

**COMMITTEE OF ADJUSTMENT  
AGENDA**



**Location: COUNCIL CHAMBER**  
**Hearing: DECEMBER 8, 2016 AT 1:30 P.M.**

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

File	Name of Applicant	Location of Land	Ward	Disposition
<b><u>NEW APPLICATIONS - (CONSENT)</u></b>				
B-083/16 A-486/16	IFTAKAR KALYANI	1798 BALSAM AVE	2	Approved
B-084/16 A-490/16 A-491/16	JUAN FERNANDO GAVIRIA	35 BROADVIEW AVE	1	Approved
<b><u>NEW APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-481/16	JOHN ZIVANOVIC	30 TOPFLIGHT DR	5	Approved
A-482/16	MAURICIO MIRANDA	362-A QUEEN ST S	11	Feb 16
A-483/16	VICTOR FERNANDES	2056 BREEZY BRAE DR	1	Approved
A-484/16	TASLEEM ARSHAD	90 CEREMONIAL DR	5	Approved
A-485/16	JIM BEST	90 VISTA BLVD	11	Approved
A-487/16	PATTY SOOKHAI	4768 LIGHTHOUSE CRT	4	Feb 23
A-488/16	PATTY SOOKHAI	4820 LIGHTHOUSE CRT	4	Feb 23
A-489/16	PATTY SOOKHAI	4281 GUILDWOOD WAY	4	Feb 23
A-492/16	SHAILESH PODDAR	840 QUEENSWAY W	7	Feb 9
<b><u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-340/16	MISSISSAUGA MUSLIM COMMUNITY CENTRE	2505 DIXIE RD	1	Refused



MISSISSAUGA

File: "B" 83/16  
WARD 2

## COMMITTEE OF ADJUSTMENT

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

IN THE MATTER OF AN APPLICATION BY

IFTAKAR KALYANI

on Thursday December 8, 2016

Iftakar Kalyani is the owner of 1798 Balsam Avenue being Lot 65, Registered Plan G-13, zoned R3-2, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 3.37 m (11.05 ft.) and an area of approximately 132.94 m<sup>2</sup> (1,430.95 sq. ft.) for the purposes of a lot addition in favour of the lands to the west (1804 Balsam Avenue).

The application is being considered concurrently with associated with Minor Variance file 'A' 486/16.

Mr. M. Chauhan, authorized agent, attended and presented the application to permit the application to convey a portion of the subject property to be added to the land holdings of 1804 Balsam Avenue. Mr. Chauhan advised that the existing dwelling on 1804 Balsam Avenue encroached onto the subject property and indicated that the land to be transferred would allow for the dwelling to be wholly located on a single property and provide the necessary side yard widths.

Mr. Chauhan explained that relief to the Zoning By-law would be required to allow for the slightly deficient lot frontage on the reduced property of 1798 Balsam Avenue.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 2, 2016)  
City of Mississauga, Transportation and Works Department (December 1, 2016)  
Region of Peel, Environment, Transportation and Planning Services (December 1, 2016)  
Canadian National Railway (November 24, 2016)

A letter was received from J. Glover and A. De Almeida, residents of 1788 Balsam Avenue, expressing their concerns with the subject application.

Ms. D. Bailey, a resident of 1801 Balsam Avenue, attended and expressed an interest in the subject application

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Chauhan consented to the imposition of the proposed conditions.

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



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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the resultant lot and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 486/16)
4. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting land (1804 Balsam Avenue), shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc. (The resultant parcel is the conveyed land and the land to which the conveyed land is to be merged).
6. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

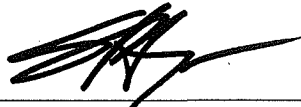
MOVED BY: D. GEORGE    SECONDED BY: P. QUINN    CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on December 15, 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 **JANUARY 8, 2017**.

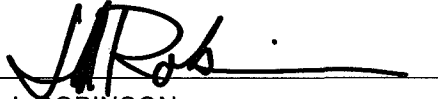
Date of mailing is December 19, 2016.



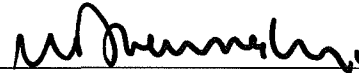
S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **December 19, 2017**.

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

**COMMITTEE OF ADJUSTMENT**

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

IFTAKAR KALYANI

on Thursday December 8, 2016

Iftakar Kalyani is the owner of 1798 Balsam Avenue being Lot 65, Registered Plan G-13, zoned R3-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a detached dwelling for the subject lot, being the 'retained' lands of associated Consent File 'B' 83/16 having a lot frontage of 19.49 m (63.94 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50 m (73.81 ft.) in this instance.

Mr. M. Chauhan, authorized agent, attended and presented the application to permit the application to convey a portion of the subject property to be added to the land holdings of 1804 Balsam Avenue. Mr. Chauhan advised that the existing dwelling on 1804 Balsam Avenue encroached onto the subject property and indicated that the land to be transferred would allow for the dwelling to be wholly located on a single property and provide the necessary side yard widths.

Mr. Chauhan explained that relief to the Zoning By-law would be required to allow for the slightly deficient lot frontage on the reduced property of 1798 Balsam Avenue.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

**"Recommendation**

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance application; however, the applicant may wish to defer the application to apply for the required Site Plan Approval and Building Permit applications to determine what additional variances will be required; it appears that at least a variance for the setback from the railway right-of-way will be required.

**Background**

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

Zoning: R3-2 (Residential)

**Other Applications:**

Site Plan Approval File: Required  
Building Permit 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 application, it appears that a variance will be required for the setback from the railway right-of-way.

**Planning**

The Consent application seeks to allow a lot addition from 1798 Balsam Avenue to 1804 Balsam Avenue to fully accommodate the dwelling on 1804 Balsam Avenue wholly within the property lines and within Zoning By-law requirements. The requested lot addition of 3.37 m (11.06 ft.) will provide enough space to accommodate the existing dwelling encroachment of 0.96 m (3.15 ft.) as well as the 2.41 m (7.91 ft.) side yard setback to the existing dwelling, which is required by the Zoning By-law.

After the lot addition, the property at 1798 Balsam Avenue would be deficient in lot frontage to what the Zoning By-law requires; however, the deficiency is relatively minor and there will still only be two buildable lots resulting in no increase in density. A dwelling could be constructed on a lot with a 19.49m (63.94 ft.) frontage that would be compatible with the surrounding neighbourhood and fit within the general character.

The applicant indicates a required setback from the railway right-of-way of 18.00 m (59.06 ft.) in the report provided with their application; however, they struck out that request in the application form. Although detailed plans for the proposed dwelling have not been provided, an 18.00 m (59.06 ft.) separation distance from the railway would be consistent with other homes along Balsam Avenue and the Planning and Building Department would have no objection to the request. The applicant should confirm the setback distance, and they may wish to defer the application to ensure it is correctly captured.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and associated Minor Variance application; however, the applicant may wish to defer the application to apply for the required Site Plan Approval and Building Permit applications to determine what additional variances will be required."

The City of Mississauga Transportation and Works Department (November 29, 2016):

"This department has no objections to the applicant's request to permit the construction of a detached dwelling on the lands associated with Consent File 'B' 83/16. We are also noting that any Transportation and Works Department concerns/requirements for this property will be addressed under the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services (December 1, 2016):

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

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."

Canadian National Railway (November 24, 2016):

"CN recommends the applicant implement certain basic mitigation measures in the dwelling design and construction in order to limit potential impacts. This can include:



## MISSISSAUGA

File: "A" 486/16  
WARD 2

- Provision for air-conditioning, allowing occupants to close windows during the warmer months;
- Exterior cladding and windows with appropriate acoustic properties;
- Locating noise sensitive rooms away from the railway side;
- Noise barrier for outdoor living areas;
- 4" rigid insulation applied to foundation walls facing the railway

A 1.83 m high chain-link fence must be installed and maintained by the owner(s), along the mutual property line with the railway.

While CN recognizes it may be difficult for the proponent to meet CN's habitual criteria for setback (30 meters in conjunction with a berm) and safety barriers. The dwelling should be located as far from the railway right-of-way as possible."

A letter was received from J. Glover and A. De Almeida, residents of 1788 Balsam Avenue, expressing their concerns with the subject application.

Ms. D. Bailey, a resident of 1801 Balsam Avenue, attended and expressed an interest in the subject application

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Chauhan and having reviewed the plans and comments received, 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.



MISSISSAUGA

File: "A" 486/16  
WARD 2

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 December 15, 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 **JANUARY 4, 2017**.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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.





MISSISSAUGA

File: "B" 84/16  
WARD 1

## COMMITTEE OF ADJUSTMENT

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

- and -

IN THE MATTER OF AN APPLICATION BY

JUAN FERNANDO GAVIRIA

on Thursday December 8, 2016

Juan Fernando Gaviria is the owner of 35 Broadview Avenue being Part of Lot 12, Registered Plan 303, zoned RM7-5, Residential. The applicant requests the consent of the Committee to sever a parcel of land having a frontage of approximately 6.70 m (21.98 ft.) and an area of approximately 410.90 m<sup>2</sup> (4,422.89 sq. ft.). The effect of the application is to create a new lot for residential purposes.

This application is being considered concurrently with Minor Variance Application files 'A' 490/16 and 491/16.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit the division of the lot into two separate properties for the future development of a pair of semidetached dwellings. Mr. Oughtred noted that the lot frontages were slightly deficient. He displayed a map of the lot pattern of the surrounding neighbourhood and identified several properties that have been divided by the Committee for the construction of semidetached dwellings.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 2, 2016),  
City of Mississauga, Transportation and Works Department (December 1, 2016),  
City of Mississauga, Community Services Department, Park Planning (December 1, 2016),  
Region of Peel, Environment, Transportation and Planning Services (December 1, 2016),

A letter was received from Bell Canada stating an interest in the subject application.

A letter was received from R. Searles, a resident of 42 Broadview Avenue; R. McMillin, a resident of 44 Broadview Avenue and B. Chalovich, a resident of 30 Broadview Avenue, stating their objection to the subject application.

Mr. P. Vagnini, resident of 34 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Vagnini advised the Committee that Council had recently enacted amendments to the Zoning By-law to better guide the development within the surrounding area. He noted that most other similar developments within the area had conformed to the Zoning By-law and expressed concern that the approval of the subject application did not meet the intent of the recently amended Zoning By-law. He requested the Committee to refuse the application.

Mr. S. Manca, a resident of 38 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Manca suggested that the proposal did not maintain the character of the surrounding area.

Ms. C. Walker, a resident of 37 Broadview Avenue, attended and expressed her concerns with the future development of the property and noted that the subject application did not maintain the character of the surrounding area.

Mr. J. Baranyi, a resident of 26 Broadview Avenue, attended and expressed his objection to the subject application. Mr. Baranyi expressed his concerns with the various changes that

were occurring within the surrounding neighbourhood. He indicated his disapproval of the lot being partitioned into lots deficient in size pursuant to the Zoning By-law.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Oughtred consented to the imposition of the proposed conditions.

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

The Committee noted that the Zoning By-law had historically permitted various types of housing within the surrounding redevelopment. They explained that the recent changes to the Zoning By-law had introduced more restrictive regulations for the development standards such as the height of the construction of dwellings but had not changed the types of dwellings that could be constructed. The Committee was satisfied that the partitioning of the property created lots that were compatible with the surrounding area and would allow for development opportunities that respected the intent of the Zoning By-law and character of the area.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 490/16 & "A" 491/16)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 1, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 1, 2016.

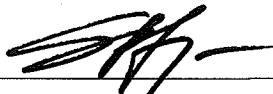
MOVED BY: J. PAGE                      SECONDED BY: J. ROBINSON    CARRIED

Application Approved on conditions as stated.

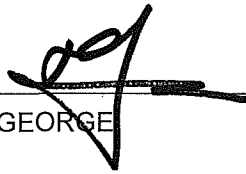
Dated at the City of Mississauga on December 15, 2016.

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 **JANUARY 8, 2017**.

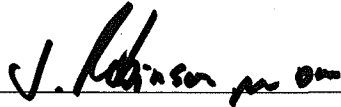
Date of mailing is December 19, 2016.



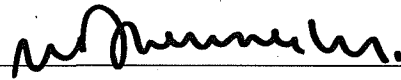
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S. PATRIZIO (CHAIR)



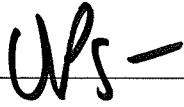
\_\_\_\_\_  
D. GEORGE



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



\_\_\_\_\_  
D. KENNEDY



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

ABSENT

\_\_\_\_\_  
D. REYNOLDS

DISSENTED

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

I certify this to be a true copy of the Committee's decision given on December 15, 2016.



\_\_\_\_\_  
DAVID L. MARTIN, SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **December 19, 2017**.

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



MISSISSAUGA

File: "A" 490/16  
WARD 1

## 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

JUAN FERNANDO GAVIRIA

on Thursday December 8, 2016

Juan Fernando Gaviria is the owner of 35 Broadview Avenue being Part of Lot 12, Registered Plan 303, zoned RM7-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semidetached dwelling on the lot, being the 'retained' lands of associated Consent File 'B' 84/16 having a lot frontage of 6.71 m (22.01 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80 m (22.31 ft.) in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit the division of the lot into two separate properties for the future development of a pair of semidetached dwellings. Mr. Oughtred noted that the lot frontages were slightly deficient. He displayed a map of the lot pattern of the surrounding neighbourhood and identified several properties that have been divided by the Committee for the construction of semidetached dwellings.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

### **"Recommendation**

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to apply for a Building Permit to ensure that no additional variances are required.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (West)

Designation: Residential Low Density II

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

Zoning: RM7-5 (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 verify the accuracy of the information provided, or determine whether additional variances may be required.

## Planning

Under the RM7 Zone provisions, a semi-detached dwelling is permitted in compliance with the RM2 zone regulations.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a Zoning By-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

Furthermore, the subject property is located within the Port Credit Local Area Plan of Mississauga Official Plan and Section 3.1.2 states the following:

- The Residential Low Density II designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings.

Section 16.1.2.1 of Mississauga Official Plan states that a Consent application should generally represent the greater of the average lot frontage and area of residential lots within 120 m (393.70 ft.) or the requirements of the Zoning By-law. In this instance, since the RM7 Residential zone provisions permit semi-detached dwellings, and the surrounding properties contain a mix of single detached dwellings and semi-detached dwellings, this comparison is not appropriate.

Although the lot frontage of the proposed severed and retained lots would be deficient to the requirements of the Zoning By-law for a semi-detached dwelling, the deficiency is very minor at 0.09 m (0.30 ft.) for the retained lands and 0.10 m (0.33 ft.) for the severed lands. The intent of the Zoning By-law provision for lot frontage requirements is to ensure that lots are wide enough to have reasonable dwellings constructed on them in relation to the zoning category. The proposed reduction in frontage is minimal and the functionality of the lots for the purpose of a constructing a semi-detached dwelling is maintained.

Given the preceding information, this Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to apply for a Building Permit to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department (November 29, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 84/16."

The Region of Peel, Environment, Transportation and Planning Services (December 1, 2016):

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

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."

A letter was received from Bell Canada stating an interest in the subject application.

A letter was received from R. Searles, a resident of 42 Broadview Avenue; R. McMillin, a resident of 44 Broadview Avenue and B. Chalovich, a resident of 30 Broadview Avenue, stating their objection to the subject application.



## MISSISSAUGA

File: "A" 490/16  
WARD 1

Mr. P. Vagnini, resident of 34 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Vagnini advised the Committee that Council had recently enacted amendments to the Zoning By-law to better guide the development within the surrounding area. He noted that most other similar developments within the area had conformed to the Zoning By-law and expressed concern that the approval of the subject application did not meet the intent of the recently amended Zoning By-law. He requested the Committee to refuse the application.

Mr. S. Manca, a resident of 38 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Manca suggested that the proposal did not maintain the character of the surrounding area.

Ms. C. Walker, a resident of 37 Broadview Avenue, attended and expressed her concerns with the future development of the property and noted that the subject application did not maintain the character of the surrounding area.

Mr. J. Baranyi, a resident of 26 Broadview Avenue, attended and expressed his objection to the subject application. Mr. Baranyi expressed his concerns with the various changes that were occurring within the surrounding neighbourhood. He indicated his disapproval of the lot being partitioned into lots deficient in size pursuant to the Zoning By-law.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the Zoning By-law had historically permitted various types of housing within the surrounding redevelopment. They explained that the recent changes to the Zoning By-law had introduced more restrictive regulations for the development standards such as the height of the construction of dwellings but had not changed the types of dwellings that could be constructed. The Committee was satisfied that the partitioning of the property created lots that were compatible with the surrounding area and would allow for development opportunities that respected the intent of the Zoning By-law and character of the area.

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

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



MISSISSAUGA

File: "A" 490/16  
WARD 1

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 December 15, 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 JANUARY 4, 2017.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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.



MISSISSAUGA

File: "A" 491/16  
WARD 1

## 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

JUAN FERNANDO GAVIRIA

on Thursday December 8, 2016

Juan Fernando Gaviria is the owner of 35 Broadview Avenue being Part of Lot 12, Registered Plan 303, zoned RM7-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semidetached dwelling on the lot, being the 'severed' lands of associated Consent File 'B' 84/16 having a lot frontage of 6.70 m (21.98 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80 m (22.31 ft.) in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit the division of the lot into two separate properties for the future development of a pair of semidetached dwellings. Mr. Oughtred noted that the lot frontages were slightly deficient. He displayed a map of the lot pattern of the surrounding neighbourhood and identified several properties that have been divided by the Committee for the construction of semidetached dwellings.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

### **Recommendation**

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to apply for a Building Permit to ensure that no additional variances are required.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (West)

Designation: Residential Low Density II

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

Zoning: RM7-5 (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 verify the accuracy of the information provided, or determine whether additional variances may be required.



## Planning

Under the RM7 Zone provisions, a semi-detached dwelling is permitted in compliance with the RM2 zone regulations.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a Zoning By-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

Furthermore, the subject property is located within the Port Credit Local Area Plan of Mississauga Official Plan and Section 3.1.2 states the following:

- The Residential Low Density II designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings.

Section 16.1.2.1 of Mississauga Official Plan states that a Consent application should generally represent the greater of the average lot frontage and area of residential lots within 120 m (393.70 ft.) or the requirements of the Zoning By-law. In this instance, since the RM7 Residential zone provisions permit semi-detached dwellings, and the surrounding properties contain a mix of single detached dwellings and semi-detached dwellings, this comparison is not appropriate.

Although the lot frontage of the proposed severed and retained lots would be deficient to the requirements of the Zoning By-law for a semi-detached dwelling, the deficiency is very minor at 0.09 m (0.30 ft.) for the retained lands and 0.10 m (0.33 ft.) for the severed lands. The intent of the Zoning By-law provision for lot frontage requirements is to ensure that lots are wide enough to have reasonable dwellings constructed on them in relation to the zoning category. The proposed reduction in frontage is minimal and the functionality of the lots for the purpose of a constructing a semi-detached dwelling is maintained.

Given the preceding information, this Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to apply for a Building Permit to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department (November 29, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 84/16."

The Region of Peel, Environment, Transportation and Planning Services (December 1, 2016):

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

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."

A letter was received from Bell Canada stating an interest in the subject application.

A letter was received from R. Searles, a resident of 42 Broadview Avenue; R. McMillin, a resident of 44 Broadview Avenue and B. Chalovich, a resident of 30 Broadview Avenue, stating their objection to the subject application.



## MISSISSAUGA

File: "A" 491/16  
WARD 1

Mr. P. Vagnini, resident of 34 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Vagnini advised the Committee that Council had recently enacted amendments to the Zoning By-law to better guide the development within the surrounding area. He noted that most other similar developments within the area had conformed to the Zoning By-law and expressed concern that the approval of the subject application did not meet the intent of the recently amended Zoning By-law. He requested the Committee to refuse the application.

Mr. S. Manca, a resident of 38 Broadview Avenue, attended and expressed his concerns with the subject application. Mr. Manca suggested that the proposal did not maintain the character of the surrounding area.

Ms. C. Walker, a resident of 37 Broadview Avenue, attended and expressed her concerns with the future development of the property and noted that the subject application did not maintain the character of the surrounding area.

Mr. J. Baranyi, a resident of 26 Broadview Avenue, attended and expressed his objection to the subject application. Mr. Baranyi expressed his concerns with the various changes that were occurring within the surrounding neighbourhood. He indicated his disapproval of the lot being partitioned into lots deficient in size pursuant to the Zoning By-law.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the Zoning By-law had historically permitted various types of housing within the surrounding redevelopment. They explained that the recent changes to the Zoning By-law had introduced more restrictive regulations for the development standards such as the height of the construction of dwellings but had not changed the types of dwellings that could be constructed. The Committee was satisfied that the partitioning of the property created lots that were compatible with the surrounding area and would allow for development opportunities that respected the intent of the Zoning By-law and character of the area.

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

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



MISSISSAUGA

File: "A" 491/16  
WARD 1

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 December 15, 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 **JANUARY 4, 2017**.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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.



MISSISSAUGA

File: "A" 481/16  
WARD 5

**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

JOHN ZIVANOVIC

on Thursday December 8, 2016

John Zivanovic is the owner of 30 Topflight Drive being part of Lot 11, Concession 1, E.H.S., zoned E2-107, Employment. The applicant requests the Committee to authorize a minor variance to permit business, medical, and/or real estate offices within Units 2, 4, 8 and 10 in the subject development providing a total of 117 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 129 parking space to be provided for all uses on site in this instance.

Ms. J. Zivanovic, authorized agent, attended and presented the application to permit business, medical and real estate office uses within various units within the development on the subject property. She indicated that this resulted in a small parking deficiency. Ms. Zivanovic noted that a parking utilization study that confirmed sufficient parking was available for all uses on the subject property had been submitted to staff for review.

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

The City of Mississauga Planning and Building Department (December 5, 2016):

**"Recommendation**

The Planning and Building department have no objection to the application, as amended and subject to the condition.

**Background**

**Mississauga Official Plan**

Character Area: Gateway Corporate Centre

Designation: Office

**Zoning By-law 0225-2007**

Zoning: E2-107

**Other Applications:**

**Comments**

**Zoning**

We note that a certificate of occupancy permit application is required to determine the required minimum number of parking spaces. In the absence of a certificate of occupancy permit application we are unable to confirm the accuracy of the requested variance or determine whether additional variance may be required.

Certificate of Occupancy Permits for units #3 and #11 are being withheld due to insufficient parking.

### Planning

The subject site is an office building located at the corner of Hurontario Street and Topflight Drive in the Gateway Corporate Centre. The surrounding context is undeveloped land, and business employment uses.

The application requests a reduction in parking for four units (#2, #4, #8, and #10) that are currently considered vacant by Zoning because no Certificate of Occupancy applications have been received. The application requests business, medical, and/or real estate offices within the four units at the reduced rate. The applicant proposes unit #4 as a business office, but medical or real estate uses are anticipated as future tenants.

Zoning has identified two units (#3 and #11) have occupancy permits being withheld due to insufficient parking. The parking deficiencies from these units would further increase the number of required parking spaces. The requested variance does not include the units with current parking deficiencies.

A Parking Utilization Study was provided by Beacon Planning Services. The Study indicated that unit #4 would be occupied by an office use and accounted for the two units with parking deficiencies. The Study found that any parking demand generated by the current occupied tenants and the vacant units occupied by medical or real estate offices on the subject lands would not create a parking shortfall. Staff reviewed the Study and conducted further analysis of future peak parking demand.

Staff recommends that the variance be amended as follows:

The applicant requests the Committee of authorize a minor variance to permit business, medical and or real estate offices within the subject building, providing a total of 117 parking spaces for all uses on site; whereas By-law 0225-2207, as amended, requires a total of 133 parking spaces to be provided for all uses on site in this instance.

Staff advises that in lieu of restricting medical or real estate uses by unit, that a GFA cap for medical and real estate uses be imposed for the building as a whole. The maximum GFA cap would include the GFA of units #2, #3, #6, #8, #10, and #11-12.

Together with the amended variance, staff recommends following condition:

The maximum GFA – non-residential devoted to all medical office and real estate office uses shall not exceed 1773 m<sup>2</sup> (19,084.41 sq. ft.).

Based on the preceding, the Planning and Building department have no objection to the application, as amended and subject to the condition."

The City of Mississauga Transportation and Works Department (November 29, 2016):

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

No other persons expressed any interest in the application.

Ms. Zivanovic 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. Zivanovic and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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



MISSISSAUGA

File: "A" 481/16  
WARD 5

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 business, medical and or real estate offices within the subject building, providing a total of 117 parking spaces for all uses on site; whereas By-law 0225-2207, as amended, requires a total of 133 parking spaces to be provided for all uses on site in this instance.

This decision is subject to the following condition:

1. The maximum GFA – non-residential devoted to all medical office and real estate office uses shall not exceed 1,773.00 m<sup>2</sup> (19,084.41 sq. ft.).

MOVED BY: P. QUINN      SECONDED BY: J. PAGE      CARRIED

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on December 15, 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 **JANUARY 4, 2017**.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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

VICTOR FERNANDES

on Thursday December 8, 2016

Victor Fernandes is the owner of 2056 Breezy Brae Drive being Lot 113, Registered Plan 481, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a driveway proposing a width of 8.91 m (29.23 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Mr. S. Hinnawi, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling with an integral 3 car garage on the subject property. Mr. Hinnawi indicated that a portion of the proposed driveway would be in excess of the provisions of the Zoning By-law and was required to access all 3 garage doors. He explained that the lot frontage was 0.02 m (0.06 ft.) deficient in width to accommodate the proposed driveway.

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

The City of Mississauga Planning and Building Department (December 2, 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 a Pre-Zoning Review application to verify and ensure that no additional variances are required.

**Background**

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density I

**Zoning By-law 0225-2007**

Zoning: R3-75 (Residential)

**Other Applications:**

N/A

**Comments**

**Zoning**

A Building Permit is not required in this instance. Based on the information contained within the application, the variance appears to be correctly requested; however, the applicant may wish to defer the application to apply for a Pre-Zoning Review application to verify and ensure that no additional variances are required.

**Planning**

Although the requested increase in driveway width appears to be significant initially, the subject property is in a unique circumstance. The Zoning By-law contemplates larger



## MISSISSAUGA

File: "A" 483/16  
WARD 1

driveways on a portion of the lot on larger lots within the city, provided that it services a larger garage. Section 4.1.9.13 of the Zoning By-law states that:

"For lots having a lot frontage of 18.0 m or greater, the maximum driveway width may be increased to 10.5 m for that portion of the driveway that is within 6.0 m of the front garage face and which is providing direct vehicular access to the garage. The driveway width for that portion of the driveway that is beyond 6.0 m from the front garage face is a maximum width of 8.5 m. The driveway shall not cover more than 50% of the area of the front yard and/or exterior side yard. (0212-2015)"

The applicant is proposing a three car garage with the driveway directly accessing it for a distance of only 6.00 m (19.69 ft.) beyond the front face of the garage. If the subject property had an 18.00 m (59.06 ft.) lot frontage there would be no variance required; however, the applicant's lot frontage is 17.87 m (58.63 ft.). The difference of 0.13 m (0.43 ft.) means that the standard 6.00 m (19.68 ft.) driveway width provision of the Zoning By-law applies to the applicant's proposal.

Planning staff are of the opinion that the subject property's frontage is adequate to accommodate a driveway that accesses a three car garage. There will be adequate front yard landscaping maintained and the proposal should not have a negative impact on the streetscape along Breezy Brae Drive.

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 a Pre-Zoning Review application to verify and ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department (November 29, 2016):

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

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Hinnawi and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the oversized driveway width did not run the full length of the driveway.

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.





**MISSISSAUGA**

File: "A" 483/16  
WARD 1

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

MOVED BY: J. ROBINSON SECONDED BY: J. PAGE CARRIED

Application Approved.

Dated at the City of Mississauga on December 15, 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 **JANUARY 4, 2017**.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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

TASLEEM ARSHAD

on Thursday December 8, 2016

Tasleem Arshad is the owner of 90 Ceremonial Drive being Lot 25, Plan M-737, zoned R4-22, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing basement entrance stairwell to remain, facilitating an entrance below grade, having a side yard of 1.03 m (3.41 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m (3.93 ft.) in this instance.

Ms. M. Arshad, authorized agent, attended and presented the application to permit the existing basement entrance stairwell to remain within the required unencumbered side yard.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Hurontario Neighbourhood

Designation: Residential Low Density I I

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

Zoning: R4-22

#### **Other Applications:**

Building Permit Application: 16-2788

### **Comments**

#### **Zoning**

The Building Department is currently processing a building permit application under file 16-2788. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

to permit the existing basement entrance stairwell to remain, facilitating an entrance below grade, having a side yard of 1.011 m (3.08ft.) ; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m (3.93ft.) in this instance.

#### **Planning**

The subject site is located on Ceremonial Drive west of Hurontario Street in the Hurontario Neighbourhood. It is an interior lot in a context of detached dwellings on regular and uniform lots.

The application requests a variance to permit a basement entrance with a reduced side yard.

As indicated on the site plan, the basement entrance is located behind the garage, and in line with the garage exterior wall. The basement entrance does not project further into the side yard than the garage. In our opinion, the reduced side yard is minor.

Based on the preceding, the Planning and Building have no objection to the application, as amended."

The City of Mississauga Transportation and Works Department (November 29, 2016):

"Enclosed for Committee's reference are some photos which depict the existing basement entrance stairwell as constructed."

A letter was received from Ward Councillor Parrish, expressing support for the subject application.

No other persons expressed any interest in the application.

Ms. Arshad 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. Arshad and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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



MISSISSAUGA

File: "A" 484/16  
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing basement entrance stairwell to remain, facilitating an entrance below grade, having a side yard of 1.011 m (3.08ft.) ; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m (3.93ft.) in this instance.

MOVED BY: D. GEORGE    SECONDED BY: P. QUINN    CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on December 15, 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 JANUARY 4, 2017.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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

JIM BEST

on Thursday December 8, 2016

Jim Best is the owner of 90 Vista Boulevard being Lot 227, Registered Plan 513, zoned R2-50, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a garage and breezeway addition proposing:

1. an attachment by arches having an attachment area less than 2.00 m x 5.00 m (6.56 ft. x 16.40 ft.); whereas By-law 0225-2007, as amended requires a minimum attachment of a dwelling to an attached garage of 2.00 m x 5.00 m (6.56 ft. x 16.40 ft.) in this instance;
2. a garage projection of 9.45 m (31.00 ft.) beyond the front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum projection beyond the front wall of 2.00 m (6.56 ft.) in this instance; and,
3. a dwelling depth of 20.93 m (68.66 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (65.61 ft.) in this instance.

Mr. J. Best, the property owner, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Best advised that the garage would be attached by an arched breezeway and that the Zoning By-law did not contemplate a garage attachment in this manner. He also noted that the garage slightly projected beyond the front wall of the dwelling. Mr. Best confirmed that the subject property was a corner lot and that the dwelling would be oriented to face the side yard as defined by the Zoning By-law. He explained that the measurement for dwelling depth was taken from the front yard as defined by the Zoning By-law and therefore required relief for dwelling depth.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Streetsville Neighbourhood  
Designation: Low Density Residential I

**Zoning By-law 0225-2007**

Zoning: R2-50

**Other Applications:**

Building Permit Application: 16-503

## Comments

### Zoning

The Building Department is currently processing a Pre-zoning application under file 16-503. Based on review of the information currently available for this building permit, the variances, as requested are correct.

### Planning

The subject site is located at the corner of Vista Boulevard and Sora Drive in the Streetsville Neighbourhood near Erin Mills Parkway and Thomas Street. The neighbourhood context is primarily one storey detached dwellings on 19m frontages.

The application proposes a new garage and breezeway with façade improvements, and the removal of the existing driveway.

The subject dwelling is an existing one storey dwelling in the Streetsville Neighbourhood. There are specific zoning provisions for Streetsville Neighbourhood, including those that regulate garage projection and dwelling depth. The dwelling is oriented toward Vista Boulevard, but Sora Drive is considered the frontage.

Variance #1 is for a proposed covered breezeway between the proposed garage and the existing dwelling. Attached garages are required to have a minimum attachment in order to be classified as attached. In this instance, the attached portion runs the length of the entire garage and dwelling. The overall massing and roof structure read as an attached garage. In our opinion, the reduction in attached area is minor.

Variance #2 is for garage projection. As the existing dwelling is oriented toward Vista Drive, but Sora Drive is considered frontage from a zoning interpretation perspective, the proposed garage projects into the front yard. In this instance, the proposed garage maintains the orientation toward Vista Drive, and proposes a front yard of 12.20 m (40.03 ft.) which exceeds the zoning by-law requirements. In our opinion, the intent of the zoning by-law is maintained.

Variance #3 is for dwelling depth. The existing dwelling size and location remains the same, only exterior façade improvements are proposed. The dwelling will not be located closer to the neighbours. The proposed garage is located at the front of the property, maintaining and exceeding the front yard requirements. A second storey is not proposed, thereby reducing the potential shadow and privacy impacts from dwelling depth. An established cedar hedge is located along the front yard where the garage is proposed. In our opinion, the intent of the zoning by-law is maintained.

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

The City of Mississauga Transportation and Works Department (November 29, 2016):

"This department has no objections to the applicant's request to permit the construction of a garage and breezeway addition. We are advising that we have checked with our Operations and Maintenance Division and advise that our department processed an Access Modification Approval Permit (Permit #17457) for the required curb cut and reinstatement for this property on March 28, 2014. In view of the above we have no objections to the applicant's request."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Best and having reviewed the plans and comments received, 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.



MISSISSAUGA

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WARD 11

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

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

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

Application Approved.

Dated at the City of Mississauga on December 15, 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 JANUARY 4, 2017.

Date of mailing is December 19, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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

MISSISSAUGA MUSLIM COMMUNITY CENTRE

on Thursday December 8, 2016

Mississauga Muslim Community Centre is the owner of 2505 Dixie Road being part of Lot 5, Concession 1, S.D.S., zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit a place of religious assembly, private community centre, library and cultural (commercial) school on the subject property providing 42 parking spaces on site and the balance of the parking spaces off site at 2445 Dixie Road, as previously approved pursuant to Committee of Adjustment Decision File 'A' 264/11; whereas By-law 0225-2007, as amended, requires all parking spaces to be provided wholly on site in this instance.

On August 18, 2016, Mr. M. Qureshi, authorized agent, and Mr. S. Chitale, an architect, attended and presented the application to continue to permit the continued operation of the place of religious assembly as temporarily approved twice by the Committee. They requested permanent approval of the operation as the organization was non-profit and considerable funds have been spent to maintain the necessary approvals from the Committee of Adjustment.

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

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

### **"Recommendation**

The Planning and Building Department recommends that the application be deferred to verify the accuracy of the requested variances and determine which additional variances may be required. Further, the applicant may wish to secure an additional parking agreement prior to the next hearing to allow for an extended approval.

### **Background**

#### **Mississauga Official Plan**

Character Area: Dixie Employment Area

Designation: Mixed Use

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

Zoning: C3-1 (Commercial)

#### **Other Applications:**

Building Permit File: 16-982

Certificate of Occupancy File: 10-379

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application and a Certificate of Occupancy application and based on the review of the information





## MISSISSAUGA

File: "A" 340/16  
WARD 1

currently available for these applications, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

It appears that there are an insufficient number of accessible parking spaces provided for the requested use. Further, we require verification on the relative Gross Floor Areas (GFA) of the multi-use hall and the Place of Religious Assembly to determine whether an additional variance may be required.

### **Planning**

The requested variance is a continuation of multiple previous approvals; however, prior approvals were given without the benefit of the information contained within the Building Permit and Certificate of Occupancy applications. Given that these applications have since been made, it appears that additional variances will be required and the applicant should provide additional information through these permit applications to ensure that all variances have been correctly identified.

Further, the shared parking agreement provided with the application, outlining the terms between the applicant and the property at 2445 Dixie Road, owned by Metrolinx, expires on February 28, 2017. Based on the previous approvals for this site, the Planning and Building Department could support the parking variance in principle; however, if the applicant does not obtain an updated parking agreement with a longer term, the Department would be unable to support an approval that extends beyond February 28, 2017.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to verify the accuracy of the requested variances and determine which additional variances may be required. Further, the applicant may wish to secure an additional parking agreement prior to the next hearing to allow for an extended approval."

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

"This department would have no objections in the applicant's request to permit the continuation of the place of religious assembly with offsite parking on Go Transit (Metrolinx) property provided that confirmation has been received by the Committee of Adjustment Office that the Licence Agreement and Extension Agreement between Metrolinx and Mississauga Muslim Community Centre is in place."

A letter was received from the Ministry of Transportation expressing an interest in the application.

A letter was received from Y. Qureshi, the authorized agent, providing additional information supporting the subject application.

No other persons expressed any interest in the application.

The Committee indicated that their review of the Shared Parking Agreement with Metrolinx contained has a clause that would result in a deficiency in parking space availability should the parking spaces be simultaneously required for Metrolinx customers. The Committee expressed that the parking spaces should be secured without encumbrances as the spaces are relied upon by the place of religious assembly to satisfy its parking requirements. They also noted that insufficient assurance was provided that the Agreement would extend past February 2017 and providing relief to the Zoning By-law beyond this date was inappropriate.

Mr. Qureshi requested that the application be deferred to allow additional time to review the Agreement with Metrolinx and City staff.

The Committee consented to the request and deferred the application to the October 6, 2016 hearing date.



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WARD 1

On October 6, 2016, Mr. M. Qureshi, authorized agent, attended and requested that the application be deferred to allow for a parking study to be completed and submitted to the Planning and Building Department for their review prior to the Committee proceeding with the application.

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

The City of Mississauga Planning and Building Department (September 30, 2016):

### **"Recommendation**

The Planning and Building Department recommends that the application be deferred to verify the accuracy of the requested variances and determine which additional variances may be required and to submit a satisfactory Parking Utilization Study or Shared Parking Agreement to adequately justify the requested reduction in parking.

### **Background**

#### **Mississauga Official Plan**

Character Area: Dixie Employment Area  
Designation: Mixed Use

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

Zoning: C3-1 (Commercial)

#### **Other Applications:**

Building Permit File: 16-982  
Certificate of Occupancy File: 10-379

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application and a Certificate of Occupancy application and based on the review of the information currently available for these applications, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

It appears that there are an insufficient number of accessible parking spaces provided for the requested use. Further, we require verification on the relative Gross Floor Areas (GFA) of the multi-use hall and the Place of Religious Assembly to determine whether an additional variance may be required.

#### **Planning**

Since the previous hearing, Planning staff has met with the applicant to discuss possible options for the application. The applicant indicated at that time that they would look into doing a Parking Utilization Study to justify some reduction in parking or secure further off-site parking agreements with a neighbouring property owner other than Metrolinx.

However, staff has not received a resubmission of any kind as relates to the parking, nor has there been an updated provided to through the Building Permit process to clarify what variances are required and the accuracy of the requests.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to verify the accuracy of the requested variances and determine which additional variances may be required and to submit a satisfactory Parking Utilization Study or Shared Parking Agreement to adequately justify the requested reduction in parking.

The City of Mississauga Transportation and Works Department (September 29, 2016):



## MISSISSAUGA

File: "A" 340/16  
WARD 1

"Please refer to our comments submitted for the August 18, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Public Works (September 30, 2016):

"As per Region of Peel Storm Sewer Design Criteria 2.0, No additional storm drainage shall be conveyed to the Region of Peel's Right of Way.

As per Region of Peel Storm Sewer Design Criteria 2.0 "No grading will be permitted within any Region of Peel Right-of-Way to support adjacent development".

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

A letter was received from Y. Qureshi, the authorized agent, providing additional information supporting the subject application.

The Committee consented to the request and deferred the application to the December 08, 2016 hearing.

On December 8, 2016, Mr. Y. Qureshi, authorized agent, attended and presented the application. Mr. Qureshi indicated that a parking utilization study had been prepared that was unresponsive of the existing parking arrangements and that he disagreed with the findings contained in the study. Mr. Qureshi confirmed that an existing shared parking agreement with the abutting landowner was in place until February 2017 and noted that he was currently engaged in negotiating a formalized extension of this agreement

Mr. Qureshi suggested that the existing operation and parking arrangement was sufficient as he was not in receipt of any complaints with respect to any parking conflicts and that the Committee had approved similar variance requests for the subject property in the past.

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

The City of Mississauga Planning and Building Department (December 2, 2016):

### **"Recommendation**

The Planning and Building Department recommends that the application be deferred to allow the applicant time to submit a parking agreement with Metrolinx to city staff for review to ensure that it adequately addresses the parking deficiency on site.

### **Background**

#### **Mississauga Official Plan**

Character Area: Dixie Employment Area

Designation: Mixed-Use

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

Zoning: R3-1 (Residential)

#### **Other Applications:**

Building Permit File: 16-982

Certificate of Occupancy File: 10-379

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application and a Certificate of Occupancy application and based on the review of the information currently available for these applications, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

It appears that there are an insufficient number of accessible parking spaces provided for the requested use. Further, we require verification on the relative Gross Floor Areas (GFA) of the multi-use hall and the Place of Religious Assembly to determine whether an additional variance may be required.

**Planning**

The application was previously before the Committee on October 6, 2016 and deferred to allow the applicant time to complete a Parking Utilization Study and determine their preferred way to address any deficiencies. The applicant has since submitted a Parking Utilization Study conducted by Beacon Planning Services, dated November 8, 2016, which identifies a deficiency of 75 spaces beyond what is provided on site during peak demand. The applicant has indicated that they intend to enter into a shared parking agreement with Metrolinx to address the 75 space deficiency. However, the Department has not received a copy of the shared parking agreement to date and the application should be deferred until we have received and reviewed the agreement.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant time to submit a shared parking agreement with Metrolinx to city staff for review to ensure that it adequately addresses the parking deficiency on site."

The City of Mississauga Transportation and Works Department (November 29, 2016):

"Please refer to our comments submitted for the August 18, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services (December 1, 2016):

"As per Region of Peel Storm Sewer Design Criteria 2.0, No additional storm drainage shall be conveyed to the Region of Peel's Right of Way.

As per Region of Peel Storm Sewer Design Criteria 2.0 "No grading will be permitted within any Region of Peel Right-of-Way to support adjacent development"

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

A letter was received from Y. Qureshi, the authorized agent, providing additional information supporting the subject application.

No other persons expressed any interest in the application.

The Committee indicated that the parking utilization study noted that additional parking spaces may be required for the existing place of religious assembly and that it would be inappropriate to proceed with evaluating the subject application without an extended formal parking agreement with the abutting landowner.

Mr. Qureshi strongly requested for the Committee to proceed with adjudicating the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Qureshi and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property. The Committee indicated that the previous agreement with the adjacent landowner for a shared parking arrangement was for less parking spaces than what was currently required for the place of religious assembly. They noted that the existing agreement would expire in a few months (February 2017) and that a new agreement had not been finalized. It was the Committee's opinion that such an agreement should be finalized prior to the Committee adjudicating the subject application.

The Committee noted that the parking utilization study provided by the applicant did not support the number of parking spaces required as purported by the applicant. The Committee was not satisfied that sufficient information had been provided to demonstrate that the parking supply on the subject property and any offsite parking agreement with the adjacent landowner was sufficient in accommodating the parking demands of the place of religious assembly.

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

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

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

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

Application Refused.

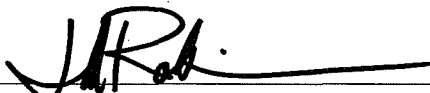
Dated at the City of Mississauga on December 15, 2016.

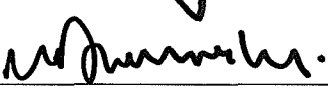
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 4, 2017**.

Date of mailing is December 19, 2016.

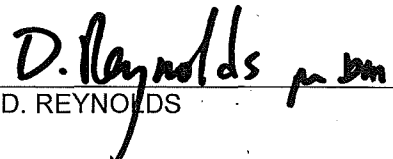
  
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S. PATRIZIO (CHAIR)

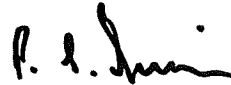
  
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D. GEORGE

  
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J. ROBINSON

  
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D. KENNEDY

  
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D. REYNOLDS

  
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P. QUINN

I certify this to be a true copy of the Committee's decision given on December 15, 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.