

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: JUNE 2, 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-036/16	KENNETH & CHARMAINE KUMAR	7 IROQUOIS AVE	1	Approved
B-037/16	TASHFEEN MALIK	4240 & 4246 CAWTHRA RD	4	Approved
B-038/16 A-219/16 A-220/16	TERESSA FRASSON	2247 FIFTH LINE WEST	2	Approved
B-039/16	DAVID SUI TONG WONG	1959 LINCOLN GREEN WAY	8	Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-207/16	IMRAN & SADAF AHMED	1357 WHITEOAKS AVE	2	Approved
A-208/16	JENNIFER DOUGLAS	1565 SPRING RD	2	June 23
A-209/16	1513600 ONTARIO INC	1114 WESTPORT CRES	5	Approved
A-210/16	2421845 ONTARIO INC	6020 WINSTON CHURCHILL BLVD	9	Approved
A-211/16	MORGUARD CORPORATION & MCC ONTARIO LTD.	0, 33, 45, 55, 65 & 77 CITY CENTRE DR	4	Approved
A-212/16	RAJ SOOD	2193 SPRINGBANK RD	8	Approved
A-213/16	PROMILA AGGARWAL	7126 AIRPORT RD	5	Approved
A-214/16	INNA KOVALIV	1341 NORTHAVEN DR	1	July 14
A-215/16	403460 ONTARIO LIMITED	3245 WHARTON WAY	3	Refused

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

KENNETH & CHARMAINE KUMAR

on Thursday, June 2, 2016

Kenneth & Charmaine Kumar are the owners of 7 Iroquois Avenue being Lot 320, Registered Plan F-12, zoned RM7, Residential. The applicants request the consent of the Committee to the severance of a parcel of land having a lot frontage of approximately 7.62m (25.00ft.) and a lot area of approximately 255.8m² (2,753.41sq.ft.). The effect of the application is to create a new lot for residential (semi-detached) purposes.

Mr. K. Kumar, co-owner and authorized agent, attended and presented the application to sever the subject property into two 7.62m (25.00ft.) lots. Mr. Kumar presented a site plan illustrating the retained and severed lands as well as a front elevation of the proposed semi-detached dwellings. He noted that they had submitted a preliminary zoning review which confirmed that no variances are required for the newly created lots and proposed semi-detached dwellings.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (May 27, 2016),
City of Mississauga, Transportation and Works Department (May 26, 2016),
Region of Peel, Environment, Transportation & Planning Services (May 27, 2016).

Ms. L. J. Rivers, property owner at 2 Iroquois Avenue attended and expressed her concerns. Ms. Rivers explained that there have been a lot of new semi-detached homes built in the area and she is concerned with the additional number of residents in the area as a result.

The Committee clarified that the Zoning By-Law of the subject property permits semi-detached homes as of right.

Mr. E. Ozdemir, property owner at 9 Iroquois Avenue, attended and expressed his concerns with the noise, dust and debris associated with the construction of three semi-detached on three separate properties within the immediate neighbourhood and the potential negative impacts on his property.

A signed petition was received from the property owners at 6, 12, 15, 16 Iroquois Avenue and 1089 Seneca Avenue expressing support and no objection to the application.

An email was received from J. Ozdemir at 9 Iroquois Avenue expressing an interest in the application and concern with the negative impacts associated with the future construction activities on the property.

No other persons expressed any interest in the application.

When asked, Mr. Kumar 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. Kumar, 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 May 26, 2016.

MOVED BY: J. Robinson

SECONDED BY: J. Page

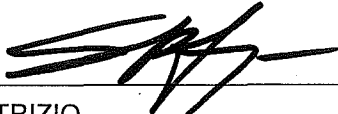
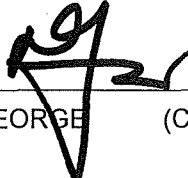
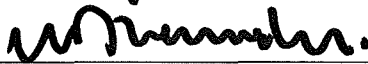
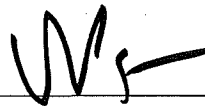
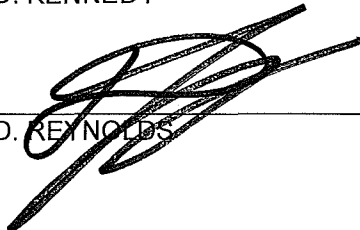
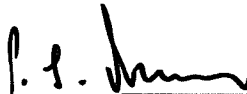
CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on June 9, 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 **JULY 3, 2016**.

Date of mailing is June 13, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)
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 June 9, 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 **June 13, 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

TASHFEEN MALIK

on Thursday, June 2, 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 having a frontage of approximately 20.87m (68.47 ft) and an area of 966.81m² (10,406.99sq.ft.). The effect of the application is to re-establish a previously existing residential lot.

Mr. J. A. Durrani, authorized agent, attended and presented the consent application to sever the subject lands. Mr. Durrani indicated that the owner recently purchased the properties which were recently severed by the previous owner but they failed to fulfill the conditions of approval and the approval lapsed. Mr. Durrani explained that nothing has changed with the application and that they are simply seeking to re-establish the previously approved severance.

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 (May 27, 2016),
City of Mississauga, Transportation and Works Department (May 26, 2016),
Region of Peel, Environment, Transportation & Planning Services (May 27, 2016).

No other persons expressed any interest in the application.

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).
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, Transportation Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 27, 2016 (Relocation of Access and Land Dedication).

MOVED BY: J. Page

SECONDED BY: D. Reynolds

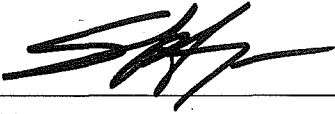
CARRIED

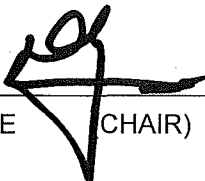
Application Approved, on conditions as stated.

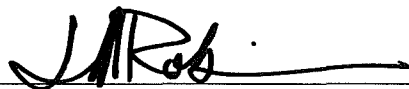
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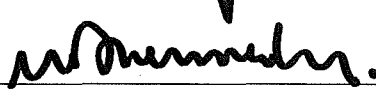
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Date of mailing is June 13, 2016.

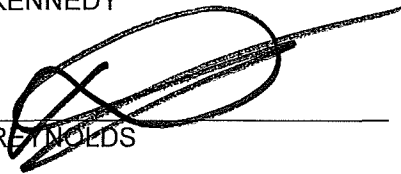

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

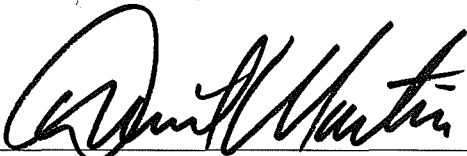

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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 **June 13, 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

TERESSA FRASSON

on Thursday, June 2, 2016

Teressa Frasson is the owner of 2247 Fifth Line West being Lot 6, Plan 413, zoned R2, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 15.24m (50.00ft.) and a lot area of approximately 926.12m² (9,968.99sq.ft.). The effect of the application is to create a new lot for Residential purposes.

The subject application is also the subject of Minor Variance Application Files "A" 219/16 and "A" 220/16.

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

Mr. T.J. Ciecura, authorized agent, attended and presented the consent application. Mr. Ciecura presented a site plan illustrating the proposed retained and severed lots. He indicated that the existing 30.48m (100.00ft.) lot would be severed into two (2) 15.24m (50.00ft.) lots. Mr. Ciecura indicated that the dwelling design is conceptual at this time but no variances are currently required for the proposed dwellings. Mr. Ciecura noted that the newly created lots have slightly deficient lot frontages which minor variance applications "A" 219/16 and "A" 220/16 have been filed concurrently. Mr. Ciecura indicated that the newly created lots are consistent with the size of the existing lots in the surrounding 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 (May 27, 2016),
City of Mississauga, Transportation and Works Department (May 26, 2016),
City of Mississauga, Park Planning Section of the Community Services Department (May 30, 2016),
Region of Peel, Environment, Transportation & Planning Services (May 27, 2016).

A letter was received from T. Milka and M. Milicevic, property owners of 2095 Springfield Court expressing opposition to the requested lot frontage variances and that they are not minor reductions and the Zoning By-Law requirements should be upheld by the Committee.

Margaret Elmeron, property owner at 2240 Springfield Court, attended and indicated that she has no concern with the creation of two lots but her main concern is with respect to the height of the proposed dwellings. The Committee clarified that the applicant did not request any height variances.

Mr. G. Kirton, Planner with the City of Mississauga attended and presented a map of the surrounding properties included within the 120 meter test to determine the average lot area and frontage of the lots within the immediate neighbourhood. Mr. Kirton, referenced an OMB decision which recommended that in some cases it would be appropriate to look beyond the 120 meters to get a more representative sample of a neighbourhoods average lot area and lot frontage.

No other persons expressed any interest in the application.

When asked, Mr. Ciecura 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. Ciecura, 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 May 26, 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 May 30, 2016 (Street Trees).

MOVED BY: J. Page

SECONDED BY: S. Patrizio


CARRIED

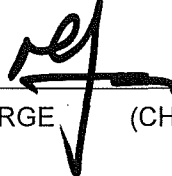
Application Approved, on conditions as stated.

Dated at the City of Mississauga on June 9, 2016.

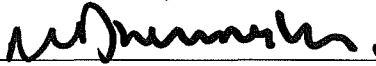
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Date of mailing is June 13, 2016.

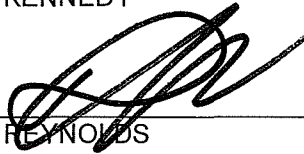

S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

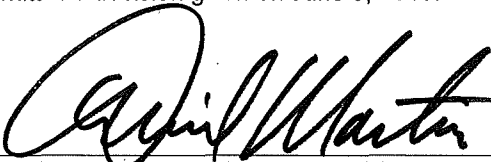

D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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 **June 13, 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

TERESSA FRASSON

on Thursday, June 2, 2016

TERESSA FRASSON is the owner of 2247 FIFTH LINE WEST being Lot 6, Plan 413, zoned R2, Residential. The applicant requests the Committee to authorize a minor variance application to permit the construction of a new dwelling on a lot (being the 'severed' land of Consent application "B" 38/16) proposing a lot frontage of 15.24m (50.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (59.05ft.) in this instance.

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

Mr. T.J. Ciecura, authorized agent, attended and presented the application concurrently with the consent application "B" 38/16. Mr. Ciecura presented a site plan illustrating the proposed retained and severed lots. Mr. Ciecura indicated that the dwelling design is conceptual at this time but no variances are currently required for the proposed dwellings. Mr. Ciecura noted that the newly created lots have slightly deficient lot frontages which result in the requested minor variance applications "A" 219/16 and "A" 220/16 which have been filed concurrently. Mr. Ciecura indicated that the newly created lots are consistent with the size of the existing lots in the surrounding area.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested consent and associated minor variance applications.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R2 (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. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. The applicant may wish to apply for the required Building Permit or a Pre-zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

The subject property is located in a neighbourhood of single detached dwellings with a mix of R2 and R3 zoning. The lots on the east side of Fifth Line West are zoned R2 and the lots on the west side of the road, as well as many of the surrounding streets, are zoned R3 and have approximately half of the lot frontage and lot area of the subject lot.

In accordance with the direction of the Official Plan, a review of lots within 120m of the subject property was conducted and it was found that the average lot frontage and lot area in the area is 20.78 m (68.18 ft.) and 1098.40 m (11823.08 sq. ft.), respectively. Although the applicant's proposal does not match the averages for the immediate area, the proposed lots are similar in lot frontage and larger in lot area than all of the lots on the west side of the street and much of the surrounding neighbourhood.

The Department is informed by previous Ontario Municipal Board decisions that indicate that both sides of the street should be taken into consideration when evaluating the character of an area and the appropriateness of a consent application, despite different zoning provisions. The mix of lots sizes in the larger neighbourhood should also be considered when evaluating the requested consent. Given that the proposed lots would be maintain a very similar streetscape and lot fabric to the properties along the western side of Fifth Line West and would be allow for the construction of single detached dwellings that would fit within the neighbourhood character without additional variances, the Planning and Building Department has no objection to the requested consent application and associated minor variances."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 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' 38/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 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."

A letter was received from T. Milka and M. Milicevic, property owners of 2095 Springfield Court expressing opposition to the requested lot frontage variances and that they are not minor reductions and the Zoning By-Law requirements should be upheld by the Committee.

Margaret Elmeron, property owner at 2240 Springfield Court, attended and indicated that she has no concern with the creation of two lots but her main concern is with respect to the height of the proposed dwellings. The Committee clarified that the applicant did not request any height variances.

Mr. G. Kirton, Planner with the City of Mississauga attended and presented a map of the surrounding properties included within the 120 meter test to determine the average lot area and frontage of the lots within the immediate neighbourhood. Mr. Kirton, referenced an OMB decision which recommended that in some cases it would be appropriate to look beyond the 120 meters to get a more representative sample of a neighbourhoods average lot area and lot frontage.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Ciecura and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee agreed with Planning staff's comments that proposed lot frontages were consistent with the lot frontages of surrounding lots within the greater neighbourhood.

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

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

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

1. The applicant shall proceed in general accordance with the plans reviewed by the Committee.

MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on June 9, 2016.

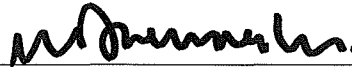
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Date of mailing is June 13, 2016.

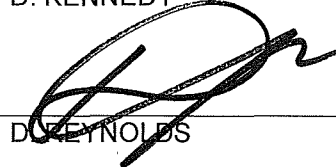

S. PATRIZIO


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 June 9, 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

TERESSA FRASSON

on Thursday, June 2, 2016

Teresa Frasson is the owner of 2247 Fifth Line West being Lot 6, Plan 413, zoned R2, Residential. The applicant requests the Committee to authorize a minor variance application to permit the construction of a new dwelling on a lot (being the 'retained' land of Consent application "B" 38/16) proposing a lot frontage of 15.24m (50.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (59.05ft.) in this instance.

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

Mr. T.J. Ciecura, authorized agent, attended and presented the application concurrently with the consent application "B" 38/16. Mr. Ciecura presented a site plan illustrating the proposed retained and severed lots. Mr. Ciecura indicated that the dwelling design is conceptual at this time but no variances are currently required for the proposed dwellings. Mr. Ciecura noted that the newly created lots have slightly deficient lot frontages which result in the requested minor variance applications "A" 219/16 and "A" 220/16 which have been filed concurrently. Mr. Ciecura indicated that the newly created lots are consistent with the size of the existing lots in the surrounding area.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested consent and associated minor variance applications.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R2 (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. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being require in the future. The applicant may wish to apply for the required Building Permit or a Pre-zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

The subject property is located in a neighbourhood of single detached dwellings with a mix of R2 and R3 zoning. The lots on the east side of Fifth Line West are zoned R2 and the lots on the west side of the road, as well as many of the surrounding streets, are zoned R3 and have approximately half of the lot frontage and lot area of the subject lot.

In accordance with the direction of the Official Plan, a review of lots within 120m of the subject property was conducted and it was found that the average lot frontage and lot area in the area is 20.78 m (68.18 ft.) and 1098.40 m (11823.08 sq. ft.), respectively. Although the applicant's proposal does not match the averages for the immediate area, the proposed lots are similar in lot frontage and larger in lot area than all of the lots on the west side of the street and much of the surrounding neighbourhood.

The Department is informed by previous Ontario Municipal Board decisions that indicate that both sides of the street should be taken into consideration when evaluating the character of an area and the appropriateness of a consent application, despite different zoning provisions. The mix of lots sizes in the larger neighbourhood should also be considered when evaluating the requested consent. Given that the proposed lots would be maintain a very similar streetscape and lot fabric to the properties along the western side of Fifth Line West and would be allow for the construction of single detached dwellings that would fit within the neighbourhood character without additional variances, the Planning and Building Department has no objection to the requested consent application and associated minor variances."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 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' 38/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 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."

A letter was received from T. Milka and M. Milicevic, property owners of 2095 Springfield Court expressing opposition to the requested lot frontage variances and that they are not minor reductions and the Zoning By-Law requirements should be upheld by the Committee.

Margaret Elmeron, property owner at 2240 Springfield Court, attended and indicated that she has no concern with the creation of two lots but her main concern is with respect to the height of the proposed dwellings. The Committee clarified that the applicant did not request any height variances.

Mr. G. Kirton, Planner with the City of Mississauga attended and presented a map of the surrounding properties included within the 120 meter test to determine the average lot area and frontage of the lots within the immediate neighbourhood. Mr. Kirton, referenced an OMB decision which recommended that in some cases it would be appropriate to look beyond the 120 meters to get a more representative sample of a neighbourhoods average lot area and lot frontage.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Ciecura and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee agreed with Planning staff's comments that proposed lot frontages were consistent with the lot frontages of surrounding lots within the greater neighbourhood.

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

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

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

1. The applicant shall proceed in general accordance with the plans reviewed by the Committee.


MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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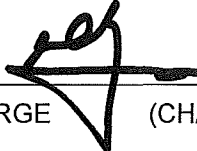
Application Approved, on condition as stated.

Dated at the City of Mississauga on June 9, 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 **JUNE 29, 2016**.

Date of mailing is June 13, 2016.

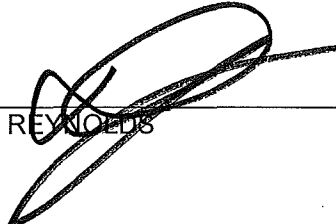

S. PATRIZIO


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 June 9, 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

DAVID SUI TONG WONG

on Thursday, June 2, 2016

David Sui Tong Wong is the owner of 1959 Lincoln Green Way being Lot 59, Plan 632, zoned R1, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 27.67m (90.78ft.) and a lot area of approximately 815.00m² (8,772.87sq.ft.). The effect of the application is to create a new lot for Residential purposes.

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

Mr. T.J. Ciecura, authorized agent, attended and presented the consent application. Mr. Ciecura presented a preliminary site plan illustrating the retained and severed lots indicating that at this time no minor variances are required for the newly created lots or the proposed dwellings.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (May 27, 2016),
City of Mississauga, Transportation and Works Department (May 26, 2016),
City of Mississauga, Park Planning Section of the Community Services Department (May 30, 2016),
Region of Peel, Environment, Transportation & Planning Services (May 27, 2016).

A letter was received from A. Trojan, property owner of 2350 Hammond Road expressing opposition to the requested severance application which will change the character of the neighbourhood and increase traffic in the area. Ms. Trojan does not support increased density in the area.

No other persons expressed any interest in the application.

When asked, Mr. Ciecura 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. Ciecura, 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.



MISSISSAUGA

File: "B" 39/16
WARD 8

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 May 26, 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 May 30, 2016 (Tree Preservation Plan/Arborist Report, Tree Protection Securities, City-owned tree removal/injury permit).

MOVED BY: S. Patrizio

SECONDED BY: D. Kennedy

CARRIED

Application Approved, on conditions as stated.

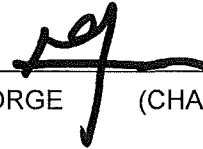
Dated at the City of Mississauga on June 9, 2016.

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 **JULY 3, 2016**.

Date of mailing is June 13, 2016.



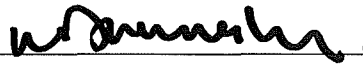
S. PATRIZIO



D. GEORGE (CHAIR)

ABSENT

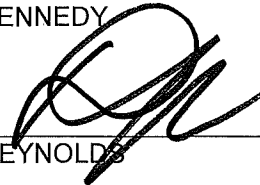
J. ROBINSON



D. KENNEDY



J. PAGE



D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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 **June 13, 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

IMRAN & SADAF AHMED

on Thursday, June 2, 2016

Imran & Sadaf Ahmed are the owners of 1357 Whiteoaks Avenue being Lot 16, Registered Plan 389, zoned R2-5, 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 building height of 10.63m (34.88ft.); whereas Bylaw 0225-2007, as amended, permits a maximum building height of 9.50m (31.16ft.) in this instance,
2. a building eave height of 7.07m (23.20ft.); whereas Bylaw 0225-2007, as amended, permits a maximum building eave height of 6.40m (20.99ft.) in this instance; and,
3. a dwelling depth of 24.76m (81.23ft.); whereas Bylaw 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance.

Mr. D. Brown, authorized agent, attended and presented the application. Mr. Brown presented site plan and elevation drawings and explained the three requested for dwelling depth, building height and eave height. Mr. Brown indicated that only a small portion of the roof exceeds the maximum building height of 9.50m (31.16ft.). He further indicated that the excessive eave height is a result of trying to achieve a modern design similar to that of another home that was recently built in the area. Mr. Brown presented photographs of this new modern home to illustrate the design features of that the proposed dwelling was trying to achieve. He noted that the higher eave height allows for taller windows which let the densely treed property to be experienced from within the home. The massing and differential planes, and large number of trees on the property will mitigate any concerns or impacts on the adjacent properties that may result from the requested variances. Mr. Brown explained that the variances requested meet the intent of the Zoning By-Law and Official Plan and are minor in nature.

Mr. Brown explained to the Committee that when the Infill Residential Bylaw was created in the 1980's and 1990's for this area it had not contemplated the modern architectural style of today but instead was more suited to the French Provincial/Chateau architectural style that was popular at that time. The homes constructed more than 20 years ago generally had much lower eave heights with higher pitched roofs. Mr. Brown noted that the modern design of homes built today have much higher eave heights with lower pitched roofs.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-22

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the information provided with the application, the variances, as requested, are correct.

Planning

The requested increase in dwelling depth in variance #3 should not have a significant impact on any adjacent properties as the massing of the depth is broken up across the dwelling and is primarily a result of the relatively small portion of the dwelling that projects into the rear yard near the center of the dwelling.

Variance #1 and #2 request an increase in the dwelling height and eave height. Although there is a slight grade change on the site that accounts for a small amount of the additional height request, the Department is of the opinion that the dwelling height and eave height could be reduced to comply with the Zoning By-law requirements, or come closer to compliance. The property is subject to the infill housing regulations which have specifically contemplated dwelling heights within this area resulting in the 9.50 m (31.16 ft.) permitted maximum. Given that there are no apparent extenuating circumstances that require the dwelling height to be increased, we are of the opinion that the request does not maintain the general intent of the infill housing regulations of the Zoning By-law and the applicant should redesign the dwelling to reduce its height."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/22. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required."

An email was received from L. Hendry, of 1338 Whiteoaks Avenue expressing strong support for the application. Ms. Hendry indicated that the property is very heavily treed and

will not even be very visible from the street. Ms. Hendry looks forward to a beautiful large home being built on a very special large lot to take full advantage of this unique situation.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Brown and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee agreed with Mr. Brown's submissions that the impact of the increased building and eave height of the proposed dwelling was negligible given the size of the lot and the amount of mature trees on the property.

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

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

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

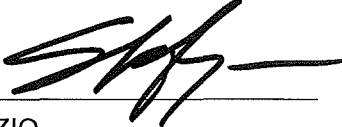
MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

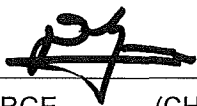
Dated at the City of Mississauga on June 9, 2016.

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 **JUNE 29, 2016**.

Date of mailing is June 13, 2016.




S. PATRIZIO

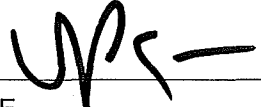


D. GEORGE (CHAIR)

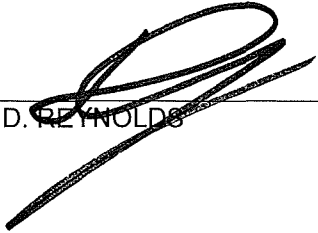
ABSENT
J. ROBINSON



D. KENNEDY



J. PAGE



D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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

1513600 ONTARIO INC.

on Thursday, June 2, 2016

1513600 Ontario Inc. is the owner of 1114 Westport Crescent being Lot 10, Registered Plan M-240, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a motor vehicle sales centre use within the existing building on the subject property providing 22 on site parking spaces; whereas Bylaw 0225-2007, as amended, does not permit such a use in this instance and requires 68 parking spaces be provided on site in this instance.

Mr. W. E. Oughtred, attended and presented the application to permit the establishment of a motor vehicle sales centre entirely within the existing building which will function as an indoor showroom. Mr. Oughtred indicated that there are a total of 71 parking spaces provided both inside and outside the building whereas the bylaw requires 68 parking spaces be provided on site. Mr. Oughtred explained that the single tenancy, the indoor showroom and the presence of other similar types of auto sales uses in the neighbourhood makes this proposal appropriate.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

The Planning and Building Department recommends the application should be deferred pending the submission of a satisfactory Parking Utilization Study to justify the reduction in parking, and to provide more information.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

Certificate of Occupancy application is required.

Zoning

We note that a Certificate of Occupancy application is required. In the absence of a certificate of occupancy application we are unable to confirm the accuracy of the requested variance(s). The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance(s) as outlined in this application, it was apparent that the following variance(s) should be amended as follows:

1. To permit the establishment of a motor vehicle sales facility - restricted and auto detailing uses within the existing building; whereas By-law 0225-2007, as amended, does not permit this use in this instance.

The applicant is advised that should they choose to proceed without submission of a building permit application, a full zoning review may result in further variances being required.

Planning

The subject site has an existing building located on a mid-block lot in an industrial area. The immediate context consists of motor vehicle repair facilities, other automotive facilities, and general warehouse and manufacturing uses.

The applicant is proposing to establish a new use: motor vehicle sales within the existing building. The applicant is also requesting a reduction in parking spaces.

Staff has reviewed the application and request a deferral until a satisfactory Parking Utilization Study is submitted."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

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

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate use of the subject property in this instance.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a motor vehicle sales facility - restricted and auto detailing uses within the existing building; whereas By-law 0225-2007, as amended, does not permit this use in this instance.

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


Dated at the City of Mississauga on June 9, 2016.

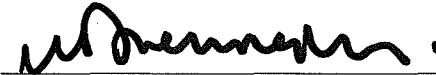
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 29, 2016**.

Date of mailing is June 13, 2016.

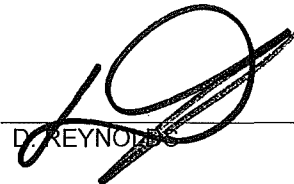

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

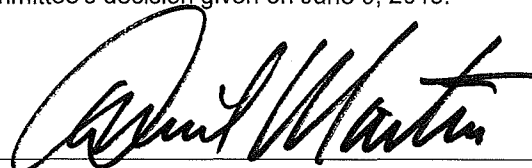

D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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

2421845 ONTARIO INC.

on Thursday, June 2, 2016

2421845 Ontario Inc. is the owner of 6020 Winston Churchill Boulevard being Block 185, Registered Plan M-347, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new building and establishment of a day care centre use on the subject property proposing:

1. an exterior side yard of 3.40m (11.15ft.) to the east side of the building and an exterior side yard of 3.05m (10.01ft.) to the south side of the building; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft) in this instance,
2. a landscape buffer depth of 3.40m (11.15ft.) to the east side of the building and a landscape buffer of 3.05m (10.01ft.) to the south side of the building measured from a lot line that is a street; whereas Bylaw 0225-2007, as amended, requires a minimum depth of a landscape buffer of 4.50m (14.76ft) measured from a lot line that is a street in this instance,
3. a centreline (Winston Churchill Blvd.) setback of 21.20m (69.55ft.); whereas Bylaw 0225-2007, as amended, requires a minimum centreline setback of 26.50m (86.94ft.) in this instance; and,
4. a parking area setback to an abutting lot in a residential zone of 3.00m (9.84ft.); whereas Bylaw 0225-2007, as amended, requires a minimum parking area setback to an abutting lot in a residential zone of 4.50 (14.76ft.) in this instance.

Mr. W. Surdyka, authorized agent and architect, attended and presented the application which is also in the site plan approval process. Mr. Surdyka presented a site plan which has been reviewed by Staff who have requested the building be sited as close to the major intersection as possible which has resulted in the requested variances. Mr. Surdyka presented a rendering of the proposed day care building which is of a high quality design and provides a natural screen to the childrens play area located within the interior of the property.

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

The City of Mississauga Planning and Building Department commented as follows (May27, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3

Other Applications:

Site Plan application: SP 14-164

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SP 14-164. Based on review of the information currently available for this site plan application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the building permit process in order to receive updated comments.

Planning

The subject site is a corner lot at Winston Churchill Blvd and Britannia Rd W. The site is currently vacant, and previously operated as a temporary new home sales centre. The neighbouring properties have reverse frontages creating an independent context for the subject site.

The applicant is proposing a new day care facility. Staff has consulted and met with the applicant, and are satisfied with the current site plan application.

The building has been located closer to the abutting streets in order to be situated away from neighbouring residential rear yards, and to serve as a buffer for the outdoor play area. As a result, variances seek reductions in side yard and landscape buffer depths. The proposed building is in a unique context with no comparable neighbours, and therefore would have minor impact. There is adequate area on the site and within the reduced landscape buffer areas to accommodate a reasonable amount of landscaping.

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

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/164. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

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

No other persons expressed any interest in the application.

Mr. Surdyka, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application proceed as presented.

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

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

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

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

MOVED BY:	P. Quinn	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

Dated at the City of Mississauga on June 9, 2016.

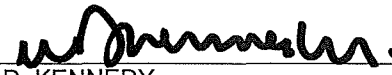
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 29, 2016**.

Date of mailing is June 13, 2016.

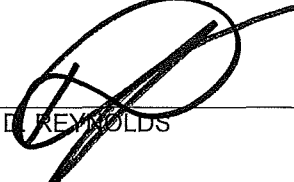

S. PATRIZIO

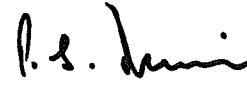

D. GEORGE (CHAIR)


J. ROBINSON



D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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

MORGUARD CORPORATION & MCC ONTARIO LTD.

on Thursday, June 2, 2016

Morguard Corporation & MCC Ontario Ltd. are the owners of 0, 33, 45, 55, 65, and 77 City Centre Drive being Part of Lot 16, Concession 2, N.D.S. and Block 2, Plan M-1010, zoned H-CC2(2), City Centre. The applicants request the Committee to authorize a minor variance to permit:

1. the subject properties to be treated as one lot for parking purposes; whereas By-law 0225-2007, as amended, requires parking to be provided on-site for each property in this instance;
2. parking for Office uses to be calculated at a rate of 3.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 3.20 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
3. parking for Medical Office uses to be calculated at a rate of 4.85 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 6.50 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
4. parking for Real Estate Office uses to be calculated at a rate of 4.85 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 5.50 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
5. parking for Restaurant uses greater than 220.00m² (2,368.13sq.ft.) to be calculated at a rate of 9.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
6. parking for Restaurant uses less than 220.00m² (2,368.13sq.ft.) to be calculated at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance; and,
7. parking for Take-out Restaurants to be calculated at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 6.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area.

Mr. R. Bond, authorized agent, attended and presented the application. Mr. Bond explained that the Morguard owns and operates all the properties which together function as one property but the zoning bylaw requirements treat them as individual properties from a parking perspective which creates problems when it comes to meeting parking requirements for each property. Mr. Bond indicated that the requested parking variances are to reduce the parking rate requirements for medical, office and restaurant types of uses. He further explained that a parking study was prepared in support of the application which demonstrates that there is more than enough parking to meet demand with approximately 600 empty parking spaces at any time.

Mr. Bond indicated that variance #1 is required to treat all properties as one center from a Zoning By-law perspective. Variances # 2,3, and 4 are to reduce office and medical office and real estate office parking rate requirements, and the last 3 variances are to accommodate restaurant tenants. Mr. Bond also indicated that there was a typo in Variance #4 and that the variance was intended to be for Financial Institutions and not Real Estate Offices.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

The Planning and Building Department has no objections to the application, subject to the recommendations.

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC2(2)

Other Applications:

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-1387. This application has recently been submitted and has not yet been reviewed by Zoning staff. We are unable to provide comment with respect to whether additional information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

The building permit application is not part of the minor variance application.

Planning

The subject property is a multi-building office development with some non-office uses located at the north west corner of Burnhamthorpe Rd and Hurontario St within the Downtown. The applicant is not proposing any exterior alternations. The building permit application under review is for interior alterations.

The applicant submitted a parking utilization study prepared by BA Group. The study identified a peak parking demand period at 10:30am to 11:30am.

Currently the parking requirements are calculated separately for the three office buildings, even though the site acts singularly, and shares common driveways and parking facilities. The site has 1,882 parking spaces available for all three buildings, and the study illustrates that after accounting for vacancies, there would remain 300 vacant spaces available.

The shared nature of the site for parking supply and site access purposes contributes to its efficiency. Based on the utilization results, the overall parking demand is well below the rates for individual uses.

We note for the Committee's information that the City passed By-law 50-2013 which among other items reduces parking requirements within the Downtown Core in recognition of its urban mixed use nature. This By-law is under appeal and not in effect, however will serve to better reflect the actual observed demand for these buildings and reduce the excess requirement.

Staff recommend the following:

1. That a clause be registered on title, to the satisfaction of the City Solicitors Office, for Blocks 2, 3, 4, 5 RP 43M-1010 stating that they will be treated as one property for parking purposes;
2. Variance #4 should be amended to recognize that the required parking standard for Real Estate Office in By-law 0225-2007 is 6.5 spaces/100 m² GFA instead of 5.5 spaces/100m² GFA as noted on the application.

The Planning and Building Department has no objections to the application, subject to the above."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"We are noting that the Planning and Building Department will be commenting on any parking supply requirements pertaining to the subject properties, in particular the review of the submitted Parking Supply Assessment dated April 25, 2016 prepared by BA Consulting Group Ltd."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

"We note that there is an existing Region of Peel wastewater easement through the subject lands. Certain restrictions apply with respect to easement as per the documents registered on title."

No other persons expressed any interest in the application.

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

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

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

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

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

1. the subject properties to be treated as one lot for parking purposes; whereas By-law 0225-2007, as amended, requires parking to be provided on-site for each property in this instance;
2. parking for Office uses to be calculated at a rate of 3.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 3.20 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
3. parking for Medical Office uses to be calculated at a rate of 4.85 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 6.50 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
4. parking for Financial Institution uses to be calculated at a rate of 4.85 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 6.50 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
5. parking for Restaurant uses greater than 220.00m² (2,368.13sq.ft.) to be calculated at a rate of 9.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance;
6. parking for Restaurant uses less than 220.00m² (2,368.13sq.ft.) to be calculated at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 16.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance; and,
7. parking for Take-out Restaurants to be calculated at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, requires parking to be provided at a rate of 6.00 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area.

This decision is subject to the following condition:

1. A letter shall be received from the Planning and Building Department indicating that satisfactory arrangements have been made for a clause to be registered on title of the property, to the satisfaction of the City Solicitors Office, for Blocks 2, 3, 4, 5 RP 43M-1010 stating that they will be treated as one property for parking purposes.



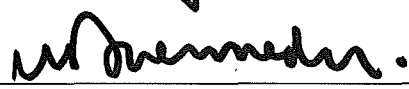
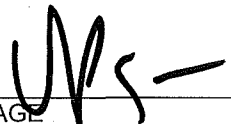
MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended, on condition as stated.

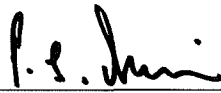
Dated at the City of Mississauga on June 9, 2016.

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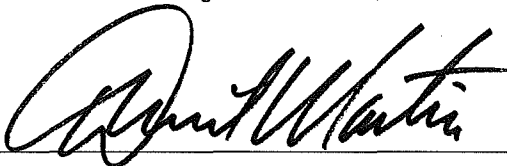
Date of mailing is June 13, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)
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 June 9, 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

RAJ SOOD

on Thursday, June 2, 2016

Raj Sood is the owner of 2193 Springbank Road being Lot 6, Plan 353, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure (gazebo) to remain having:

1. a floor area of 40.96m² (440.90sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. a height of 4.15m (13.61ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance; and,
3. a side yard of 1.00m (3.28ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. P. Jaruczik, authorized agent, attended and presented the application to permit the existing gazebo to remain in the rear yard. Mr. Jaruczik presented a site plan and explained that the gazebo was constructed without a permit and he was retained by the owner to bring the gazebo into compliance which requires variances for the floor area, height and side yard. Mr. Jaruczik presented a photograph of the gazebo and explained that the massing and openness of the gazebo is appropriate given the large size of the property. Mr. Jaruczik also noted that the owners had approached their neighbours who did not have any objection to the application.

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

The City of Mississauga Planning and Building Department commented as follows (May 27, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

Building Permit File: BP 9ALT 15-8272

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed accessory structure and based on the review of the Building Permit application we advise that the variance request should be amended as follows:

"3. should be revised to; a side yard set back of 1.02m (3.35 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (3.94 ft.) in this instance;"

All other variances are correct, as requested.

Planning

The subject property is a large lot with substantial tree cover and screening near the rear of the property where the gazebo is located, and could reasonably accommodate a significantly larger than permitted accessory structure without causing undue impact to neighbouring properties. The adjacent dwellings on Mississauga Road are also on very deep lots where there is separation distance between the proposed structure and the amenity areas of the neighbouring properties. The intent of the Zoning By-law provisions restricting the GFA and height of gazebos and accessory structures are to ensure that they are proportional to the dwelling and do not cause unreasonable impacts to neighbouring properties. In this instance, as a result of the combination of the lot size of the subject property and adjacent properties, as well as the screening and tree cover provided, the Planning and Building Department is of the opinion that the requested variances maintain the general intent of the Zoning By-law.

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

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"This Department has no objections to the applicant's request to permit the existing structure (gazebo) to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

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

No other persons expressed any interest in the application.

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

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

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

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

1. a floor area of 40.96m² (440.90sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. a height of 4.15m (13.61ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance; and,
3. a side yard setback of 1.02m (3.35ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (3.94ft.) in this instance."

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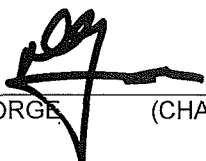
Application Approved, as amended.

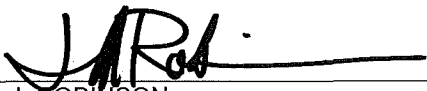
Dated at the City of Mississauga on June 9, 2016.

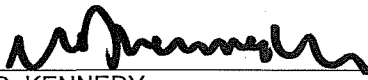
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Date of mailing is June 13, 2016.

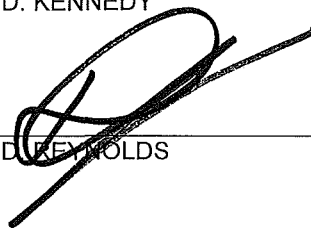

S. PATRIZIO


D. GEORGE (CHAIR)


J. ROBINSON



D. KENNEDY


J. PAGE


D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 9, 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

PROMILA AGGARWAL

on Thursday, June 2, 2016

Promila Aggarwal is the owner of 7126 Airport Road being Part of Lot 368, Plan Tor-4, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a restaurant, being located within 60.00m (196.85ft.) of a Residential zone and providing a total of seven (7) parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant to a Residential zone and requires a minimum of 25 parking spaces in this instance.

Ms. F. Hassan, authorized agent attended and presented the application to permit the operation of an existing restaurant to continue. Ms. Hassan identified the requested parking and minimum separation distance variances requested and that there have been no changes to the restaurant operation as previous approved in the past.

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

The City of Mississauga Planning and Building Department commented as follows (May 31, 2016):

"Recommendation"

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

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4

Other Applications:

Comments

Zoning

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

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

Planning

The applicant is proposing a continuation of an existing restaurant that has operated in the same fashion for the past 25 years. The application is a continuation of A 416/10.

The context of the restaurant is a high traffic location with a variety of businesses, including restaurants, in the immediate area. The continued restaurant use and parking reduction should not have any increased impact on the surrounding residential zone within the immediate area.

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

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"This Department has no objections, comments or requirements with the subject application."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 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 and Region of Peel Right-of-Way to support adjacent development".

As per Region of Peel Storm Sewer Design Criteria 2.0 "Post-Development flows must be equal to or less than Pre-Development levels" "

The Toronto and Region Conservation Authority commented as follows (May 27, 2016):

"This letter will acknowledge receipt of the above noted application. Thank you for the opportunity to review this application (received on May 6, 2016). Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014* (PPS); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

It is our understanding that the purpose of this application is to permit the operation of a restaurant, being located within 60 metres (196.85 feet) of a Residential Zone and providing a total of seven (7) parking spaces on site; whereas by-law 0225-2007, as amended, requires a minimum separation distance of 60 metres (196.85 feet) from a restaurant to a Residential Zone and requires a minimum of 25 parking spaces in this instance.

Recommendation

On the basis of the comments noted below, TRCA staff has **no objection** to the Minor Variance Application as currently submitted.

Application Specific Comments

Ontario Regulation 166/06:

A portion of the property is located within TRCA's Regulated Area of the Mimico Creek Watershed and therefore subject to Ontario Regulation 166/06 (as amended) and the policies within TRCA's LCP. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required prior to any works commencing within the Regulated Area of the Mimico Creek Watershed.

It appears that a portion of the subject property is located within the Regional Storm Floodplain and will be inundated by flood waters during a Regional Storm event. Please note, both the Provincial Policy (PPS, 2014) and TRCA policy does not support new development within the Regional Storm Floodplain. However, based on our review, it appears that the use has existed and operated in the same fashion at the subject property since 1991. Furthermore, no new development is proposed with this application. As such, a permit is not required from the TRCA pursuant to Ontario Regulation 166/06, and our policy interests do not appear to be affected.

Please be advised that TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit."

A letter was received from Ward Councillor Parrish indicating that other businesses have no objections to the parking arrangement that has been ongoing since 1991 and that there have been no complaints from the local residents.

An email was received from W. Langford, with the City of Mississauga By-Law Enforcement indicating that the fridge trailer was still behind the building at 7126 Airport Road as of May 10, 2016.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Hassan and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate further continued use of the subject property. The Committee noted that the restaurant has been in operation for a significant amount of time without any complaints.

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

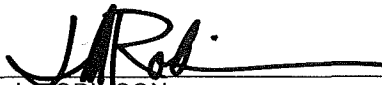
Dated at the City of Mississauga on June 9, 2016.

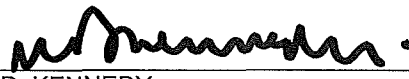
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 29, 2016**.


Date of mailing is June 13, 2016.

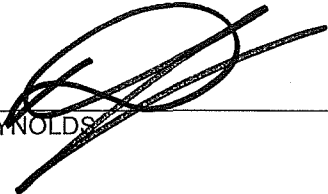

S. PATRIZIO



D. GEORGE (CHAIR)


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 June 9, 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

403460 ONTARIO LIMITED

on Thursday, June 2, 2016

403460 Ontario Limited is the owner of 3245 Wharton Way being Part of Block D, Plan 675, zoned E2-1, Employment. The applicant requests the Committee to authorize a minor variance to permit:

1. the establishment of a truck terminal use on the subject property; whereas By-law 0225-2007, as amended, does not permit this use in this instance; and,
2. the existing building to remain having a side yard of 4.00m (13.12ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.50m (14.76ft.) in this instance.

Mr. M. Palladina, authorized agent representing the prospective buyer of the property, attended and presented the application to allow a truck terminal be permitted within an exception zone together with the existing building to remain with a deficient side yard setback. Mr. Palladina explained that JIT road transportation business operates seventeen (17) trucks and nineteen (19) trailers, all of which are less than 3 years old and have fuel and noise reduction measures implemented on all their trucks. Mr. Palladina further explained that the business currently operates near the airport in the City of Mississauga. He indicated that three (3) to four (4) trucks are proposed to enter and exit the site daily and that the on-site truck movements are recorded in a log by the business operator. The typical turn-around time of truck is estimated at two (2) to five (5) days and no outdoor storage of trailers is proposed. Mr. Palladina noted that the business hours of operation are from 7am to 6pm.

Mr. Palladina explained that he had discussed the application with Planning staff and they realized that a truck terminal use could be a concern given the magnitude of a typical truck terminal operation. Mr. Palladina indicated that the proposed operation would not be characteristic of a typical truck terminal use and that any concerns associated with the scale of the operation would be alleviated by the condition imposed by Planning staff. Mr. Palladina also noted that the new owner would address any issues with drainage associated with the property. Mr. Palladina indicated that most of comments and concerns are to do with the existing traffic in the area and that this is an existing issue that should not preclude the proposed use from being permitted on the subject property.

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

The City of Mississauga Planning and Building Department commented as follows (May 31, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, subject to the conditions, but the applicant may wish to defer in order to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-1

Other Applications:

Comments

Zoning

We note that a certificate of occupancy application is required. In the absence of a certificate of occupancy application we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. It should be noted that the variance(s), as requested, have been reviewed based on information provided however a full zoning review has not been completed.

Planning

The proposed location of the truck terminal is on a relatively small internal lot in an employment area with multiple industrial, warehouse, and manufacturing uses. The requested variance to permit a truck terminal use is required because the use is not permitted within this zone.

Truck terminals are often larger unpaved lots with significant vehicle movement, and permanent long-term storage. Given the nature of small subject site, with little opportunity to expand, the proposed truck terminal use will operate on a very limited scale. Ostensibly, the proposal will look and operate much like the neighbouring properties. Furthermore, the applicant is proposing improvement such as paving the existing unpaved site.

The applicant is proposing the following, and we recommend them as conditions:

1. A cap of ten (10) trucks entering and leaving the subject property per day
2. Hours of operation would be Monday to Friday 7am to 6pm
3. No permanent outdoor storage of trucks and/or trailers and/or equipment

The proposed use should not have any increased impact on the immediate area.

The second variance is to maintain side yard condition of the existing building. It is minor in nature and will have no impact on the neighbours or streetscape.

The applicant has met with staff, and we are satisfied with proposal.

The Planning and Building Department has no objection to the application, subject to the conditions, but the applicant may wish to defer in order to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (May 26, 2016):

"This department has substantial grading and drainage related concerns related to the establishment of a Truck Terminal use on the subject lands. The topography of this

property is such that the drainage from this property is directed towards the properties to the rear which front onto Lenworth Drive. From our site inspection observations we note that the overland drainage flow then continues in a southeasterly direction through the parking areas of these properties and then directed towards Lenworth Drive. It should also be acknowledged that there is a substantial grade differential (approximately 1.5M) between the subject lands and the rear of the properties which front onto Lenworth Drive which is also producing some erosion and maintenance related concerns.

Information submitted with the application indicates that the proposed Truck Terminal would operate on a fleet of seventeen (17) trucks and (19) trailers to be parked/stored in the rear. The proposed layout as detailed on Figure 3 submitted with the application specifically indicates that the rear of the property is to be asphalted. Acknowledging our above noted grading and drainage concerns with the existing topography and existing drainage pattern, paving the entire rear of the property will significantly increase the drainage runoff from this property and further exasperate any overland flow drainage concerns on the abutting properties.

It should be noted that in two previous Committee of Adjustment Applications, 'A' 613/94 and 'A'192/93, the owners of the abutting properties to the rear expressed concerns with respect to the grading and drainage pattern of the subject lands and the detrimental impact which this was having on their lands.

In view of the above and should Committee see merit in the request, we would strongly request that a condition of approval be that the applicant make satisfactory arrangements with the Transportation and Works Department with regards to addressing our grading and drainage related concerns. This Department is particularly concerned with the proposal to pave the entire rear area as the increased hard surface area will significantly increase the drainage runoff which is currently being directed to the abutting properties to the rear. In this regard the applicant should contact Mr. Ghazwan Yousif from our Environmental Services Section at 905-615-3200 ext. 3526 in order to get some directions as to how our above noted concerns can be mitigated through various options such as the installation of a catch basin, low impact development techniques, storm water management on site to control the flows to pre-development levels, etc."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

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

A letter was received from Ward Councillor Foncesca requesting that the application be deferred to allow time for Staff to consider how the local traffic issues can be rectified and that several concerns have been raised by local residents and business owners with regards to the increase in truck traffic and the traffic issues at the Dundas St. and Wharton Way intersection.

A letter was received from Mr. A. Mendez, Director of Chancery Mendez Holdings Canada, owner at Unit 23, 3265 Wharton Way expressing their reasons for objecting the application. Mr. Mendez identifies issues with increased truck traffic, noise, impediments to local business with ongoing construction, road wear and tear, the subject site not being large enough to accommodate the proposed truck terminal and the potential impact of setting precedence by approving such an application.

An email was received from M. Byramjee of Unit 1, 3265 Wharton Way expressing strong objection to the application. M. Byramjee indicates that there already is a large traffic problem in the area and adding such a use would only exacerbate the existing problem and increase the chances for accidents and serious injury.

An email was received from M. Pierog of Service Master of Mississauga located at Unit 19, 3265 Wharton Way requesting that the Committee deny the application because of concerns related to additional truck traffic in the area.

An email was received from M. Pierog of Peel Condominium Corporation 375 located at 3265 Wharton Way requesting that the Committee deny the application because of concerns related to additional truck traffic in the area.

A letter was received from M. Rojczik, General Manager/Owner of Dynamic Mouldings Inc. located at 3110 Wharton Way expressing a list of concerns with the application.

A letter was received from M. Korda, President of Korda Investments Inc., owner of 3090 Lenworth Drive and representing their tenant Blue Danube Sausage House Ltd. Mr. Korda provided a list of reasons for opposing the application and requesting the Committee reject the application.

A letter was received from D. Baker of Weirfoulds LLP representing Peel Condominium Corporation No. 375 expressing opposition to the application. Ms. Baker explained how the application fails two of the four tests of a minor variance. Ms. Baker indicated that the proposed use was specifically prohibited on the subject site and other lands subject to the E2-1 area specific zoning exception. Ms. Baker also indicated that the OMB has determined on multiple occasions that an application to establish a use where a use is specifically not permitted, is on its face not able to meet the general intent and purpose of the zoning by-law.

An email was received from O. Lubinsky-Pawluk of Lubin Construction Company Inc. expressing concern with the increase in traffic, noise and air pollution that would result from the proposed truck terminal use.

Mr. Eugene, property manager of Peel Condominium Corporation No. 375, attended and expressed that the majority of the twenty four (24) tenants have concerns with and are against the subject application. Mr. Eugene indicated that there are already big problems with traffic and that the local business owners are concerned with the impact of additional truck traffic and other nuisances such as noise and dust that will result from the proposed use.

Mr. R. Ruggiero, Planner with the City of Mississauga Planning & Building Department indicated that the limited scale and size of the proposed truck terminal is what makes the proposed use permissible.

Ms. O. Lubinsky-Pawluk, landowner of 3226 and 3228 Lenworth Drive, attended and expressed concern with the previous owner and issues regarding the drainage of the property, erosion and dilapidated fence. She indicated that she shared the same concerns raised by other local business owners associated with the negative impact of additional truck traffic in the area.

No other persons expressed any interest in the application.

Mr. Palladino, after hearing the comments of the Committee and the Planning and Building Department and local business owners, explained that JIT is a legitimate business that has been operating in the City of Mississauga and that many of the concerns raised were regarding an existing traffic condition. Mr. Palladino indicated that traffic all over the GTA is a problem and with the intensification directive from the Province that increases in traffic related issues are inevitable. He noted that a manufacturing facility which is a permissible use could generate just as much if not more traffic without any limit as is currently proposed by the condition proposed by planning Staff.

The Committee, after considering the submissions put forward by Mr. Palladino 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 preferred the arguments made in the letter submitted by Ms. D. Baker of Weirfoulds LLP over the Planning staff recommendations and advised that permitting a use that was specifically prohibited by the area specific Zoning By-law would not in any way meet the intent of that Zoning By-law, regardless of scale of the proposed operation.



MISSISSAUGA

File: "A" 215/16
WARD 3

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. Robinson	SECONDED BY:	D. Reynolds	CARRIED
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Application Refused.

Dated at the City of Mississauga on June 9, 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 **June 29, 2016**.

Date of mailing is June 13, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 June 9, 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.