

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: August 25, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (MINOR VARIANCE)

A-345/16	MICHAEL SADKOWSKI	1503 INDIAN GROVE	2	Approved
A-346/16	AL-MOHAMMEDI MEDICINE PROFESSIONAL CORPORATION	1435 HURONTARIO ST	1	Approved
A-347/16	PEEL CONDO CORPORATION 505	1905 BROAD HOLLOW GATE	8	Approved
A-348/16	SAMANTHA ANDRADE	95 VISTA DR	11	Approved
A-349/16	PEEL CONDO CORPORATION 313	3065 RIDGEWAY DR	8	Approved
A-350/16	CECILIA NAPOLITANO	1540 PARK ROYALE BLVD	1	Approved
A-351/16	MARIA MUCCI	1486 TROTWOOD AVE	1	Oct 6
A-352/16	JOZEF CZERNIECKI	4399 SHELBY CRES	3	Approved
A-353/16	NAIRA ZAKARIAS SYPAWEH, MOHAMED AYOUP	1492 INDIAN GROVE	2	Approved
A-354/16	TONY MIELE	1677 BLYTHE RD	8	Approved
A-355/16	BOSCO MASCARENHAS	1386 ROSE BLOOM RD	6	Approved
A-356/16	DIR PROPERTIES (GP) INC	5805 KENNEDY RD	5	Withdrawn

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-163/16	ISIS & RAMZY GUIRGUIS	5217 ADOBE CRT	10	Oct 13
A-278/16	AMIR SABIEL & MARIANNA ABIED	1204 ARGREEN RD	1	Approved
A-291/16	ISIDRO MENDIOLA	1061 DUNDAS ST W	6	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

MICHAEL SADKOWSKI

on Thursday August 25, 2016

Michael Sadowski is the owner of 1503 Indian Grove being Part of Lot 24, Registered Plan B-17, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing an easterly interior side yard of 1.90m (6.23ft.) and a westerly interior side yard of 1.41m (4.63ft.) to the first and second storey; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.80m (5.91ft.) to the first storey and 2.41m (7.91ft.) to the second storey in this instance.

On August 25, 2016 Mr. M. Sadkowski, the property owner, attended and presented the application to permit the construction of a new two storey dwelling proposing an easterly interior side yard of 1.90m (6.23ft.) and a westerly interior side yard of 1.41m (4.63ft.) to the first and second storey. He noted that the subject property is one of the smallest lot frontages on the street and they have designed a home that respects the style and type of dwelling currently on the street. He noted that the slight reduction in side yard setbacks allows for the dwelling to be slightly wider to provide a better streetscape appearance.

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

The City of Mississauga Planning and Building Department commented as follows (August 19, 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: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

#### Other Applications:

Building Permit	File: Required
Site Plan Approval Application	File: Required

## Comments

### Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these permit applications we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. The variances, as requested, have been reviewed based on the information provided, however a full zoning review has not been completed.

### Planning

The subject property is a lot of record, which is significantly smaller in frontage than the majority of the lots in the area, with the exception of the adjacent lot to the west. The Zoning provisions are designed for a minimum lot area of 22.5 m (73.82 ft.), which makes it somewhat challenging to develop within the Zoning By-law requirements on a lot with a frontage of 12.12 m (39.76 ft.).

There are Official Plan policies within section 16.5.1.4 which speak to infill housing within Clarkson-Lorne Park. The relevant subsections are as follows:

"a. preserve and enhance the generous front; rear and side yard setbacks;  
c. encourage new housing to fit the scale and character of the surrounding area...;  
j. the building mass, side yards and rear yards should respect and relate to those of adjacent lots."

Although the applicant's proposal is requesting to reduce the required side yard setbacks, which appears to be discouraged through 16.5.1.4(a), the limitations of the lot deserve special consideration as it is unique within the neighbourhood. Given that the lot has been created decades ago and is a legal lot, a dwelling that best fits within the context of the lot and neighbourhood must be considered within the present circumstances.

The Official Plan directs new housing to fit the scale and character of the area through 16.5.1.4(c), which would be achieved, to the extent possible, through a larger dwelling being constructed as a result of side yard setback reductions. Further, Official Plan section 16.5.1.4(j) indicates that it is important to consider the side yards of adjacent lots when determining the appropriateness of a proposal. The dwelling to the west at 1513 Indian Grove is located on an identically sized lot and provides a very limited setback to the lot line, well below the requested 1.41 m (4.63 ft.) on the westerly side yard of the subject property. To the east, at 1497 Indian Grove, the side yard setback is at or below the minimum requirement of the Zoning By-law based on City mapping systems.

Given that the proposal is increasing the overall combined side yard setback width over what currently exists, generally relates to the adjacent dwellings and would allow for a dwelling to be built that is more in character within the other larger homes within the neighbourhood, we are of the opinion that the proposal preserves the side yard setbacks of the neighbourhood as indicated in section 16.5.1.4(a) of the Official Plan.

The intent of the Zoning By-law provisions related to side yard setbacks are to provide adequate separation distance between dwellings in the context of the neighbourhood, allow access to the rear yard and provide space for construction and maintenance on the subject property. The Department is of the opinion that the general intent is maintained; access and maintenance should be no concern within the provided setbacks and the relationship to the neighbourhood and adjacent dwellings has been considered in the unique context of this lot through the relevant Official Plan policies, which the Zoning By-law implements.

Based on the preceding information the Planning and Building Department is of the opinion that the requested variances maintain the general intent of the Official Plan and Zoning By-law and is minor in nature. As a result we have 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."



## MISSISSAUGA

File: "A" 345/16  
WARD 2

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed new two-storey dwelling will be addressed through the Site Plan Approval and Building Permit process."

The Region of Peel, Public Works, Development Services Division commented as follows (August 19, 2016):

"We have no comments or objections to the application."

A letter was received from Z. Ansari, property owner of 1498 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from A. Taran property owner of 1530 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from property owner of 1529 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from J. McGil, property owner of 1561 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from S. Kwanum, property owner of 1551 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from J. Patterson, property owner of 1543 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from J. Graig, property owner of 1492 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from K. Gray, property owner of 1491 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from F. Abilgasse, property owner of 1489 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from M. Saniernki, property owner of 1480 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.



## MISSISSAUGA

File: "A" 345/16  
WARD 2

A letter was received from S. Sula, property owner of 1479 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from S. Rinaldo, property owner of 1472 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from E. Tedesco, property owner of 1466 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from A. Zhu, property owner of 1441 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from A. Kumar Sety, property owner of 1439 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from V. Whitley, property owner of 1436 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from J. Moriais, property owner of 1535 Indian Grove, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from A. Murphy, property owner of 708 Atoka Drive, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A letter was received from B. Steer, property owner of 1502 Wateska Blvd, expressing concerns and suggested that the garage be relocated to the rear of the house and that the proposed 4 bedroom dwelling be pushed back on the lot behind, and requested the Committee to deny this application.

A petition of objection was received which was signed by 25 approximately people indicating their objection to the application.

Mr. L. Kuysten, property owner of 1514 Indian Grove, attended and expressed his objection to the application and expressed concerned that the proposed dwelling does not fit the street as most of the existing houses are large homes with multiple garages and most of the set backs are very generous. He suggested that the proposed dwelling should be set back further from the street similar to the majority of the other homes on the street versus the setback being in line with the other dwelling on the small lot immediately adjacent to the subject property. Mr. Kuysten noted that the minor variance application for the adjacent lot was refused by the Committee and the same reasons set out in that decision are applicable to this current request.

Mr. A. Taran, property owner of 1530 Indian Grove, attended and expressed an interest in the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Sadkowski and having reviewed the plans and comments received from City staff and the neighbours, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee preferred the submissions and justifications of the applicant in the instance as opposed to the submissions by Mr. Kuysten. The Committee noted that the proposed dwelling is much different than the other application noted by the neighbour and each application stands on its own merit. They noted that the proposed dwelling design on the "as of right" lot is in sympathy and character with the other dwellings on the street and the applicant has done a good job in this regard.

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 variances are 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 plans reviewed by the Committee at the meeting.

MOVED BY: J. Page

SECONDED BY: J. Robinson

CARRIED

Application Approved on condition, as stated.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON

(ABSENT)

D. KENNEDY



J. PAGE

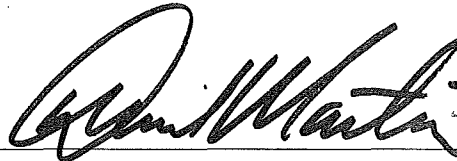
(ABSENT)

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 1, 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

AL-MOHAMMEDI MEDICINE PROFESSIONAL CORPORATION

on Thursday August 25, 2016

Al-Mohammedi Medicine Professional Corporation is the owner of 1435 Hurontario Street being Range 2, Credit Indian Reserve, Part of Lots 1 & 2, zoned R3-43, Residential. The applicant requests the Committee to authorize a minor variance to permit the establishment of a medical office use having a total gross floor area – non-residential of 210.00m<sup>2</sup> (2260.42ft.<sup>2</sup>); whereas By-law 0225-2007, as amended, permits a maximum total gross floor area - non-residential of 190.00 m<sup>2</sup> (2045.14ft.<sup>2</sup>), in this instance.

Mr. N. Dell of Nick Dell Consulting, authorized agent, attended and presented the application to permit an increase to the permitted gross floor area – non-residential for a medical office use on the subject property. Mr. Dell advised that through discussions with City staff, the application should be amended to reflect a medical office – restricted use and requested the application be amended accordingly. He presented a set of floor plans noting that the additional use of area on the second floor has put the request offside with the maximum gross floor area permitted on site. He noted that sufficient parking is provided on site for the increased area and no other relief is required from the zoning by-law.

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

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

### "Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to confirm that all variances have been captured through an updated submission of their Building Permit application.

### Background

#### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

Zoning: R3-43 (Residential)

#### Other Applications:

Building Permit File: 16-1394





## Comments

### Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application and based on the review of the application, we advise that more information is required to verify the accuracy of the requested variance and to determine whether additional variances will be required. We are not able to confirm the Gross Floor Area and as a result cannot confirm that the parking requirements are met.

The subject property zoning permits a Medical Office – Restricted, but does not permit a Medical Office. Through speaking with the applicant they have indicated that the request is intended to be for a Medical Office – Restricted. They should clarify their request to ensure that they do not need a use variance for a Medical Office.

### Planning

The applicant is proposing to establish a medical office – restricted in place of the previously existing professional office. The previously existing professional office was approved with a Gross Floor Area (GFA) of 210 m<sup>2</sup> (2260.42 sq. ft.) through a minor variance application in 1993. The Department has no concern with the conversion to a medical office – restricted. The day to day operation of the site will be similar in nature to the prior use and should fit well within the character of this section of Hurontario Street.

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 confirm that all variances have been captured through an updated submission of their Building Permit application."

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"Further to our review of the information submitted with this application we are advising that we have no objections to the applicant's request to allow for a change of use from a professional office to a medical office."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee consented to the amended request and, after considering the submissions put forward by Mr. Dell and having reviewed the plans and comments received from City staff, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the inclusion of the modest second storey floor area as gross floor area would be appropriate in this instance.

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 Medical Office - Restricted use within the subject building on the subject property having a total gross floor area – non-residential of 210.00m<sup>2</sup> (2260.42ft.<sup>2</sup>); whereas By-law 0225-2007, as amended, permits a maximum total gross floor area - non-residential of 190.00 m<sup>2</sup> (2045.14ft.<sup>2</sup>), in this instance.



File: "A" 346/16  
WARD 1

MOVED BY: D. George      SECONDED BY: J. Robinson      CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on September 1, 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 21, 2016**.


Date of mailing is September 5, 2016.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)

  
\_\_\_\_\_  
J. ROBINSON

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

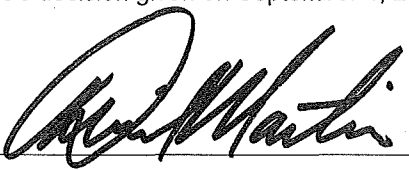
  
\_\_\_\_\_  
P. QUINN

  
\_\_\_\_\_  
D. GEORGE

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

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

I certify this to be a true copy of the Committee's decision given on September 1, 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

PEEL CONDO CORPORATION 505

on Thursday August 25, 2016

Peel Condo Corporation 505 is the owner of 1905 Broad Hollow Gate being Peel Condominium Plan 505, Unit 40, zoned RM4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing deck in the rear yard of the subject property proposing a setback of 3.40m (11.15ft.) to a Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft.) to a Greenbelt zone in this instance.

Mr. L. Petovello, authorized agent, attended and presented the application to permit the construction of an addition to the existing deck in the rear yard of his unit on the subject property proposing a setback of 3.40m (11.15ft.). Mr. Petovello advised that the addition to the existing deck and the expansion do not encroach any further into the rear yard than the existing deck. He indicated that the Credit Valley Conservation has reviewed the proposed application and approved it. He also noted Ward Councillor Mahoney reviewed the application and has no issues or objections to the proposal.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Erin Mills Neighbourhood  
Designation: Residential Medium Density

#### Zoning By-law 0225-2007

Zoning: RM4 (Residential)

#### Other Applications:

Building Permit File: 16-2446

### Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, we advise that the following additional variance is required:

3. That the area located under the proposed deck be included in the calculation of landscaped area; whereas By-law 0225-2007, as amended, does not permit the area under the deck to be included in the landscaped area calculation."

#### Planning

The applicant is proposing to extend the existing deck along the rear of the dwelling at the same setback to the Greenbelt zone as currently exists. There are multiple other decks along the townhouse development in a similar condition and given that the existing, previously approved, setback from the Greenbelt is being maintained, the Department is of the opinion that the intent of the Zoning By-law is being generally maintained.

Although a small amount of usable landscaped area on site is being lost as a result of the deck extension, the overall impact to the site should be negligible and the primary landscaped area between the Greenbelt zone and the townhouse dwellings is being maintained.

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 (August 18, 2016):

"This department has no objections to the applicant's request to permit the construction of an addition to the existing deck in the rear yard."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (August 23, 2016):

"The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advise as follows:

Should the application be approved, this Department notes the following:

1. The Community Services Department has no objection to the application.
2. City of Mississauga Park #168 – Windy Hollow abuts the rear yard of the applicant's property.
3. Construction access from the City Park and rear yard of the property is not permitted.
4. Stockpiling of construction materials in the adjacent City Park is not permitted.

Should further information be required, please contact Simone Fiore, Planning Assistant, Community Services Department at 905-615-3200 ext. 3458."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections to the application."

A memorandum was received from Ward Councillor Matt Mahoney expressing support for the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 347/16

WARD 8

Mr. Petovello, after hearing the comments from the Planning Department and the Committee requested the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. Petovello and having reviewed the plans and comments received from City staff, is satisfied that the amended request is desirable for the appropriate further development of the subject property. They noted that the proposed addition to the deck will not encroach any further than the existing deck.

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 the construction of an addition to the existing deck in the rear yard of the subject property proposing a setback of 3.40m (11.15ft.) to a Greenbelt zone and that the area located under the proposed deck be included in the calculation of landscaped area; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft.) to a Greenbelt zone and does not permit the area under the deck to be included in the landscaped area calculation in this instance.

MOVED BY: S. Patrizio

SECONDED BY: J. Robinson

CARRIED

Application Approved, as amended.

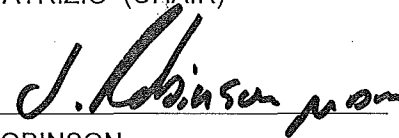
Dated at the City of Mississauga on September 1, 2016.

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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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)  
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IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

SAMANTHA ANDRADE

on Thursday August 25, 2016

Samantha Andrade is the owner of 95 Vista Drive being Lot 25, Registered Plan 513, zoned R2-50, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of new two storey dwelling proposing a lot coverage of 31.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.

Mr. B. Andrade, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling on the subject property proposing increased lot coverage. Mr. Andrade advised that the front porch and rear elevated deck features have contributed to the increase of the overall lot coverage exceeding the by-law requirement. Mr. Andrade presented a site plan to the Committee for their review and consideration noting the locations and extent of the front porch and rear elevated deck.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Streetsville Neighbourhood  
Designation: Low Density I

#### Zoning By-law 0225-2007

Zoning: R2-50

#### Other Applications:

PREAPP 16-2107

#### Comments

#### Zoning

The Building Department is currently processing a building permit application under file PREAPP 16-2107. Based on review of the information currently available for this building permit, the variances, as requested are correct.

### Planning

The application is to permit a new detached dwelling within the Streetsville Neighbourhood. The subject property is located on Vista Dr, near Erin Mills Parkway and Thomas Street. The current dwelling is proposed to be demolished.

The subject area consists of regular lots with a consistent lotting pattern. The east side of the street, including this subject site, has shallower lots than the west side. Directly adjacent, 93 Vista Dr, was built in 2011 prior to the new Streetsville Infill Housing By-law.

The application requests relief to the lot coverage. The proposed dwelling is 239.42m<sup>2</sup> (2572.57ft<sup>2</sup>). The applicant has indicated the covered front porch and the rear deck constitute the need for the lot coverage variance. No other variances are being sought. The covered front porch and rear deck help transition the house mass to the neighbours and the street. In the opinion of the Planning and Building Department the application is minor and desirable.

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

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

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

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objection to the application."

A letter was received from Mr. P. Campagna, property owner at 98 Bonham Boulevard, stating his concerns with respect to the requested variances.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Andrade and having reviewed the plans and comments received from City staff and the adjacent neighbour, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee preferred the comments and justification provided by the Planning Department and noted that the modest increase due to a front porch feature and a rear open deck is appropriate and in character with the surrounding homes in 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.

MOVED BY: P. Quinn

SECONDED BY: D. George

CARRIED

Application Approved.

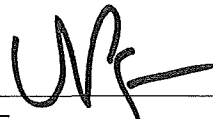
Dated at the City of Mississauga on September 1, 2016.


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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

PEEL CONDO CORPORATION 313

on Thursday August 25, 2016

Peel Condominium Corporation 313, is the owner of 3065 Ridgeway Drive being Peel Condominium Plan 313, zoned C3-46, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a dental clinic within Units 33 & 34 of the subject development proposing a total of 259 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a total of 444 parking spaces for all uses on site, in this instance.

Mr. J. Hum, authorized agent, attended and presented the application to permit the establishment of a dental clinic within Units 33 & 34 of the subject development proposing an overall reduced parking requirement on site. Mr. Hum advised that they have provided three parking studies that were completed on the property previously for staff and Committee's review and indicated that the findings in the study support that there is sufficient parking on the subject property to accommodate the new dental clinic.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Western Business Park Employment Area  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: C3-46 (Commercial)

#### Other Applications:

Certificate of Occupancy File: 16-1920

#### Comments

#### Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy permit application and based on the review of the application, the variances are correct as requested.

### Planning

The subject property has received a number of recent approvals for parking variances for different units within the plaza. The applicant has submitted a parking study with an addendum dated May 30, 2016 from Beacon Planning Services, which was used as justification for a previous Committee of Adjustment application. Based on the review of the study provided, staff is of the opinion that the data is recent enough that it can be relied upon when considering the appropriateness of a parking reduction for the subject property. As per the study provided, at peak parking demand there were still 94 parking spaces vacant. As a result, we are of the opinion that the increase in required parking as a result of the establishment of a dental clinic could easily be accommodated and the general intent of the Zoning By-law is maintained.

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

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

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

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections to the application."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Hum and having reviewed the plans and comments received from City staff, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee noted that the Parking Study has supported the request and the study has also been reviewed and supported by Planning staff.

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. Page

CARRIED

Application Approved.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

CECILIA NAPOLITANO

on Thursday August 25, 2016

Cecilia Napolitano is the owner of 1540 Park Royale Boulevard being Lot 56, Registered Plan 444, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing basement entrance stairwell to remain having a 0.91m (3.00ft.) side yard; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Ms. M. Napolitano, authorized agent, attended and presented the application to permit the existing basement entrance stairwell to remain having a 0.91m (3.00ft.) side yard. Ms. Napolitano presented the plans and explained that when they purchased the house in 2013 and the basement the walk out stairs were already there. She advised that building inspector attended the property when they were conducting foundation repairs and were advised to obtain a building permit. She advised that a building permit was obtained and then it was determined that the location of the existing fence was not the property line which results in the deficient side yard from the stairwell to the property line.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

#### Other Applications:

Building Permit File: 15-4349

### Comments

#### Zoning



## MISSISSAUGA

File: "A" 350/16  
WARD 1

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

### Planning

The proposed location of the basement entrance stairwell is near the rear of the dwelling and is modest in scale. The reduction in required setback of 0.29 m (0.93 ft.) should not impact the adjacent neighbour or affect the streetscape on Park Royale Boulevard. Further, the required setback is maintained on the opposite side of the dwelling which maintains adequate access to the rear yard.

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

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"We are noting from our site inspection of this property that the existing basement entrance stairwell has been constructed such that it does not impact on the existing drainage pattern."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections to the application."

A letter was received from F. Hung and R. Willis, property owners of 1500 Glenwatson Drive, stating their objections to the application.

A letter was received from D. Dangerfield, property owner of 1476 Glenwatson Drive, stating objection to the application, also indicated that the residence in question proceeded to have major construction without the proper permitting and City approvals.

A letter was received from R. Taylor, property owner of 1499 Glenwatson Drive, stating objection to the application.

Mr. R. Willis and Ms. F. Hung, property owners at 1500 Glenwatson Drive, attended and expressed concerns and objected to the application noting that they can't open the windows in proximity to the entrance on their property due to the utilization of the area around the entrance as a sitting area where the owners sit during the day smoking and creating noise.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Napolitano, Mr. Willis and having reviewed the plans and comments received from City staff and neighbours, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that a basement entrance stairwell in this location is appropriate as there is still sufficient access in the side yard for access to the rear yard for maintenance purposes.

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

Application Approved.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

JOZEF CZERNIECKI

on Thursday August 25, 2016

Jozef Czerniecki is the owner of 4399 Shelby Crescent being Part of Lot 16, Registered Plan M-365, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway width of 6.66m (21.85ft.) to remain; whereas Zoning By-law 0225-2007, as amended, permits a maximum driveway width of 5.70m (18.70ft.) in this instance.

Mr. M. Czerniecki, authorized agent, attended and presented the application to permit the widening of the existing driveway to 6.66m (21.85ft.) whereas the by-law does not permit a driveway to be that wide. He advised that his mother has had health issues and the proposed widening is to accommodate any future requirements for greater accessibility for her when exiting a vehicle. Mr. Czerniecki noted that they have started to modify the driveway but have stopped since the enforcement officer visited their property. He advised that landscaping will be provided on both sides of the proposed driveway when completed.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Low Density Residential I

#### Zoning By-law 0225-2007

Zoning: RM1

#### Other Applications:

#### Comments

#### Zoning





## MISSISSAUGA

File: "A" 352/16  
WARD 3

We note that a building permit is not required in this instance. It should be noted that the variance(s), as requested, has been reviewed based on information provided, however a full zoning review has not been completed.

The variance should be amended:  
to permit the existing driveway width of 6.66m (21.85ft.) to remain; whereas Zoning By-law 0225-2007, as amended permits a maximum driveway width of 5.20m (17.06ft.) in this instance.

### Planning

The application is to permit a driveway enlargement on the subject property located on Shelby Crescent, near Tomken Rd and Eastgate Parkway.

The requested driveway width provides hard surface across most of the property, and minimal soft landscaping. The zoning by-law intends that the width of the driveway be limited to provide space for two vehicles to be parked side by side. Based on visual observation, it appears three vehicles could be parked side by side across the front of the dwelling.

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

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"Enclosed for Committee's easy reference are some photos which depict the existing driveway. We would also recommend that any approval of the driveway width and proposed walkway be such that it would discourage three vehicles from being parked side by side on the driveway."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections to the application."

A letter was received from Ms. G Minnetti and Mr. J. Minniti, property owners at 4377 Shelby Crescent noting their objections to the requested variance. They expressed concerns with respect to the amount of parking in the driveway and the impact on the streetscape with so many cars to be located in the front yard.

A letter was received from Mr. D. Minniti, a resident at 4377 Shelby Crescent noting their objections to the requested variance. He expressed his concerns with respect to the amount of parking in the driveway and the impact on the streetscape with so many cars to be located in the front yard.

No other persons expressed any interest in the application.

Mr. Czerniecki, after hearing the comments of the Committee and Planning comments, requested the application be amended in accordance with their recommendations.

The Committee consented to the request, and after considering the submissions put forward by Mr. Czerniecki and having reviewed the plans and comments received from City staff and the neighbours at 4377 Shelby Crescent, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the proposed driveway width would not accommodate 3 cars to be parked side by side and would allow additional room for access purposes for the applicants aging parents. The Committee noted that soft landscaping is to be provided on both sides of the driveway in accordance with the intent of the plans provided. The Committee having



## MISSISSAUGA

File: "A" 352/16

WARD 3

reviewed the Planning Department comments advised they did not support their recommendations.

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 a maximum driveway width of 6.66m (21.85ft.) on the subject property; whereas Zoning By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) on the subject property in this instance.

This decision is subject to the following condition:

1. The applicant shall proceed in accordance with the modified plan reviewed by the Committee which indicates soft landscaping being provided on both sides of the widened driveway.

MOVED BY: J. Page

SECONDED BY: P. Quinn

CARRIED

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

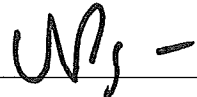
Date of mailing is September 5, 2016.

  
S. PATRIZIO (CHAIR)

  
D. GEORGE

  
J. ROBINSON

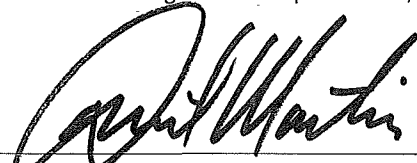
ABSENT  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 1, 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

NAIRA ZAKARIAS SYPAWEH and MOHAMED AYOUP

on Thursday August 25, 2016

Naira Zakarias Sypaweh and Mohamed Ayoup are the owners of 1492 Indian Grove being Lot 65, Registered Plan B-17, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing a building eave height of 6.90m (22.64ft.); whereas Zoning By-law 0225-2007, as amended, permits a maximum building eave height of 6.40m (21.00ft.) in this instance.

Mr. D. Nelson, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling on the subject property proposing a building eave height of 6.90m (22.64ft.). He advised that due to the existing grades on the property the average grade is below the finished grade. He noted that the proposed dwelling meets the overall height requirement of the by-law.

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

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

### "Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Site Plan Approval and Building Permit applications 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: R2-4 (Residential)

#### Other Applications:

Building Permit	File: Required
Site Plan Approval Application	File: Required

#### Comments

### Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these permit applications we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. The variance, as requested, has been reviewed based on the information provided, however a full zoning review has not been completed.

### Planning

The applicant is proposing an additional 0.50 m (1.64 ft.) to the height of the eaves beyond what the Zoning By-law permits. In this instance, there is a grade difference across the property, which causes the average grade to be 0.62 m (2.03 ft.) lower than the established grade at the along the front of the dwelling. The result is that the height to the eaves appears, from the front lot line, to be 0.62 m (2.03 ft.) lower than what the variances request states. Given that this reduction would result in a dwelling that appears to comply with the Zoning By-law requirements, the Department is of the opinion that the general intent of the By-law is maintained.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Site Plan Approval and Building Permit applications 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 18, 2016):

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

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"We have no comments or objections to the application."

No other persons expressed any interest in the application.

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

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

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

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

MOVED BY: J. Page

SECONDED BY: D. George

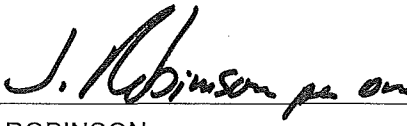
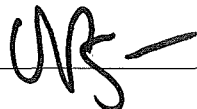
CARRIED

Application Approved.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

TONY MIELE

on Thursday August 25, 2016

Tony Miele is the owner of 1677 Blythe Road being Part of Lot 4, Range 2, South of Dundas Street, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition on the existing dwelling at the subject property proposing:

1. a lot coverage of 33.00% of the lot area; whereas Zoning By-law 0225-2007, as amended, permits a maximum lot coverage of the lot area of 25.00% in this instance; and,
2. a front porch encroachment into the required front yard of 2.50m (8.20ft.); whereas Zoning By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft.) into a required front yard in this instance.

Mr. W. Hudson, authorized agent, attended and presented the application to permit the construction of a second storey addition on the existing dwelling at the subject property proposing increased lot coverage and an increased porch projection. Mr. Hudson advised that the existing dwelling exceeds the by-law requirement and the proposed dwelling additions will further increase the lot coverage. He advised the unique curved shape of the addition and tilting forward the roof results in the excessive porch encroachment. Mr. Hudson presented plans to the Committee for their review and consideration.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density I

#### Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

Building Permit File: 16-0516

## Comments

### Zoning

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

### Planning

The applicant is proposing a partial second storey addition on top of an existing single storey dwelling. The existing outer walls of the dwelling will largely remain, with slight expansions in the front and rear. The requested increase in lot coverage should not have an impact on adjacent dwellings as the second storey is built on generally the same footprint as the existing dwelling and is only a partial storey. Further, the site has significant tree cover and screening which further mitigates potential visual impacts to neighbouring properties.

Requested variance #2 for the porch encroachment is a relatively minor increase in the permitted encroachment which extends across only a portion of the front of the dwelling. The porch feature is large in size and unique in architectural design, but fits in with the varying design styles within the neighbourhood and should not negatively impact the streetscape of Blythe Road.

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 (August 18, 2016):

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

The Region of Peel, Public Works, Development Services Division, commented as follows (August 19, 2016):

"This site does not have frontage on existing municipal sanitary sewer."

No other persons expressed any interest in the application.

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




Application Approved.

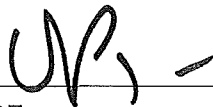
Dated at the City of Mississauga on September 1, 2016.

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 21, 2016**.

Date of mailing is September 5, 2016.

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

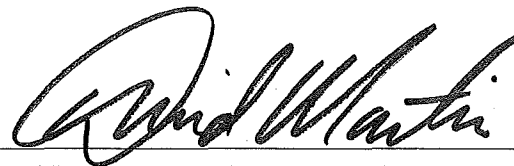
ABSENT  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 1, 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

BOSCO MASCARENHAS

on Thursday August 25, 2016

Bosco Mascarenhas is the owner of 1386 Rose Bloom Road being Block 171, Registered Plan M-916 and Block 10, Registered Plan 43-M1308, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit a gazebo having:

1. a height of 4.26m (14.00ft.); whereas Zoning By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft.) in this instance; and,
2. an occupied area of 14.00m<sup>2</sup> (150.70ft.<sup>2</sup>); whereas Zoning By-law 0225-2007, as amended, permits a maximum area occupied by a gazebo of 10.00m<sup>2</sup> (107.64ft.<sup>2</sup>) in this instance.

Ms. S. Mascarenhas, daughter and representative of the property owner, attended and presented the application to permit the existing gazebo to remain on the subject property having an increased occupied area and increased height beyond the by-law requirements. Ms. Mascarenhas presented a photo of the existing gazebo structure on the subject property noting that due to the orientation of the dwelling on the property and being a corner lot, the rear yard is visible from Rathkeale Road. She advised that they constructed the gazebo in a location as to not disturb any of the surrounding neighbours and have submitted a number of letters in support of the request.

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

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

### "Recommendation

The Planning and Building Department has no objection to variance #2, but recommends that variance #1 be refused.

### Background

#### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Low Density Residential II

#### Zoning By-law 0225-2007

Zoning: R4

**Other Applications:**

**Comments**

**Zoning**

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the 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 application is to permit a gazebo at an existing dwelling located on Rose Bloom Road near Creditview Rd and Highway 403. The subject lot is a corner condition with the frontage on Rathkeale Rd and the side facing Rose Bloom Rd.

The application requests relief for gazebo height and area. The gazebo is located in the rear yard, but due to the corner condition, the gazebo is visible from the street. Accessory structures, such as gazebos, are not to be located in the front yard, and are not supposed to be visible from the street. This Department has concerns with the cumulative effect of the variances being requested as they may have a negative impact on the neighbours. The proposed height causes the most visual impact to the street. In our opinion, the first variance requesting relief to height should be refused.

Regarding the second variance, for relief to occupied area, the Planning and Building Department has no objection. The lot is sufficiently sized and the large grass boulevard contributes to the appearance of space.

The Planning and Building Department has no objection to variance #2, but recommends that variance #1 be refused."

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"This department has no objections to the applicant's request to permit the existing gazebo to remain."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 18, 2016):

"We have no objections or comments to the application."

A letter was received from the property owners at 4709 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4693 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4697 Rathkeale Road advising they had no issues with the application.

A letter was received from the property owners at 4699 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4703 Rathkeale Road advising they had no objection to the application.



## MISSISSAUGA

File: "A" 355/16  
WARD 6

A letter was received from the property owners at 4705 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4706 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4711 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4715 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owner at 4717 Rathkeale Road advising she had no objection to the application.

A letter was received from the property owners at 4720 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4723 Rathkeale Road advising they had no objection to the application.

A letter was received from the property owners at 4727 Rathkeale Road advising they had no objection to the application.

Two letters were received from the property owners at 1390 Rose Bloom Road advising of their objections to the application. They noted concerns with the height and size of the structure.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Mascarenhas and having reviewed the plans and comments received from City staff and the neighbours, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee preferred the submissions and justifications of the applicant in the instance. The Committee noted that on this lot and with the proximity of the rear yard and adjacent dwelling at 4706 Rathkeale Road, the existing gazebo structure is appropriate in this instance. They noted that the gazebo is located in the middle of the yard, has been constructed of complimenting architecture similar to the existing dwelling and has been supported by many of the neighbours. The Committee noted that the comments of the objecting neighbour were not persuasive as the gazebo is a significant setback from their common property line and is located in the middle of the yard. The overall height and area is mitigated by the placement of the structure in this location. They further noted that a structure in this location would not impact airflow and the visual impact would be negligible.

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 variances are 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. Page



CARRIED

Application Approved.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

AMIR SABIEL & MARIANNA ABIED

on Thursday August 25, 2016

Amir Sabiel & Marianna Abied is the owner of 1204 Argreen Road being Part of Lots 16 and 17, Plan C-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing:

1. a Gross Floor Area - Infill Residential of 303.72m<sup>2</sup> (3,269.32sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 281.44m<sup>2</sup> (3,029.49sq.ft.) in this instance; and,
2. a dwelling height of 9.75m (31.98ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (29.52ft.) in this instance.

On July 7, 2016, Mr. A. Sabiel, property owner, attended and presented the application. Mr. Sabiel presented a basic site plan and indicated he is requesting height and gross floor area variances. Mr. Sabiel also provided a photograph illustrating what the proposed home will look like.

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

The City of Mississauga Planning and Building Department commented as follows (July 5, 2016):

### "Recommendation

The Planning and Building Department recommends that the applicant defer the application to provide additional information so that their request can be appropriately evaluated.

### Background

#### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

#### Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

#### Other Applications:

Building Permit File: Required  
Site Plan Approval Application File: Required

## Comments

### Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of either of these applications we are unable to confirm the accuracy of the requested variances. The applicant is advised that a full zoning review has not been completed; however, in reviewing the information provided with this application, it appears that an additional variance may be required for maximum driveway width.

### Planning

The requested variances for excessive Gross Floor Area (GFA) and height of the dwelling may be appropriate; however, we do not have any detailed elevations or floor plans to evaluate the requests in any comprehensive way. Given the lack of information available the Department is of the opinion that it is premature to make a recommendation on the appropriateness of the requested variances.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant time to submit detailed floor plans and elevation drawings so that the application may be properly evaluated."

The City of Mississauga Transportation and Works Department commented as follows (June 30, 2016):

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Approval and Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (July 4, 2016):

"We have no comments or objections to 'A'-278/16."

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

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

#### Site Characteristics:

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

#### Ontario Regulation 160/06:

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

#### Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing:

1. a Gross Floor Area – Infill Residential of 303.72m<sup>2</sup> (3,269.32sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Infill Residential of 281.44m<sup>2</sup> (3,029.49sq.ft.) in this instance; and,
2. a dwelling height of 9.61m (31.52ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (29.52ft.) in this instance.

**Comments:**

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

The applicants are to note that a CVC permit is required for the development as proposed. Correspondence will follow under separate cover outlining the requirements for the CVC permit."

No other persons expressed any interest in the application.

Mr. Sabiel, upon hearing the comments of the Committee and the Planning & Building Department, requested that the application be deferred to allow him an opportunity to provide elevation and floor plan drawings so Planning Staff and the Committee can properly evaluate the application.

The Committee consented to the request and deferred the application to August 25, 2016.

On August 25, 2016, Mr. A. Sabiel, the property owner, attended and presented the application further noting that more detailed plans have been provided. He presented a site plan and elevation plan of the proposed dwelling and noted that since the previous application, he has revised the height request by increasing the maximum height to ensure the greatest efficiency of the roofing material.

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

The City of Mississauga Planning and Building Department commented as follows (August 23, 2016):

**"Recommendation**

The Planning and Building Department has no objection to the requested variances in principle; however, the applicant should strongly consider deferring the application to apply for the required Building Permit and Site Plan Approval applications to confirm the accuracy of the requested variances, height in particular, and determine whether additional variances may be required.

**Background**

**Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

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

**Other Applications:**

Building Permit	File: Required
Site Plan Approval Application	File: Required

**Comments**

**Zoning**

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these permit applications we are unable to confirm the accuracy of the requested variances and determine whether additional variances may be required. The





## MISSISSAUGA

File: "A" 278/16  
WARD 1

variance, as requested, has been reviewed based on the information provided, however a full zoning review has not been completed.

The drawings provided with the application do not show the average grade calculations. Although the site appears to be relatively flat, it is unlikely that the average grade and finished grade are identical and as a result the variance for height is likely incorrectly requested.

### Planning

The applicant's requests are relatively minor increases in height and Gross Floor Area (GFA) and should not have a significant impact on the neighbourhood over what the Zoning By-law permits as of right. There has been some recent redevelopment in the neighbourhood and the requested variances are similar to variances which have been approved on other lots in the immediate area.

The lot has some large trees around the perimeter which will help to screen the dwelling to provide additional mitigation to any potential visual impacts from the 0.75 m (2.46 ft.) increase in dwelling height. Tree locations are not shown on the provided site plan; however, based on the location of the driveway it appears that there should be no difficulty in maintaining the largest and most significant of the trees on the site.

Relative to the permitted GFA of 281.44 m<sup>2</sup> (3 029.49 sq. ft.), the requested increase of 22.28 m<sup>2</sup> (239.82 sq. ft.) should not create a significantly noticeable increase in the massing of the dwelling and as a result the request is minor in nature.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances in principle; however, the applicant should strongly consider deferring the application to apply for the required Building Permit and Site Plan Approval applications to confirm the accuracy of the requested variances, height in particular, and determine whether additional variances may be required.

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"Please refer to our previous comments submitted for the July 7, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Public Works, Development Services Division comments as follows (August 19, 2016):

"We have no comments or objections to the application."

Mr. M. Goral, property owner at 1208 Argreen Road, attended and expressed his concerns with the proposed dwelling height. He noted that he has a wood burning fireplace with a chimney in close proximity to the applicant's property and is concerned that the proposed dwelling will put his chimney in to non-compliance with the building code if the dwelling is constructed at the height and location proposed. Mr. Goral presented a news article from the City of Toronto noting the nature of the issue.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sabiel and having reviewed the plans and comments received from City staff and Mr. Goral, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee noted that the proposed increase in gross floor area and height are in character with other dwellings in the neighbourhood and are also supported by Planning staff. They further noted the issue brought forward by Mr. Goral is not a matter that is within their jurisdiction and would be addressed by the Chief Building Official through the building permit process.



File: "A" 278/16  
WARD 1

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 variances are 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 generally in conformance with the site plan presented to the Committee.

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

Application Approved, on condition as stated.

Dated at the City of Mississauga on September 1, 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 21, 2016**.

Date of mailing is September 5, 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 September 1, 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

ISIDRO MENDIOLA

on Thursday August 25, 2016

Isidro Mendiola is the owner of 1061 Dundas Street West being Part of Lots 1-3, Plan 364, zoned C1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a restaurant within the subject property proposing:

1. to be located within 60.00m (196.85ft.) of a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant to the lot line of a Residential zone in this instance;
2. to provide a total of six (6) parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of fifteen (15) parking spaces on site in this instance; and,
3. to provide no accessible parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of one (1) accessible parking space on site in this instance.

On July 14, 2016, Mr. A. Arnault, authorized agent, attended and presented the application. Mr. Arnault explained that the existing restaurant occupying Unit 1063 has been in operation for many years and is looking to expand its operations to Unit 1061. Mr. Arnault further explained that the dividing wall between the two Units will be removed to provide a larger dining area as well as a large waiting area for take-out and other large order customers.

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 recommends that the application be deferred pending the submission of a parking utilization study to justify the reduction in parking.

### Background

#### Mississauga Official Plan

Character Area: Erindale Neighbourhood

Designation: Convenience Commercial

#### Zoning By-law 0225-2007

**Zoning:** C1

**Other Applications:**

**Comments**

**Zoning**

The Building Department is currently processing a building permit application under file 16-1601. Based on review of the information currently available for this building permit, the variances, as requested are correct.

**Planning**

The application proposes an expansion of an existing restaurant into a neighbouring unit. The retail plaza is divided into individual addresses. The existing restaurant is at 1063 Dundas St W, and the proposed new expansion is at 1061 Dundas St W. Both addresses are part of the same retail plaza, and while they have individual parking spaces allotted to each address, the parking is shared among the 10 units located within this site.

Regarding variance #1, as noted previously the application proposes an expansion of an existing restaurant. The plaza already contains restaurant and bakery uses, with all businesses facing the major roadway, and away from adjacent residential uses. The residential zone to the rear of the property is an apartment use which is set back a significant distance from the property line which helps to increase the separation of the restaurant use.

Variance #2 requests a reduction in parking spaces. We advise that a parking utilization study that satisfactorily justifies the requested reduction in parking is requested. Until we are in receipt of this information, we cannot determine the appropriateness of the requested variance. As a component of the Parking Utilization Study, the applicant should consider assessing the parking situation taking into account all properties within this plaza. Previously, the existing restaurant application, 'A' 224/15, did not provide a parking utilization study.

Variance #3 requests that no accessible parking spaces be provided. The application has no indicated any rationale as to why no accessible parking spaces are proposed or available elsewhere. The intent of the zoning by-law is not maintained, and therefore this variance is not supported in the absence of additional information.

Based on the preceding, the Planning and Building Department recommends that the application be deferred pending the submission of a parking utilization study to justify the reduction in parking."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 291."

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

"We have no comments or objections to 'A'-291/16."

No other persons expressed any interest in the application.

The Committee was concerned that the parking requirements for the site will likely increase as a result of the restaurant expansion and is hesitant to make a decision in the absence of a parking utilization study. The Committee also noted that there may be a need for additional variances.



## MISSISSAUGA

File: "A" 291/16  
WARD 6

The Committee passed a motion to defer the application to allow the applicant to clarify the parking situation with Planning staff. The Committee deferred the application to August 25, 2016.

On August 25, 2016, Mr. A. Arnault, authorized agent, attended and presented the application further to permit the establishment of a restaurant on the subject property. Mr. Arnault advised that the subject property is owned by the applicant; however, parking on the overall site is utilized on a shared basis amongst the other property owners. He noted that a parking study has been provided and there are sufficient spaces across the entire development to accommodate the proposed restaurant use at this location. Mr. Arnault presented a revised site plan for the Committee's review and consideration.

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

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

### **"Recommendation**

The Planning and Building Department has no objection to variances #1 and #2, as amended, but recommend variance #3 be refused.

### **Background**

#### **Mississauga Official Plan**

Character Area: Erindale Neighbourhood  
Designation: Convenience Commercial

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

Zoning: C-1

#### **Other Applications:**

#### **Comments**

#### **Zoning**

The Building Department is currently processing a building permit application under file 16-1601.

Variance #1 should reference the actual distance to the residential zone. The application site plan has indicated 22.00m to the adjacent residential zone. The variance should be amended as follows:

to be located 22.00m (72.18ft.) of a residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant to the lot of a residential zone in this instance.

#### **Planning**

The application is to permit a restaurant expansion of an existing restaurant into a neighbouring unit. The retail plaza is divided into individual addresses. The existing restaurant is at 1063 Dundas St W and the proposed new expansion is at 1061 Dundas St W. Both addresses are part of the same retail plaza, while they have individual parking spaces allocated to each address, the parking is shared among the 10 units located within this site.

Previously we recommended the application be deferred in order for a parking study to be submitted. The applicant has submitted a parking study justifying the application.

Regarding variance #1, the retail plaza already contains restaurant and bakery uses, with all businesses facing the major roadway and away from the adjacent residential uses. The closest residential zone, located to the rear of the property, is an apartment use which is set back a significant distance from the property line which helps to increase the separation of the restaurant use.

Regarding variance #2, Staff has reviewed the parking study. During peak parking demand for all uses on site is at Friday at 3pm; there will be 15 vacant parking spaces available. The peak restaurant parking demand appears to be Saturday at 7pm. Staff is satisfied with the justification of reduced parking requirements.

Variance #3 requests that no accessible parking spaces be provided or are available elsewhere. The intent of the zoning by-law is not maintained, and therefore this variance is not supported.

Based on the preceding, the Planning and Building Department has no objection to variances, as amended, #1 and #2, but recommend variance #3 be refused.

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2016):

"This department has no objections, comments or requirements with respect to C.A. 'A' 291/16."

The Region of Peel, Public Works, Development Services Division, commented as follows (August 18, 2016):

"We have no comments or objections to the application."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Arnault and having reviewed the plans, parking study and comments received City staff, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee advised that the subject site which consists of various property owners is operating well and there are no apparent parking related issues on site. The Committee noted that the submissions by the applicant were preferred and they did not support the recommendation to refuse the accessible parking space reduction as proposed by Planning staff. The Committee noted that the introduction of an additional accessible space on the subject property would essentially delete an additional parking space, which would not be appropriate in this instance. An accessible parking space is in close proximity to the subject property and based on the shared nature of the parking for the development, this would be acceptable in this instance.

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 variances are minor in nature in this instance.

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

MOVED BY: D. George

SECONDED BY: P. Quinn

CARRIED

Application Approved.

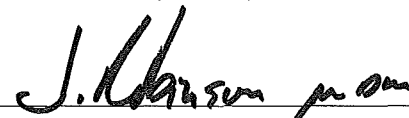
Dated at the City of Mississauga on September 1, 2016.

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 21, 2016**.

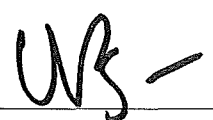
Date of mailing is September 5, 2016.

  
S. PATRIZIO (CHAIR)

  
D. GEORGE

  
J. ROBINSON

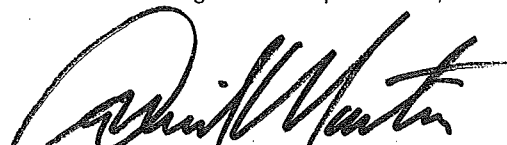
ABSENT  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on September 1, 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.