

COMMITTEE OF ADJUSTMENT AGENDA



Location: COUNCIL CHAMBER

Hearing: JULY 21, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-049/16 A-308/16 A-309/16	MIKE MCDONALD	771 MONTBECK CRES	1	Refused Refused Refused
B-050/16 A-312/16	TASHFEEN MALIK	4240 & 4246 CAWTHRA RD	4	Approved Refused
B-051/16	DERRY TEN LIMITED	6730 HURONTARIO ST	5	Approved
B-052/16 A-314/16	1914821 ONTARIO INC	1548 INDIAN GROVE	2	Approved Approved
B-053/16 A-315/16 A-316/16	RICHARD & WILMA GRDOVIC	1061 SHAW DR	1	Approved Approved Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-304/16	TORONTO ARCHDIOCESE	4260 CAWTHRA RD	4	Approved
A-305/16	JURAJ & PETRA KREDATUS	6773 GRACEFIELD DR	10	Approved
A-306/16	BOHDAN & EVA PRIADKA	1493 MYRON DR	1	Aug. 18
A-307/16	MISSISSAUGA ENTERTAINMENT HOLDINGS INC.	90 COURTNEYPARK DR E	5	Approved
A-310/16	HARJIVEN SINGH	3336 MICHAUD AVE	5	Approved
A-311/16	2020826 ONTARIO INC.	1071 & 1075 CEREMONIAL DR & 5428 & 5430 MCLAUGHLIN RD	5	Approved 5 Years
A-313/16	2332574 ONTARIO LIMITED	2303 STANFIELD RD	1	Aug. 18

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-237/16	JOE BOTELHO	2515 CLIFF RD	7	Approved
A-261/16	2212264 ONTARIO INC.	1885 SISMET RD	5	Approved
A-266/16	REGION OF PEEL	3570 & 3590 COLONIAL DR	8	Approved

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

MIKE MCDONALD

on Thursday, July 21, 2016

Mike McDonald is the owner of 771 Montbeck Crescent being Lot 64, Plan A-26, zoned R3-75, Residential. The applicant requests the consent of the Committee to the severance of a lot proposing a lot frontage of approximately 11.26m (36.94ft.) and a lot area of approximately 405.70m² (4,367.06sq.ft.). The purpose of the application is to create a new lot for Residential purposes.

The lands are also the subject of Application for Minor Variance Files 'A' 308/16 and 'A' 309/16 which will be considered concurrently with this application.

Mr. M. Galea, of Axis Architects, authorized agent, attended and presented the application. Mr. Galea presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct two single family dwellings. Mr. Galea advised that Minor Variance applications have also been submitted to allow the newly created parcels to have reduced lot frontages and lot areas as well as a reduction in the exterior side yard. He advised that the requested reduction in the front yard is not necessary.

Mr. Galea advised that the property is located in the Lakeside vicinity which is comprised with one, two and three storey dwellings. He indicated that the property is in close proximity to various modes of transportation such as cycling paths, walking, the transit way and road networks and this makes it a good candidate for modest growth development. Mr. Galea advised that the Provincial Policy Statement encourages growth and use of the existing services and infrastructure. He indicated that residential intensification in neighbourhoods is expected through infill and the development must be compatible with the built forms and character of the neighbourhood.

Mr. Galea indicated that the 120.00m (393.70ft.) test applied does not take into account the character of the neighbourhood. He indicated that the Official Plan objective is to preserve the character of the stable neighbourhood while permitting modest growth. Mr. Galea indicated that the proposed severance meets the objective and is in character with the neighbourhood.

Mr. Galea indicated that the calculation using the 120.00m (393.70ft.) measurement is skewed as the lots do not take into account the double lots that currently exist. He indicated that 9 of the 36 lots should be eliminated from the calculation. He indicated that the calculation of lot areas without these lots is 471.00m² (5,069.96sq.ft.) for lot area and 10.82m (35.49ft.) for lot frontage. Mr. Galea indicated that the proposed lots are comparable to the measurements noting that lot area of the corner lot is reduced due to the rounding on the corner.

With respect to the lot frontage, the methods that were utilized to calculate the lot frontage in the 120.00m calculation are based upon the frontage at the street line whereas the lot frontages calculated by the Zoning By-law are calculated based upon the width of the property where the side lot lines are parallel. If the lot lines are not parallel, the measurement is taken 7.50m (24.60ft.) back from and parallel to the front lot line. The measurements are not calculated consistently. Mr. Galea indicated that the lot line is tapered. He indicated that if the lot line is projected out, the frontage would exceed the frontage requirement.

With respect to the setback to the exterior side property line, Mr. Galea advised that the exterior side property line is tapered and the smallest point is 1.40m (4.59ft.). He indicated that there have been other properties in the neighbourhood that have been approved for reduced exterior side yards, such as 684 and 703 Byngmount Avenue.

Mr. Galea advised that they have obtained many signatures of neighbours that have expressed support for the application. He indicated that the proposed dwellings are desirable and in keeping with the dwellings constructed in the neighbourhood. Mr. Galea advised that the houses will have minimal impact on the streetscape and are sited in a comparable fashion to others in the neighbourhood. He requested that the Committee approve the applications.

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 (July 15, 2016),
City of Mississauga, Transportation and Works Department (July 14, 2016),
City of Mississauga, Community Services Department (July 19, 2016),
Region of Peel, Environment, Public Works, Development Services Division (DATE)
Credit Valley Conservation (July 15, 2016),

A letter was received from J. Williams, property owner at 927 Aviation Road, expressing opposition to the application and expressing her concerns with respect to the size of the proposed lots, additional traffic and reduction in greenspace.

A letter was received from P. Farrell, resident at 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to reduced lot size, traffic, and massing.

Approximately 22 letters were received from residents in the neighbourhood expressing support for the application.

No other persons expressed any interest in the application.

Mr. Galea indicated that the letters of opposition are not located on the same street. He advised that over 60.00% of the dwellings in the neighbourhood do not comply with the Zoning provisions. Mr. Galea indicated that he believes that the objection letters were written reviewing just the numbers being applied for and not in comparison with what exists in the neighbourhood. Mr. Galea indicated that the proposed new dwellings will be sited further back from the street than the existing dwelling on the lot.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the provisions for lot frontages and lot areas for corner lots are different than interior lots. Mr. Kirton indicated that at 703 Montbeck Crescent, the lot was historically created and a variance was required to allow the lot to be developed.

Mr. Kirton indicated that, in comparison to other corner lots, the proposed lots are smaller than those in the community. Mr. Kirton indicated that he believes that the creation of a lot that will not comply with the By-law does not meet the intent of the By-law or the Official Plan.

When asked, Mr. Galea indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Galea, the comments received, and the recommended conditions, is not satisfied that the severance is appropriate for the proper and orderly development of the municipality. The Committee indicated that the creation of new lots that do not comply with the area and frontage requirements is not suitable and will not preserve the character of the lands designated as Residential Low Density 2.

The Committee does not consider this request minor or appropriate.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, as amended, resolves to refuse to grant consent in that the lands are not suitable for the purposes for which it is to be subdivided and the dimensions of the lots are inadequate.

MOVED BY: P. Quinn

SECONDED BY: D. Kennedy

CARRIED

Application Refused.

Dated at the City of Mississauga on July 28, 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 21, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO



D. GEORGE (CHAIR)

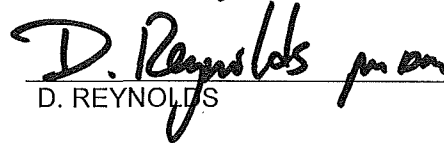
ABSENT

J. ROBINSON

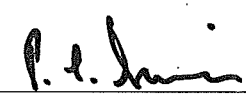


D. KENNEDY


J. PAGE



D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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 **July 29, 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

MIKE MCDONALD

on Thursday, July 21, 2016

Mike McDonald is the owner of 771 Montbeck Crescent being Lot 64, Plan A-26, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on a lot, being the 'severed' portion of Consent Application File 'B' 49/16, proposing:

1. a lot area of 405.70m² (4,367.06sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00m² (7,750.26sq.ft.) in this instance;
2. a lot frontage of 11.26m (36.94ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft.) in this instance;
3. a front yard of 2.61m (8.56ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance; and,
4. an exterior side yard of 1.40m (4.59ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Mr. M. Galea, of Axiis Architects, authorized agent, attended and presented the application. Mr. Galea presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct two single family dwellings. Mr. Galea advised that Minor Variance applications have also been submitted to allow the newly created parcels to have reduced lot frontages and lot areas as well as a reduction in the exterior side yard. He advised that the requested reduction in the front yard is not necessary.

Mr. Galea advised that the property is located in the Lakeside vicinity which is comprised with one, two and three storey dwellings. He indicated that the property is in close proximity to various modes of transportation such as cycling paths, walking, the transit way and vehicular movement and this makes it a good candidate for modest growth development. Mr. Galea advised that the Provincial Policy Statement encourages growth and use of the existing services and infrastructure. He indicated that residential intensification in neighbourhoods is expected through infill and the development must be compatible with the built forms and character of the neighbourhood.

Mr. Galea indicated that the 120.00m (393.70ft.) test applied does not take into account the character of the neighbourhood. He indicated that the Official Plan objective is to preserve the character of the stable neighbourhood while permitting modest growth. Mr. Galea indicated that the proposed severance meets the objective and is in character with the neighbourhood.

Mr. Galea indicated that the calculation using the 120.00m (393.70ft.) measurement is skewed as the lots do not take into account the double lots that currently exist. He indicated that 9 of the 36 lots should be eliminated from the calculation. He indicated that the calculation of lot areas without these lots is 471.00m² (5,069.96sq.ft.) for lot area and 10.82m (35.49ft.) for lot frontage. Mr. Galea indicated that the proposed lots are similar to the measurements noting that lot area of the corner lot is reduced due to the rounding on the corner.

With respect to the lot frontage, the methods that were utilized to calculate the lot frontage in the 120.00m calculation are based upon the frontage at the street line whereas the lot frontages calculated by the Zoning By-law are calculated based upon the width of the property where the side lot lines are parallel. If the lot lines are not parallel, the measurement is taken 7.50m (24.60ft.) back from and parallel to the front lot line. The measurements are not calculated consistently. Mr. Galea indicated that the lot line is tapered. He indicated that if the lot line is projected out, the frontage would exceed the frontage requirement.

With respect to the setback to the exterior side property line, Mr. Galea advised that the exterior side property line is tapered and the smallest point is 1.40m (4.59ft.). He indicated that there have been other properties in the neighbourhood that have been approved for reduced exterior side yards, such as 684 and 703 Byngmount Avenue.

Mr. Galea advised that they have obtained many signatures of neighbours that have expressed support for the application. He indicated that the proposed dwellings are desirable and in keeping with the dwellings constructed in the neighbourhood. Mr. Galea advised that the houses will have minimal impact on the streetscape and are sited in a comparable fashion to others in the neighbourhood. He requested that the Committee approve the applications.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department recommends that the applications 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 requested variances, or determine whether additional variances may be required. Notwithstanding, based on the review of the information provided with the application it appears that variance #3 in application 'A' 308/16 is not required; variance #4 covers the request in variance #3 as both measurements are shown in the exterior side yard.

Planning

The requested Consent seeks to sever the existing residential lot on the corner of Montbeck Crescent and Byngmount Avenue to create a new residential lot. The proposed lots would both be significantly deficient in required lot area and lot frontage. Although other smaller lots do exist within the area, these lots have existed historically. It is inappropriate to create lots that are this deficient to the Zoning By-law requirements and would create a situation where a minor variance for setbacks would be necessary to develop the corner lot.

The applicant seeks to sever the existing lot to create two lots with lot frontages and areas of 11.26 m (36.94 ft.)/405.7 m² (4366.92 sq. ft.) and 9.99 m (32.78 ft.)/473.90 m² (5101.02 sq. ft.).

In Neighbourhoods, Section 16.1.2.1 of the Mississauga Official Plan, it is prescribed that new lots created by land division will generally represent the greater of,

- a) The average frontage and area of residential lots (...) on both sides of the same street within 120m of the subject property... or
- b) The requirements of the Zoning By-law.

The Planning and Building Department conducted a 120 m (393.70 ft.) test of the subject property and found that the average lot frontage and lot area of the properties within 120 m (393.70 ft.) was 13.60 m (44.62 ft.) and 620.56 m² (6679.65 sq. ft.), respectively.

The 120 m (393.70 ft.) test is one means to evaluate consent applications. Staff also consider other Zoning regulations when evaluating the four tests of the *Planning Act*. Given that the proposed lots do not maintain the average of the surrounding lot areas or frontages, are significantly deficient from Zoning By-law requirements, and that the consent requires that minor variances be granted for side yard setback relief as a result of inadequate lot size, the Department is of the opinion that the proposed Consent does not have regard for Section 51(24) of the *Planning Act*. Further, the associated minor variances for lot frontage and area are not minor in nature and do not maintain the general intent of the Zoning By-law.

Regarding the variance request for side yard setback relief, the Department has supported exterior side yard reductions on corner lots for historically existing smaller frontage lots in the area; however, in this instance we are of the opinion that creating another lot with significant deficiencies to Zoning By-law requirements does not represent good planning. As a result, we are of the opinion that variance #4 in application A 308/16 is not minor in nature.

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

However, should the committee see merit in the applications, we would encourage the applicant to relocate the driveways on each lot in accordance with the concerns outlined by the Community Services Department of the City related to tree protection. Section 7.0 (Value the Environment) of the Lakeview Local Area Plan speaks to the importance of urban forests and of protecting and enhancing existing high quality trees within the neighbourhood."



MISSISSAUGA

File: "A" 308/16

WARD 1

The City of Mississauga Transportation and Works Department commented as follows (July 14, 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' 49/16."

The City of Mississauga Community Services Department commented as follows (July 19, 2016):

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

The proposed consent application is subject to Official Plan policies within Section 7.0 (Value of the Environment) of the Lakeview Local Area Plan. This section speaks to the importance of trees providing environmental benefits and the contribution they have to the character of an area.

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

1. Two (2) Silver Maple trees – good condition
2. One (1) European Ash tree – good condition

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

1. The applicant shall provide tree protection securities in the amount of \$43,600.00 for the above noted trees.
2. The applicant shall revise the Site Plan to reconfigure the driveway layouts on each lot to allow for minimal damage to the City owned Silver Maple tree on Montbeck Crescent.
3. An ISA Certified Arborist must be present during the construction process to ensure that there is minimal damage to the tree root systems.
4. The applicant shall provide tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.
2. The applicant is advised that when any construction is to take place on or around the driveways, a hydro vac must be used in the tree protection zone and an excavator is not permitted. The applicant is advised that an excavator can be used outside of the tree protection zone.
3. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

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

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. 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. Please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from J. Williams, property owner at 927 Aviation Road, expressing opposition to the application and expressing her concerns with respect to the size of the proposed lots, additional traffic and reduction in greenspace.

A letter was received from P. Farrell, resident at 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to reduced lot size, traffic, and massing.

Approximately 22 letters were received from residents in the neighbourhood expressing support for the application.

No other persons expressed any interest in the application.

Mr. Galea indicated that the letters of opposition are not located on the same street. He advised that over 60.00% of the dwellings in the neighbourhood do not comply with the Zoning provisions. Mr. Galea indicated that he believes that the objection letters were written reviewing just the numbers being applied for and not comparing them to what exists in the neighbourhood. Mr. Galea indicated that the proposed new dwellings will be sited further back from the street than the existing dwelling on the lot.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the provisions for lot frontages and lot areas for corner lots are different than interior lots. Mr. Kirton indicated that at 703 Montbeck Crescent, the lot was historically created and a variance was required to allow the lot to be developed.

Mr. Kirton indicated that, in comparison to other corner lots, the proposed lots are smaller than those in the community. Mr. Kirton indicated that he believes that the creation of a lot that will not comply with the By-law does not meet the intent of the By-law or the Official Plan.

The Committee, after considering the submissions put forward by Mr. Galea and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property.

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 request is not minor in nature in this instance.

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



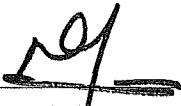


MOVED BY:	P. Quinn	SECONDED BY:	D. Kennedy	CARRIED
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Application Refused.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

<p>ABSENT</p> <hr/> <p>S. PATRIZIO</p> <p>ABSENT</p> <hr/> <p>J. ROBINSON</p> <p></p> <hr/> <p>J. PAGE</p> <p></p> <hr/> <p>P. QUINN</p>	<p></p> <hr/> <p>D. GEORGE (CHAIR)</p> <p></p> <hr/> <p>D. KENNEDY</p> <p></p> <hr/> <p>D. REYNOLDS</p>
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I certify this to be a true copy of the Committee's decision given on July 28, 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

MIKE MCDONALD

on Thursday, July 21, 2016

Mike McDonald is the owner of 771 Montbeck Crescent being Lot 64, Plan A-26, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on a lot, being the 'retained' portion of Consent Application File 'B' 49/16, proposing:

1. a lot area of 473.90m² (5,101.18sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m² (5,920.34sq.ft.) in this instance;
2. a lot frontage of 9.99m (32.77ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) in this instance;

Mr. M. Galea, of Axiis Architects, authorized agent, attended and presented the application. Mr. Galea presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct two single family dwellings. Mr. Galea advised that a Minor Variance application has been submitted to allow the retained parcel to have a reduced lot frontage and reduced lot area.

Mr. Galea advised that the property is located in the Lakeside vicinity which is comprised with one, two and three storey dwellings. He indicated that the property is in close proximity to various modes of transportation such as cycling paths, walking, the transit way and vehicular movement and this makes it a good candidate for modest growth development. Mr. Galea advised that the Provincial Policy Statement encourages growth and use of the existing services and infrastructure. He indicated that residential intensification in neighbourhoods is expected through infill and the development must be compatible with the built forms and character of the neighbourhood.

Mr. Galea indicated that the 120.00m (393.70ft.) test applied does not take into account the character of the neighbourhood. He indicated that the Official Plan objective is to preserve the character of the stable neighbourhood while permitting modest growth. Mr. Galea indicated that the proposed severance meets the objective and is in character with the neighbourhood.

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With respect to the lot frontage, the methods that were utilized to calculate the lot frontage in the 120.00m calculation are based upon the frontage at the street line whereas the lot frontages calculated by the Zoning By-law are calculated based upon the width of the property where the side lot lines are parallel. If the lot lines are not parallel, the measurement is taken 7.50m (24.60ft.) back from and parallel to the front lot line. The measurements are not calculated consistently. Mr. Galea indicated that the lot line is tapered. He indicated that if the lot line is projected out, the frontage would exceed the frontage requirement.

With respect to the setback to the exterior side property line on the severed lands, Mr. Galea advised that the exterior side property line is tapered and the smallest setback is 1.40m (4.59ft.). He indicated that there have been other properties in the neighbourhood that have been approved for reduced exterior side yards, such as 684 and 703 Byngmount Avenue.

Mr. Galea advised that they have obtained many signatures of neighbours that have expressed support for the application. He indicated that the proposed dwellings are desirable and in keeping with the dwellings constructed in the neighbourhood. Mr. Galea advised that the houses will have minimal impact on the streetscape and are sited in a comparable fashion to others in the neighbourhood. He requested that the Committee approve the applications.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department recommends that the applications 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

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Planning

The requested Consent seeks to sever the existing residential lot on the corner of Montbeck Crescent and Byngmount Avenue to create a new residential lot. The proposed lots would both be significantly deficient in required lot area and lot frontage. Although other smaller lots do exist within the area, these lots have existed historically. It is inappropriate to create lots that are this deficient to the Zoning By-law requirements and would create a situation where a minor variance for setbacks would be necessary to develop the corner lot.

The applicant seeks to sever the existing lot to create two lots with lot frontages and areas of 11.26 m (36.94 ft.)/405.7 m² (4366.92 sq. ft.) and 9.99 m (32.78 ft.)/473.90 m² (5101.02 sq. ft.).

In Neighbourhoods, Section 16.1.2.1 of the Mississauga Official Plan, it is prescribed that new lots created by land division will generally represent the greater of,

- a) The average frontage and area of residential lots (...) on both sides of the same street within 120m of the subject property... or
- b) The requirements of the Zoning By-law.

The Planning and Building Department conducted a 120 m (393.70 ft.) test of the subject property and found that the average lot frontage and lot area of the properties within 120 m (393.70 ft.) was 13.60 m (44.62 ft.) and 620.56 m² (6679.65 sq. ft.), respectively.

The 120 m (393.70 ft.) test is one means to evaluate consent applications. Staff also consider other Zoning regulations when evaluating the four tests of the *Planning Act*. Given that the proposed lots do not maintain the average of the surrounding lot areas or frontages, are significantly deficient from Zoning By-law requirements, and that the consent requires that minor variances be granted for side yard setback relief as a result of inadequate lot size, the Department is of the opinion that the proposed Consent does not have regard for Section 51(24) of the *Planning Act*. Further, the associated minor variances for lot frontage and area are not minor in nature and do not maintain the general intent of the Zoning By-law.

Regarding the variance request for side yard setback relief, the Department has supported exterior side yard reductions on corner lots for historically existing smaller frontage lots in the area; however, in this instance we are of the opinion that creating another lot with significant deficiencies to Zoning By-law requirements does not represent good planning. As a result, we are of the opinion that variance #4 in application A 308/16 is not minor in nature.

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

However, should the committee see merit in the applications, we would encourage the applicant to relocate the driveways on each lot in accordance with the concerns outlined by the Community Services Department of the City related to tree protection. Section 7.0 (Value the Environment) of the Lakeview Local Area Plan speaks to the importance of urban forests and of protecting and enhancing existing high quality trees within the neighbourhood."

The City of Mississauga Transportation and Works Department commented as follows (July 14, 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' 49/16."

The City of Mississauga Community Services Department commented as follows (July 19, 2016):

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

The proposed consent application is subject to Official Plan policies within Section 7.0 (Value of the Environment) of the Lakeview Local Area Plan. This section speaks to the importance of trees providing environmental benefits and the contribution they have to the character of an area.

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

1. Two (2) Silver Maple trees – good condition
2. One (1) European Ash tree – good condition

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

1. The applicant shall provide tree protection securities in the amount of \$43,600.00 for the above noted trees.
2. The applicant shall revise the Site Plan to reconfigure the driveway layouts on each lot to allow for minimal damage to the City owned Silver Maple tree on Montbeck Crescent.
3. An ISA Certified Arborist must be present during the construction process to ensure that there is minimal damage to the tree root systems.
4. The applicant shall provide tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.
2. The applicant is advised that when any construction is to take place on or around the driveways, a hydro vac must be used in the tree protection zone and an excavator is not permitted. The applicant is advised that an excavator can be used outside of the tree protection zone.
3. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

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

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. 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. Please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."



MISSISSAUGA

File: "A" 309/16

WARD 1

A letter was received from J. Williams, property owner at 927 Aviation Road, expressing opposition to the application and expressing her concerns with respect to the size of the proposed lots, additional traffic and reduction in greenspace.

A letter was received from P. Farrell, resident at 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to reduced lot size, traffic, and massing.

Approximately 22 letters were received from residents in the neighbourhood expressing support for the application.

No other persons expressed any interest in the application.

Mr. Galea indicated that the letters of opposition are not located on the same street. He advised that over 60.00% of the dwellings in the neighbourhood do not comply with the Zoning provisions. Mr. Galea indicated that he believes that the objection letters were written reviewing just the numbers being applied for and not comparing what exists in the neighbourhood. Mr. Galea indicated that the proposed new dwellings will be sited further back from the street than the existing dwelling on the lot.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the provisions for lot frontages and lot areas for corner lots are different than interior lots. Mr. Kirton indicated that at 703 Montbeck Crescent, the lot was historically created and a variance was required to allow the lot to be developed.

Mr. Kirton indicated that, in comparison to other corner lots, the proposed lots are smaller than those in the community. Mr. Kirton indicated that he believes that the creation of a lot that will not comply with the By-law does not meet the intent of the By-law or the Official Plan.

The Committee, after considering the submissions put forward by Mr. Galea and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property.

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 request is not minor in nature in this instance.

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

MOVED BY:	P. Quinn	SECONDED BY:	D. Kennedy	CARRIED
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Application Refused.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

D. GEORGE (CHAIR)

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 28, 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 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

TASHFEEN MALIK

on Thursday, July 21, 2016

Tashfeen Malik is the owner of 4240 and 4246 Cawthra Road being Part of Lot 11, Plan A-24, zoned R3, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 16.76m (54.98ft.) and a lot area of approximately 777.59m² (8,370.18sq.ft.) The purpose of the application is to create a new lot for Residential purposes.

These lands are also the subject of Minor Variance Application 'A' 312/16 which will be considered concurrently with this application.

Mr. J. Durrani, authorized agent, attended and presented the application. Mr. Durrani presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He advised that the property was the subject of a previous Consent application (Reference "B" 37/16). Mr. Durrani indicated that the Region of Peel has indicated that they require lands to be dedicated for a road widening and also for the daylight triangle. He advised that they have adjusted the property boundary line so that each lot will comply with the By-law and a new dwelling may be constructed on each of the proposed lots.

Mr. Durrani indicated that, as the lot area will be reduced by the area being transferred to the Region of Peel for the daylight triangle and the road widening, a Minor Variance application has been submitted to permit an increase in lot coverage to 41.80% of the lot area.

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 (July 15, 2016),
City of Mississauga, Transportation and Works Department (July 14, 2016),
City of Mississauga, Community Services Department (July 19, 2016),
Region of Peel, Environment, Public Works, Development Services Division (July 15, 2016)
Ministry of Transportation (July 19, 2016).

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the requested increase in lot coverage would result in a dwelling that could be approximately 483.08m² (5200.00sq.ft.) in area, not including any accessory structure. He indicated that the lot will meet the requirements of the Zoning By-law and therefore, an appropriately sized dwelling could be constructed on the lot without the need for a variance in lot coverage.

When asked, Mr. Durrani indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Durrani, 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 "severed" 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 additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). (A 312/16)
4. 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 July 19, 2016.
5. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 15, 2016.

MOVED BY: J. Page

SECONDED BY: D. Reynolds

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on July 28, 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 21, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

D. KENNEDY

URB-
J. PAGE

D. REYNOLDS

P. S. Quinn
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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 **July 29, 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

TASHFEEN MALIK

on Thursday, July 21, 2016

Tashfeen Malik is the owner of 4240 & 4246 Cawthra Road being Part of Lot 11, Plan A-24, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on a lot, being the 'retained' land of Consent Application 'B' 50/16, proposing a lot coverage of 41.80% of the lot; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance.

Mr. J. Durrani, authorized agent, attended and presented the application. Mr. Durrani presented a site plan for the Committee's review and consideration indicating that he submitted an application for Consent for the subject property to accompany the subject Minor Variance application. He advised that the property was the subject of a previous Consent application (Reference "B" 37/16). Mr. Durrani indicated that the Region of Peel has indicated that they require lands to be dedicated for a road widening and also for the daylight triangle. He advised that they have adjusted the property boundary line so that each lot will comply with area and frontage requirements so that a new dwelling may be constructed on each of the proposed lots.

Mr. Durrani indicated that, as the lot area will be reduced by the area being transferred to the Region of Peel for the daylight triangle and the road widening, the subject Minor Variance application has been submitted to request an increase in the lot coverage to 41.80% of the lot area. He advised that an appropriately sized dwelling will be constructed on the lot and all other setback requirements will be met.

The Committee reviewed the information submitted with 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 15, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested consent application; however, we recommend that the associated minor variance application be refused.

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Comments

Zoning

Regarding the minor variance application, a Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variances may be required. The variance, as requested, has been reviewed based on the information provided, however a full zoning review has not been completed.

Planning

The subject site was previously at the Committee earlier this year, under application 'B' 37/16, seeking to re-establish a previously existing lot line. The current consent application is required to alter the lot line due to the road widening requirements from Peel Region.

The proposed lots will meet the requirements of the Zoning By-law, with respect to lot frontage and area. They are in keeping with the size and development character of the surrounding neighbourhood and, in the opinion of this department, represent reasonable, orderly, and appropriate development.

However, the Department is not satisfied with the rationale provided by the applicant to justify the requested increase in lot coverage beyond the permitted 35%. The surrounding neighbourhood is developed within a consistent lot fabric with similar sized homes which have not received lot coverage variances. We recognize that the road widening required by the Region of Peel will reduce the lot area which can be utilized for building; however, the resultant lot areas meet the By-law requirement and are not uncharacteristic in this area. The Department remains of the opinion that the requested increase in coverage is not minor in nature.

Based on the preceding information, the Planning and Building Department has no objection to the requested consent application; however, we recommend that the associated minor variance application be refused."

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

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

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 may be required. Please note that site servicing approvals will be required prior to building permit."

The Ministry of Transportation commented as follows (July 19, 2016):

"The Ministry has received the submission regarding the above noted new application – (minor variance) and consent application for 4240 and 4246 Cawthra Road. The location of the proposal is within MTO's permit control area and permits will be required. MTO will require site plan application and site grading and servicing plan. Once an initial package is submitted, additional information may be requested from the Ministry."

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the requested increase in lot coverage would result in a dwelling that could be approximately 483.08m² (5200.00sq.ft.) in area, not including any accessory structure. He indicated that the lot will meet the requirements of the Zoning By-law and therefore, an appropriately sized dwelling could be constructed on the lot without a need for an increase in lot coverage.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Durrani and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the massing of the dwelling would impact the adjacent property owners. They indicated that a suitably sized dwelling could be constructed within the confines of the By-law.

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 request 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
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Application Refused.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO



D. GEORGE (CHAIR)

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 28, 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 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

DERRY TEN LIMITED

on Thursday, July 21, 2016

Derry Ten Limited is the owner of 6730 Hurontario Street being Part of Lots 9 and 10, Concession 1, W.H.S., zoned H-E1-28, Employment and H-E2-126, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a lot frontage of approximately 143.00m (469.16ft.) and a lot area of approximately 2.22 ha (5.50acres). The purpose of the application is to create a new lot for employment purposes.

Mr. T. Pierce, a representative of the property owner, attended and presented the application. Mr. Pierce presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He presented a sketch for the Committee's review and consideration. Mr. Pierce advised that a previous application (Reference 'B' 26/16) was submitted for the north east corner of Skyway Drive and Maritz Drive. The current application is to create another lot adjoining the property.

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 (July 15, 2016),
City of Mississauga, Transportation and Works Department (July 14, 2016),
City of Mississauga, Community Services Department (July 19, 2016),
Region of Peel, Environment, Public Works, Development Services Division (July 15, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Pierce indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Pierce, 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 "severed" 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 additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
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 July 14, 2016.
5. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 15, 2016.

MOVED BY: J. Page

SECONDED BY: D. Kennedy

CARRIED

Application Approved, on conditions as stated.

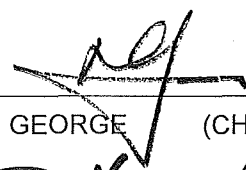
Dated at the City of Mississauga on July 28, 2016.

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 21, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO


D. GEORGE (CHAIR)

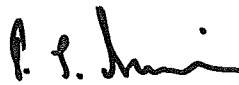
ABSENT

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 28, 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 **July 29, 2017**.

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

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

1914821 ONTARIO INC.

on Thursday, July 21, 2016

1914821 Ontario Inc. is the owner of 1548 Indian Grove being Part of Lots 56 and 57, Plan B-17, zoned R2-4, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a lot frontage of approximately 17.80m (58.39ft.) and a lot area of approximately 2,099.00m² (22,594.18sq.ft.). The purpose of the application is to create a new lot for Residential purposes.

The subject lands are also the subject of Minor Variance application 'A' 314/16 which will be considered concurrently with this application.

Mr. C. Brutto, of Brutto Consulting, authorized agent, attended and presented the application. Mr. Brutto presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He indicated that he concurs with the Planning and Building Department comments indicating that the proposed lot frontages maintain the general character of the lot fabric along Indian Grove. Mr. Brutto presented elevations of the proposed dwellings that could be constructed on the lots and advised that the dwellings will be approximately 464.50m² (5,000.00sq.ft.) to 557.40m² (6,000.00sq.ft.) in area. He advised that the dwellings will be an elegant contribution to the existing community.

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 (July 15, 2016),
City of Mississauga, Transportation and Works Department (July 14, 2016),
City of Mississauga, Community Services Department (July 19, 2016),
Region of Peel, Environment, Public Works, Development Services Division (July 15, 2016)

A letter was received from A. Taran, resident at 1530 Indian Grove, expressing opposition to the application.

A letter was received from J. Pavasinni, resident at 1456 Indian Grove, expressing opposition to the application.

A letter was received from J. Patterson, resident at 1543 Indian Grove, expressing opposition to the application.

A letter was received from L. Kuysten, resident at 1514 Indian Grove, expressing opposition to the application and indicating that the proposed division would detract from the neighbourhood standard and the streetscape in an unnecessary way.

A letter was received from P. and J. Clark, residents at 1429 Indian Grove expressing opposition to the application and noting their concerns with respect to traffic.

A letter was received from E. and S. Rinaldo, residents at 1472 Indian Grove, expressing opposition to the application and noting their concerns indicating that severing the parcel will affect the current appearance of the neighbourhood and may impact future planning to the detriment of the character of the street.

A letter was received from J. Jefferson, resident at 814 Caldwell Avenue, expressing opposition to the application. He indicated his concerns that Caldwell Avenue will be connected to Indian Grove and advised that it would increase the traffic flows and reduce the value of his and adjacent properties.

Mr. J. Kozusko, property owner at 1594 Indian Grove, attended and advised that he had not received a copy of the Notice. He expressed his concerns and indicated that he was told that a walkway would be constructed adjacent to the subject property.

Ms. J. Kavasini, property owner at 1456 Indian Grove, attended and expressed her objection to the application noting that the reduced lot frontage is inadequate for the street.

Mr. L. Kuysten, property owner at 1514 Indian Grove, attended and expressed his objection to the severance noting that at a community meeting, held by the Ward Councillor and the developers, was attended by 32 neighbours expressing opposition to the application.

Mr. Kuysten advised that the lot is suitable for one dwelling which will meet the By-law requirements. He indicated that most of the lots on the street are wider and the houses larger than the proposed lots. Mr. Kuysten advised that of the 61 houses on the street, only four lots are smaller than the current By-law requirements and those lots were severed approximately 40-50 years ago. Mr. Kuysten indicated that the unique area is refreshingly different and the street culture is valued by the neighbours and this was expressed at the community meeting. Mr. Kuysten indicated that there was no opportunity to view the proposals of the type of dwellings to be constructed on the lots.

Mr. J. Patterson, property owner at 1543 Indian Grove, attended and advised that the photographs of the proposed dwellings do not indicate the setbacks to the property lines. He indicated that the scale of the homes will not suit the size of the lots.

No other persons expressed any interest in the application.

Mr. Brutto indicated that the proposed lot flares back. He indicated that the site requires Site Plan Approval. He advised that the proposed homes will be of impeccable design that the neighbours will be proud of.

Mr. Brutto indicated that there is a green area along the transformer to the north of the subject lot. He indicated that the southerly lot complies with the By-law requirements. Mr. Brutto indicated that when the homes are constructed on the lot, they will blend with the streetscape and meet the Zoning By-law setbacks.

Mr. Brutto indicated that he has no control over whether a walkway is to be constructed, noting that the lands are owned by the City, who have jurisdiction over City-owned properties.

When asked, Mr. Brutto indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Brutto, 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 indicated that the Provincial Policy Statement has directed that intensification is to take place. They indicated that the adjacent greenspace on the hydro lands will mitigate the appearance of the lot on the streetscape. The Committee indicated that the lots are of significant size and the applicant has indicated that he will comply with the setback requirements.

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 "severed" 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 additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). (A 314/16)
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 July 14, 2016

MOVED BY: J. Page

SECONDED BY: D. Kennedy

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on July 28, 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 21, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

ABSENT
J. ROBINSON

URS—
J. PAGE



D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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 **July 29, 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

1914821 ONTARIO INC.

on Thursday, July 21, 2016

1914821 Ontario Inc. is the owner of 1548 Indian Grove being Lots 56 and 57, Plan B-17, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the establishment of a residential lot, being the 'severed' portion of Consent application 'B' 52/16, proposing a lot frontage of 17.80m (58.39ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (73.81ft.) in this instance.

Mr. C. Brutto, of Brutto Consulting, authorized agent, attended and presented the application. Mr. Brutto presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He indicated that he concurs with the Planning and Building Department comments indicating that the proposed lot frontages maintain the general character of the lot fabric along Indian Grove. Mr. Brutto presented elevations of the proposed dwellings that could be constructed on the lots and advised that the dwellings will be approximately 464.50m² (5,000.00sq.ft.) to 557.40m² (6,000.00sq.ft.) in area. He advised that the dwellings will be an elegant contribution to the existing community.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested Consent application and associated minor variance; however, the applicant may wish to defer the application to apply for a Building Permit and Site Plan Approval application to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)



Comments

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

The applicant seeks to sever the existing lot to create two lots with lot frontages and areas of 17.80 m (58.40 ft.)/2099.00 m² (22593.45 sq. ft.) and 23.47 m (77.00 ft.)/2284.00 m² (24584.77 sq. ft.).

- The average frontage and area of residential lots (...) on both sides of the same street within 120m of the subject property... or
- The requirements of the Zoning By-law.

The Planning and Building Department conducted a 120 m (393.70 ft.) test of the subject property and found that the average lot frontage and lot area of the properties within 120 m (393.70 ft.) was 21.07 m (69.13 ft.) and 1942.45 m² (20908.36 sq. ft.), respectively.

For the purpose of the calculation of the averages, the commercial lands on the corner of Indian Grove and South Sheridan Way, as well as the adjacent hydro corridor, were removed.

The retained lands exceed the average of the lots within 120 m (393.70 ft.) as well as the Zoning By-law requirements for all values except the frontage of the severed lands. The Department is of the opinion that the frontage of the severed lands is adequate to construct a dwelling. Given the location adjacent to the hydro corridor the lot will not appear to be smaller or out of character with the larger lots on Indian Grove. Further, when the broader neighbourhood beyond 120 m (393.70 ft.) is considered, the proposed lots are significantly larger than the majority of the other lots in the area.

The requested reduction in frontage maintains the general character of the lot fabric along Indian Grove. As a result, the Department is of the opinion that the requested variance is minor in nature and maintains the general intent of the Zoning By-law.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent application and associated minor variance; however, the applicant may wish to defer the application to apply for a Building Permit and Site Plan Approval 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 (July 14, 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' 52/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 15, 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 may be required. Please note that site servicing approvals will be required prior to building permit."

No other persons expressed any interest in the application.

A letter was received from A. Taran, resident at 1530 Indian Grove, expressing opposition to the application.

A letter was received from J. Pavasinni, resident at 1456 Indian Grove, expressing opposition to the application.

A letter was received from J. Patterson, resident at 1543 Indian Grove, expressing opposition to the application.

A letter was received from L. Kuysten, resident at 1514 Indian Grove, expressing opposition to the application and indicating that the proposed division would detract from the neighbourhood standard and the streetscape in an unnecessary way.

A letter was received from P. and J. Clark, residents at 1429 Indian Grove expressing opposition to the application and noting their concerns with respect to traffic.

A letter was received from E. and S. Rinaldo, residents at 1472 Indian Grove, expressing opposition to the application and noting their concerns indicating that severing the parcel will affect the current appearance of the neighbourhood and may impact future planning to the detriment of the character of the street.

A letter was received from J. Jefferson, resident at 814 Caldwell Avenue, expressing opposition to the application. He indicated his concerns that Caldwell Avenue will be connected to Indian Grove and advised that it would increase the traffic flows and reduce the value of his and adjacent properties.

Mr. J. Kozusko, property owner at 1594 Indian Grove, attended and advised that he had not received a copy of the Notice. He expressed his concerns and indicated that he was told that a walkway would be constructed adjacent to the subject property.

Ms. J. Kavasini, property owner at 1456 Indian Grove, attended and expressed her objection to the application noting that the reduced lot frontage is inadequate for the street.

Mr. L. Kuysten, property owner at 1514 Indian Grove, attended and expressed his objection to the severance noting that at a community meeting held by the Ward Councillor and the developers was attended by 32 neighbours expressing opposition to the application.

Mr. Kuysten advised that the lot is suitable for one dwelling which will meet the By-law requirements. He indicated that most of the lots are wider and the houses larger than the proposed lots. Mr. Kuysten advised that of the 61 houses on the street, only four lots are smaller than the current By-law requirements and those lots were severed approximately 40-50 years ago. Mr. Kuysten indicated that the unique area is refreshingly different and the street culture is valued by the neighbours and this was expressed at the community meeting. Mr. Kuysten indicated that there was no opportunity to view the proposals for the type of dwellings to be constructed.

Mr. J. Patterson, property owner at 1543 Indian Grove, attended and advised that the photographs of the proposed dwellings do not indicate the setbacks to the property lines. He indicated that the scale of the homes will not suit the size of the lots.

No other persons expressed any interest in the application.

Mr. Brutto indicated that the proposed lot flares back. He indicated that the site requires Site Plan Approval. He advised that the proposed homes will be of impeccable design that the neighbours will be proud of. Mr. Brutto indicated that the southerly lot complies with the By-law requirements. He indicated that there is a green area to the north of the subject lot, along the transformer line. Mr. Brutto indicated that when the homes are constructed on the lot, they will blend with the streetscape and meet the Zoning By-law setback requirements.

Mr. Brutto indicated that he has no control over whether a walkway is to be constructed, noting that the lands are owned by the City, who have jurisdiction over City-owned property.

The Committee, after considering the submissions put forward by Mr. Brutto 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 reduction in the lot frontage will not be evident as the hydro lands to the north of the lot lessen the effect. The Committee indicated that the applicant has indicated that the proposed dwellings will comply with the Zoning By-law. The Committee indicated that the Provincial Policy Statement encourages intensification.

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

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

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

MOVED BY:	J. Page	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT

J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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 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

RICHARD & WILMA GRDOVIC

on Thursday, July 21, 2016

Richard & Wilma Grdovic are the owners of 1061 Shaw Drive being Lot 46, Plan F-20, zoned R3-75, Residential. The applicants request the consent of the Committee to the conveyance of a parcel of land having a lot frontage of approximately 7.62m (25.00ft.) and a lot area of approximately 304.60m² (32,787.94sq.ft.). The purpose of the application is to create a new lot for Residential purposes.

The subject lands are also the subject of Minor Variance Application Files 'A' 315/16 and 'A' 316/16 which will be considered concurrently with this application.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct semi-detached dwellings. He indicated that the neighbourhood is comprised of single family dwellings, semi-detached dwellings, a four-plex, and an eight storey apartment building. Mr. Oughtred indicated that the neighbourhood is similar to the RM7 zones that exist nearby. He indicated that there is diversity in the neighbourhood and the proposed semi-detached dwellings will be in character with the area considering the diverse mix of housing. Mr. Oughtred presented elevation plans and indicated that the proposed dwellings will be similar to the semi-detached dwellings constructed at 1071-73 Shaw Drive.

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 (July 15, 2016),
City of Mississauga, Transportation and Works Department (July 14, 2016),
City of Mississauga, Community Services Department (July 19, 2016),
Region of Peel, Environment, Public Works, Development Services Division (July 15, 2016)

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the zoning designation only permits single family detached dwellings. He indicated that the built form meets the intent of the Official Plan; however, it does not meet the intent of the Zoning By-law as the Zoning By-law permits single family dwellings and the proposal is for semi-detached dwellings. Mr. Kirton indicated that the mixture of housing in the area makes it difficult to apply the provisions of the Zoning By-law. He recommended that it may be appropriate for Council to study the area and define the type of built form that they determine is suitable for the block.

Mr. H. Lynch, Planner with the City of Mississauga, attended and advised that the zoning designation permits single family dwellings. If there is a desire to change the zoning in the area, it should be determined by Council direction and staff should be instructed to implement change in the zoning. The intent of the Zoning By-law is that single family dwellings should be constructed.

When asked, Mr. Oughtred indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

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 south end of the street went through the re-zoning process to construct semi-detached dwellings. The Committee indicated that they previously approved an application to extend the semi-detached dwelling use on the same street, considering that request on a case-by-case basis.

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 "severed" 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 additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). (A 315/16 & A 316/16)
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 July 14, 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 July 19, 2016.

MOVED BY: D. Kennedy

SECONDED BY: J. Page

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on July 28, 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 21, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO


D. GEORGE (CHAIR)


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 28, 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 **July 29, 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

RICHARD & WILMA GRDOVIC

on Thursday, July 21, 2016

Richard & Wilma Grdovic are the owners of 1061 Shaw Drive being Lot 46, Plan F-20, zoned R3-75, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on a lot, being the 'severed' portion of Consent Application File 'B' 53/16, proposing that the semi-detached dwelling be constructed in accordance with the RM2-75 (semi-detached dwellings) zone provisions; whereas By-law 0225-2007, as amended, requires the lots 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 presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct semi-detached dwellings. He indicated that the neighbourhood is comprised of single family dwellings, semi-detached dwellings, a four-plex, and an eight storey apartment building. Mr. Oughtred indicated that the neighbourhood is similar to the RM7 zones that exist nearby. He indicated that there is diversity in the neighbourhood and the proposed semi-detached dwellings will be in character with the area considering the diverse mix of housing. Mr. Oughtred presented elevation plans and indicated that the proposed dwellings will be similar to the semi-detached dwellings constructed at 1071-73 Shaw Drive.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department recommends that the applications 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 determine whether additional variances may be required. The applications have been reviewed based on information provided however a full zoning review has not been completed.

Planning

Although identical applications have been approved by the Committee in the immediate area, including the neighbouring properties, the Planning and Building Department is of the opinion that a rezoning application is the appropriate process for a full change of use and all associated zoning provisions. The R3-75 zoning permits single detached dwellings under a specific set of provisions and the intent of the Zoning By-law is not maintained by permitting a type of development not contemplated under this zone category and in accordance with an entirely different zoning framework.

Based on the preceding information, the Planning and Building Department recommends that the applications be refused."

The City of Mississauga Transportation and Works Department commented as follows (July 14, 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' 53/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 15, 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 may be required. Please note that site servicing approvals will be required prior to building permit."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the zoning designation only permits single family detached dwellings. He indicated that the built form meets the intent of the Official Plan; however, it does not meet the intent of the Zoning By-law as the Zoning By-law permits single family dwellings and the proposal is for semi-detached dwellings. Mr. Kirton indicated that the mixture of housing in the area makes it difficult to apply the provisions of the Zoning By-law. He recommended that it may be appropriate for Council to study the area and define the type of built form that they determine is suitable for the block.

Mr. H. Lynch, Planner with the City of Mississauga, attended and advised that the zoning designation permits single family dwellings. If there is a desire to change the zoning in the area, it should be determined by Council direction and staff should be instructed to implement change in the zoning. The intent of the Zoning By-law is that single family dwellings should be constructed.

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 noted that the south end of the street went through the re-zoning process to construct semi-detached dwellings. The Committee indicated that they previously approved an application to extend the semi-detached dwelling use on the same street, considering that request on a case-by-case basis. The Committee noted that the Provincial Policy Statement encourages intensification.

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. Kennedy	SECONDED BY:	J. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

ABSENT
J. ROBINSON

J. PAGE

P. QUINN

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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

RICHARD & WILMA GRDOVIC

on Thursday, July 21, 2016

Richard & Wilma Grdovic are the owners of 1061 Shaw Drive being Lot 46, Plan F-20, zoned R3-75, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on a lot, being the 'retained' portion of Consent Application File 'B' 53/16, proposing that the semi-detached dwelling be constructed in accordance with the RM2-75 (semi-detached dwellings) zone provisions; whereas By-law 0225-2007, as amended, requires the lots 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 presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct semi-detached dwellings. He indicated that the neighbourhood is comprised of single family dwellings, semi-detached dwellings, a four-plex, and an eight storey apartment building. Mr. Oughtred indicated that the neighbourhood is similar to the RM7 zones that exist nearby. He indicated that there is diversity in the neighbourhood and the proposed semi-detached dwellings will be in character with the area considering the diverse mix of housing. Mr. Oughtred presented elevation plans and indicated that the proposed dwellings will be similar to the semi-detached dwellings constructed at 1071-73 Shaw Drive.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department recommends that the applications 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 determine whether additional variances may be required. The applications have been reviewed based on information provided however a full zoning review has not been completed.

Planning

Although identical applications have been approved by the Committee in the immediate area, including the neighbouring properties, the Planning and Building Department is of the opinion that a rezoning application is the appropriate process for a full change of use and all associated zoning provisions. The R3-75 zoning permits single detached dwellings under a specific set of provisions and the intent of the Zoning By-law is not maintained by permitting a type of development not contemplated under this zone category and in accordance with an entirely different zoning framework.

Based on the preceding information, the Planning and Building Department recommends that the applications be refused."

The City of Mississauga Transportation and Works Department commented as follows (July 14, 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' 53/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 15, 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 may be required. Please note that site servicing approvals will be required prior to building permit."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the zoning designation only permits single family detached dwellings. He indicated that the built form meets the intent of the Official Plan; however, it does not meet the intent of the Zoning By-law as the Zoning By-law permits single family dwellings and the proposal is for semi-detached dwellings. Mr. Kirton indicated that the mixture of housing in the area makes it difficult to apply the provisions of the Zoning By-law. He recommended that it may be appropriate for Council to study the area and define the type of built form that they determine is suitable for the block.

Mr. H. Lynch, Planner with the City of Mississauga, attended and advised that the zoning designation permits single family dwellings. If there is a desire to change the zoning in the area, it should be determined by Council direction and staff should be instructed to implement change in the zoning. The intent of the Zoning By-law is that single family dwellings should be constructed.

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 noted that the south end of the street went through the re-zoning process to construct semi-detached dwellings. The Committee indicated that they previously approved an application to extend the semi-detached dwelling use on the same street, considering that request on a case-by-case basis. The Committee noted that the Provincial Policy Statement encourages intensification.

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. Kennedy	SECONDED BY:	J. Page	CARRIED
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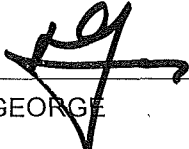
Application Approved.

Dated at the City of Mississauga on July 28, 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 17, 2016**.


Date of mailing is July 29, 2016.

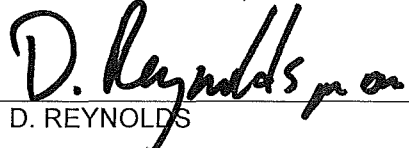
ABSENT
S. PATRIZIO

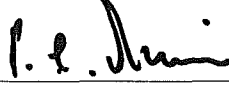

D. GEORGE (CHAIR)

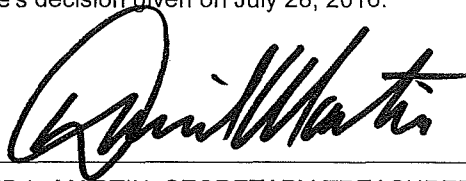
ABSENT
J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN


DAVID L. MARTIN, SECRETARY-TREASURER

I certify this to be a true copy of the Committee's decision given on July 28, 2016.

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

TORONTO ARCHDIOCESE

on Thursday, July 21, 2016

Toronto Archdiocese is the owner of 4260 Cawthra Road being Part of Lot 12, Plan A-24, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a vestibule addition to provide access from the parking lot to the Place of Religious Assembly providing a total of 508 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 512 parking spaces in this instance.

Mr. A. Baczynski, of IBI Group Architects, authorized agent, attended and presented the application to permit a vestibule addition to the existing building. Mr. Baczynski presented plans for the Committee's review and consideration and advised that the existing vestibule entrance is too small and does not provide sufficient area for movement to access the parking lot from the Place of Religious Assembly.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: 16-1526

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 application, we advise that the variance request should be amended as follows:

"1. To permit the construction of a vestibule addition to provide access from the parking lot to the place of religious assembly providing a total of 471 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 512 parking spaces in this instance."

Planning

The requested parking variance is similar to the previously supported and approved variance under file A 093/13, to provide 471 parking spaces; whereas 508 were required. The proposed renovation and expansion of the existing vestibule increases the number of required parking spaces by 4 as a result of covering a larger Gross Floor Area (GFA); however, the new space will not add functionality to the Place of Religious Assembly in a way that would create additional users or parking demand. The previous application justified 471 parking spaces to meet the demands of the site. The proposed addition should not put any additional strain on the spaces provided and is a minor request.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 304/16."

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

"We have no comments or objections."

The Ministry of Transportation commented as follows (July 19, 2016):

"The Ministry has received the submission regarding the above noted new application – (minor variance) for 4260 Cawthra Road. The location of the proposal is within MTO's permit control area and permits will be required. MTO will require site plan application, site grading and servicing plan, Storm Water Management Report, Elevation drawings, and Cross Section drawings to be submitted by the applicant. Once an initial package is submitted, additional information may be requested from the Ministry."

A letter was received from Ward Councillor J. Kovac, indicating he has surveyed the location and it is clear that the capacity of the church is not being altered and only a slight improvement and enlargement of the vestibule is being strived for by the Parish. He indicated that the Committee consider the request, noting that variance request appears fair.

No other persons expressed any interest in the application.

Mr. Baczynski, 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. Baczynski and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a vestibule addition to provide access from the parking lot to the place of religious assembly providing a total of 471 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 512 parking spaces in this instance.

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

Dated at the City of Mississauga on July 28, 2016.

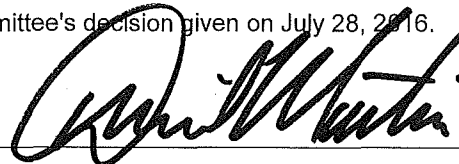
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **AUGUST 17, 2016**.

Date of mailing is July 29, 2016.

<p>ABSENT</p> <hr/> <p>S. PATRIZIO</p>	<p>ABSENT</p> <hr/> <p>J. ROBINSON</p>
<p><i>U.S. -</i></p> <hr/> <p>J. PAGE</p>	<p><i>P. L. Quinn</i></p> <hr/> <p>P. QUINN</p>

<p><i>[Signature]</i></p> <hr/> <p>D. GEORGE (CHAIR)</p>	<p><i>[Signature]</i></p> <hr/> <p>D. KENNEDY</p>
<p><i>[Signature]</i></p> <hr/> <p>D. REYNOLDS</p>	<p><i>[Signature]</i></p> <hr/> <p>D. REYNOLDS</p>

I certify this to be a true copy of the Committee's decision given on July 28, 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

JURAJ & PETRA KREDATUS

on Thursday, July 21, 2016

Juraj & Petra Kredatus are the owners of 6773 Gracefield Drive being Lot 14, Plan M-1052, zoned R4-30, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain having a width of 7.10m (23.29ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. J. Kredatus, property owner, attended and presented the application to permit the existing driveway to remain. He indicated that the driveway was expanded for safety reasons noting that seniors visit and it was unsafe for them to walk on the grass on rainy days or during the winter when snow was piled up. Mr. Kredatus advised that he has discussed the application with many of his neighbours, as well as the Ward Councillor, and they have expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 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.

Background

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-30, (Residential)

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 confirm the accuracy of the requested variances or determine whether additional variances may be required.

Planning

The Zoning By-law provisions limiting driveway width are intended to limit the hard surface area in the front yard, allow for adequate front yard landscaping, and limit excessive vehicular parking in low density residential zones.

The applicant's proposal, despite the widened driveway, allows for landscaping in the front yard that exceeds the Zoning By-law requirements, which helps to maintain the character of the residential neighbourhood. A standard parking stall, as defined by the Zoning By-law, is 2.60 m (8.53 ft.) in width; as a result, the requested variance would not allow for three vehicles to be parked side by side in front of the dwelling across the driveway.

Although this Department does not often support driveway width increases, in this instance the ability to provide adequate landscaping and the inability to park three vehicles beside each other mitigate concerns with respect to the additional width. The Planning and Building Department is of the opinion that the requested 1.10 m (3.61 ft.) increase in width is a minor request and maintains the general intent of the Zoning By-law.

Based on the preceding information, we have no objection to the requested variance; however, the applicant may wish to defer the application to verify the accuracy of the requested variance."

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

"Enclosed for Committee's information are some photo's which depict the existing driveway."

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

"We have no comments or objections."

A letter was received from Ward Councillor McFadden indicating her office has not received any inquiries or comments on the matter from neighbouring property owners or the community since the sign was erected on the subject property. She further indicated that she believes that the aesthetics of the existing driveway enhance the streetscape and are in keeping with the character of the neighbouring properties.

A petition, signed by approximately 12 neighbouring residents/property owners, was received expressing no concerns with respect to the application.

No other persons expressed any interest in the application.

The Committee indicated that the boulevard portion of the driveway is under the jurisdiction of the Transportation and Works Department. They indicated that the Committee do not have the ability to over-ride their requirements.

The Committee, after considering the submissions put forward by Mr. Kredatus 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 driveway extension does not contain sufficient space to park three vehicles side by side in the driveway.



MISSISSAUGA

File: "A" 305/16

WARD 10

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

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

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

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

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT

J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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 ENTERTAINMENT HOLDINGS INC.

on Thursday, July 21, 2016

Mississauga Entertainment Holdings Inc. is the owner of 90 Courtneypark Drive East, being Blocks 11-13, Plan 43M-915, zoned E1-9, Employment and E1-15, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a restaurant within Unit N1 and accessory outdoor patio proposing a total of 1839 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, does not permit an outdoor patio and requires a minimum of 1857 parking spaces for all uses on site in this instance.

Mr. M. Rogers, of John D. Rogers & Associates Inc., authorized agent, attended and presented the application to permit a restaurant, outdoor patio, and reduction in parking for the site. He presented a site plan for the Committee's review and consideration and illustrated the location of the proposed restaurant. Mr. Rogers advised that the unit was previously occupied by "The Putting Edge".

Mr. Rogers advised that the site is zoned E1-9 and E1-15, Employment. He advised that there are approximately 12 to 15 restaurants located in the complex. Mr. Rogers advised that he was recently advised that the restaurant use is not permitted in the E1-9 zone. He requested that the application be amended to allow the restaurant use as it was not included in the original circulation of the Notice. Mr. Rogers advised that the E1-9 zoning designation does not permit restaurant or patio use. Mr. Rogers presented a plan and illustrated the location of Building 'N' and advised that the building mirrors Building 'K', which is directly across from it. He indicated that there are many restaurants and patios in Building 'K'.

Mr. Rogers advised that there was a previous Minor Variance application approved in 2007 which allowed a reduction in the parking for existing restaurant uses. He explained that, as this is a new restaurant, additional parking is required. Mr. Rogers indicated that a letter of justification was submitted and reviewed and it was determined that it satisfactorily justifies the requested reduction in parking.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Gateway Corporate Centre
Designation: Office

Zoning By-law 0225-2007

Zoning: E1-9, E1-15 (Employment in Nodes)

Other Applications:

Building Permit File: BP 9ALT 16-1234
Certificate of Occupancy File: 16-1240 & 16-1242

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and Zoning Certificate application and based on the review of the information currently available, we advise that the requested variance should be amended as follows:

"-to permit a restaurant in Unit N1, within an E1-9 zone; whereas By-law 0225-2007, as amended, does not permit a restaurant within an E1-9 zone;
-to permit a patio, accessory to a restaurant, within an E1-9 zone; whereas By-law 0225-2007, as amended, does not permit a patio within an E1-9 zone;
-to permit 1,839 parking spaces for all uses on the subject site; whereas 1,857 parking spaces are required for all uses on the subject site;"

Planning

Planning staff have reviewed a parking justification letter submitted by John D. Rogers and Associates, dated June 9th, 2016, which satisfactorily justifies the requested reduction in parking. Based on the variety of uses within the plaza, varying peak operating times, and the relatively small reduction in parking, we are of the opinion the requested variance is minor in nature and should not create a parking shortage.

This site has multiple other restaurants operating without issue and the establishment of a restaurant and associated patio is not a concern to this Department.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 307/16."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Rogers, 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. Rogers 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 indicated that there are multiple restaurants operating in the complex without issue.

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

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

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

1. a restaurant in Unit N1, within an E1-9 zone; whereas By-law 0225-2007, as amended, does not permit a restaurant within an E1-9 zone;
2. a patio, accessory to a restaurant, within an E1-9 zone; whereas By-law 0225-2007, as amended, does not permit a patio within an E1-9 zone; and,
3. a total of 1,839 parking spaces for all uses on the subject site; whereas 1,857 parking spaces are required for all uses on the subject site.

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

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

ABSENT
J. ROBINSON

J. PAGE

P. QUINN

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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

HARJIVEN SINGH

on Thursday, July 21, 2016

Harjiven Singh is the owner of 3336 Michaud Avenue being Lot 214, Plan 566, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing a lot coverage of 37.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance.

Mr. J. Ramirez, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling on the subject property proposing a 2.00% increase in lot coverage. Mr. Ramirez presented plans for the Committee's review and consideration and advised that the increase is required to allow larger rooms to be constructed. He advised that the expanded area is located at the rear of the dwelling and will not be visible from the street.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

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

Planning

The requested increase in lot coverage of 2% over what the Zoning By-law permits represents a relatively minor increase in Gross Floor Area (GFA) over the as of right permissions. While the proposed dwelling would be a significantly sized home at 361.11 m² (3887 sq. ft.), the increase in lot coverage represents approximately 13.00 m² (140 sq. ft.) of livable area. The Department is of the opinion that the requested variance is minor in nature and maintains the general intent of the 35% lot coverage provision of the Zoning By-law.

The Planning and Building Department is currently undertaking an infill housing study for detached dwellings within the Malton Neighbourhood and Community Node Character Areas. The purpose of the study is to address the issue of replacement houses and large additions that are significantly larger than existing homes. A reduction in maximum lot coverage is being investigated as a potential zoning change for the R3 zone, which applies to the subject property.

On June 27, 2016, a public meeting was held by the Planning and Development Committee. Later this year, it is anticipated that Planning and Building staff will prepare a corporate report containing recommendations regarding potential amendments to the Zoning By-law for detached homes in Malton. No Official Plan or Zoning By-law changes have been formally adopted to date and proposed changes cannot be considered when evaluating an application against the four tests under the *Planning Act*; however, should the application be approved and zoning changes are implemented before a Building Permit is issued, the applicant would be required to come back to the Committee for further relief.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Building Permit 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 (July 14, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

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

"We have no comments or objections."

A letter was received from the Lishak Family, residents at 3474 Capricorn Crescent, expressing opposition to the application and noting their concerns with respect to the lack of property maintenance, privacy concerns due to the removal of trees, and size of the dwelling not being in character with the neighbourhood.

A letter was received from R. and Fe-Justina Las Pinas, homeowners at 3335 Michaud Avenue expressing opposition to the request.

A letter was received from V. and S. Singh, residents at 3345 Michaud Avenue, expressing opposition to the application and noting their concerns with respect to the lack of maintenance performed on the property, debris, and subsequent increase in number of animals, such as skunks, racoons, and ground hogs on the property.

A letter was received from B. Dias, on behalf of the Dias Family, residents at 3329 Michaud Avenue, expressing opposition to the application and expressing concerns with respect to the lack of property maintenance on the property and its effect on the property values in the future as well as the two storey dwelling not being in character with the bungalows on the street.

Letters were received from P. Viviani and I. Viviani, property owners of 3341 Michaud Avenue expressing opposition to the application.

A letter was received from A. Wanstall and W. Mortimer, property owners at 3342 Michaud Avenue expressing opposition to the application.

Ms. A. Wanstall and Mr. W. Mortimer, property owners at 3342 Michaud Avenue, attended and expressed their concerns with respect to the lack of property maintenance on the property and the subsequent increase in animals in the backyard. They expressed their concerns that the two storey dwelling will reduce the amount of sunlight on their property. They also expressed concerns with respect to access, parking, and traffic.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Ramirez 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 a two storey dwelling is permitted under the R3 zone provisions. They indicated that the increased lot coverage is located at the rear of the dwelling and will not be visible from the street.

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:	J. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on July 28, 2016.

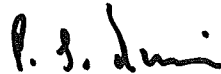
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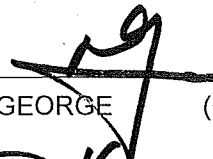
Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

ABSENT
J. ROBINSON


J. PAGE

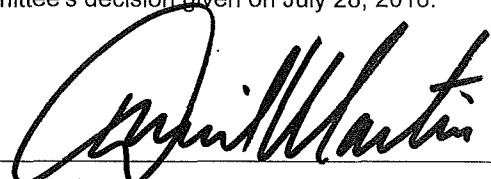

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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

2020826 ONTARIO INC.

on Thursday, July 21, 2016

2020826 Ontario Inc. is the owner of 1071 & 1075 Ceremonial Drive and 5428 & 5430 McLaughlin Road being Peel Standard Condominium Plan 691, (Formerly Block 210, Plan M-804), zoned C1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a take-out restaurant within Unit 102 on the subject property being located less than 60.00 m (196.85 ft) from a Residential zone and providing parking at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) of Gross Floor Area Non-Residential, as previously approved pursuant to Committee of Adjustment Decision File "A" 289/10; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) measured in a straight line from the take-out restaurant to the lot line of a Residential zone and requires parking to be provided at a rate of 6.00 parking spaces per 100.00m² (1,076.42sq.ft.) of Gross Floor Area Non-Residential in this instance.

Ms. A. Padron, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit the continued operation of a take-out restaurant known as 'Pizza Depot' proposing a reduction in the distance to a Residential zone and a reduction in the parking. She indicated that the take-out restaurant will continue to operate in the same manner as previously approved. Ms. Padron indicated that the plaza has two receptacles for the storage of waste and it is screened from McLaughlin Road.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1 (Convenience Commercial)

Other Applications:

N/A

Comments

Zoning

N/A

Planning

The requested variance is for a continuation of multiple approvals dating back over 10 years. We are not aware of any complaints related directly to this unit or parking in general for this plaza. The requested variance is to continue to allow Pizza Depot to operate in Unit 102 on the subject property. The requested variance is minor in nature and the functionality of the site should be maintained without any disruptions to neighbouring properties.

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 (July 14, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 311/16."

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

"We have no comments or objections."

A letter was received from S. Bedford, property owner at 5413 Champlain Trail, expressing concerns with respect to garbage. She indicated that, on the weekends, garbage piles up and attracts raccoons, skunks, flies, and bees and is visible from her back yard. She requested that a taller fence be constructed to shield the garbage area from view.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the neighbour's comment and indicated that the fence cannot exceed the By-law requirements.

Ms. Padron advised that 'Pizza Depot' is a take-out restaurant and she does not believe that the garbage generated from this tenant is the problem noting that the pizza boxes are taken off-site site for consumption.

The Committee, after considering the submission put forward by Ms. Padron and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that a short term approval will allow them an opportunity to monitor the concerns regarding garbage and noise. The Committee noted that the neighbours may contact the By-law Enforcement Office for assistance for garbage and noise concerns.

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 for a temporary period of five (5) years to expire and terminate on July 31, 2021, subject to the following condition:

1. The take-out restaurant shall operate between the hours of 11:00a.m. to 11:00p.m. Sunday through Thursday and 11:00a.m. to 12:00a.m. (mid-night) on Fridays and Saturdays.

MOVED BY:	D. Reynolds	SECONDED BY:	J. Page	CARRIED
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Application Approved, temporarily, on condition as stated.

Dated at the City of Mississauga on July 28, 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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

ABSENT
J. ROBINSON

J. PAGE

P. QUINN

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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

JOE BOTELHO

on Thursday, July 21, 2016

Joe Botelho is the owner of 2515 Cliff Road being Part of Lot 13, Concession 1, S.D.S., zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a driveway width of 14.54m (47.70ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance;
2. to permit the lot line fronting on Cliff Road to be considered the front lot line for zoning purposes; whereas By-law 0225-2007, as amended, requires the front lot line to be the shorter of the two lot lines that divide the lot from the street in this instance;
3. a lot coverage of 40.30% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
4. a landscaped soft area of 20.20% of the exterior side yard; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% of the exterior side yard in this instance;
5. a setback of 1.74m (5.70ft.) to the exterior side lot line and 0.68m (2.23ft.) to the rear lot line to an accessory structure (shed # 1); whereas By-law 0225-2007, requires a minimum setback of 6.00m (19.68ft.) to the exterior side lot line and a minimum setback of 1.20m (3.93ft.) to the rear lot line in this instance;
6. a floor area for an accessory structure (shed # 1) of 13.34m² (143.59sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64sq.ft.) in this instance;
7. a side yard setback of 0.34m (1.11ft.) and a rear yard setback of 0.47m (1.54ft.) to an accessory structure (shed # 2); whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (3.93ft.) to both lot lines in this instance.
8. to permit two (2) accessory structures on the lot; whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure per lot in this instance.

On June 16, 2016, Mr. P. DaCunha, authorized agent, attended and requested that the application be deferred to address Staff comments and to revise their plans accordingly to show only one driveway access.

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

The City of Mississauga Planning and Building Department commented as follows (June 15, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: 16-587

Comments

Zoning

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

"10. two accessory structures on the lot; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance."

All other variances are correct, as requested.

Planning

The applicant is requesting a number of variances related to the reconstruction of the dwelling on the property. The variances are required primarily for existing conditions on site related to the two accessory structures and the driveway.

The existing driveway has relatively narrow access points on Cliff Road and Crewenan Road with the driveway increasing in size and requiring a width variance only at a single point adjacent to the garage. Although the driveway covers most of the exterior side yard, there is also significant landscaped area located within the relatively wide city boulevard which minimizes the impact of the driveway area. In this instance it is reasonable to consider the width and landscaped area in the city boulevard as an additional buffer area in the exterior side yard as it is very unlikely the boulevard will change in the near future. Variances #1, #2, #3, and #6 are minor, in the opinion of the Department, and maintain the general intent of the Zoning By-law.

The existing accessory structures are not significantly sized relative to the lot or the dwelling and are within the Zoning By-law height requirements. The setbacks provided should allow for adequate separation distance from the lot line and there should not be a significant negative impact on any adjacent neighbours. Although the accessory structures help contribute to the increased lot coverage request, their modest size and locations will not add significant appearance to the massing on the site. Further, the design of the dwelling has single storey features that would not present the same massing impacts that could be possible from the requested coverage increase.



MISSISSAUGA

File: "A" 237/16
WARD 7

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variances, as amended, are minor in nature and maintain the general intent of the Zoning By-law. We have no objection to the requests."

The City of Mississauga Transportation and Works Department commented as follows (June 9, 2016):

"This department cannot support the requested variance to permit a circular driveway on this property. We acknowledge that the two existing access locations have existed on this property for years, with the proposed redevelopment of the property with the new 2-storey dwelling, the Transportation and Works Department does not see the rationale to permit a second driveway to be located on this property. This department also has concerns with the existing access onto Cliff Road as it is located in very close proximity to the intersection and there is also an existing stop sign only a few metres away from the driveway."

In view of the above the Transportation and Works Department is not supportive of the request to permit two access locations (circular driveway) to be located on this property which would recommend that the existing access onto Cliff Road be removed and re-instated."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 13, 2016):

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to July 21, 2016.

On July 21, 2016, Mr. P. DaCunha, authorized agent, attended and presented the application. Mr. DaCunha advised that the plans have been revised to remove the references to the circular driveway and the Notice was revised accordingly.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Building Permit File: 16-587

Comments

Zoning

The Building Department is currently processing a Building Permit application under file 16-587. Based on review of the information currently available for this building permit, we advise that the variances are correct, as requested.

Planning

The applicant was previously before the Committee on June 16th, 2016 and requested a deferral to address the Committee's concerns with the circular driveway. The other aspects of the applicant's proposal remain the same and as such our previous comments still apply as they pertain to those variances.

Regarding the modified driveway proposal, the applicant has reoriented the entrance along Crewenan Road to allow for more direct entrance into the garage. The shape of the driveway is rectangular, like a typical driveway, however due to the orientation, the variance request is related to the long side, which in this instance is the width. The driveway itself does not represent an usually large surface area of hard surface material and is not of an inappropriate size given the significant width of the lot along Crewenan Road. The orientation and position on the lot requires that the measurement be taken at 14.54 m (47.70 ft.).

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

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

"Further to our comments submitted for the June 16, 2016 Agenda we are advising that we have had discussions with the applicant's agent and advised what our concerns were with the initial submission submitted to the Committee. The applicant/owner has provided a revised Site Plan to the Committee of Adjustment Office that was recirculated with an Amended Notice on July 6, 2016 which we find acceptable. In view of the above, we have no objections to the applicant's request and note that any Transportation and Works Department requirements will be addressed through the Building Permit Process."

The City of Mississauga Community Services Department commented as follows (July 19, 2016):

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

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

1. One (1) Norway Maple tree – poor condition
2. One (1) Norway Spruce tree – good condition
3. Two (2) Colorado Blue Spruce trees – good condition

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

1. The applicant shall provide tree protection securities in the amount of \$8,500.00 for the above noted trees.

2. An ISA Certified Arborist must be present during the construction process to ensure that there is minimal damage to the tree root systems of the above noted Norway Spruce tree facing Crewenan Road.
3. The applicant shall provide tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. The applicant is advised that when working near the above noted Norway Spruce tree, a hydro vac must be used in the tree protection zone and an excavator is not permitted. The applicant is advised that an excavator can be used outside of the tree protection zone.
2. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

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

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. DaCunha 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 subject to the following condition:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.
2. Prior to the issuance of the building permit, the applicant shall provide tree protection securities in the amount of \$8,500.00 for the above noted trees.
3. An ISA Certified Arborist must be present during the construction process to ensure that there is minimal damage to the tree root systems of the above noted Norway Spruce tree facing Crewenan Road.
4. The applicant shall provide tree hoarding to the satisfaction of City of Mississauga Forestry Staff.

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

Dated at the City of Mississauga on July 28, 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 17, 2016**.

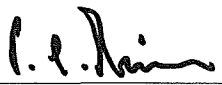
Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO


ABSENT
J. ROBINSON



J. PAGE



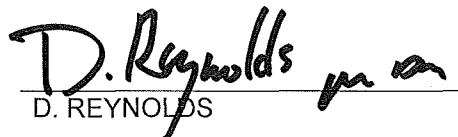
P. QUINN



D. GEORGE (CHAIR)

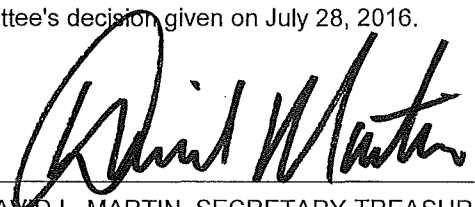


D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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

2212264 ONTARIO INC.

on Thursday, July 21, 2016

2212264 Ontario Inc. is the owner of 1885 Sismet Road being Part of Block G, Registered Plan 43-R1328, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a hot dog vending cart on the subject property; whereas By-law 0225-2007, as amended, does not permit a hot dog vending cart use in this instance.

On June 23, 2016, the application was called and no one attended to present the application. The Committee requested that the Secretary-Treasurer contact the applicant to arrange a new Hearing date.

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

The City of Mississauga Planning and Building Department commented as follows (June 17, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance provided that the location of the hot dog vending cart does not obstruct required parking spaces or impede vehicular and pedestrian circulation on-site.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit application under file 15-6291. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The application proposes a new hot dog vending cart operation in an industrial site. A similar application for a hot dog vending cart, 'A' 252/08 at 1625 Sismet Rd, was approved on a temporary basis in 2008.

The applicant has indicated a location on the submitted site plan that does not obstruct any parking spaces. In the opinion of the Planning and Building Department, the application is minor and desirable.

The Planning and Building Department has no objection to the requested variance provided that the location of the hot dog vending cart does not obstruct required parking spaces or impede vehicular and pedestrian circulation on-site."

The City of Mississauga Transportation and Works Department commented as follows (June 16, 2016):

"This department has no objections to the location of the proposed hot dog vending cart."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 2016):

"We have no comments or objections."

A letter was received from Bradford White Canada, neighbour at 1869 Sismet Road, expressing no objection to the application and requesting that the applicant remove any refuse that may collect on the site.

No other persons expressed any interest in the application.

The application was deferred to July 21, 2016.

On July 21, 2016, Mr. S. Singh, authorized agent, attended and advised that they wish to operate a hot dog cart on the subject property. He presented a site plan and advised that they have received requests from employees of the medical building to provide the service. Mr. Singh presented a site plan indicating the location of the cart and photographs of the cart for the Committee's review and consideration. He indicated that there will be receptacles provided for garbage and recycling.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance provided that the location of the hot dog vending cart does not obstruct required parking spaces or impede vehicular and pedestrian circulation on-site.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3 (Industrial)

Other Applications:

Building Permit File: 15-6291

Comments

Zoning

N/A

Planning

The Planning and Building Department previously commented on this application for the June 23, 2016 Committee of Adjustment Hearing. Given that no new information is available, our previous comments remain applicable."

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

"This department has no objections to the location of the proposed hotdog vending cart."

An e-mail was received from J. Santarelli, property owner at 1905 Sismet Road, indicating they have no concerns with the hot dog stand as long as the vehicles attending the stand do not block the entrances to their property and driveways.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Singh 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 subject to the following condition:

1. The applicant is to proceed in accordance with the site plan reviewed by the Committee. The cart shall be located wholly on private property and not on the City boulevard portion.

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

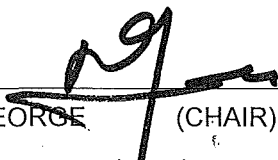
Dated at the City of Mississauga on July 28, 2016.

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 17, 2016**.

Date of mailing is July 29, 2016.

ABSENT

S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

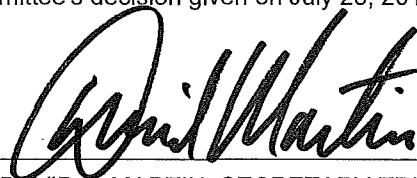

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 28, 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

REGION OF PEEL

on Thursday, July 21, 2016

Region of Peel is the owner of 3570 and 3590 Colonial Drive being Block 2, Plan M-695, zoned RA3-3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a basketball court (with permanent basketball stand with locking system to inhibit play when the facility is closed) on the subject property proposing a total of 343 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 365 visitor parking spaces in this instance.

On June 23, 2016, Ms. H. Coupey, authorized agent, attended and requested that the application be deferred.

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

The City of Mississauga Planning and Building Department commented as follows (June 17, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer to ensure that all variances have been accurately identified.

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA3-3 (Residential)

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 confirm the accuracy of the requested variances or determine whether additional variances may be required. A minimum landscape buffer of 4.50 m (14.76 ft.) is required along the street line and it is difficult to confirm the width based on the drawings provided.

Planning

A similar previous application, under file A 303/14, was approved by committee with three conditions attached. Previously a parking justification letter was submitted for the reduction, dated November 5th, 2014, which staff found satisfactorily justifies the requested reduction. The only change, as far as we are aware, to this application is that the applicant is requesting to modify a condition to allow for a locking mechanism to be installed to inhibit play during off hours, rather than removing the rims entirely. The department is of the opinion that this meets the same general objective and intent and that the variance requested is minor in nature.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer to ensure that all variances have been accurately identified."

The City of Mississauga Transportation and Works Department commented as follows (June 16, 2016):

"This department has no objections to the requested variance to permit the construction of a basketball court on the subject property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 2016):

"We have no comments or objections."

An e-mail was received from R. Umali, of 3605 Colonial Drive, expressing opposition to the application and noting her concerns with respect to noise and traffic.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to July 21, 2016.

On July 21, 2016, Ms. A. Evers, Project Manager, Landscape Architect for the City of Mississauga, attended and presented the application. She advised that a previous Minor Variance application was previously considered and approved by the Committee to authorize a reduction in parking for the basketball court to be constructed, subject to conditions. Ms. Evers explained that a new variance has been requested to clarify the intent of the wording on the condition related to the portable basketball hoops being removed from the basketball court each night when all programs have been completed.

Ms. Evers indicated that instead of providing portable basketball hoops, they are considering installing permanent basketball poles and assemblies that lock to inhibit play when the facility is closed. Ms. Evers indicated that with the existing wording of the previous Decision 'A' 303/14, limits the type of equipment with respect to providing quality of play noting that it is restrictive.

Ms. Evers suggested that the wording be amended to indicate 'basketball assemblies shall be secured when not in use to prohibit unauthorized play'. Ms. Evers provided examples of how the net assemblies could be secured using locking mechanisms that enable locking of the hoops. She indicated that they wish to provide net assemblies that are durable and encourage high quality play. Ms. Evers indicated that they are reviewing different types of equipment and have not decided on what method to use and subsequently, wish the approval to use terminology that is more general.

Ms. Evers indicated that the program is funded by Rotary and substantially, by Maple Leaf Sports Entertainment, to provide high quality play to the youth in the community. The groups running the program would be responsible for lock up. The programs must be scheduled through bookings. She indicated that the basketball court will be enclosed with a 10ft. fence. Ms. Evers indicated that it is possible that the court could be utilized for other sports.

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

The City of Mississauga Planning and Building Department commented as follows (July 15, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer to ensure that all variances have been accurately identified.

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA3-3 (Residential)

Other Applications:

N/A

Comments

Zoning

N/A

Planning

The Planning and Building Department previously commented on this application for the June 23, 2016 Committee of Adjustment Hearing. Given that no new information is available, our previous comments remain applicable."

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

"This department has no objections to the requested variance to permit the construction of a basketball court on the subject property."

No other persons expressed any interest in the application.

The Committee indicated that the previous condition was included as there was extensive concern from the residents that the youth would be able to climb the fence and use the courts after hours. The intent of locking the hoops was to discourage the youth from entering the court. The neighbours were concerned about noise from the basketball hitting the backboard and from shouting when playing.

The Committee, after considering the submission put forward by Ms. Evers and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee expressed concerns with respect to safety and wanted to ensure that the court will not be utilized after hours.

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 subject to the following conditions:

1. The basketball court shall be secured and locked up at night and when not in use. Access to the court shall be in accordance with the terms, conditions and exemptions identified in the lease agreement.
2. The permanent basketball stands and/or hoops shall be equipped with a system to inhibit play at night and when the facility is closed.

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


Dated at the City of Mississauga on July 28, 2016.

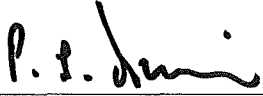
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **AUGUST 17, 2016**.

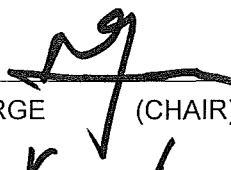
Date of mailing is July 29, 2016.

ABSENT
S. PATRIZIO

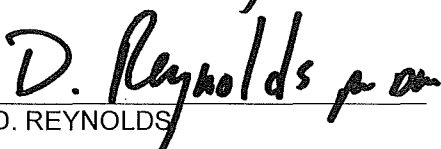
ABSENT
J. ROBINSON


J. PAGE

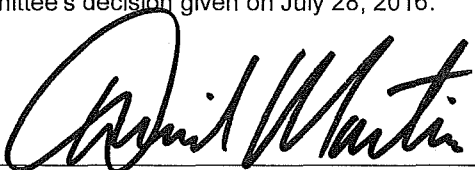

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 28, 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.