

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: JULY 7, 2016 AT 4:00 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
NEW APPLICATIONS - (MINOR VARIANCE)				
A-279/16	TRILLIUM HEALTH PARTNERS	100 QUEENSWAY W	7	Approved
A-280/16	ERNIE & VALERIE DO FORNO	2083 COURTLAND CRES	1	Approved
A-281/16	FERNANDO SOLANES	1408 RADCLIFFE BLVD	1	Approved
A-282/16	PCC # 313	3075 RIDGEWAY DR	8	Approved
A-285/16	GIUSEPPE PELLEGRINO	2205 CASTLESTONE CRT	7	Approved
A-286/16	MIDWAY INDUSTRIAL CENTRE	6991 MILLCREEK DR	9	Approved 5yrs
A-287/16	JASPAR KAPOOR	1073 SHAW DR	1	Approved
A-288/16	JASPAL KAPOOR	1071 SHAW DR	1	Approved
A-289/16	DAVE LITTLE & KAREN WENSLEY	955 CROZIER CRT	2	Approved
A-290/16	JASON PROPERTIES INC	359 RATHBURN RD W	4	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

TRILLIUM HEALTH PARTNERS

on Thursday, July 7, 2016

Trillium Health Partners is the owner of 100 Queensway West being Part of Lot 16, Concession 1, S.D.S., Part of Lot 1, Range 3, C.I.R., Part of Lots 6 and 7, Plan E-20, and Part of Block A, Plan 571, zoned I-2, Institutional and G2, Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the expansion of the parking lot proposing a landscape buffer width of 2.30m (7.54ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance.

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

Ms. J. Mondell, of Stantec Consulting Ltd., authorized agent, attended and presented the application. Ms. Mondell advised that they wish to construct a secondary access to a staff parking lot on Bronte Court. She indicated that a reduction to the landscape buffer is required to expand the parking facilities to provide approximately 40 additional parking spaces. She presented a site plan and illustrated the location of the landscape strip noting that the landscaping width varies in width, noting that the lowest width is 2.30m (7.54ft.).

Ms. Mondell advised that the reduced landscape buffer is located along internal driveways within the site, which is shared with Bronte College School. She indicated that they have contacted Bronte College and a letter has been received indicating they have no objection 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 (July 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Institutional, Greelands

Zoning By-law 0225-2007

Zoning: I-2 (Institutional), R2 (Greenbelt)

Other Applications:

N/A

Comments

Zoning

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

Planning

The requested variance to reduce the landscape buffer to 2.30 m (7.54 ft.) is along a portion of the proposed parking area expansion and is adjacent to another parking area and high density residential building to the south. The buffer distance along other parts of the proposed parking area are larger than the requested area. The parking area that is proposed is relatively small, given the context of the site, and the reduced buffer depth is only along approximately seven parking stalls. Other portions of the landscape buffer improve upon this condition.

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

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

"This department has no objections to the applicant's request to permit the expansion of the parking lot."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (July 6, 2016):

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

1. We have no objection to the approval of the application.
2. We note that a portion of the applicant's lands appear to be zoned G1 and G2–Greenbelt. In addition, these same lands are located within the CV2 section of the City's Natural Area System and within the floodplain of the Mary Fix Creek. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

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

"There is an existing Region of Peel easement through the subject lands. As per the documents registered on title, certain restrictions apply."

The Credit Valley Conservation commented as follows (June 17, 2016):

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

Site Characteristics:

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

As you may be aware, the site is within the City of Mississauga's Natural Heritage System designated as part of the Residential Woodland.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the expansion of the parking lot proposing a landscape buffer width of 2.30m (7.54ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance.

Comments:

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

Furthermore, the location of the proposed parking lot expansion is outside of the CVC Regulated Area and a CVC permit is not required for this proposed development. However, it should be noted that the subject property is partially within the CVC Regulated Area, and any proposed development in the future on this site may require a CVC permit."

A memo was received from Councillor Iannicca indicating the application has his full support.

A letter was received from Bronte College, located at 88 Bronte College Court, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Mondell 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.



MISSISSAUGA

File: "A" 279/16
WARD 7

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

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
-----------	-----------	--------------	-------------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 14, 2016.

DINA MELFI, ACTING 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

ERNIE & VALERIE DO FORNO

on Thursday, July 7, 2016

Ernie & Valerie Do Forno are the owners of 2083 Courtland Crescent being Lot 112, Plan 463, zoned R3-75, Residential. The applicants request the Committee to authorize a minor variance to permit:

1. two accessory structures to remain on the lot; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance;
2. a height of 3.74m (12.27ft.) for accessory structure (shed # 2); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance;
3. a rear yard of 0.61m (2.00ft.) to an accessory structure (shed # 2); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft.) in this instance;
4. an exterior side yard of 0.81m (2.65ft.) to an accessory structure (shed # 2); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance;
5. a side yard of 0.61m (2.00ft.) to accessory structure (shed # 1); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. E. Do Forno, co-owner of the property, attended and presented the application to permit two accessory structures to remain on the property. Mr. Do Forno explained that the requirements for setbacks to the property line were increased from 0.61m (2.00ft.) to 1.20m (3.93ft.) in October 2000 for lots greater than 750.00m² (8,073.19sq.ft.). Mr. Do Forno indicated that, as his lot is 751.46m² (8,088.91sq.ft.), the new By-law causes his sheds to be in contravention of the Zoning By-law.

Mr. Do Forno advised that the first shed was in its present location when he purchased the property. He indicated that the first shed is legal non-conforming as it existed prior to the implementation of the increase in the setbacks due to lot size.

Mr. Do Forno indicated that, when they constructed the second shed, they were unaware that two sheds on one lot are not permitted. He indicated that the shed slightly exceeds the maximum permitted height. Mr. Do Forno presented photographs of the structure and advised that the shed is not visible from outside of his backyard.

Mr. Do Forno indicated that he has spoken with his neighbours and they have expressed support for the application.

Mr. Do Forno further advised that he has contacted the Ministry of Transportation and they have no comments with respect 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 (July 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: Not Required

Comments

Zoning

A Building Permit is not required in this instance. The variances, as requested, have been reviewed based on information provided, however a full zoning review has not been completed.

Planning

Requested variances #3, #4, and #5 are all related to setbacks to the accessory structures and are required because the lot is 751.46 m² (8088.65 sq. ft.). If the lot area was below 750.00 m² (8072.93 sq. ft.), as many lots within the neighbourhood are, then 0.61 m (2.00 ft.) would be required and all three of these variances would not be required. A 0.61 m (2.00 ft.) setback for an accessory structure is common within the neighbourhood and should provide adequate separation distance from the lot line.

The requested height increase for the second accessory structure is relatively minor and given that the general massing of the structure is limited by the very low eave height of the shed we have no concern with the requested height increase.

Each of the structures are modest in size and the lot appears to be well below the permitted lot coverage, with no additional pergola or gazebo structures. Therefore, we have no objection to the request for an additional accessory structure.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variances are minor in nature and maintain the general intent of the Zoning By-law. We have no objection to the requested variances; however, the applicant may wish to defer the application to verify the accuracy of the requested variances and to determine whether any additional variances will be required."



MISSISSAUGA

File: "A" 280/16
WARD 1

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

"This department has no objections to the two existing accessory structures and from our site inspection we observed no evident drainage related concerns with the sheds."

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

"We have no comments or objections."

An e-mail dated June 29, 2016 was received from the Ministry of Transportation indicating the location of the proposal is within the MTO's permit control area and permits will be required. They requested that a site plan application be submitted.

An e-mail dated July 7, 2016 was submitted by the property owner, providing a copy of correspondence from the Ministry of Transportation (MTO) indicating they have reviewed the information and have no comments with respect to the application. The MTO further noted that any future proposals will require Ministry of Transportation review.

A letter was received from D. and D. Doyle, property owners at 2095 Courtland Crescent, indicating they support the application and have no objection to the additional shed.

A letter was received from S. and J. Cummings, property owners at 1324 Wealthy Place expressing support for the application and indicating they have no objection to the additional shed.

A letter was received from K. and J. Holloway, property owners at 2077 Courtland Crescent, expressing support for the application and indicating they have no objection to the additional shed.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Do Forno 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 second shed is well screened by foliage and has no adverse impact on the neighbours. They further advised that if the lot size was slightly less, the sheds would comply with the setbacks.

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

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

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


MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
-----------	----------	--------------	---------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.



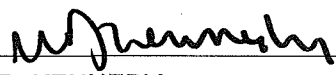
S. PATRIZIO (CHAIR)



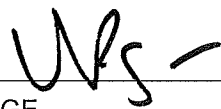
D. GEORGE



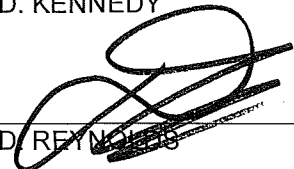
J. ROBINSON



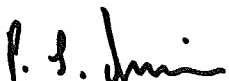
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 14, 2016.



DINA MELFI, ACTING 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

FERNANDO SOLANES

on Thursday, July 7, 2016

Fernando Solanes is the owner of 1408 Radcliffe Boulevard being Lot 4, Plan 412, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing dwelling proposing:

1. an exterior side yard of 2.70m (8.85ft.) to the foyer/porch and 5.23m (17.15ft.) to the proposed garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance;
2. a setback of 5.23m (17.15ft.) to the front garage face; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (19.68ft.) to the front garage face in this instance;
3. a dwelling depth of 21.72m (71.25ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance; and,
4. a driveway width of 7.62m (25.00ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. F. Solanes, property owner, attended and presented the application to permit the construction of an addition to the existing dwelling on the subject property. Mr. Solanes indicated that he was previously before the Committee in March, 2016 and the application was approved, subject to the removal of the Arbor Road driveway. He advised that he submitted an application for Site Plan Approval and it was identified that further variances are required.

Mr. Solanes explained that he wishes to construct a garage and storage addition to the existing bungalow and the length of the dwelling slightly exceeds the permitted dwelling depth of 20.00m (65.61ft.). He presented a rendering of the addition for the Committee's review and consideration.

Mr. Solanes indicated that there are two driveways on the property. He explained that the existing driveway on Arbor Road will be removed and he will re-instate the curb and restore the grass. Mr. Solanes advised that the driveway width exceeded the By-law requirements when he purchased the home. He advised that the proposed driveway width is the same width as the previously constructed driveway width. Mr. Solanes requested that permission be granted to allow him to construct the new driveway with a driveway width of 7.62m (25.00ft.).

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred to redesign the dwelling to address staff concerns with the dwelling depth.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval Application File: SPM 16-049

Comments

Zoning

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

Variance 1 should be separated into two separate variances as follows:

"excessive encroachment of a porch or deck (inclusive of stairs) of 3.29 m (10.79 ft.) proposed; whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch or deck (inclusive of stairs) to be 1.6 m (5.25 ft.) in this instance;

an exterior side yard setback of 3.77 m (12.37 ft.) to the proposed dwelling; whereas By-law 0225.2007, as amended, requires a minimum exterior side yard setback of 6.0 m (19.69 ft.) in this instance;"

Further, more information is required to confirm the variance requested for the driveway width. The request of 7.62 m (25 ft.) does not match the plans provided.

Planning

The Planning and Building Department has no objection to the variance 1, as amended, and variance #2. The setback to the garage face is a continuation of the existing setback along Radcliffe Boulevard and should not have any additional significant impact along the street as it does not encroach further towards the street. The proposed front porch is modest in size and massing and should also no impose on the streetscape. Further, the generous width of the city owned boulevard provides added separation distance between the proposed additions and the street line.

However, the Department does have concerns with the requested variance for dwelling depth. The proposed addition would create a situation of a continuous mass along the side and rear yards of the neighbour at 589 Arbor Road, even if built to as of right Zoning By-law standards; the additional requested depth will create additional impact and is not desirable. The proposed addition includes a 9.14 m (30.00 ft.) wide two car garage, which could be reduced to limit the depth of the dwelling while still maintaining a functional two car garage.



MISSISSAUGA

File: "A" 281/16

WARD 1

Further, the requested driveway width, although not displayed correctly on the plans, should be reduced to be proportional to a reduced garage size.

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

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

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Site Plan Approval and Building Permit Process. We are also noting that we have no objections to the relocation of the existing access from Radcliffe Boulevard as it is currently from Arbor Road. The applicant is also advised that any costs incurred for the access or any utility relocation required will be to the applicant."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Solanes indicated that they originally wished to construct a second storey and a larger dwelling; however they decided to maintain the roofline and size of the dwelling and add a garage and storage area to the bungalow. He indicated that the increase in dwelling depth is approximately 2.13m (7.00ft.) and is utilized for the storage area within the garage.

Mr. Solanes, 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. Solanes and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the dwelling depth variance is required as the addition is being constructed to the existing bungalow. They noted that it does not increase the massing of the dwelling and has no adverse impact on the streetscape. The Committee indicated that, as the site is subject to Site Plan Approval, the removal of the Arbor Road driveway will be resolved through this process. Subsequently, it is not necessary to make the decision conditional on the removal of the Arbor Road 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 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 addition to the existing dwelling proposing:

1. an encroachment of a porch or deck (inclusive of stairs) of 3.29 m (10.79 ft.) proposed; whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch or deck (inclusive of stairs) to be 1.6 m (5.25 ft.) in this instance;
2. an exterior side yard setback of 3.77 m (12.37 ft.) to the proposed dwelling; whereas By-law 0225.2007, as amended, requires a minimum exterior side yard setback of 6.0 m (19.69 ft.) in this instance;



MISSISSAUGA

File: "A" 281/16
WARD 1

- 3. a setback of 5.23m (17.15ft.) to the front garage face; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (19.68ft.) to the front garage face in this instance;
- 4. a dwelling depth of 21.72m (71.25ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance; and,
- 5. a driveway width of 7.62m (25.00ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

This decision is subject to the following condition:

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


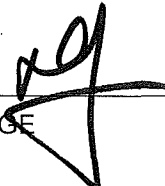
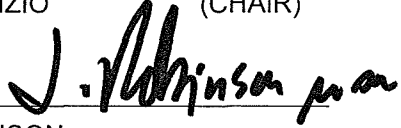

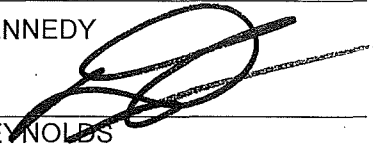
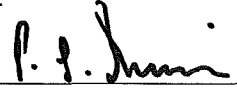
MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
-----------	-------------	--------------	---------	---------

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.

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

I certify this to be a true copy of the Committee's decision given on July 14, 2016.



DINA MELFI, ACTING 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

PCC # 313

on Thursday, July 7, 2016

PCC # 313 is the owner of 3075 Ridgeway Drive being Peel Condominium Plan 313, Level 1, Units 29 and 30, zoned C3-46, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a commercial school within Unit # 30 of the subject development providing a total of 259 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 439 parking spaces to be provided for all uses on site in this instance.

Mr. Y. Chen, authorized agent, attended and presented the application. Mr. Chen advised that the property was the subject of a previous Minor Variance (Reference 'A' 54/16) which permitted the commercial school (dance studio) conditional upon the use operating during specific hours. Mr. Chen advised that the submitted Minor Variance application has been submitted to request permission for the dance studio to operate without any limitations on the hours of operation to serve their client's needs.

Mr. Chen indicated that a parking study has been prepared and submitted for review by the Planning and Building Department and it satisfactorily justifies the requested reduction in parking. He indicated that there are 12 parking spaces required for the commercial school use and the parking study indicates that, at peak demand, 94 parking spaces are vacant.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C3-46 (Commercial)

Other Applications:

N/A

Comments

Zoning

N/A

Planning

The Planning and Building Department has reviewed an addendum to a Parking Utilization Study previously prepared by Beacon Planning Services, dated January 11, 2016. The previous Parking Utilization Study was found to satisfactorily justify the reduction in parking as requested under variance application 'A' 54/16, which was presented before the Committee on February 11, 2016 and subsequently approved. The current variance application is required because the applicant seeks to remove a previously imposed condition which limited the permitted hours of operation for the dance studio; the provided number of parking spaces remains identical. Through a review of the parking study addendum provided by the applicant, the Department is able to support the requested reduction in parking. During peak demand there were 94 vacant parking stalls, as indicated by the study. As a result, the intent of the Zoning By-law to provide adequate parking on site is maintained.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 282/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 4, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Chen and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property.

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

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

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

MOVED BY:	P. Quinn	SECONDED BY:	D. George	CARRIED
-----------	----------	--------------	-----------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 2016.

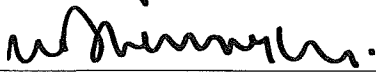
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.

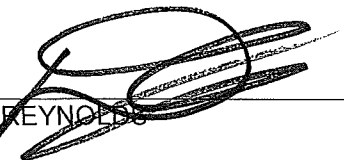

S. PATRIZIO (CHAIR)

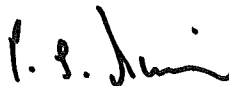

D. GEORGE


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 July 14, 2016.


DINA MELFI, ACTING 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

GIUSEPPE PELLEGRINO

on Thursday, July 7, 2016

Giuseppe Pellegrino is the owner of 2205 Castlestone Court being Lot 25, Plan 917, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure (shed) to remain having a rear yard of 0.43m (1.41ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft.) for an accessory structure in this instance.

Mr. G. Pellegrino, property owner, attended and presented the application. He advised that permission is being requested to allow the existing accessory structure (shed) to remain having a rear yard of 0.43m (1.41ft.). Mr. Pellegrino indicated that the shed is located approximately 91.44m (300.00ft.) away from the dwellings that back onto his property. He further advised that there are lots of trees that shield the shed from view.

Mr. Pellegrino advised that he has spoken with his neighbours and submitted letters expressing 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 (July 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

Building Permit File: Possibly Required

Comments

Zoning

A Building Permit application may be required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variance, or determine whether additional variances may be required. It appears, based on the plans provided, that the structure plus the porch area may exceed 10.00 m² (108.64 sq. ft.), in which case a Building Permit would be required.

Planning

The existing accessory structure is modest in size and height, complying with the By-law provisions for each. The lot to the rear has a generous rear yard setback and there is mature vegetation that helps to screen the structure from the neighbouring property. The Planning and Building Department is of the opinion that the requested reduction in setback is minor in nature and that there would be no negative impacts to the adjacent property owners as a result.

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 provide additional information to verify the accuracy of the requested variance and to determine whether any additional variances will be required."

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

"This department has no objections to the applicant's request to permit the accessory structure to remain and from our site inspection we observed no evident drainage related concerns."

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

"We have no comments or objections."

Letters were received from the property owners/residents at 2183, 2184, 2189, 2192, 2195, 2200, 2210, 2211, 2216, 2217, 2220, 2221, 2226, and 2224 Castlestone Court and 2200, 2204, and 2220 Parker Drive, expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. Pellegrino, upon hearing the comments of the Committee and the Planning and Building Department, advised that the Municipal Law Enforcement Officer had attended the property, measured the structure, and advised that the rear yard setback does not comply with the Zoning By-law. Mr. Pellegrino advised that he did not identify any other contravention of the By-law. Mr. Pellegrino requested that the Committee consider the request as presented.

The Committee, after considering the submissions put forward by Mr. Pellegrino 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.



MISSISSAUGA

File: "A" 285/16
WARD 7

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

MOVED BY:	P. Quinn	SECONDED BY:	D. Reynolds	CARRIED
-----------	----------	--------------	-------------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 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 July 14, 2016.

DINA MELFI, ACTING 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

MIDWAY INDUSTRIAL CENTRE

on Thursday, July 7, 2016

Midway Industrial Centre is the owner of 6991 Millcreek Drive being Block 1, Plan M-802, zoned E2-1, Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a banquet hall with an ancillary restaurant use providing parking at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft.) of gross floor area or 219 parking spaces for a total of 452 parking spaces provided on site; whereas By-law 0225-2007, as amended, requires a minimum of 580 parking spaces on site in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the continued operation of the banquet hall and restaurant. Mr. Oughtred advised that the banquet hall and ancillary restaurant has operated from this location since 1992. He indicated that the most recent Minor Variance Decision File "A" 324/09 was approved subject to conditions. Mr. Oughtred indicated that a new owner will be purchasing the business. He requested that if the Committee sees merit in approving the application, that the approval not be personal.

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

The City of Mississauga Planning and Building Department commented as follows (July 4, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance, as amended, subject to the imposition of conditions # 2 to 4 as specified under file 'A' 324/09.

Background

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-1

Other Applications:

Comments

Zoning

As a result of tenant changes to the site, the required number of parking is now 598 spaces.

The requested variances should be amended:

To permit the operation of a banquet hall with an ancillary restaurant use providing parking at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft) of gross floor area or 219 parking spaces for a total of 452 parking spaces provided on site; whereas By-law 0225-2007, as amended, requires a minimum of 598 parking spaces on site in this instance.

Planning

We advise that the Committee previously granted similar variances under files 'A' 324/9, 'A' 55/04, 'A' 807/98 and 'A' 506/93. The most recent decision was subject to the conditions that the decision be personal, the banquet hall operation shall be restricted to after 5:00 pm daily, the ancillary hours of operation shall be restricted to 11:00 am to 3:00 pm daily with no take out service in the evenings and the maximum number of seats for the ancillary restaurant shall be restricted to 90 seats. The variance expired October 31, 2014.

We note that a banquet hall and a restaurant are both permitted uses in an E2-1 zone under By-law 0225-2007, therefore, the variance for the use is not required.

Given that the requested variance is for a continuation of an existing situation on the subject property, we have no objection with the application subject to the imposition of conditions # 2 to 4 as specified under file 'A' 324/09."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 286/16."

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

"This Department has no comments or objections."

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 recommendations.

The Committee consented to the request and, after considering the submission put forward by Mr. Oughtred and noting the nature of the operation, is satisfied that the amended request is desirable for the appropriate development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a banquet hall with an ancillary restaurant use providing parking at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft) of gross floor area or 219 parking spaces for a total of 452 parking spaces provided on site; whereas By-law 0225-2007, as amended, requires a minimum of 598 parking spaces on site in this instance.



MISSISSAUGA

File: "A" 286/16
WARD 9

This decision is approved for a temporary period of five (5) years to expire and terminate on July 31, 2021, subject to the following conditions:

1. The banquet hall operation shall be restricted to after 5:00p.m. daily.
2. The ancillary buffet sit down style restaurant hours of operation shall be restricted to 11:00a.m. to 3:00p.m. daily with no take out service in the evenings.
3. The maximum number of seats for the ancillary restaurant operation shall be restricted to 90 seats.

MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
-----------	---------	--------------	-----------	---------

Application Approved, temporarily, on conditions as stated.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 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 July 14, 2016.

DINA MELFI, ACTING 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

JASPAR KAPOOR (BY PURCHASE & SALE AGREEMENT)

on Thursday, July 7, 2016

Jaspar Kapoor (By Purchase & Sale Agreement) is the owner of 1073 Shaw Drive being Part of Lot 48, Plan F-20, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject property in accordance with the RM2, Residential (semi-detached dwellings) zone provisions; whereas By-law 0225-2007, as amended, requires the property to be developed in accordance with the R3-75 (detached dwellings) zone provisions, in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred advised that the property was the subject of Consent application 'B' 2/14 and Minor Variance applications 'A' 42/14 and 'A' 43/14. The Consent application was approved and the Certificate was issued. Mr. Oughtred advised that the Minor Variance applications were approved subject to the applicants constructing the dwellings in accordance with the plans reviewed by the Committee.

Mr. Oughtred advised that the property has been sold and the new owners would like to construct a different type of semi-detached dwelling. Mr. Oughtred advised that the subject applications have been submitted to request approval for the new semi-detached dwellings. He presented a set of plans for the Committee's review and consideration. He compared the plans originally approved with the plans for the proposed dwellings and advised that the building setbacks are similar. Mr. Oughtred advised that the rear yard setback has been increased and the height of the dwellings reduced.

Mr. Oughtred indicated that the street contains single family dwellings, semi-detached dwellings, a four-plex and an eight storey apartment building. He advised that the proposed dwellings will be 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 (July 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (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 variances, or determine whether additional variances may be required.

A previous Building Permit for a semi-detached dwelling was cancelled.

Planning

The applicant has received previous approval for this application in 2014; however, the previous approval was subject to a condition that the proposal proceed in accordance with the plans provided at that hearing. The applicant is reapplying to the Committee as a result of altering their proposal from what the previously approved plans indicated. At the time of the previous hearing, the Planning and Building Department indicated that a minor variance was not the appropriate process to change the zoning of a property and that the application should be refused. Further, the department indicated that existing semi-detached dwellings in this area had been created through rezoning applications.

The R3-75 zoning only permits detached dwellings; the intent of the Zoning By-law is not maintained by a semi-detached dwelling in this zone. The Department maintains its previous position and is of the opinion that the applications should be refused and that the applicant should apply for a rezoning application if they seek to change the zoning of the properties."

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

"This department has no objections to the applicants request to permit the construction of a semi-detached dwelling. We are also noting for information purposes that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit process."

The Region of Peel, Public Works, Development Services Section commented as follows (July 4, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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" 287/16
WARD 1

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

Application Approved, on condition as stated.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.



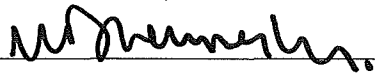
 S. PATRIZIO (CHAIR)



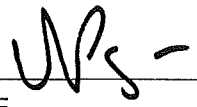
 D. GEORGE



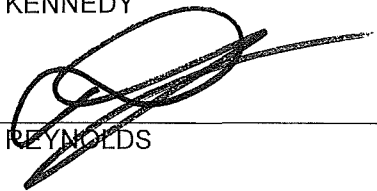
 J. ROBINSON



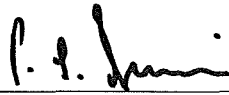
 D. KENNEDY



 J. PAGE



 D. REYNOLDS



 P. QUINN

I certify this to be a true copy of the Committee's decision given on July 14, 2016.



 DINA MELFI, ACTING 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

JASPAL KAPOOR (BY PURCHASE & SALE AGREEMENT)

on Thursday, July 7, 2016

Jaspal Kapoor (By Purchase & Sale Agreement) is the owner of 1071 Shaw Drive being Part of Lot 48, Plan F-20, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject property in accordance with the RM2, Residential (semi-detached dwellings) zone provisions; whereas By-law 0225-2007, as amended, requires the property to be developed in accordance with the R3-75 (detached dwellings) zone provisions, in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred advised that the property was the subject of Consent application 'B' 2/14 and Minor Variance applications 'A' 42/14 and 'A' 43/14. The Consent application was approved and the Certificate was issued. Mr. Oughtred advised that the Minor Variance applications were approved subject to the applicants constructing the dwellings in accordance with the plans reviewed by the Committee.

Mr. Oughtred advised that the property has been sold and the new owners would like to construct a different type of semi-detached dwelling. Mr. Oughtred advised that the subject applications have been submitted to request approval for the new semi-detached dwellings. He presented a set of plans for the Committee's review and consideration. He compared the plans originally approved with the plans for the proposed dwellings and advised that the building setbacks are similar. Mr. Oughtred advised that the rear yard setback has been increased and the height of the dwellings reduced.

Mr. Oughtred indicated that the street contains single family dwellings; semi-detached dwellings, a four-plex and an eight storey apartment building. He advised that the proposed dwellings will be 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 (July 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (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 variances, or determine whether additional variances may be required.

A previous Building Permit for a semi-detached dwelling was cancelled.

Planning

The applicant has received previous approval for this application in 2014; however, the previous approval was subject to a condition that the proposal proceed in accordance with the plans provided at that hearing. The applicant is reapplying to the Committee as a result of altering their proposal from what the previously approved plans indicated. At the time of the previous hearing, the Planning and Building Department indicated that a minor variance was not the appropriate process to change the zoning of a property and that the application should be refused. Further, the department indicated that existing semi-detached dwellings in this area had been created through rezoning applications.

The R3-75 zoning only permits detached dwellings; the intent of the Zoning By-law is not maintained by a semi-detached dwelling in this zone. The Department maintains its previous position and is of the opinion that the applications should be refused and that the applicant should apply for a rezoning application if they seek to change the zoning of the properties."

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

"This department has no objections to the applicants request to permit the construction of a semi-detached dwelling. We are also noting for information purposes that any Transportation and Works Department concerns/requirements will be addressed at the time of the Building Permit process."

The Region of Peel, Public Works, Development Services Section commented as follows (July 4, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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" 288/16
WARD 1

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

Application Approved, on condition as stated.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.



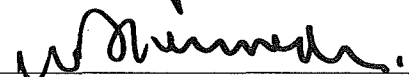
 S. PATRIZIO (CHAIR)




 D. GEORGE




 J. ROBINSON



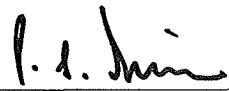
 D. KENNEDY



 J. PAGE



 D. REYNOLDS



 P. QUINN

I certify this to be a true copy of the Committee's decision given on July 14, 2016.



 DINA MELFI, ACTING 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" 289/16
WARD 2

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

DAVE LITTLE & KAREN WENSLEY

on Thursday, July 7, 2016

Dave Little & Karen Wensley are the owners of 955 Crozier Court being Lot 9, Plan 552, zoned R2-5, Residential. The applicants request the Committee to authorize a minor variance to permit the alterations and addition to the existing dwelling proposing:

1. a combined width of side yards of 5.35m (17.55ft.) to the dwelling and 3.75m (12.30ft.) to the covered canopy; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.14m (20.14ft.) in this instance;
2. a side yard to the covered canopy of 1.06m (3.47ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) in this instance;
3. a driveway width of 6.65m (21.81ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,
4. two walkway connections abutting the driveway totalling 3.49m (11.45ft.) on the east side of the existing driveway; whereas By-law 0225-2007, as amended, permits a maximum walkway connection of 1.50m (4.92ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the alterations and addition to the existing dwelling. Mr. Oughtred presented plans for the Committee's review and consideration and advised that a new porch and entranceway and a rear addition are proposed.

Mr. Oughtred advised that a variance is required for the combined width of both side yards as they wish to construct the addition utilizing the same setbacks as the existing dwelling. He indicated that there is a canopy located in the side yard and relief is being requested to allow the architectural feature to be constructed 1.06m (3.47ft.) from the side property line.

Mr. Oughtred advised that a slight extension to the existing driveway is proposed. He indicated that there are two walkways, totalling 3.49m (11.45ft.), located in the front yard. Mr. Oughtred advised that they are separated by a planter; however, since they are both linked to the driveway, a variance is required. He indicated that the intent of the By-law is to limit the amount of hard surface area in front of the dwelling and he believes that the intent of the By-law is satisfied.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 16-1515

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available for this Building Permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. Average grade calculations are required to determine the height of the first storey, which may impact side yard and total side yard setback requirements.

Planning

The applicant is proposing a modest addition to the corner of the rear of the dwelling, a new front porch and some modifications to the existing front entrance area, and a slight driveway expansion.

Requested variance #1 is required because the addition extends beyond the existing wall into the rear yard; however, the proposed addition is limited in length, maintains the existing side yard setbacks of the rest of the dwelling, and should not create any impacts on neighbouring properties. The proposed side yard setback in variance #2, for the canopy, is required for a relatively small portion of the side yard and should also not have significant massing impacts on neighbours and is minor in nature.

The requested increase in driveway width is relatively minor and given the 30.71 m (100.75 ft.) frontage of the lot, the increase will not take away from the ability to provide adequate landscaping in the front yard and should be reasonably proportional to the rest of the lot and the dwelling.



MISSISSAUGA

File: "A" 289/16
WARD 2

The walkway connections are required because of an additional width between the two walkways on either side of the planter located in the front yard. This area will not be able to accommodate an additional parking space. There is still significant landscaping in the front yard and the additional walkway space maintains the low density residential character of the lot.

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

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

"This department has no objections to the applicant's request to permit the alterations and addition to the existing dwelling."

The Region of Peel, Public Works, Development Services Division commented as follows (July 4, 2016):

"We have no comments or objections."

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 proceed.

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 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
-----------	----------	--------------	---------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.



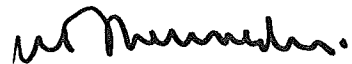
S. PATRIZIO (CHAIR)



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 July 14, 2016.



DINA MELFI, ACTING 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

JASON PROPERTIES INC.

on Thursday, July 7, 2016

Jason Properties Inc. is the owner of 359 Rathburn Road West being Part of Blocks 129 and 130, Plan M-719, zoned CC2-2, City Centre. The applicant requests the Committee to authorize a minor variance to permit:

1. three storey Townhouse Dwellings on a Common Element Condominium (CEC) - Private Road; whereas By-law 0225-2007, as amended, only allows Townhouse Dwelling Units as an additional permitted use and permits a maximum height of two storeys in this instance; and,
2. development not in accordance with Schedule CC2-2; whereas By-law 0225-2007, as amended, requires all development to be in accordance with Schedule CC2-2 in this instance.

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

Mr. J. Lethbridge, of James Lethbridge Planning Inc., authorized agent, attended and presented the application to permit the construction of three storey townhouse dwellings on a Common Element Condominium (CEC) – Private Road. Mr. Lethbridge advised that the property owner has determined that there is a market demand for townhouse dwellings and there is a greater acceptance for a Common Element Condominium than a Standard Condominium. He explained that tenure is different; however, the built form will remain essentially the same.

Mr. Lethbridge advised that the built form shown on Schedule CC2-2 was based upon a preliminary design that was submitted in support of the re-zoning application. He presented a plan for the Committee's review and consideration and advised that the location of the townhouses in the two central blocks has changed. Mr. Lethbridge indicated that the rear and side yards are maintained. He advised that, as the break between the units has been re-located, relief is required from Schedule CC2-2.

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

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

Recommendation

The Planning and Building Department have no objection to the application, but the applicant may wish to defer the application in order to submit a revised site plan application.

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: CC2-2

Other Applications:
SP 126/11

Comments

Zoning

The Building Department is currently processing a site plan approval application under file 11-126. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

The site plan submitted with this application is inconsistent with SP 11-126.

Planning

We note for the Committee's information that a similar application 'A' 073/11 was approved in 2011. At the time Staff had no objection, but noted the applicant may wish to defer to submit a site plan application. Since then, SP 11-126 has been received and reviewed. Staff are satisfied that the site plan application has reached an appropriate stage to proceed.

Variance #1 requests the change from a standard condominium townhouse dwelling to a common element condominium dwelling. The request does not change the build form or the use that was approved in 2011, but rather the tenure. The variance is also asking for a height of three storeys, as was approved in 2011.

The Ward Councillor held a community open house on March 10th 2011 to discuss the proposal. The residents in attendance did not express any concern with the height of the proposed townhouses.

The subject site is a part of higher density mixed use site, adjacent to a low rise residential neighbourhood. A three storey built form is an appropriate transition to the adjacent two storey dwellings. The Planning and Building Department supports this requested variance, as it maintains the general intent of the zoning bylaw, and the official plan.

Variance #2 requests a change from schedule CC2-2. The two centre blocks of townhouses have moved slightly from the CC2-2 buildable area. The separation distances, and rear yards to the adjacent residential neighbourhood are maintained. Staff has reviewed the site plan and are in support of this application. It is our opinion that it meets the general intent of the zoning by-law and the official plan.

The Planning and Building Department have no objection to the application, but the applicant may wish to defer the application in order to submit a revised site plan application."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 11/126. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Public Works, Development Services Division commented as follows (July 4, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation (MTO) indicating the property is within MTO's permit control area and permits will be required.

No other persons expressed any interest in the application.

Mr. Lethbridge, upon hearing the comments of the Committee and the Planning and Building Department, indicated that he does not wish to defer the application.

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

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

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

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

MOVED BY:	D. Reynolds	SECONDED BY:	D. George	CARRIED
-----------	-------------	--------------	-----------	---------

Application Approved.

Dated at the City of Mississauga on July 14, 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 **AUGUST 3, 2016**.

Date of mailing is July 18, 2016.



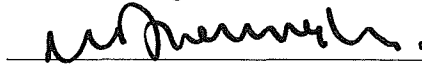
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

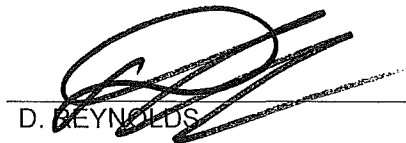
J. ROBINSON



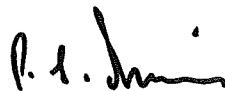
D. KENNEDY



J. PAGE

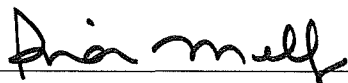


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 14, 2016.



DINA MELFI, ACTING 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.