest in the application.

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

The Committee, after considering the submissions put forward by Mr. Gatien, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, Transportation Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 18, 2016.
3. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 27/16 and "B" 28/16.



File: "B" 028/16
WARD 5

MOVED BY: J. Robinson

SECONDED BY: P. Quinn

CARRIED

Application Approved, on conditions as stated.

at the City of Mississauga on April 28, 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 22, 2016**.

Date of mailing is May 2, 2016.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

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 28, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 2, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

CRISTINA MASTRANTONI

on Thursday, April 21, 2016

Cristina Mastrantoni is the owner of 140 High Street West being Lot 46, Plan G-22, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 0.86m (2.82ft.) and an area of approximately 30.64m² (329.81sq.ft.) for the purpose of a lot addition. The effect of the application is to merge the conveyed lands with the adjacent lands to the south (146 High Street).

Consent applications Files, 'B' 029/16 to 'B' 032/16 inclusive are being considered concurrently for boundary adjustments for Lots 44, 45, & 46, Plan G-22 to create five (5) lots for Residential purposes.

Mr. B. Wallace, of Archaus Architects Inc., authorized agent, attended and presented the application. He advised that concurrent applications (Reference 'B' 29 – 32/16) have been submitted to request approval to allow boundary adjustments to the existing three (3) lots to create five (5) new lots for Residential purposes. Mr. Wallace presented a site plan for the Committee's review and consideration. He explained that a single family dwelling will be constructed on the corner lot and semi-detached dwellings will be constructed on the interior lots.

Mr. Wallace indicated that the existing dwellings will be demolished and replaced with new structures. He advised that each of the newly created lots will comply with the Zoning By-law requirements for area and frontage. Mr. Wallace indicated that no minor variance applications are required or anticipated noting that the proposed dwellings will be constructed in accordance with the Zoning By-law.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (April 19, 2016),
City of Mississauga, Transportation and Works Department (April 14, 2016),
City of Mississauga, Community Services Department (April 19, 2016),
Region of Peel, Environment, Transportation & Planning Services (April 18, 2016).

A letter was received from C. Haneke, property owner at 21 Benson Avenue, expressing opposition to the application and noting his concerns.

Ms. W. Campbell, property owner at 24 Harrison Avenue, attended and expressed her opposition to the applications and noted her concerns with respect to intensification and the impacts on the neighbourhood with respect to traffic and congestion. She advised that many of the lots are being purchased by developers or builders who wish to construct dwellings that exceed the limits imposed by the Zoning By-law with respect to size and height. She requested that the applicant provide more details with respect to the appearance of the proposed dwellings.

No other persons expressed any interest in the application.

Mr. Wallace advised that he understands the neighbour's concerns with respect to the type of dwelling proposed for the lots; however, no plans are available at this time. He indicated that architectural styles differ and are opinion based. He confirmed that the proposed dwellings will be constructed in accordance with the Zoning By-law requirements. He noted that they will not be seeking any minor variances for the lots.

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

The Committee, after considering the submissions put forward by Mr. Wallace, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the proposed lots, as reconfigured, comply with the Zoning By-law and further noted that the applicant has not requested any minor variances. They advised that the character of the neighbourhood is evolving and the proposed lot reconfigurations suit the neighbourhood.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "resultant" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 14, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 19, 2016. (Re: Street Trees & Hoarding)
6. Subsection 50(3) and/or 50(5) of the *Planning Act*, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.
7. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the *Planning Act*, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc. (The resultant parcel is the "severed" land and the land to which the "severed" land is to be merged).

8. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the *Planning Act*, is affixed, the "severed" land and the abutting land shall be held in identical ownership.
9. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 029/16 to "B" 032/16.

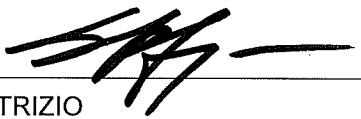
MOVED BY: J. Page SECONDED BY: D. Reynolds CARRIED

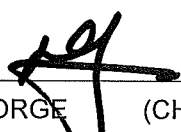
Application Approved, on conditions as stated.

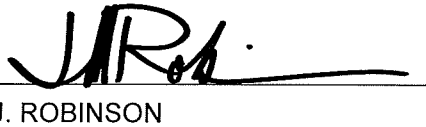
Dated at the City of Mississauga on April 28, 2016.

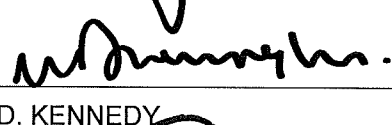
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Date of mailing is May 2, 2016.


S. PATRIZIO


D. GEORGE (CHAIR)


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 2, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

GAIL CRUIKSHANK

on Thursday, April 21, 2016

Gail Cruikshank is the owner of 146 High Street West being Lot 45, Plan G-22, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 7.34m (24.08ft.) and an area of approximately 242.60m² (2,611.41sq.ft.) for the purpose of the creation of a new lot for Residential purposes.

Consent applications Files, 'B' 029/16 to 'B' 032/16 inclusive are being considered concurrently for boundary adjustments for Lots 44, 45, & 46, Plan G-22 to create five (5) lots for Residential purposes.

Mr. B. Wallace, of Archaus Architects Inc., authorized agent, attended and presented the application. He advised that concurrent applications (Reference 'B' 29 – 32/16) have been submitted to request approval to allow property boundary adjustments to the existing three (3) lots to create five (5) new lots for Residential purposes. Mr. Wallace presented a site plan for the Committee's review and consideration. He explained that a single family dwelling will be constructed on the corner lot and semi-detached dwellings will be constructed on the interior lots.

Mr. Wallace indicated that the existing dwellings will be demolished and replaced with new structures. He advised that each of the newly created lots will comply with the Zoning By-law requirements for area and frontage. Mr. Wallace indicated that no minor variance applications are required or anticipated noting that the proposed dwellings will be constructed in accordance with the Zoning By-law.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (April 19, 2016),
City of Mississauga, Transportation and Works Department (April 14, 2016),
City of Mississauga, Community Services Department (April 19, 2016),
Region of Peel, Environment, Transportation & Planning Services (April 18, 2016).

A letter was received from C. Haneke, property owner at 21 Benson Avenue, expressing opposition to the applications and noting his concerns.

Ms. W. Campbell, property owner at 24 Harrison Avenue, attended and expressed her opposition to the applications and noted her concerns with respect to intensification and the impacts on the neighbourhood with respect to traffic and congestion. She advised that many of the lots are being purchased by developers or builders who wish to construct dwellings that exceed the limits imposed by the Zoning By-law with respect to size and height. She requested that the applicant provide more details with respect to the appearance of the proposed dwellings.

No other persons expressed any interest in the application.

Mr. Wallace advised that he understands the neighbour's concerns with respect to the type of dwelling proposed for the lots; however, no plans are available at this time. He indicated that architectural styles differ and are opinion based. He confirmed that the proposed dwellings will be constructed in accordance with the Zoning By-law requirements. He noted that they will not be seeking any minor variances for the lots.

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

The Committee, after considering the submissions put forward by Mr. Wallace, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the proposed lots, as reconfigured, comply with the Zoning By-law and further noted that the applicant has not requested any minor variances. They advised that the character of the neighbourhood is evolving and the proposed lot reconfigurations suit the neighbourhood.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 14, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 19, 2016. (Re: Street Trees & Hoarding)
6. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 029/16 to "B" 032/16.

MOVED BY: J. Page

SECONDED BY: D. Reynolds

CARRIED

Application Approved, on conditions as stated.

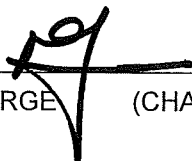
Dated at the City of Mississauga on April 28, 2016.

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 22, 2016**.

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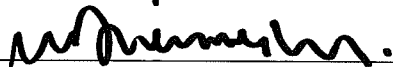


S. PATRIZIO

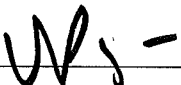


D. GEORGE (CHAIR)

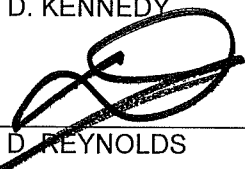
J. ROBINSON



D. KENNEDY



J. PAGE



D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

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of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

GAIL CRUIKSHANK

on Thursday, April 21, 2016

Gail Cruikshank is the owner of 146 High Street West being Lot 45, Plan G-22, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 1.60m (5.24ft.) and an area of approximately 49.20m² (529.60sq.ft.) for the purpose of a lot addition. The effect of the application is to merge the conveyed lands with the adjacent lands to the south (144 High Street).

Consent applications Files, 'B' 029/16 to 'B' 032/16 inclusive are being considered concurrently for boundary adjustments for Lots 44, 45, & 46, Plan G-22 to create five (5) lots for Residential purposes.

Mr. B. Wallace, of Archaus Architects Inc., authorized agent, attended and presented the application. He advised that concurrent applications (Reference 'B' 29 – 32/16) have been submitted to request approval to allow property boundary adjustments to the existing three (3) lots to create five (5) new lots for Residential purposes. Mr. Wallace presented a site plan for the Committee's review and consideration. He explained that a single family dwelling will be constructed on the corner lot and semi-detached dwellings will be constructed on the interior lots.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "resultant" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 14, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 19, 2016. (Re: Street Trees & Hoarding)
6. Subsection 50(3) and/or 50(5) of the *Planning Act*, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.
7. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the *Planning Act*, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc. (The resultant parcel is the "severed" land and the land to which the "severed" land is to be merged).

8. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the *Planning Act*, is affixed, the "severed" land and the abutting land shall be held in identical ownership.
9. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 029/16 to "B" 032/16.


MOVED BY: J. Page SECONDED BY: D. Reynolds CARRIED

Application Approved, on conditions as stated.


Dated at the City of Mississauga on April 28, 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 22, 2016**.

Date of mailing is May 2, 2016.



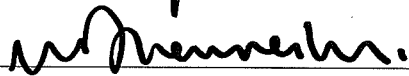
S. PATRIZIO




D. GEORGE (CHAIR)



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 28, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 2, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

CORTLEIGH PROPERTIES INC.

on Thursday, April 21, 2016

Cortleigh Properties Inc. is the owner of 148 High Street West being Lot 44, Plan G-22, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 7.35m (24.11ft.) and an area of approximately 210.50m² (2,265.87sq.ft.) for the purpose of the creation of a new lot for Residential purposes.

Consent applications Files, 'B' 029/16 to 'B' 032/16 inclusive are being considered concurrently for boundary adjustments for Lots 44, 45, & 46, Plan G-22 to create five (5) lots for Residential purposes.

Mr. B. Wallace, of Archaus Architects Inc., authorized agent, attended and presented the application. He advised that concurrent applications (Reference 'B' 29 – 32/16) have been submitted to request approval to allow property boundary adjustments to the existing three (3) lots to create five (5) new lots for Residential purposes. Mr. Wallace presented a site plan for the Committee's review and consideration. He explained that a single family dwelling will be constructed on the corner lot and semi-detached dwellings will be constructed on the interior lots.

Mr. Wallace indicated that the existing dwellings will be demolished and replaced with new structures. He advised that each of the newly created lots will comply with the Zoning By-law requirements for area and frontage. Mr. Wallace indicated that no minor variance applications are required or anticipated noting that the proposed dwellings will be constructed in accordance with the Zoning By-law.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (April 19, 2016),
City of Mississauga, Transportation and Works Department (April 14, 2016),
City of Mississauga, Community Services Department (April 19, 2016),
Region of Peel, Environment, Transportation & Planning Services (April 18, 2016).

A letter was received from C. Haneke, property owner at 21 Benson Avenue, expressing opposition to the applications and noting his concerns.

Ms. W. Campbell, property owner at 24 Harrison Avenue, attended and expressed her opposition to the applications and noted her concerns with respect to intensification and the impacts on the neighbourhood with respect to traffic and congestion. She advised that many of the lots are being purchased by developers or builders who wish to construct dwellings that exceed the limits imposed by the Zoning By-law with respect to size and height. She requested that the applicant provide more details with respect to the appearance of the proposed dwellings.

No other persons expressed any interest in the application.

Mr. Wallace advised that he understands the neighbour's concerns with respect to the type of dwelling proposed for the lots; however, no plans are available at this time. He indicated that architectural styles differ and are opinion based. He confirmed that the proposed dwellings will be constructed in accordance with the Zoning By-law requirements. He noted that they will not be seeking any minor variances for the lots.

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

The Committee, after considering the submissions put forward by Mr. Wallace, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the proposed lots, as reconfigured, comply with the Zoning By-law and further noted that the applicant has not requested any minor variances. They advised that the character of the neighbourhood is evolving and the proposed lot reconfigurations suit the neighbourhood.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 14, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 19, 2016. (Re: Street Trees & Hoarding)
6. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B" 029/16 to "B" 032/16.

MOVED BY: J. Page

SECONDED BY: D. Reynolds

CARRIED

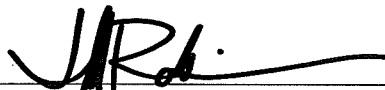
Application Approved, on conditions as stated.

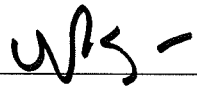
Dated at the City of Mississauga on April 28, 2016.


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 22, 2016**.

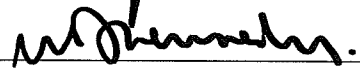
Date of mailing is May 2, 2016.

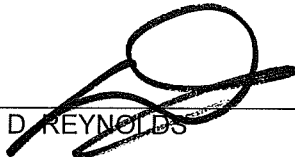

S. PATRIZIO


J. ROBINSON


J. PAGE


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 2, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MOTHER PARKER'S TEA & COFFEE INC.

on Thursday, April 21, 2016

Mother Parker's Tea & Coffee Inc. is the owner of 2530 Stanfield Road being Part of Lot 8, Concession 1 South of Dundas Street, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of a storage building on the subject property proposing a rear yard of 6.26m (20.54ft); whereas Bylaw 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft) in this instance.

Mr. L. Malek, of Sirlin Giller & Malek Architects, authorized agent, attended and presented the application to permit an enclosed storage facility for parts storage associated with the coffee production process. Mr. Malek indicated that a similar approval for a storage facility was obtained from the Committee in 2003 for a silo for coffee bean storage. Mr. Malek presented a site plan for the Committee's review and consideration. He explained that the storage building will be aligned with the existing building which does not comply with the rear yard setback. He indicated that the proposed structure is a prefabricated structure and they are unable to modify the framing to meet the Zoning By-law requirements. He further indicated that they do not wish to move the structure closer to the existing building as it will encroach into the loading bay area. Mr. Malek indicated that the building will have no impact on the streetscape as it will be located far from view.

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

The City of Mississauga Planning and Building Department commented as follows (April 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 (Employment)

Other Applications:

Building Permit File: 15-8452

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application. Based on the review of the Building Permit the variances, as requested, are correct.

Planning

The variance is required because the storage building is unable to be located further from the lot line because it would impact the functionality of the loading spaces existing on site. It is our opinion the requested 6.26 m (20.54 ft.) setback will still provide adequate separation from the adjacent lot and should have no impact on the neighbourhood.

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

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

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

No other persons expressed any interest in the application.

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

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

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

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


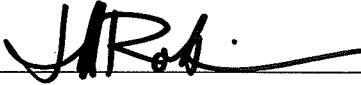
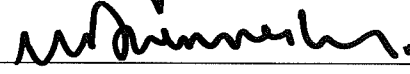
MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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Application Approved.

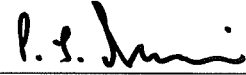
Dated at the City of Mississauga on April 28, 2016.

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 18, 2016**.

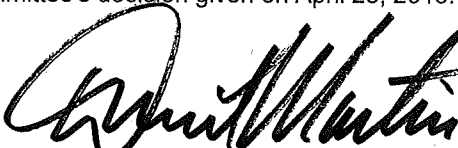
Date of mailing is May 2, 2016.


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

ABSENT

J. PAGE
D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

LISGAR DEVELOPMENT LTD.

on Thursday, April 21, 2016

Lisgar Development Ltd. is the owner of 1684 Lakeshore Road West, Part of Lots 1 and 2, Registered Plan D-13, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a new restaurant within Unit 23 of the subject property proposing:

1. a total of 104 parking spaces be provided for all uses on site; whereas Bylaw 0225-2007, as amended, requires 111 parking spaces be provided for all uses on site in this instance; and,
2. an approximate 3.00m (9.84ft) setback for a take-out restaurant to the closest lot line of a residential zone; whereas Bylaw 0225-2007, as amended requires a 60.00m (196.85ft) setback for a take-out restaurant to the closest lot line of a residential zone in this instance.

Mr. W. Lonker, authorized agent, accompanied with his son, W. Lonker, attended and presented the application to permit the establishment of a Domino's Pizza take-out and delivery restaurant on the subject premises. Mr. Lonker advised that as they wish to have more than six (6) seats, they have been classified as a restaurant however; the primary use is take-out for home consumption. He advised that parking requirements have been calculated for a restaurant use and relief is being requested for a reduction in the parking requirements.

Mr. Lonker indicated that a restaurant use is permitted by the Zoning By-law; however a minimum separation distance of 60.00m (196.85ft.) is required. Mr. Lonker advised that the land immediately behind the plaza is utilized for a Montessori operation. He further advised that there will be no adverse impact to the neighbouring residential properties as there will be no fryers on the premises and subsequently no grease laden vapours. In addition, Mr. Lonker indicated that Domino's Pizza restaurants are regularly inspected by the franchisor to ensure that they operate in accordance with their policies. Mr. Lonker advised that the restaurant is located approximately 34.00m (111.54ft.) away from the closest residential zone.

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

The City of Mississauga Planning and Building Department commented as follows (April 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:

Certificate of Occupancy File: C-16-809

Comments

Zoning

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

"1. a total of 110 parking spaces be provided for all uses on site; whereas By-law 0225-2007, as amended, requires 113 parking spaces be provided for all uses on site in this instance.

2. a 3.00m (9.84ft) setback for a Restaurant to the closest lot line of a residential zone; whereas By-law 0225-2007, as amended, requires a 60.00m (196.85ft) setback for a Restaurant to the closest lot line of a residential zone in this instance."

Planning

The separation distance of 3.00 m (9.84 ft.) appears quite small; however, the residential zone to the south is occupied by a Montessori school and should not be impacted by the close proximity to a restaurant. The closest dwelling to the restaurant is approximately 40.00 m (131.23 ft.) away on Valentine Garden. Further, there are a number of other restaurants along this stretch of Lakeshore that have not caused negative impacts on adjacent residential properties.

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

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 149/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

An e-mail was received from Ms. C. Bradbee, resident at 977 Meadow Wood Road, expressing concerns with respect to noise, traffic, and the potential for increased trash being blown onto the residential properties.

No other persons expressed any interest in the application.

Mr. Lonker, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He advised that the Domino's Pizza Chain operate many stores in the Mississauga area and the operations are regularly inspected by the franchisor to ensure compliance with their standards. He indicated that the restaurant will serve the needs of the immediate community.

The Committee, after considering the submissions put forward by Mr. Lonker and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that there is no direct access to Meadow Wood Road and, consequently, should not impact the neighbouring residents.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a restaurant within Unit 23 of the subject property proposing:

1. a total of 110 parking spaces be provided for all uses on site; whereas By-law 0225-2007, as amended, requires 113 parking spaces be provided for all uses on site in this instance;
2. a 3.00m (9.84ft) setback for a Restaurant to the closest lot line of a residential zone; whereas By-law 0225-2007, as amended, requires a 60.00m (196.85ft) setback for a Restaurant to the closest lot line of a residential zone in this instance.

This Decision is subject to the following condition:

1. This Decision is personal to "Domino's Pizza Canada" and shall be in effect so long as the subject premises are leased and/or occupied by same.

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

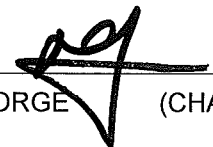
Dated at the City of Mississauga on April 28, 2016.

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 18, 2016**.

Date of mailing is May 2, 2016.



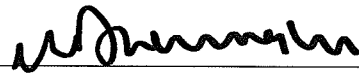
S. PATRIZIO



D. GEORGE (CHAIR)



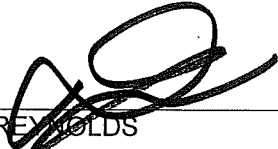
J. ROBINSON



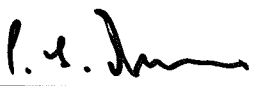
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

EVA KIRSH, DIMITROS KOSMOS & BOB PASSIOS

on Thursday, April 21, 2016

Eva Kirsh, Dimitros Kosmos & Bob Passios are the owners of 80 Lakeshore Road East being Lot 13, Registered Plan 300E, zoned C4-66, Commercial. The applicants request the Committee to authorize a minor variance to continue to permit the operation of a take-out restaurant known as "Scoops Ice Cream Station" within approximately 68.69m² (739.00sq.ft.) of the subject building providing no additional parking and being located within 60.00m (196.85ft) of a residential zone as previously approved pursuant to Committee of Adjustment File 'A' 008/02; whereas Bylaw 0225-2007, as amended, requires a minimum of 11 parking spaces and requires a minimum setback of 60.00m (196.85ft) to a residential zone in this instance.

Mr. D. Matthews, of Matthews Planning & Management Ltd. authorized agent, attended and presented the application to permit the continued operation of an ice cream shop on the subject property. He advised that the property has been utilized for an ice cream shop for approximately 20 years, noting that there have not been any complaints associated with the operation. He advised that a minor variance application was approved for the ice cream parlour by the Committee of Adjustment in 2007. Mr. Matthews advised that the ice cream shop will continue to operate in the same manner as previously approved. He indicated that many of the patrons walk to the establishment. Mr. Matthews requested that if the Committee sees merit in approving the application, that they consider not imposing a time limit.

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

The City of Mississauga Planning and Building Department commented as follows (April 19, 2016):

"Recommendation"

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

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 (Commercial)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

N/A

Planning

The requested variance is a continuation of a previously approved variance from 2007. The use has remained consistent throughout this time and there are no complaints in our records that indicate an issue with its operation within 60.00 m (196.85 ft.) of a residential zone. The majority of clientele arrive via foot, or other form of transportation other than a vehicle; as a result, the existing lack of parking should not be a significant concern. The Planning and Building Department is of the opinion that the variance is minor in nature and the continued operation of the take out restaurant in this location is appropriate."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 150/16.

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Matthews and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that many of the patrons walk to the ice cream parlour and it provides a service enjoyed by the community.

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

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

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

1. This decision shall be in effect so long as the subject premises are used as an ice cream parlour.

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

Dated at the City of Mississauga on April 28, 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 18, 2016**.

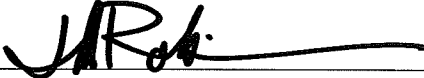
Date of mailing is May 2, 2016.



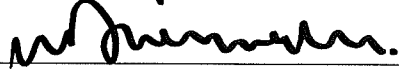
S. PATRIZIO



D. GEORGE (CHAIR)



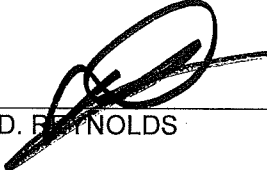
J. ROBINSON



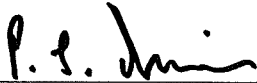
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

KERAVA GROVE ESTATES INC.

on Thursday, April 21, 2016

Kerava Grove Estates Inc. is the owner of 3672 Kariya Drive being Part of Lot 16, Registered Plan 43M-492, zoned H-CC2(2), City Centre and OS2, Open Space. The applicant requests the Committee to authorize a minor variance to permit the construction of a sales trailer on the subject property for the sale of the units on an adjacent property at 0 Burnhamthorpe Road West; whereas Bylaw 0225-2007, as amended requires the use be located on the same property (0 Burnhamthorpe Road West) incidental to ongoing construction on the lot in this instance.

Mr. L. Pellicano, authorized agent, attended and presented the application to permit the construction of a sales trailer on the subject property for the purposes of selling units on the adjacent property. Mr. Pellicano advised that the construction will be completed in phases. He explained that because the overall site is separated by a unopened road allowance, the trailer is not considered to be located on site. Mr. Pellicano indicated that he anticipates that the trailer will be utilized for approximately five years. He noted that as the phases are completed, the sales trailer will eventually be on the same lands where the active construction is located.

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

The City of Mississauga Planning and Building Department commented as follows (April 19, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to provide additional information through the Building Permit application to ensure that all variances are accurately identified.

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use, Public Open Space

Zoning By-law 0225-2007

Zoning: H-CC2(2) (City Centre), OS2 (Open Space)

Other Applications:

Building Permit File: 15-8218
Site Plan Approval File Required

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed sales office. Based on the review of the Building Permit 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 request for a temporary sales office is required because it is not permitted to operate on a site other than the one where active building is occurring. The sales office will serve the next phases of development on the adjacent sites and be removed during the final phase on this parcel. Based on conversations with the applicant it is expected that the sales office will be located here for approximately 5 – 7 years during all phases of construction. A temporary sales office is permitted on a site where active construction is ongoing, and given that the adjacent lands all form part of the same phased development, it is our opinion that the intent of the Zoning By-law is maintained if the sales office is permitted in this location.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to provide additional information through the Building Permit application to ensure that all variances are accurately identified. Further, if the Committee sees merit in the application they may wish to impose a temporary time limit on the approval, in accordance with the applicants proposed timelines."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"We are noting from our site inspection and the enclosed photos that there is an existing bus shelter in close proximity to the proposed access location which is being proposed in direct alignment with Enfield Place. Acknowledging that aligning the access location for the proposed sales trailer directly in front of Enfield Place is supported by this department, modifications/relocation of the existing bus shelter may be required.

Acknowledging that any new access location onto Kariya Drive will require an access approval from the Transportation and Works Department and in this instance would also require Site Plan Approval, this department's requirements for any modifications/relocation can adequately be addressed through the Access and Site Plan Approval Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

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

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Vidovic and noting the nature of the operation, 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 request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years to expire and terminate on April 30, 2021.

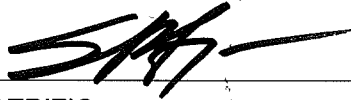
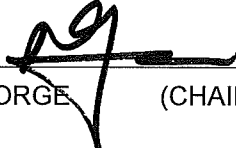
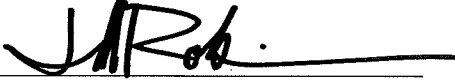


MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, temporarily, as stated.


Dated at the City of Mississauga on April 28, 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 18, 2016**.

Date of mailing is May 2, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)
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 28, 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

MONIKA & PIOTR KAMYCKI

on Thursday, April 21, 2016

Monika & Piotr Kamycki are the owners of 2171 Hillfield Court being Lot 13, Registered Plan 917, zoned R1, Residential. The applicants request the Committee to authorize a minor variance to permit:

1. an existing walkway connection to a driveway to remain having a width of 3.89m (12.76ft); whereas Bylaw-0225-2007, as amended, permits a maximum walkway connection to a driveway of 1.50m (4.92ft) in this instance; and,
2. to permit the parking of a commercial motor vehicle exceeding 3,000 kg (6,613.75lbs) registered gross weight on the subject property; whereas Bylaw 0225-2007, as amended, permits only permits parking of a commercial vehicle being less than or equal to 3,000 kg (6,613.75lbs) registered gross weight in a residential zone in this instance.

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

Mr. T. Cieciora, a representative of the property owners, attended and presented the application to permit the existing walkway connection to the driveway to remain and to allow the parking of a commercial vehicle on the property.

Mr. Cieciora advised that a previous application was considered under Minor Variance application File 'A' 327/15 and approved by the Committee. The application was appealed to the Ontario Municipal Board (OMB) and the variances were not authorized. Mr. Cieciora advised that the current application request differs from the previous application as no variances have been requested for the accessory structure. Mr. Cieciora indicated that the accessory structure will be removed or relocated to another location on the lot in compliance with the Zoning By-law.

Mr. Cieciora advised that relief is being requested as the pickup truck, registered as a commercial vehicle, has a gross vehicle weight in excess of 3,000.00kg (6,613.75lbs). Mr. Cieciora advised that he understands that complaints have been received indicating that a landscaping business is operating from the site. He clarified that the property owners do not operate a landscape business. Mr. Cieciora indicated that a landscape contractor attends the grounds to service the property. He indicated that the property owners operate a residential renovation and repairs business; however, the business is conducted off-site. The property owners wish to be able to park the vehicle in their driveway. Mr. Cieciora requested, that if the Committee sees merit in approving the application, that they not make the year of the vehicle a condition so that the property owners may replace the vehicle in the future.

Mr. Cieciora presented a photograph of the walkway connection and advised that the walkway does not comply with the By-law requirements at the widest part. He indicated that the walkway connection is small and minor in nature.

Mr. Cieciora advised that the previous minor variance application was refused by the Ontario Municipal Board (OMB) because there was a lack of planning evidence provided by the applicant noting that the Board indicated that the absence of thoughtful or informed land use testimony to challenge or refute the evidence was significant in the Board's observation. Mr. Cieciora indicated that the variances were refused as a whole and he believes that if the applicant provided Planning evidence at that time, the application could have been approved. He requested that the Committee approve the requests.

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

The City of Mississauga Planning and Building Department commented as follows (April 19, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

Building Permit File: 14-2701

Comments

Zoning

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

We note that additional variances, which have already been heard by this Committee and the Ontario Municipal Board, remain on the drawings submitted. The applicant should satisfy themselves that all required variances have been applied for.

Planning

The Committee previously heard an application with these two variances, as well as additional variances relating to an accessory structure on July 23rd, 2015. The application was approved and subsequently appealed to the Ontario Municipal Board. The Board overturned the Committee's decision and the variances were not granted.

The Board noted that no planning rationale was offered by the applicant to substantiate their application, and that this absence of testimony was significant to the Board.

The walkway width is a result of it flaring out where it meets the driveway and is a minor request, in our opinion. The walkway is very short in length and it complies with the width requirement as it approaches the dwelling.

The commercial vehicle has the appearance of a pick-up truck, despite being considered a commercial vehicle by weight. The intent of the commercial vehicle provisions are to be restrictive for different larger commercial vehicles such as small cube vans etc., which have a distinctly different appearance.

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

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"Under the previous variance applications this department indicated that satisfactory arrangements were to be made with regards to the owner entering into the appropriate Encroachment Agreement with the City to seek approval for any encroachment over City lands, in particular for the existing concrete retaining wall and wood fence. To date we are not aware of the Encroachment Agreement being finalized and although we are not requesting this condition under the current minor variance application, the Encroachment Agreement requirement must still be addressed by the owner of the property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

A letter was received from J.B. and H.E. Scott, property owners at 2160 Hillfield Court, expressing their opposition to the application and noting their comments. In addition, they provided a photograph of a vehicle with a snow plow attachment, indicating that it demonstrated the planned winter use of that equipment. They requested that the Committee deny the application.

An e-mail was received from G.G. Zazulak and M. Aleks, property owners at 2178 Stillmeadow Road, expressing opposition to the application and noting their comments and concerns regarding the size, weight and appearance of the commercial vehicle and the excessive size of walkway connection and its effects on drainage.

Ms. H. Scott, property owner at 2160 Hillfield Court, attended and presented a photograph of a vehicle taken in April, 2016 on the subject property. She indicated that she represented the neighbours on the street and advised that the oversized pickup truck with a snow plow attachment is inappropriate in a Residential area. Ms. Scott indicated that the variances being requested are the same variances that were considered and refused by the Ontario Municipal Board under the appeal of Minor Variance Decision A 327/15. Ms. Scott indicated that the applicant has not made any attempts to remove the offending structure or retaining wall. She indicated that the neighbours have adhered to the rulings of the By-law and so should the applicant.

Mr. G. Kirton, Planner for the City of Mississauga, attended and advised that the Planning and Building Department had no objection to the original request for the walkway connection and the parking of the commercial vehicle. He explained that, although the OMB had denied all of the variances previously, the legal direction provided to them was that they did not have to accept the OMB's position with respect to the application and it would be acceptable to maintain the position that they previously had taken.

No other persons expressed any interest in the application.

Mr. Cieciura provided a photograph of the garage, in which a motorcycle was parked. He noted that there was no equipment related to a business operation and further noted that the garage is clean and tidy and the property is well maintained.

The Committee, after considering the submissions put forward by Mr. Cieciora and having reviewed the information and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed walkway extension is minor in nature. They further indicated that the parking of the pickup truck is acceptable as the intent of the By-law is to prevent cube vans or similar vehicles. The Committee advised that the pickup truck fits in a standard parking space and it does not appear that a commercial business operation is being conducted from the home.

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

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

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

1. There shall be no advertising or signage on the commercial motor vehicle.

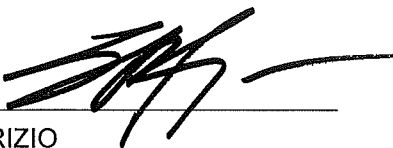
MOVED BY:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, on condition as stated.

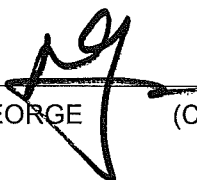
Dated at the City of Mississauga on April 28, 2016.

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Date of mailing is May 2, 2016.



S. PATRIZIO

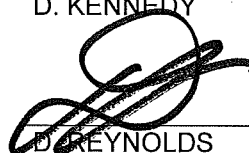


D. GEORGE (CHAIR)

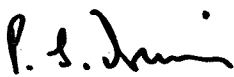
ABSENT
J. ROBINSON

DISSENTED
D. KENNEDY

DISSENTED
J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

1482125 ONTARIO LTD.

on Thursday, April 21, 2016

1482125 Ontario Ltd. is the owner of 121 Lakeshore Road West being Part of Lots 3 and 4, Registered Plan 300W, zoned C4-66, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a restaurant on the subject property proposing:

1. a separation distance of 24.00m (78.74ft) for a restaurant to the closest lot line of a residential zone; whereas Bylaw 0225-2007, as amended requires a minimum separation distance of 60.00m (196.85ft) for a restaurant to the closest lot line of a residential zone in this instance,
2. a total of 33 parking spaces on site for all uses (19 parking spaces be provided on site, 11 parking spaces having been credited for the heritage building (Chelsea Restaurant) plus 3 parking spaces to be paid through the Payment In Lieu program); whereas Bylaw 0225-2007, as amended, requires a minimum of 47 parking spaces be provided on site in this instance.

Ms. M. Starr, of Deanlee Management Inc., authorized agent, attended and presented the application to permit the establishment of a restaurant within 60.00m (196.85ft.) of a Residential zone proposing a reduction in parking. Ms. Starr advised that the restaurant use is compatible with the other uses in the neighbouring area. She advised that there are other restaurants located within the minimum separation distance and no recorded objections have been received.

Ms. Starr advised that approximately 50.00% of the business is from walk-in off the street noting that many customers live or work in the area. She indicated that a parking utilization study has been prepared and the conclusion is that the restaurant generates a modest parking demand which is easily accommodated on site.

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

The City of Mississauga Planning and Building Department commented as follows (April 19, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application in order to submit additional information to clarify floor plans and unit numbers to ensure the requested variances are accurate.

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 (Commercial)

Other Applications:

Certificate of Occupancy File: 16-203

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application. Based on a review of the information currently available, we advise that more information is required to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Based on the information submitted with the Committee of Adjustment application it appears that there may be some discrepancies between unit numbers and floor plans, from what our records contain, that could create a change in the required parking numbers. Until the owner and or tenants of the building update the City's records we are unable to verify the accuracy of the requested variances.

Planning

The restaurant separation distance is required because of the residential property zoned and designated for high density apartment development to the south. The proposed restaurant is at the front of the building located away from the apartment dwelling and should not have significant impact on it. Further, there are other existing restaurants that are larger and have patios in the immediate vicinity along Lakeshore.

With regards to the request for a reduction in parking, the applicant submitted a Parking Utilization Study with supplemental information, as requested by planning staff, which supports the requested reduction. A peak parking requirement of 16 spaces was observed on Friday April 8th, 2016 and based on this data the requested reduction can be supported by planning staff.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variance meets the general intent of the Zoning By-law and we have no objection to the application; however, the applicant may wish to defer the application in order to submit additional information to clarify floor plans and unit numbers to ensure the requested variances are accurate."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 153/16."

The City of Mississauga Community Services Department commented as follows (April 18, 2016):

"The subject property is protected by Part V designation under the *Ontario Heritage Act* as part of the Old Port Credit Heritage Conservation District. The property contains two buildings, including the Emma Peer Residence, built c. 1890. Proposed changes to the property require a heritage permit as per the Old Port Credit Heritage Conservation District Plan. In the event that exterior changes are proposed, the owners are required to contact the City's heritage planning section to obtain a heritage permit.

Heritage Planning has no objection to the requested variance for reduction in number of parking spaces as proposed or to maintain the existing location and separation between buildings."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

Ms. Starr, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application proceed.

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

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

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

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

MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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MISSISSAUGA

File: "A" 153/16
WARD 1

Application Approved.

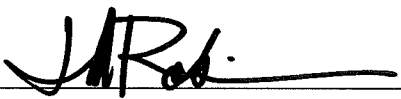
Dated at the City of Mississauga on April 28, 2016.

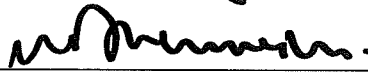
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Date of mailing is May 2, 2016.


S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

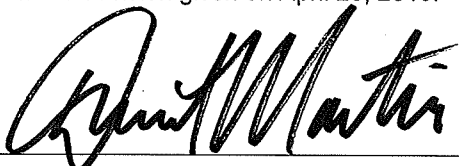

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

1512410 ONTARIO INC.

on Thursday, April 21, 2016

1512410 Ontario Inc. is the owner of 104 Lakeshore Road East being Part of Lots 8 and 9, Plan 300E, zoned C4-66, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a restaurant within the subject building providing no loading space on site; whereas By-law 0225-2007, as amended, requires a minimum of one (1) loading space to be provided on site in this instance.

Mr. C. Lorette, authorized agent, attended and presented the application to permit no loading space to be provided on the subject property. Mr. Lorette advised that a previous minor variance approval was obtained for the restaurant use (Reference 'A' 64/16) on the subject property. Due to the urban nature of the site, parking is limited. He advised that arrangements have been made for the food distributor to deliver the restaurant supplies between the hours of 12:00 (mid-night) and 5:00a.m. so that the parking spaces remain unobstructed.

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

The City of Mississauga Planning and Building Department commented as follows (April 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 (Commercial)

Other Applications:

Certificate of Occupancy File: 15-7944

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed restaurant. Based on the review of the Certificate of Occupancy application we advise that the following additional variance is required:

"to provide one accessible parking space; whereas By-law 0225-2007, as amended, requires three accessible parking spaces in this instance."

Planning

The applicant was previously before the Committee for relief from parking related items and the separation distance from a residential zone. The applicant discussed the loading space requirement during the hearing, as well as the conversion of an existing parking space into an accessible space, however the previous application was not formally amended to include these requests.

The Planning and Building Department has no objection to either variance request. The single accessible space is proportional to the number of spaces provided, as justified by the parking study submitted with application 'A' 64/16. A single space should be appropriate to accommodate the expected vehicular traffic on site. The applicant has previously explained that goods will be delivered at night from Lakeshore Road East. We are satisfied with the applicant's rationale and support the request to not provide a loading space.

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

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"We are noting that the Planning and Building Department will be commenting on any loading space requirements related to this property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submission put forward by Mr. Loretti and noting the nature of the operation, is satisfied that the amended request is desirable for the appropriate development of the subject property. The Committee noted that there are many restaurants located in the area. They indicated that the off-peak delivery hours will ensure that the parking is available for other customers and tenants.

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 establishment of a restaurant within the subject building providing no loading space and one (1) accessible parking space on site; whereas By-law 0225-2007, as amended, requires a minimum of one (1) loading space and requires a minimum of three (3) accessible parking spaces to be provided on site in this instance.

This decision is subject to the following condition:

1. All deliveries to the restaurant must take place between the hours of 12:00 (mid-night) and 5:00a.m..

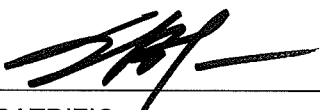
MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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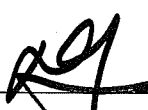
Application Approved, as amended, on condition as stated.

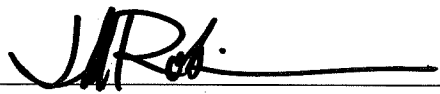
Dated at the City of Mississauga on April 28, 2016.

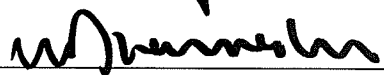
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 18, 2016**.


Date of mailing is May 2, 2016.

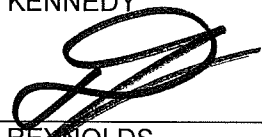

S. PATRIZIO



D. GEORGE (CHAIR)


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 28, 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

STEPEK INC.

on Thursday, April 21, 2016

Stepek Inc. is the owner of 263 & 265 Queen Street South being Part of Lots 21 and 22, Plan STR-3, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a medical office use within Unit # 1 of 265 Queen Street South proposing a total of 27 parking spaces on site including one (1) accessible parking space for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 35 parking spaces and two accessible parking spaces for all uses on site in this instance.

Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit a medical office use proposing a reduction in parking. Mr. Levac advised that there are two building on the site, one is the "Franklin House" restaurant and the neighbouring two storey building contains office and retail uses. Mr. Levac advised that the ground floor, specifically Unit # 1, was previously occupied by a Chiropractor. He explained that approval was obtained through a Minor Variance application to reduce the total parking requirement for the site from 42 parking spaces to 27 parking spaces. He further advised that the approval was conditional of the Payment-In-Lieu (PIL) of parking spaces for seven (7) parking spaces. The payment was received and the agreement executed by City Council under By-law 542/88.

Mr. Levac indicated that the proposed use is for a dental hygienist which is a similar use to the Chiropractor medical office use, noting that the parking standards are the same. He advised that he is requesting permission to allow the dental hygienist to operate using the existing parking provided on site.

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

The City of Mississauga Planning and Building Department commented as follows (April 15, 2016):

"Recommendation

The Planning and Building Department recommends the application be deferred in order to provide a satisfactory parking utilization study, apply for a Payment in Lieu (PIL) application, or a combination of both.

Background

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4

Other Applications:

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Medical Office under file 16-477. Based on the review of the Certificate of Occupancy application we advise that the variance request should be amended as follows;

The applicant requests the Committee to authorize a minor variance to permit the establishment of a medical office use within Unit #1 of 265 Queen Street South proposing a total of 34 parking spaces including 1 accessible parking space to be provided (27 spaces on site and 7 spaces paid through the PIL program); whereas By-law 0225-2007, as amended, requires a minimum of 46 parking spaces including 2 accessible parking spaces to be provided on site in this instance.

Planning

In 1988 application 'A' 147/88, 263-265 Queen St S, was approved at the committee to permit 27 parking spaces, including one accessible space, and seven PIL parking spaces (34 in total) instead of the required rate of 42 spaces at the time.

Regarding this application, 'A' 156/16, Policy Planning recommends the following options:

1. Apply for a PIL application for the City's Council's consideration for the entire parking deficiency. Through the PIL application process the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study to justify a reduction in the number of parking spaces for PIL. Given this option potentially requires both a variance and PIL application, the applicant may wish to defer the Committee of Adjustment application.
3. A combination of the above two.

The Planning and Building Department recommends the application be deferred in order to provide a satisfactory parking utilization study, apply for a Payment in Lieu (PIL) application, or a combination of both."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"Based on the information submitted with this application, in particular the March 17, 2016 Letter from Glen Schnarr & Associates Inc, this department has no objections to the applicant's request."

The City of Mississauga Community Services Department commented as follows (April 18, 2016):

"The subject property is protected by Part IV designation under the *Ontario Heritage Act* by by-law 663-83. The property contains the historic house known as the Franklin House, built c. 1850. Proposed changes to the property require a heritage permit.

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

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

A letter was received from Ward Councillor Carlson expressing support for the application noting that the application is essentially the swapping of one medical tenant for another medical tenant who is a dental hygienist. Councillor Carlson indicated that the application is simply an extension of the previous Minor Variance approval obtained in the 1980s. He further advised that this part of Streetsville is well served with parking and his office has not received any parking complaints. Councillor Carlson advised that he does not anticipate any extra strain on the parking as a result of the change in occupants.

No other persons expressed any interest in the application.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that the Policy Planning Section recommends that a parking study be submitted to justify the parking reduction and a Payment-In-Lieu of parking contribution (PIL) be received to address the parking deficiency. He indicated that when the percentage of the deficiency between the required parking and the provided parking is high they typically request a parking study and Payment-In-Lieu contribution.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Levac and having reviewed the plans and information, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the same parking standard is applied for a medical office or dental office. They further advised that when they conducted their site inspection, the parking lot was under-utilized. The Committee noted that the restaurant operates at different hours than the dental office and did not anticipate any adverse impacts on the parking.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a medical office use within Unit #1 of 265 Queen Street South proposing a total of 34 parking spaces including 1 accessible parking space to be provided (27 spaces on site and 7 spaces previously paid through the PIL program); whereas By-law 0225-2007, as amended, requires a minimum of 46 parking spaces including 2 accessible parking spaces to be provided on site in this instance.

MOVED BY:	J. Robinson	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved, as amended.

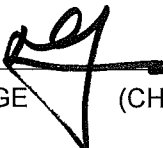
Dated at the City of Mississauga on April 28, 2016.

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 18, 2016**.

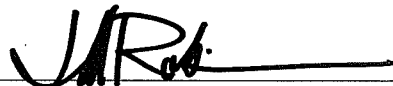
Date of mailing is May 2, 2016.



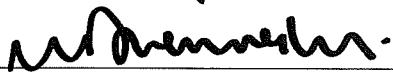
S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



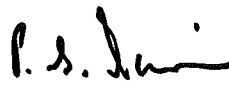
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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

AMIRALLI & SHEHENAZ MANJI

on Thursday, April 21, 2016

Amiralli & Shehenaz Manji are the owners of 107 Swanhurst Boulevard being Part of Lot 117, Registered Plan 548, zoned R2-50, Residential. The applicants request the Committee to authorize a minor variance to permit a one storey addition to the existing dwelling proposing

1. a lot coverage of 30.62% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance; and,
2. a dwelling depth of 21.82m (71.58ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance.

On March 31, 2016, Mr. D. Brown, of David Small Designs, authorized agent, attended and advised that an additional variance is required for the dwelling depth. Mr. Brown requested that the application be deferred to allow an amended application to be circulated.

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

The City of Mississauga Planning and Building Department commented as follows (March 29, 2016):

"Recommendation

We have no objection with the requested lot coverage variance; however we suggest applicant to defer in order to determine whether additional variances are required.

Background

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R2-50

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.

Planning

Part of the intent of the Streetsville infill housing bylaw, zone R2-50, seeks to preserve the existing character of bungalows and split level homes on larger lots. This application upgrades and enlarges an existing bungalow, while maintaining the character of the street.

We note that an additional variance for dwelling unit depth is required and suggest that the applicant defer the application in order to determine which additional variances are required.

We have no objection with the requested lot coverage variance."

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"We have no comments or objections."

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

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

An e-mail was received from P. Irwin, resident at 47 Suburban Drive, expressing opposition to the application and noting his concerns that if they are constructing a two storey addition, the sight lines of the neighbourhood made up of bungalows will alter the nature of the community.

A letter was received from R. Rayes, resident of 44 Suburban Drive, requesting that a six foot wooden fence be installed dividing the two properties. Another letter was received indicating he had no objection to the application.

Letters were received from the residents/property owners at 44 and 46 Suburban Drive, 60, 62, 64, 105, 109 Swanhurst Boulevard expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to April 21, 2016.

On April 21, 2016, Mr. D. Brown, of David Small Designs, attended and presented the application noting that an amended Notice was circulated to permit an increase in the dwelling depth as well as the original request for an increase in lot coverage. Mr. Brown presented a site plan for the Committee's review and consideration and advised that the rear addition was offset to break up the appearance of a single solid wall. He noted that the wall treatment has been constructed with different materials.

Mr. Brown indicated that they have spoken with many of the neighbours and they have expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (April 15, 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 in order to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R2-50

Other Applications:

Comments

Zoning

Comments provided for the March 31, 2016 hearing remain applicable.

Previous Comments:

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.

Planning

The applicant has added a dwelling depth variance since the last hearing. The proposed addition design extends the shallower side of the existing dwelling. The longest part of the dwelling will be in the middle of the property and not directly adjacent to neighbours. In our opinion, this is a minor request.

Our previous comments remain the same regarding the other variance.

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 in order to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"Please refer to our comments submitted for the March 31, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

The Committee 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. Reynolds	SECONDED BY:	D. Kennedy	CARRIED
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MISSISSAUGA

File: "A" 123/16
WARD 11

Application Approved.

Dated at the City of Mississauga on April 28, 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 18, 2016**.

Date of mailing is May 2, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

R. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on April 28, 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.