

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: AUGUST 18, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<b><u>NEW APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-337/16	DR. CAMERON GELDER & TRACY GELDER	1273 MONA RD	1	Sept 22
A-338/16	FABIO MIO	787 HILLMAN CRES	3	Sept 29
A-339/16	SALVATORE TADDEO & LITIFA NOOR	1405 GLENWOOD DR	1	Sept 22
A-340/16	MISSISSAUGA MUSLIM COMMUNITY CENTRE	2505 DIXIE RD	1	Oct 6
A-341/16	DANG MINH NGUYEN	2219 PARKER DR	7	Approved
A-342/16	TEFY & TRACY KALAPARAMBATH	1228 KANE RD	2	Approved
A-343/16	DANIELS CCW CORPORATION	368 PRINCE OF WALES DR	4	Approved 5 yrs
A-344/16	CANBA INVESTMENTS LIMITED	680 SILVER CREEK BLVD	4	Approved

**DEFERRED APPLICATIONS - (MINOR VARIANCE)**

A-292/16	SEAN BOUTILIER	3623 HAWKESTONE RD	6	Approved
A-306/16	BOHDAN & EVA PRIADKA	1493 MYRON DR	1	Sept 29
A-313/16	2332574 ONTARIO LIMITED	2303 STANFIELD RD	1	Approved

## 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

DANG MINH NGUYEN

on Thursday August 18, 2016

Dang Minh Nguyen is the owner of 2219 Parker Drive being Part of Lot 17, Plan E-20, zoned R1-6, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. the existing hammerhead driveway to remain having a size of 4.34m x 3.82m (14.23ft. x 12.53ft.); whereas By-law 0225-2007, as amended, permits a maximum size of 2.60m x 3.00m (8.53ft. x 9.84ft.) for a hammerhead driveway in this instance;
2. a walkway attachment to a driveway of 5.20m (17.06ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) in this instance;
3. an accessory structure (play structure) to remain having an area of approximately 18.17m<sup>2</sup> (195.58sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m<sup>2</sup> (107.64sq.ft.) for an accessory structure in this instance;
4. an accessory structure (play structure) to remain having a height of 4.57m (14.99ft.); whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure of 3.00m (9.84ft.) in this instance; and,
5. an accessory structure (play structure) to remain having a side yard of 0.50m (1.64ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. Wm. Oughtred of W.E. Oughtred & Associates, authorized agent, attended and presented the application. Mr. Oughtred indicated that the nature of the request is a result of the finished landscaping of the subject property being slightly different from the approved site plan. He noted that modifications have been made to the driveway to make it easier for turning movements within the site. He further noted that although some areas of the driveway and hammerhead are larger, other areas have been reduced in width. In addition, Mr. Oughtred advised that the existing play structure was noted to be removed; however, the homeowners have had a change of heart and wish it to remain. He presented a site plan showing the extent of the driveway constructed and location of the play structure for the Committee's consideration. Mr. Oughtred advised that upon submission of the application, it was determined that variance request # 5 was not required and requested this matter be withdrawn.

The Committee consented to the withdrawal of variance request #5.

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



## MISSISSAUGA

File: "A" 341/16

WARD 7

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

### " Recommendation

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

### Background

#### Mississauga Official Plan

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

#### Zoning By-law 0225-2007

Zoning: R1-6 (Residential)

#### Other Applications:

N/A

### Comments

#### Zoning

A Building Permit is not required in this instance. The variances, as requested, have been reviewed based on information provided; however, a full zoning review has not been completed. Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

#### Planning

The subject property received Site Plan Approval in 2014 and the variances are required as a result of the as built conditions differing from the approved Site Plan and Zoning By-law requirements.

At the time of Site Plan Approval the intention was to remove the play structure in the rear yard; however, the applicant has since decided they would like it to remain and has requested three variances to permit it. Although we cannot confirm the accuracy of variance #5, as it is not shown on the site plan, based on photographs from a recent site visit it appears that the variance may not be required.

The height and Gross Floor Area (GFA) variances for the play structure are minor, in our opinion. The lot is well screened with trees and other vegetation and is large in size. The accessory play structure should have minimal impacts to neighbouring properties if it were permitted to remain. The play structure is composed of partially open space, mainly near the base of the structure, which reduces the appearance of additional mass that would be more prominent with a traditional accessory structure of this size.

The variance requesting an additional area for the hammerhead is located at the side of the property out of view of the street. There is also screening provided between the location of the hammerhead and the neighbouring dwelling. The primary intent of restricting the size of a hammerhead is to not allow for additional hard surface area and parking within the front yard. In this instance, additional parking is not a concern given the existing approved driveway area and garage. Further, the hammerhead is located out of view in the side yard which mitigates other potential concerns.



## MISSISSAUGA

File: "A" 341/16  
WARD 7

The variance for the walkway attachment appears to be significant; however, the request is technical in nature and the location near the front entrance way represents a very small extension of the existing driveway area and does not create significant additional hard surfaced area or negative visual impacts.

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

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

"This department has no objections to the applicant's request to permit the existing hammerhead driveway, walkway attachment and accessory structure to remain. We note from our site inspection that the hammerhead driveway is required to make the ingress and egress movements to and from the garage more functional. The existing accessory structure has also been constructed in an area which is heavily vegetated and creates no drainage related concerns."

The Region of Peel, Public Works, Development Services Division commented as follows (August 12, 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. Oughtred and having reviewed the plans and comments from City Staff, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the modification to the driveway allow for better turning movements within the site and the existing paly structure was well maintained and screened from neighbouring properties.

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

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

Accordingly, the Committee resolves to authorize and grant the request to permit:

1. the existing hammerhead driveway to remain having a size of 4.34m x 3.82m (14.23ft. x 12.53ft.); whereas By-law 0225-2007, as amended, permits a maximum size of 2.60m x 3.00m (8.53ft. x 9.84ft.) for a hammerhead driveway in this instance;
2. a walkway attachment to a driveway of 5.20m (17.06ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) in this instance;
3. an accessory structure (play structure) to remain having an area of approximately 18.17m<sup>2</sup> (195.58sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m<sup>2</sup> (107.64sq.ft.) for an accessory structure in this instance; and,
4. an accessory structure (play structure) to remain having a height of 4.57m (14.99ft.); whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure of 3.00m (9.84ft.) in this instance.


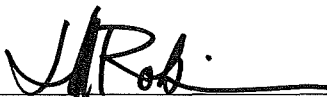
MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
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Application Approved, as amended.

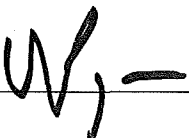
Dated at the City of Mississauga on August 25, 2016.

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 **SEPTEMBER 14, 2016**.

Date of mailing is August 29, 2016.

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

(ABSENT)  
D. KENNEDY

  
J. PAGE

(ABSENT)  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 25, 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

TEFY & TRACY KALAPARAMBATH

on Thursday August 18, 2016

Tefy & Tracy Kalaparambath are the owners of 1228 Kane Road being Part of Lot 9, Range 1, C.I.R., zoned R1-3, Residential. The applicants request the Committee to authorize a minor variance to permit an southerly walkway attachment width of 1.83m (6.00ft.) and a northerly walkway attachment width of 6.60m (21.65ft.); whereas By-law 0225-2007, as amended, permits one walkway attached to a driveway with a maximum attachment width of 1.50m (4.92ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates, authorized agent, attended and presented the application to permit the existing walkway attachments to remain on the subject property being in excess of the by-law requirements. Mr. Oughtred noted that the application is a result of changes to the driveway and landscape plan for the approved site plan. He noted that the proposed hammerhead driveway has been shifted to be incorporated more as a walkway. He noted that although the request is a significant width of a walkway attachment, the walkway does step in in width to lessen the impact and provide a pleasing landscaped walkway with interest.

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

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

### "Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to verify the accuracy of the requested variance and to determine whether any additional variances will be required.

### Background

#### Mississauga Official Plan

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

#### Zoning By-law 0225-2007

Zoning: R1-3 (Residential)

#### Other Applications:

N/A

#### Comments

### Zoning

A Building Permit is not required in this instance. The variances, as requested, have been reviewed based on information provided; however, a full zoning review has not been completed. Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

### Planning

The applicant previously received approval from the Committee for the driveway width and other provisions related to the dwelling on January 16, 2014. Site Plan Approval has also been granted for the current lot layout and home design including the hammerhead located near the front of the home. The walkway width variances are required on either side of the driveway, near the entrance to the garage.

The easterly walkway width of 1.83 m (6.00 ft.) is a modest increase in width and narrows to within what is permitted by the Zoning By-law as it rounds the corner of the dwelling.

The westerly walkway width request of 6.60 m (21.65 ft.) initially appears to be excessive; however, it only remains for a depth of 1.22 m (4.00 ft.) in front of the hammerhead. Given the existing approved driveway and landscaped areas, the requested walkway increase represents a relatively minor increase in hard surfaced area and does not allow space for additional parking of vehicles in the front yard, in this instance.

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

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

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

The Region of Peel, Public Works, Development Services Division commented as follows (August 12, 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. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. They noted that the existing walkway attachments are appropriate in design and are an attractive feature and are in character with the neighbourhood.

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

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

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

1. The applicant shall proceed in accordance with the site plan reviewed by the Committee.

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

Dated at the City of Mississauga on August 25, 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 **SEPTEMBER 14, 2016**.

Date of mailing is August 29, 2016.




S. PATRIZIO (CHAIR)



D. GEORGE

(ABSENT)



J. ROBINSON

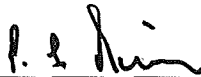
D. KENNEDY



J. PAGE

(ABSENT)

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on August 25, 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

DANIELS CCW CORPORATION

on Thursday August 18, 2016

Daniels CCW Corporation is the owner of 368 Prince Of Wales Drive being Part of Lot 18, Concession 2, N.D.S., zoned CC2(1), City Centre. The applicant requests the Committee to authorize a minor variance to permit the construction of a temporary sales trailer/pavilion on the subject property for the sales and marketing of residential units located off-site a CC2(1) zone; whereas By-law 0225-2007, as amended, permits temporary buildings or structures incidental to the on-going construction on the same site in this instance.

Ms. C. Liggio, authorized agent, attended and presented the application to permit the establishment of a temporary sales pavilion on the subject property for the sale of unit s within a site that is not located on the same site as the subject pavilion. Ms. Liggio advised that the location of the proposed development is within the immediate vicinity just north of the YMCA and the request is to allow the sales pavilion at the subject site as was don e previously for other developments they have developed in the City Centre core area. Ms. Liggio presented a plan for the Committees review noting the proposed location of the sales pavilion and the location of the proposed development. She further advised that development of the lands would take about 3 years but requested an approval for 5 years to cover any potential delays for completion of the project. She noted that once the development on the other lands are completed, the sales pavilion on the subject lands would be in compliance with the by-law as development would then be on the same site as the sales pavilion.

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

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

### "Recommendation

The Planning and Building Department has no objection to the application, however the applicant may wish to defer in order to submit a building permit application.

### Background

#### Mississauga Official Plan

Character Area: Downtown Core  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: CC2(1)

**Zoning:** CC2(1)

**Other Applications:**

SPAX 16-72

**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 information provided, 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 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 new development on a nearby site at northwest corner of Confederation Parkway and City Centre Drive. It is our opinion that the intent of the Zoning By-law is maintained if the sales office is permitted in this location.

If the Committee sees merit in the application, the Planning and Building Department recommends a temporary time limit of three years on the approval.

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."

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

"This department has no objections to the applicant's request to permit the construction of a temporary sales trailer/pavilion on the subject property. We are also noting for information purposes that the proposed access locations will have to be approved by our Traffic Section through the Access Approval Process."

The Region of Peel, Public Works, Development Services Division commented as follows (August 12, 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 Ms. Liggio and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate temporary use of the subject property. The Committee noted that the subject request is similar to other approvals in the area and no issues arising from the locating of sales pavilions on adjacent sites to the location that is developing.

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 for a temporary period of five (5) years, to expire and/or terminate on or before September 30, 2021.

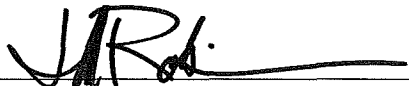
MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
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Application Approved, temporarily, as stated.

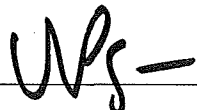
Dated at the City of Mississauga on August 25, 2016.

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 **SEPTEMBER 14, 2016**.

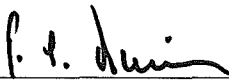
Date of mailing is August 29, 2016.

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

(ABSENT)  
\_\_\_\_\_  
D. KENNEDY

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

(ABSENT)  
\_\_\_\_\_  
D. REYNOLDS

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

I certify this to be a true copy of the Committee's decision given on August 25, 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

CANBA INVESTMENTS LIMITED

on Thursday August 18, 2016

Canba Investments Limited is the owner of 680 Silver Creek Boulevard being Part of Lot 11, Concession 1, N.D.S., and Block B, Plan 903, zoned C2, Commercial. The applicant requests the Committee to authorize a minor variance to permit an outdoor patio accessory to the restaurant located in Unit 18 of the subject plaza, being located within 60.00m (196.85ft.) of a Residential zone; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use and requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant and patio to the lot line of a Residential zone in this instance.

Mr. Wm. Oughtred of W.E. Oughtred & Associates, authorized agent, attended and presented the application requesting the Committee's permission to continue to operate an outdoor patio on the subject property. Mr. Oughtred advised that an outdoor patio had been previously approved at this location; however, the location has changed which has resulted in the current request being submitted. Mr. Oughtred presented a site plan noting the location of the existing outdoor patio accessory to the existing restaurant.

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

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

### "Recommendation"

The Planning and Building Department has no objection to the application.

### Background

#### Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: C2

#### Other Applications:

#### Comments

#### Zoning

We note that a certificate of occupancy permit application is required. In the absence of a certificate of occupancy 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 application is to permit a restaurant patio at a designated heritage building within a commercial retail plaza. The subject property is located at Silver Creek Blvd and Cawthra Rd, north of Dundas St. No changes are proposed to the existing building. A restaurant has operated in this location for many years."

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

"This department has no objections to the existing outdoor patio as constructed."

The City of Mississauga Community Services Department, Culture Division, Heritage Section commented as follows (August 12, 2016):

"The subject property is designated under the Ontario Heritage Act.

Heritage Planning supports the subject minor variance application for an outdoor patio as it will contribute to the continued use of the heritage resource."

The Region of Peel, Public Works, Development Services Division commented as follows (August 12, 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. Oughtred and comments from City staff, is satisfied that the request is an appropriate continued temporary use for the subject property. The Committee noted that an outdoor patio has been located at this site for many years and no concerns have been raised surrounding its operation.

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

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

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

- 1) There shall be no live music, live or otherwise in the patio area.
- 2) The hours of operation of the patio shall be restricted to Sunday – Thursday until 11:00pm and Friday and Saturday until 12:00a.m. (midnight).


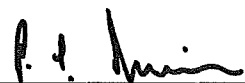
MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved, on conditions as stated.

Dated at the City of Mississauga on August 25, 2016.

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Date of mailing is August 29, 2016.

  
S. PATRIZIO (CHAIR)  
J. ROBINSON  
J. PAGE  
P. QUINN  
D. GEORGE


(ABSENT)

  
D. KENNEDY

(ABSENT)

  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on August 25, 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

SEAN BOUTILIER

on Thursday August 18, 2016

Sean Boutilier is the owner of 3623 Hawkestone Road being Part of Block C, Registered Plan 963, zoned E2-19, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a recreational dance studio on the subject property proposing:

1. a total of 24 parking spaces to be provided on site; whereas Bylaw 0225-2007, as amended, requires a total of 45 parking spaces to be provided on site in this instance; and,
2. a driveway aisle width of 4.58m (15.03ft.); whereas Bylaw 0225-2007, as amended, requires a minimum aisle width of 7.00m (22.96ft.) in this instance.

Mr. S. Boutilier, property owner, attended and presented the application. Mr. Boutilier explained the nature of the dance studio operation and indicated that he owned a similar but larger location in Etobicoke which he had a parking utilization study prepared for. Mr. Boutilier indicated that they have 32 parking spaces on site whereas the Zoning By-law requires 46 parking spaces. Mr. Boutilier noted that the Etobicoke site only has 21 parking spaces which is sufficient to support a much larger number of registered dancers than proposed for the Mississauga location.

The Committee did not see a problem with the parking variance but noted that additional variances may be required for the insufficient drive aisle widths.

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

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

### "Recommendation

The Planning and Building Department has no objection to the application as amended; however, the applicant may wish to defer the application to confirm the number of required parking spaces by submitting detailed floor plans outlining the Gross Floor Area (GFA).

### Background

#### Mississauga Official Plan

Character Area: Mavis Erindale Employment Area  
Designation: Business Employment

#### Zoning By-law 0225-2007

Zoning: E2-19

**Other Applications:**

Certificate of Occupancy permit application file 16-1974

**Comments**

**Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 16-1974. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

The variance requested is based on the applicable parking rate for a "Recreational Establishment" of 4.5/100 sq.m., through review of the associated zoning certificate the correct rate should be 5/100 sq.m for a "Commercial School". Based on the information submitted with this application it appears that the number of required parking spaces would be 46; however, we are unable to confirm this without detailed floor plans. The application would also require 2 accessible parking spaces rather than the single accessible space provided.

**Planning**

The proposal seeks to establish a new dance studio, requesting a reduction in parking. The subject site is an employment area, with a variety of warehousing, manufacturing, automotive and newer recreational uses.

A parking justification letter was submitted, based on a parking utilization study for a dance studio the operator owns near Queensway and Islington Ave in Etobicoke. The Etobicoke studio is 11,600 sq ft, with 1350 students, and 26 parking spaces. The application proposes a 9,820 sq ft studio with 525 students and 32 parking spaces. Staff note the parking spaces proposed are reasonable and supported. The general intent of the zoning by-law and the official plan are maintained.

Furthermore, a letter was also provided by a neighbouring property owner confirming that his business operates at opposite hours to the dance studio and that the studio's clients will be allowed to use his parking. Although these spaces do not appear to be required, it provides additional support for the variance, in the event that there is some variation in behaviour in the clients of the proposed studio in Mississauga and the school studied in Etobicoke.

The Department has no objection in principle to the requested reduction in parking; however, we would not support a variance request to reduce the required number of accessible parking spaces from 2 to 1. We recommend that the applicant provide the second required accessible parking spot by converting an existing parking space, or parking spaces. It appears that parking stall 30 and 31, as listed on the drawings provided, could be converted to an accessible space located adjacent to the other required accessible parking space that is shown. This would require the variance request to be amended to request to provide 31 parking spaces, rather than 32, which the Department would support.

The Planning and Building Department has no objection to the requested variance, as amended; however, the applicant may wish to defer the application to provide detailed floor plans to verify the GFA and ensure the correct number of parking spaces required."

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

"From our review of Site Plan submitted and from our site inspection we note that the 7 parking spaces on the east side of the building (spaces 19 to 25) may not be functional as the concrete slab shown on the Site Plan appears to be a loading bay which has an





## MISSISSAUGA

File: "A" 292/16  
WARD 6

approximate grade differential of 1.0M. To access spaces 23 to 25 we assume permission would also be required from the abutting property owner to access these parking spaces. We also question if parking spaces 19 to 22 are functional (unless they were tandem parking spaces) as there does not appear to be an adequate area to access these parking spaces without the permission of the abutting property to the east and removing the existing chain link fence between the properties."

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

"We have no comments or objections to 'A'-292/16."

No other persons expressed any interest in the application.

Mr. S. Boutilier requested that the application be deferred to allow time to review the site plan with Zoning staff and identify any variances that may have been missed.

The Committee consented to the request and deferred the application to August 18, 2016.

On August 18, 2016, Mr. S. Boutilier, property owner, attended and presented the application further noting that he has reviewed the requests with City staff and provided all clarification needed to proceed today. He noted that the current request is a result of the discussions with City staff.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Mavis Erindale Employment Area  
Designation: Business Employment

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

Zoning: E2-19

#### **Other Applications:**

Certificate of Occupancy Permit application 16-1974

### **Comments**

#### **Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 16-1974. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

to permit the establishment of a commercial school on the subject property proposing a total of 24 parking spaces to be provided, whereas a minimum 41 parking spaces are required.

## Planning

The application is to permit the establishment of a recreational dance studio in an existing industrial building. The subject property is located near Wolfedale Rd and Burnhamthorpe Rd. No changes are proposed to the existing building.

At the July 14, 2016 agenda, the application was deferred for the applicant to provide additional information to Zoning.

The applicant has met with Staff and submitted more information. Zoning is satisfied that the variances are correct.

Our previous comments regarding the reduction of parking still apply:

A parking justification letter was submitted, based on a parking utilization study for a dance studio the operator owns near Queensway and Islington Ave in Etobicoke. The Etobicoke studio is 11,600 sq ft, with 1350 students, and 26 parking spaces. The application proposes a 9,820 sq ft studio with 525 students and 24 parking spaces. Staff notes the parking spaces proposed are reasonable and supported. The general intent of the zoning by-law and the official plan are maintained.

Furthermore, a letter was also provided by a neighbouring property owner confirming that his business operates at opposite hours to the dance studio and that the studio's clients will be allowed to use his parking. Although these spaces do not appear to be required, it provides additional support for the variance, in the event that there is some variation in behaviour in the clients of the proposed studio in Mississauga and the school studied in Etobicoke.

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

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

"Further to our comments submitted for the July 14, 2016 hearing we are advising that we have no objections to the proposed revisions which have been identified in the Amended Notice and revised Site Plan recirculated by the Committee of Adjustment office on July 28, 2016."

The Region of Peel, Public Works, Development Services Division commented as follows (August 12, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. S. Boutilier, after hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations with respect to the parking number provided on site.

The Committee, after considering the submissions put forward by Mr. Boutilier and comments from City staff and considering the nature of the operation and information provided regarding the applicants similar operation in Etobicoke, is satisfied that the request is an appropriate use for the subject property. The Committee noted based on the information presented and supported by City staff, a reduction in required parking is appropriate in this instance. They further noted that the additional off site available parking offer by adjacent property owners in their off peak time would assist the applicant if there are any unexpected peaks in parking for the dance studio.



## MISSISSAUGA

File: "A" 292/16  
WARD 6

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 commercial school on the subject property proposing:

1. a total of 24 parking spaces to be provided on site; whereas By-law 0225-2007, as amended, requires a minimum of 41 parking spaces to be provided on site in this instance; and,
2. a driveway aisle width of 4.58m (15.03ft.); whereas Bylaw 0225-2007, as amended, requires a minimum aisle width of 7.00m (22.96ft.) in this instance.

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

Dated at the City of Mississauga on August 25, 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 **SEPTEMBER 14, 2016**.

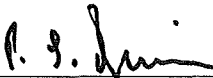
Date of mailing is August 29, 2016.

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

(ABSENT)

  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

(ABSENT)

  
\_\_\_\_\_  
D. REYNOLDS  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 25, 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

2332574 ONTARIO LIMITED

on Thursday August 18, 2016

2332574 Ontario Limited is the owner of 2303 Stanfield Road being Part of Lot 7, Concession 1, S.D.S., zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of six (6) multiple occupancy mixed use buildings proposing a landscape buffer of 0.00m (0.00ft.) along a portion of the south lot line between proposed Building 'F' and the most westerly vehicular entrance from Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance.

Ms. L. Santos, authorized agent, attended and requested that the application be deferred to allow her an opportunity to discuss the application further with the Planning and Building Department staff.

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

The City of Mississauga Planning and Building Department commented as follows (July 18, 2016):

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Dixie Employment Area  
Designation: Business Employment

#### Zoning By-law 0225-2007

Zoning: E2 (Employment)

#### Other Applications:

Site Plan Approval Application File: SP 13/008

### Comments

#### Zoning



## MISSISSAUGA

File: "A" 313/16  
WARD 1

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, we advise that the variances request should be amended as follows:

"1. To permit the construction of six (6) multiple occupancy mixed use buildings proposing a landscape buffer of 0.0m along a portion of the south lot line between proposed Building 'F' and the most westerly vehicular entrance from Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance."

### Planning

Although there are constraints on the subject property related to the parking layout as a result of the irregular lot shape, a landscape buffer of 0.00 m is not appropriate along Queensway East. A landscape buffer provides added separation distance between the street line and the functional space of a site as well as provides aesthetic site appeal. Queensway East is a major roadway and a landscape is appropriate to create a separation distance between the traffic and the parking area of the site. It also helps contribute to on site storm water management. Queensway East is under the jurisdiction of the Region of Peel and should they need to widen or alter this road in the future, the location of the parking area and lack of a landscape buffer could create concerns; therefore, the requested variance is inappropriate.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variance does not maintain the general intent of the Zoning By-law and is not minor in nature. Accordingly, we recommend that the application be refused."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 8/13. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Public Works, Development Services Division commented as follows (July 15, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to August 18, 2016.

On August 18, 2016 Ms. J. Robinson declared a pecuniary interest in the application as the applicant is a client of her consulting firm. Ms. Robinson left the meeting room and did not participate in the proceedings.

Mr. M. Jastrzebski, a representative of the authorized agent, attended and presented the application further noting that the subject property is being developed with mixed industrial and commercial uses and is currently proceeding through the Site Plan Approval process. He advised that through the design process, a pinch point at the front of the property along Queensway East has a reduced landscape buffer width along a row of parking spaces. Mr. Jastrzebski advised that since the last meeting they have had discussions with Planning staff and reviewed a few scenarios and are requesting to proceed with their original request. He further noted that in discussions with City it was noted that the request should be amended to reflect the actual buffer width at the narrowest point being 0.50m (1.64ft.) which is comprised of a 0.20m (0.65ft) landscape buffer and a 0.30m (1.00ft.) reserve. Mr. Jastrzebski presented a site plan for the Committees review and consideration.

The Committee consented to the requested amendment.

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

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Dixie Employment Area  
Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning:** E2 (Employment)

**Other Applications:**

Site Plan Approval Application File: SP 13-008

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, we advise that the variance should be amended as follows:

"1. To permit the construction of six (6) multiple occupancy mixed use buildings proposing a landscape buffer of 0.00 m along a portion of the south lot line between proposed Building 'F' and the most westerly vehicular entrance from The Queensway East; whereas By-law 0225-2007, as amended, requires a minimum Landscape buffer width of 4.50 m (14.76ft.) in this instance."

**Planning**

The Minor Variance application was previously deferred by the applicant at the July 21, 2016 Committee of Adjustment hearing, in order to provide the applicant an opportunity to meet with City staff. Since the previous hearing, a meeting was held on August 10, 2016 to discuss the application; however, a solution was not able to be reached and no changes to the application have been proposed.

We are of the opinion that a landscape buffer tapering from 3.55 m (11.65 ft.) to 0.00 m along Queensway East towards Stanfield Road is not appropriate in this instance. The intent of the landscape buffer provisions of the Zoning By-law are to provide a vegetative buffer between the parking area and the street that is large enough to accommodate appropriate planting materials and to provide screening within the property limits; this application does not maintain the general intent of the Zoning By-law.

Queensway East is a relatively major roadway that should have additional separation and landscaping provided between the proposed parking area on site and the street. This requirement has been consistently expressed to the applicant through the Site Plan Approval process. Site Plan Approval guidelines are in place to ensure that all sites within the City of Mississauga are developed in a desirable and appropriate way. Specifically, in section 5.4.2 of the Site Plan Application: Process Guidelines document, states that

"Landscape screening and/or fencing is required to reduce the impact of exposed parking, driveways, storage, services, garbage, loading areas, and other non-compatible uses and

is to be provided in addition to perimeter tree planting requirements. This shall consist of one or a combination of the following alternatives:

1. Berming (1 m high minimum with a maximum 33% slope) and planting consisting of shrubs and coniferous planting;
2. Planting consisting of shrubs and trees with 50% being coniferous planting;
3. Low decorative screen walls (1 m high); and,
  - a. Other site specific methods appropriate to the application"

Although there are other portions of the property that meet the minimum requirement for a landscaped buffer, this specific area is entirely adjacent to a proposed parking area. If the variance is granted, there will be extremely limited opportunity to provide adequate screening of the parking area through the Site Plan Approval process. We recognize that the lot shape is irregular and that the reduction of the landscape buffer accommodates additional parking spaces, which would be lost if the landscape buffer were provided; however, the Site Plan is currently showing surplus parking across the site. There are currently 386 parking spaces provided on site, whereas 351 are required, for a surplus of 35 spaces. It is the opinion of the Department that it is not desirable to disregard the landscape buffer in favour of parking, especially when parking is in excess.

There are currently 51 parking spaces shown adjacent to the deficient landscape buffer. The removal of 35 parking spaces in favour of a full landscape buffer along the portion which is currently most deficient could be an appropriate compromise that would allow for more landscaped area to be provided, albeit below the minimum standard expected. However, the applicant has indicated during the meeting with City staff that they do not wish to alter any parking which is currently proposed.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variance does not maintain the general intent of the Zoning By-law and is not desirable for the appropriate development of the lands. As a result, we recommend that the application be refused."

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

"Please refer to our comments submitted, for the July 21, 2016 hearing of this application as those comments are still applicable."

Mr. H. Lynch, planner for the City of Mississauga, attended and provided comments on the application noting that his department was not supportive of the reduced landscape buffer width.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Jastrzebski and having reviewed the plans, comments from City staff, is satisfied that the amended request is desirable for the appropriate development of the subject property. The Committee noted that the amendment to provide a minimum landscape buffer width of 0.50m (1.64ft.) would be sufficient to provide plantings of shrubs and trees or a low decorative screen wall as noted in the Planning Department comments. The Committee advised that they preferred the evidence of the applicant that adequate screening could be achieved in this area.

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

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



Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of six (6) multiple occupancy mixed use buildings on the subject property proposing a landscape buffer width of 0.50m (1.64ft.) to 3.50m (11.48ft.) along a portion of the south lot line between proposed Building 'F' and the most westerly vehicular entrance from Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance.

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

Dated at the City of Mississauga on August 25, 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 **SEPTEMBER 14, 2016**.

Date of mailing is August 29, 2016.


  
S. PATRIZIO (CHAIR)  
D. GEORGE

ABSENT  
J. ROBINSON

ABSENT  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 25, 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.