

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: DECEMBER 1, 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
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-079/16 TO B-082/16	RAMSAY SHAHEEN& VICTORIA STREET HOLDINGS INC.	272, 274, 278 VICTORIA ST	11	Mar. 9/17
A-471/16 TO A-475/16	RAMSAY SHAHEEN& VICTORIA STREET HOLDINGS INC.	272, 274, 278 VICTORIA ST	11	Mar. 9/17

NEW APPLICATIONS - (MINOR VARIANCE)

A-470/16	NABILA BARQAWI	5353 HERITAGE HILLS BLVD	5	Approved
A-476/16	JULIA & SILVANO BELMONTE	5316 DRENKELLY CRT	6	Approved
A-477/16	TOM BARLOW	9 WESLEY AVE	1	Approved
A-478/16	MICHAEL SKIBY	137 QUEEN ST E	1	Jan. 5/17
A-479/16	1112396 ONTARIO LIMITED	7079, 7089 & 7093 TORBRAM RD	5	Approved
A-480/16	CANUCK PROPERTIES LTD.	1369 DUNDAS ST E	3	Approved 5 Years

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-426/16	MAYSARAH ALAWSI	5043 GUILDWOOD WAY	5	Approved
A-431/16	ASAMBARAM GHANI & JULAIKA NATHER	3533 JOAN DR	7	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

NABILA BARQAWI

on Thursday, December 1, 2016

Nabila Barqawi is the owner of 5353 Heritage Hills Boulevard being Part of Lot 29, Registered Plan M-722, zoned R4-22, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one (1) storey mudroom addition having an interior side yard of 0.90m (2.95 ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93 ft.) in this instance.

Ms. Barqawi, daughter of the property owner, attended and presented the application. She advised that a mudroom entrance was constructed to allow more circulation space to access the existing stairs leading to the basement. Ms. Barqawi advised that they did not realize that a permit was required. She indicated that a variance is required as the distance from the mudroom to the side property line is insufficient.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-22

Other Applications:

Building Permit Application: BP 16-949

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-949. Based on review of the information currently available for this building permit variance #1, as requested, is correct.

An additional variance is required:

To permit a driveway width of 7.56 m (24.80 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 (19.68 ft.) in this instance.

Planning

The subject property is a detached dwelling in a subdivision of detached dwellings near Bristol Road West and McLaughlin Road. It is a corner property with frontage on Heritage Hills Boulevard, and flankage on Fairwind Drive. The garage is oriented on Heritage Hills, and the front door is oriented to Fairwind Drive.

The application requests a variance for a reduced side yard due to the construction of a one storey mudroom addition. The addition is located on the interior side of the lot, behind the garage. The addition is located behind a wooden privacy fence, and does not impact the streetscape. Access to the rear yard is maintained through other side of the dwelling. In our opinion, variance #1 is considered minor.

Variance #2 is for a widened driveway. The driveway is an existing condition. The corner property is largely covered by soft landscaping and well established trees and vegetation. No other variances have been identified. The municipal boulevard provides additional visual soft landscaping. In our opinion, variance #2 is considered minor.

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

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"Enclosed for Committee's easy reference are some photo's which depict the existing one-storey mudroom addition as constructed."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

Ms. Barqawi, upon hearing the comments of the Planning and Building Department concerning the existing driveway width exceeding the Zoning By-law maximum, advised that they will modify the driveway in the spring to meet the Zoning By-law requirements.

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

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

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

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


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

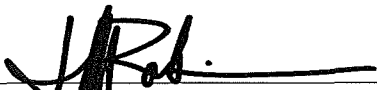
Dated at the City of Mississauga on December 8, 2016.

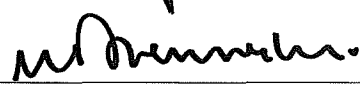
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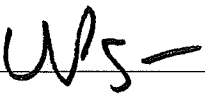
Date of mailing is December 12, 2016.

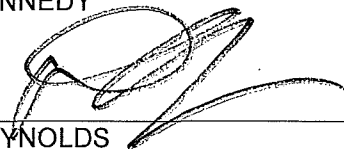

S. PATRIZIO

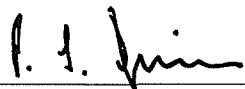

D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 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

JULIA & SILVANO BELMONTE

on Thursday, December 1, 2016

Julia & Silvano Belmonte are the owners of 5316 Drenkelly Court being Part of Lot 2, Concession 4, W.H.S, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an inground pool in the rear yard of the subject property proposing a setback of 6.00m (19.68 ft.) to lands zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (24.60 ft.) for the proposed pool to lands zoned G1 - Greenbelt in this instance.

Ms. J. Belmonte, co-owner of the property, attended and presented the application to permit the construction of a new pool in the rear yard. She presented a plan and advised the Committee that relief is being requested to reduce the setback to lands zoned G1-Greenbelt.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1

Other Applications:

Building Permit Application: BP 16-161

Comments

Zoning

The Building Department is currently processing a pool permit application under file 16-161. Based on review of the information currently available for this building permit, we advise that the following variance should be amended as follows:

The applicant requests the Committee to authorize a minor variance to permit the construction of an inground pool in the rear yard of the subject property proposing a setback of 6.00 m (19.68 ft.) from the inside wall of the outdoor swimming pool to the lands zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50 m (24.60 ft.) from the inside wall of an outdoor swimming pool to lands zoned G1 - Greenbelt, in this instance.

Planning

The subject property is located in the East Credit Neighbourhood near Bristol Road West and Creditview Road. Lots on west side of Drenkelly Court back on to G1 zoned Greenbelt, and the Credit River.

The application requests a setback reduction from the proposed pool to the greenbelt zone.

The greenbelt zone is the top of bank as staked out by Credit Valley Conservation Authority. The lot is irregular in shape due to the greenbelt zone that follows the Credit River. The intent of the setback is to provide an appropriate buffer between the function of the property and the G1 lands. It is our opinion that the proposed pool has been designed to accommodate the unique constraints of the property and will not impact the intent of the setback.

We note that the location of pool equipment is not identified on the site plan, and a setback from hard surface (walkway and pool coping) requires a minimum of 5 m to G1 zone.

The application indicates that the Credit Valley Conservation Authority has issued a permit for a 6 m setback, but a copy of the permit was not included with the application.

Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"This department has no objections to the applicants request to permit the construction of an in ground pool in the rear yard proposing a setback of 6.0 metres to G1-Greenbelt lands."

The City of Mississauga Community Services Department commented as follows (November 28, 2016):

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

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

1. Two (2) Norway Maple trees – good condition.

Should the application be approved, this Department wishes to impose the following condition:

1. The applicant shall provide framed tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. Securities for the City owned trees within the municipal boulevard are not required.
2. The applicant is advised that should injury of any City owned tree occur, removal and replacement planting is to be undertaken by the City at the applicants' expense."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (November 29, 2016):

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of an inground pool in the rear yard of the subject property proposing a setback of 6.00m (19.68 ft.) from lands zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (24.60 ft.) for the proposed inground pool to lands zoned G1 - Greenbelt, in this instance.

Site Characteristics:

The subject property is adjacent to a valley slope, and Mississauga Natural Heritage System (CRR4). It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features and functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or the ecological functions of these areas.

Ontario Regulation 160/06:

The subject property is entirely within the Authority's Regulated Area. As such, the property is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse or wetland, and prohibits development (e.g. new structures, additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit). The property is regulated due its proximity to the valley slope associated with the Credit River. In addition, the subject property is adjacent to part of the Mississauga Natural Heritage System (CRR4).

Comments:

CVC staff have reviewed the proposal through permit application (FF 16/248). The subject property is adjacent to a valley slope of the Credit River. It was determined through review of the previous applications for the dwelling (A 10/052 & FF 10/010) and the geotechnical report prepared by Soil Probe Ltd. dated February 22, 2010 that the proposed development is located outside and setback sufficiently from the slope hazard. On this basis, CVC has no objection to the approval of this application by the Committee at this time.

Be advised, that CVC has not received payment of the \$280 review fee for this application. Please forward this fee at your earliest convenience."

An e-mail was received from L. Li, property owner at 5336 Drenkelly Court, expressing concerns with respect to tree removal, adjustment of grades and the possible impacts on the property and neighbourhood

No other persons expressed any interest in the application.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an inground pool in the rear yard of the subject property proposing a setback of 6.00 m (19.68 ft.) from the inside wall of the outdoor swimming pool to the lands zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50 m (24.60 ft.) from the inside wall of an outdoor swimming pool to lands zoned G1 - Greenbelt, in this instance.

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

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.


Date of mailing is December 12, 2016.



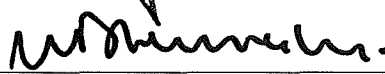
S. PATRIZIO




D. GEORGE



J. ROBINSON (CHAIR)




D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 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

TOM BARLOW

on Thursday, December 1, 2016

Tom Barlow is the owner of 9 Wesley Avenue being Part of Lot 9 and Lot 10, Registered Plan I-13, zoned RA1-34, Residential. The applicant requests the Committee to authorize a minor variance to permit the reconstruction of the existing dwelling destroyed by fire proposing:

1. a front yard of 4.70m (15.40 ft.) to the second storey and roof top balcony; whereas By-law 0225-2007, as amended, requires a front yard of 6.00m (19.68 ft.) to the second storey and roof top balcony in this instance,
2. a front yard of 3.40m (11.15 ft.) measured to the existing porch, inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.40m (14.43 ft.) to the front porch, inclusive of stairs, in this instance; and,
3. a northerly side yard of 0.45m (1.47 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 3.00m (9.84 ft.) on one side of the dwelling and 1.20m (3.93ft.) on the other side in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the construction of a replacement dwelling on the subject property. Mr. Oughtred indicated that they wish to construct the dwelling utilizing the same setbacks as the original dwelling. He presented a site plan for the Committee's review and consideration and indicated the location of the areas where relief was being requested.

Mr. Oughtred indicated that many of the dwellings on the street have reduced front and side yards. He presented elevation plans for the Committee's review and consideration and indicated that a flat roof design is proposed, with a patio being proposed on the roof-top. Mr. Oughtred advised that the height will comply with the Zoning By-law. He further advised that the property owner has advised him that the neighbours do not object to the application.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer the application to complete a resubmission of the Building Permit application to ensure that all required variances have been captured.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RA1-34 (Residential)

Other Applications:

Building Permit File: 16-3482

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 variances should be amended as follows:

2. a setback of 3.49 m (11.15 ft.) to the porch, inclusive of stairs; whereas By-law 0225-2007, as amended, requires a 4.40 m (14.43 ft.) setback to the porch, inclusive of stairs, in this instance; and,

3. a northerly side yard of 0.45 m (1.47 ft.) to the second storey and roof top balcony; whereas By-law 0225-2007, as amended, requires a minimum side yard of 3.00 m (9.84 ft.) to the second storey and roof top balcony in this instance.

We also advise that more information is required through the next Building Permit resubmission to determine whether additional variances will be required.

Planning

The dwelling on the subject property experienced significant fire damage to the interior and parts of the exterior of the dwelling and the applicant is seeking to rebuild the dwelling with additions. The property is designated Residential Low Density II under the Official Plan which permits single detached dwellings and the RA1-34 exception zoning on the property permits detached dwellings legally existing on the date of the passing of the By-law. The exception zoning further allow for the enlargement of an existing dwelling provided that it complies with the R15 zone regulations.

The dwelling is located on a narrow lot just north of Lakeshore Road West adjacent to other narrow historical lots. The general character of the lots along this portion of Wesley Avenue is that of dwellings that are sited close to the street and tight to the property lines in the side yards. The applicant is proposing to build the second storey addition on the existing first floor building footprint and construct a modest porch in front of the dwelling.

The requested front yard setback reductions to the dwelling and the porch are consistent with the rest of the dwellings on the street; it appears that the majority of the dwellings in this block are also deficient to the Zoning By-law requirements for front yard setback. A consistent building line along the street is maintained.

Similarly, the side yard setbacks are consistent with the neighbouring properties on similar sized lots. The proposal maintains the existing condition and access to the rear yard is provided on the opposite side of the dwelling through the shared driveway.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer the application to complete a resubmission of the Building Permit application to ensure that all required variances have been captured."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"This department has no objections to the applicants request to permit to the reconstruction of the existing dwelling which was destroyed by fire. We are noting for information purposes that any Transportation and Works Department concerns/requirements for the reconstruction of the dwelling will be addressed through the Building Permit process."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Kirton, Planner with the City of Mississauga, attended and advised that the plans for the dwelling were not circulated with the request and subsequently, he was not aware that a roof-top patio was being proposed. Mr. Kirton indicated that the patio may create overlook on the amenity area for the neighbouring property at 11 Wesley Avenue. Mr. Kirton advised the Committee that he does not believe that there is any restriction in the Zoning By-law to a roof-top balcony/patio.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the reconstruction of the existing dwelling destroyed by fire proposing:

1. a front yard of 4.70m (15.40 ft.) to the second storey and roof top balcony; whereas By-law 0225-2007, as amended, requires a front yard of 6.00m (19.68 ft.) to the second storey and roof top balcony in this instance,
2. a setback of 3.49 m (11.15 ft.) to the porch, inclusive of stairs; whereas By-law 0225-2007, as amended, requires a 4.40 m (14.43 ft.) setback to the porch, inclusive of stairs, in this instance; and,

3. a northerly side yard of 0.45 m (1.47 ft.) to the second storey and roof top balcony; whereas By-law 0225-2007, as amended, requires a minimum side yard of 3.00 m (9.84 ft.) to the second storey and roof top balcony in this instance.

This decision is subject to the following condition:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.

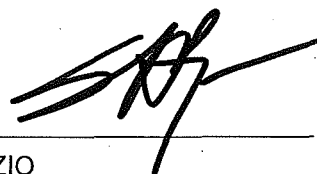
MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.

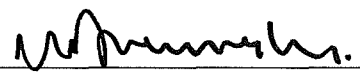
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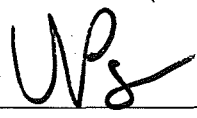

S. PATRIZIO

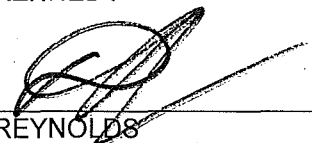
DISSENTED


D. GEORGE


J. ROBINSON (CHAIR)

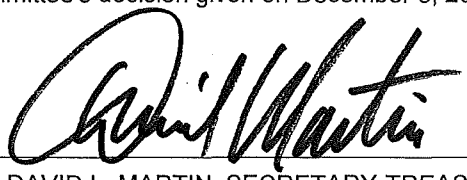

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

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

- and -

IN THE MATTER OF AN APPLICATION BY

112396 ONTARIO LIMITED

on Thursday, December 1, 2016

1112396 Ontario Limited is the owner of 7079, 7089 & 7093 Torbram Road being Part of Lot 11, Concession 6, E.H.S, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted, including the display of motor vehicles within Unit # 4 of the subject building at 7089 Torbram Road, accessory to the existing Automotive Body Repair Shop; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted on the subject property in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates, authorized agent, attended and presented the application to permit motor vehicle sales, leasing and rental within Unit # 4 of the subject building. He advised that there is a banquet hall within Units 1 to 3 and the remainder of the units within the complex are auto repair uses. Mr. Oughtred indicated that other units within the complex have approval to sell cars within their space. He indicated that there is no outdoor display permitted on the property. Mr. Oughtred indicated that the unit owner wishes to sell some vehicles as an accessory use to the repair garage use.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Certificate of Occupancy application to verify the accuracy of the variance.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 (Employment)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

A Certificate of Occupancy application is required and in the absence of an application we are unable to confirm the accuracy of the requested variance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance as outlined in this application, the variance should be amended as follows:

"To permit a Motor Vehicle Sales - Restricted, accessory to a Motor Vehicle Body Repair Facility in Unit 4 of the subject building; whereas By-law 225-2007, as amended, does not permit Motor Vehicle Sales - Restricted on the subject property in this instance."

Planning

The subject property contains a number of motor vehicle related uses in various units throughout the property and an identical use was most recently approved in unit #9 on the subject property. The subject unit, unit #4, is currently occupied by a Motor Vehicle Repair Facility. The Minor variance application seeks to allow accessory Sales to the previously approved primary use. The request is consistent with other units within the building and generally in character with the broader area.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Certificate of Occupancy application to verify the accuracy of the variance."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

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

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the subject tenant has not submitted or obtained a Zoning Certificate for the original use of the space.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the vehicles must be sold, leased or rented from within the Unit noting that the subject property does not permit outdoor storage or display.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit a Motor Vehicle Sales - Restricted, accessory to a Motor Vehicle Body Repair Facility in Unit 4 of the subject building; whereas By-law 225-2007, as amended, does not permit Motor Vehicle Sales - Restricted on the subject property in this instance.


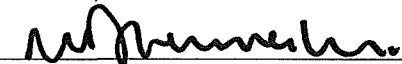
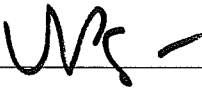
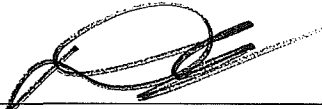
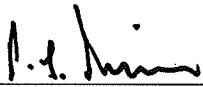
MOVED BY:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.

Date of mailing is December 12, 2016.


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

I certify this to be a true copy of the Committee's decision given on December 8, 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

CANUCK PROPERTIES LTD.

on Thursday, December 1, 2016

Canuck Properties Ltd. is the owner of 1369 Dundas Street East being Part of Lot 6, Concession 1, N.D.S, zoned C5-3, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an motor vehicle rental facility, including the outdoor parking of up to five vehicles, to operate from the subject property, as previously approved pursuant to Committee of Adjustment Decision File "A" 215/10; whereas By-law 0225-2007, as amended, does not permit a motor vehicle rental facility and does not permit the parking of rental motor vehicles in any required parking spaces in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to continue to operate the Dollar Thrifty Car Rental agency. Mr. Oughtred advised that the car rental agency has operated at this location for approximately ten years noting that the most recent approval has lapsed.

Mr. Oughtred advised that the operators wish to be able to provide van rentals at this location. He indicated that they wish to utilize three parking spaces for the parking and rental of vans. He presented a site plan for the Committee's review and consideration and illustrated the proposed location of the proposed van parking.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, subject to a temporary approval.

Background

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Motor Vehicle Commercial

Zoning By-law 0225-2007

Zoning: C5-3

Other Applications:

Building Permit Application:

Comments

Zoning

The referenced use was approved under zoning certificate application 00-2324, and as such we have no objections to the continued use proposed in this minor variance.

The decision should reflect that this use is operating from Unit 2 only.

Planning

The subject site is a small parcel located within a larger commercial plaza at the north east corner of Dixie Road and Dundas Street East.

The application requests a continuation of 'A' 215/10, to permit the operation of a motor vehicle rental facility, including the outdoor parking of up to five vehicles. The variance expired July 31, 2015. Application 'A' 251/10 is a continuation of 'A' 119/07.

Given that the request is for a continuation of an existing use on the subject property, we have no objection with the proposal in this instance, but we recommend a temporary time period.

Based on the preceding, the Planning and Building Department has no objection to the application, subject to a temporary approval."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 480/16."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

Mr. L. Hobkinson, a representative of Dollar Thrifty Car Rental, attended and advised that they have been utilizing three parking spaces for the rental of trucks. He indicated that he was not aware that there was a restriction with respect to the parking of trucks on the property. Mr. Hobkinson indicated that the truck rental is becoming a growing business. He indicated that they wish to park two 16 foot trucks and one 20 foot truck on-site noting that, although they have an off-site parking lot, there is insufficient space at that lot to park the trucks.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to trucks parking on the property noting that they obstruct traffic on a prominent and busy intersection. They indicated that they do not believe that they have ever authorized any parking for trucks.

The Secretary-Treasurer advised that cube van parking was originally requested in 2007 and was denied by the Committee. He indicated that no approvals have been given for truck parking on the property.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that they have recommended that the approval be for a temporary period as the Dundas Connects project may impact the property.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the parking of trucks will not be permitted.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years to expire and terminate on December 31, 2021, subject to the following conditions:

1. Rental vehicles may only be stored/parked in the area indicated on the plan reviewed and approved by the Committee.
2. No cube vans or trucks shall be parked, stored or displayed on the property at any time.

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

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.

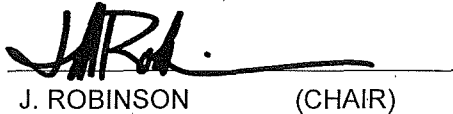
Date of mailing is December 12, 2016.



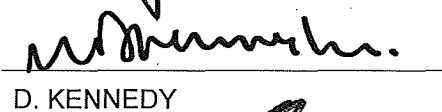
S. PATRIZIO




D. GEORGE



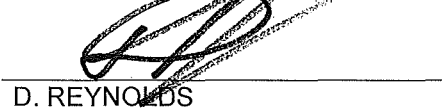
J. ROBINSON (CHAIR)



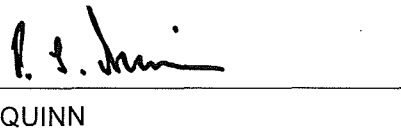
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 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

MAYSARAH ALAWSI

on Thursday, December 1, 2016

Maysarah Alawsi is the owner of 5043 Guildwood Way being Lot 165, Registered Plan M-790, zoned R4-22, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a width of 10.20m (33.46 ft); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68 ft) in this instance.

On October 20, 2016, Mr. Alawsi, authorized agent, attended and presented the application to permit the existing driveway to remain. He indicated that their driveway was in disrepair and needed to be repaved. Mr. Alawsi advised the Committee that the contractor recommended that the driveway be constructed as configured.

Mr. Alawsi advised the Committee that the widened parking area was necessary as the property is located close to a stop sign and on the bus route. He advised that they are unable to park on the street noting that there is traffic congestion. Mr. Alawsi indicated that the existing driveway is appropriate as he has a wider lot and his neighbours do not object to the application.

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

The City of Mississauga Planning and Building Department commented as follows (October 14, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: R4-22

Other Applications:

Comments

Zoning

Based on information provided with this application, we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Planning

The requested driveway width and configuration provides excessive hard surface, and ample space for three vehicles to be parked side by side. 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.

Regarding lots with a frontage greater than 18.0m: The maximum driveway width may be increased to 10.5m in width if it is providing direct vehicle access to the garage. The requested driveway width does not provide direct vehicle access to the garage, and therefore does not meet the intent of the zoning provision. The intent of the provision for lots greater than 18.0m is to accommodate three car garages.

Based on the preceding, the Planning and Building Department recommends that the application be refused.

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"This department is not supportive of the existing driveway as widened and would recommend that modifications be made which would discourage three vehicles from being parked side-by-side on the driveway. With regards to the widened driveway within the municipal boulevard area (area between sidewalk and curb) we would request that this area be reinstated with topsoil and sod.

In view of the above we would recommend that this application be deferred until such time that the applicant has provided a revised plan acceptable to both the Planning and Building and Transportation and Works Department staff which would specifically highlight the details of any modifications required to the existing driveway which could be supported by City staff."

A letter of support was received from S. Merida, owner of 601 Constellation Drive. She indicated that Mr. Alawsi kept the home well maintained and that she had no objection to the proposed variances.

An e-mail was received from R. Chang, property owner at 5037 Northern Lights Circle, indicating that the driveway should comply with the Zoning By-law.

A petition was received, signed by approximately 27 neighbouring property owners/residents, indicating they appraise the owner of 5043 Guildwood Way for his efforts in carrying out continual improvements on the property which improves the general surrounding and community dwellings.

No other persons expressed any interest in the application.

The Committee expressed concerns with the excessive driveway width, and suggested that the driveway could be cut back in order to better comply with the By-law.

Mr. Alawsi requested that the application be deferred in order to speak with staff.

The Committee consented to the request and the application was deferred to December 1, 2016.

On December 1, 2016, Mr. A. Alawsi, representing his daughter, attended and advised that the driveway was widened to allow them the ability to park vehicles on the driveway as they are located in close proximity to a "stop" sign. He presented photographs for the Committee's review and consideration.

Mr. Alawsi presented an excerpt from the Zoning By-law and indicated that they misinterpreted provision 4.1.9.13 when they constructed the driveway. He indicated that the provision allows a wider driveway if the lot frontage exceeds 18.00m (59.05ft.). He did not realize that the widened driveway is only permitted if it is directly in front of a garage.

Mr. Alawsi presented a number of sketches indicating how the driveway could be modified to reduce the driveway width. He noted that many of the neighbours expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-22

Other Applications:

Comments

Zoning

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

Planning

The application was deferred at the October 20, 2016 agenda in order for the applicant to redesign the driveway.

The subject site is a corner property at Guildwood Way and Norther Lights Circle, near Eglinton Avenue West and McLaughlin Road.

Previously the application requested a driveway width of 10.20 m (33.46 ft.). The revised application is requesting a driveway width 7.70 m (25.26 ft.). The majority of the driveway is proposed to be 7.70 m wide; it widens further at the face of the garage, and narrows at the street.

The original subdivision was approved in 1985 and 1986. The former Zoning By-law 5500, would have permitted a driveway width of 8.5 m this instance.

Based on aerial imagery and the application, a widened driveway did exist prior to the adoption of the current Zoning By-law, 0225-2007. The applicant rebuilt and further widened the driveway, however the current revised proposal is requesting a driveway width of 7.70 m. The corner property is largely covered by soft landscaping and well established trees and vegetation. No other variances have been requested. The municipal boulevard provides additional visual soft landscaping. In our opinion, the variance is considered minor.

Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"Further to our comments submitted for the October 20, 2016 hearing of this application we are advising that staff has had a meeting and number of discussions with the owner and provided some recommendations which we felt staff could support. The applicant has provided a revised Sketch Plan labelled Design (B) recirculated by the Committee of Adjustment Office on November 18, 2016 which we find acceptable. The modifications show the driveway within the municipal boulevard area being reduced (area between sidewalk and curb) and the driveway width reduced from 10.2M to 7.7M. We are advising that the Transportation and Works Department is satisfied with the modifications being proposed in the Sketch Plan labelled Design (B)."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"We have no comments or objections."

An e-mail was received from R. Chang indicating that the proposal should comply with the Zoning By-law.

No other persons expressed any interest in the application.

Mr. Alawsi requested that they wish to modify the driveway to correspond with Design (B).

The Secretary-Treasurer advised that based upon a review of the sketch and the measurements indicated by Mr. Alawsi, the overall width of the driveway on Design (B) is 9.76m (32.02ft.).

The Committee consented to the request. The Committee noted that the area between the road and the sidewalk is under the jurisdiction of the Transportation and Works Department. They indicated that the applicant is responsible for contacting the Transportation and Works Department to determine what is acceptable with respect to paving this area.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing driveway to be modified and remain having a width of 9.76m (32.02ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68 ft.) in this instance

This decision is subject to the following condition:

1. The applicant is to proceed in accordance with the plan reviewed by the Committee.

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

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.

Date of mailing is December 12, 2016.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)



D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 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

ASAMBARAM GHANI & JULAIKA NATHER

on Thursday, December 1, 2016

Asambaram Ghani & Julaika Nather are the owners of 3533 Joan Drive being Lot 42, Registered Plan 386, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new detached two storey dwelling proposing:

1. an existing lot frontage of 18.29m (60.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft.) in this instance; and,
2. an exterior side yard of 3.00m (9.84ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

On October 27, 2016, Mr. Y. Somalingam, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Somalingam advised that the existing lot does not comply with the current minimum lot frontage for a corner lot. He requested that the Committee allow the lot to remain with reduced lot frontage.

Mr. Somalingam presented plans for the Committee's review and consideration and indicated that a variance is required for a reduced exterior side yard. He advised that other houses in the neighbourhood have received approval from the Committee for reduced exterior side yards. Mr. Somalingam indicated that the requested reduction is in character with the neighbourhood.

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

The City of Mississauga Planning and Building Department commented as follows (October 21, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant time to redesign the dwelling to address staff concerns.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances, or determine whether additional variances may be required.

Planning

Notwithstanding the above, the Planning and Building Department is of the opinion that the applicant should redesign the dwelling to provide an increased exterior side yard setback. Some relief may be appropriate given that the lot frontage is 1.21 m (3.97 ft.) narrower than a standard R3 corner lot; however, the boulevard along Elm Drive West is relatively narrow and the decreased setback in conjunction with the large two storey wall would impose on the public realm. Additionally, this elevation facing Elm Drive West could be better articulated to mitigate the impact of the massing along the street at the reduced setback.

The lot is relatively deep and the applicant has sited the dwelling close to the front property line. As a result, there is ample room to reconfigure the dwelling for the depth of the dwelling to be increased in favour of providing an increased exterior side yard setback. It is not clear why the dwelling is sited closer to Joan Drive other dwellings on the street.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant time to redesign the dwelling to address staff concerns."

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed new detached two storey dwelling will be addressed through the Building Permit Process. From our recent site inspection we note that the existing access location for this property is located on Elm Drive West whereas the proposed access shown on the drawings submitted with this application depicts a new access onto Joan Drive. We have no objections to the location of the Joan Drive new access, however, we are advising that through the Building Permit Process satisfactory arrangements will have to be made with our Traffic Section for the new access and possibly the reinstatement of the existing access. It should also be noted that any costs incurred for any access modifications will also be the responsibility of the owner."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (October 24, 2016):

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

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

1. One (1) Globe Maple tree – good condition; and
2. One (1) Poplar 3-stem tree – good condition.

Should the application be approved, this Department wishes to impose the following conditions, as the property is not subject to the Site Plan Control process:

1. The applicant shall provide tree protection securities in the amount of \$1,510.00 for the above noted trees.
2. The applicant is advised that any removal or injury of any City-owned trees will require approval from the City of Mississauga Forestry Section. Should approval to injure or remove these trees be issued, injury or removal and replacement planting is to be undertaken by the City at the applicants' expense.

In addition, this Department notes the following:

1. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

A letter was received from Mr. M. Litt, resident at 155 Elm Drive West, expressing objection to the application and noting his concerns with respect to traffic, view and safety.

A letter was received from Mr. G. M. Cheema, resident at 3485 Joan Drive, expressing objection to the application and noting his concerns with respect to traffic, view and safety.

Mr. Cheema, resident at 4384 Joan Drive, attended and advised that the property is located on a busy intersection that is utilized as a short-cut to Square One Shopping Plaza. In addition he indicated that there are three (3) schools in the vicinity with approximately 2,000 students and 500 parents that use the streets. Mr. Cheema also advised that there are four (4) multiple storey buildings that are being erected which will increase the traffic volume on the streets. He advised that the current dwelling maintains a 6.00m (19.68ft.) setback to the street. If the proposed dwelling is constructed closer to the street, it will impact on the view and not allow residents to clearly see the traffic and result in more traffic hindrance and accidents.

Mr. M. Lit, resident at 155 Elm Drive West, attended and advised that the 6.00m (19.68ft.) setback should be maintained. He indicated that he agreed with Mr. Cheema and expressed his concerns with respect to the safety of the people.

Mr. G. Kirton, Planner with the City of Mississauga, attended, and advised that the lot is slightly deficient in lot frontage. He indicated that there is no extenuating circumstance that justifies the requested reduction in the exterior side yard. Mr. Kirton indicated that the lot has a generous depth and would allow the dwelling to be re-designed so that the requested exterior side yard could be reduced or eliminated. He indicated that the requested reduced exterior side yard would create a physical impact of the dwelling on the streetscape. Mr. Kirton indicated that they do not believe that there will be an impact on the sight lines in this instance.

No other persons expressed any interest in the application.

Mr. Somalingam indicated that the property line combined with the existing road allowance will provide a minimum setback from the dwelling to the curb of 6.00m (19.68ft.). He indicated that he will consider revising the location of the dwelling to provide a greater setback; however, he indicated that there is a tree that may limit how far back the dwelling can be situated.

The Committee also expressed concerns with respect to the requested reduction in the exterior side yard. They noted that the property is located on a busy street. The Committee indicated that they have granted variances on properties in the Lakeview area as the lots typically do not meet the requirements for lot frontage. They noted that these lots typically have additional greenspace as there are no sidewalks on the streets. The Committee indicated that the applicant may wish to consider increasing the exterior side yard by moving the dwelling further back from the street.

Mr. Somalingam requested that the application be deferred to allow him an opportunity to address their concerns.

The Committee consented to the request and deferred the application to December 1, 2016.

On December 1, 2016, Mr. Y. Somalingam, authorized agent, attended and advised that they have increased the front yard by shifting the dwelling further back from Joan Drive. He presented a site plan and advised that the visibility is increased. He presented a side elevation and indicated that the fireplace breaks up the massing of the dwelling adjacent to Elm Drive. Mr. Somalingam indicated that additional landscaping will be provided along Elm Drive to soften the physical impact of the dwelling on the streetscape.

The Committee reviewed the information and plans accompanying the application.

The City of Mississauga Planning and Building Department commented as follows (November 25, 2016):

"Recommendation

The Planning and Building Department has no additional comments regarding the application.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances, or determine whether additional variances may be required.

Planning

The applicant previously deferred the application to redesign the dwelling to provide an increased exterior side yard setback. Although the applicant has pushed the dwelling back from the front lot line they have not made any modifications to the design of the dwelling and have not increased the exterior side yard setback. Therefore, our previous comments from the October 27, 2016 hearing remain applicable in relation to the exterior side yard setback."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2016):

"Please refer to our comments submitted for the October 27, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Public Works, Development Services Division commented as follows (November 25, 2016):

"An upgrade of your existing service(s) may be required. Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Somalingam and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the increased front yard will provide greater visibility for pedestrians and motorists. They noted that increased landscaping will be provided which will soften the physical impact from the streetscape.

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

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

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

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.

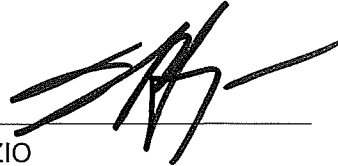
MOVED BY:	S. Patrizio	SECONDED BY:	D. George	CARRIED
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Application Approved.

Dated at the City of Mississauga on December 8, 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 **DECEMBER 28, 2016**.

Date of mailing is December 12, 2016.



S. PATRIZIO



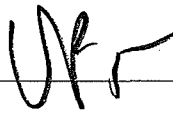
D. GEORGE



J. ROBINSON (CHAIR)

DISSENTED


D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on December 8, 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.