

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: JUNE 2, 2016 AT 4:00 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (MINOR VARIANCE)

A-216/16	MAJED AWRAHA & NABIL ORAHA	610 GALLOWAY CRES	6	Approved
A-217/16	SIMONE BAWA	110 MAPLEWOOD RD	1	Approved
A-218/16	ILIR & LULJETA KUKA	618 SIR RICHARD'S RD	7	Approved
A-221/16	DAVID PORTER	875 SUNNINGDALE BEND	2	Approved
A-222/16	CCP CAWTHRA LIMITED PARTNERSHIP	700 DUNDAS ST E	1	Approved
A-223/16	TIBOR URAC & WANDA BOGOROS	518 RICHEY CRES	1	Refused
A-224/16	415501 ONTARIO LTD, O/A BEAMAR HOLDINGS	1160 CRESTLAWN DR	3	Approved
A-225/16	LAMENZA INVESTMENTS CORPORATION INC.	600 BURNHAMTHORPE RD W	7	Approved
A-226/16	N. TURK INVESTMENTS LTD	1625 TRINITY DR	5	Approved
A-227/16	MARIA FINELLI	2222 DOULTON DR	8	July 14

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

MAJED AWRAHA & NABIL ORAHA

on Thursday, June 2, 2016

Majed Awraha & Nabil Oraha are the owners of 610 Galloway Crescent being Part of Lot 25, Plan M-389, zoned RM2-2, Residential. The applicants request the Committee to authorize a minor variance to permit the existing front porch on the subject property to be enclosed proposing a garage projection of 5.14m (16.86ft.) beyond the main front entrance; whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.50m (8.20ft.) beyond the main front entrance in this instance.

Mr. R. Al-Rawi, authorized agent, attended and presented the application to permit the existing front porch to be enclosed. Mr. Al-Rawi explained that his clients have been living in the home since 1982. He indicated that the existing garage projection infringes on the new Zoning By-Law requirements which they are seeking to rectify. Mr. Al-Rawi also noted that there are other homes in the area that have similar situations and have also covered their front porch areas.

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: Creditview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-2

Other Applications:

Building Permit 16-439

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed enclosure of the existing front porch under file 16-439. Based on the information provided with the application, the variances, as requested, are correct.

Planning

The applicant is proposing to enclose a porch on an existing dwelling. The garage projection is an existing condition. The neighbourhood context is homes built in the early 1980s with a variety of open and enclosed porches, and varying garage projections. The proposed porch enclosure is consistent with the character of the neighbourhood; and is minor in nature.

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."

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

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

An email was received from S. and R. So expressing an interest in the application and asking some clarification questions regarding the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Al-Rawi 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:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved.


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

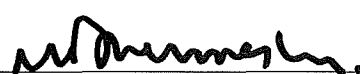
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 29, 2016**.

Date of mailing is June 13, 2016.

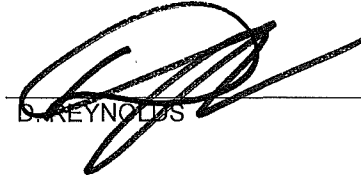

S. PATRIZIO

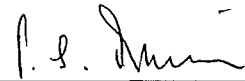

D. GEORGE (CHAIR)


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

SIMONE BAWA

on Thursday, June 2, 2016

Simone Bawa is the owner of 110 Maplewood Road being Lot 17, Plan 575, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure to remain proposing:

1. a height of 3.86m (12.66ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance; and,
2. a floor area of 15.60m² (167.92sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance.

Mr. B. Crooks, authorized agent, attended and presented the application to permit the existing shed to remain in the rear yard of the subject property. Mr. Crooks explained that he and his wife used to own the property but their daughter is now the new owner and they are tenants of the property. Mr. Crooks advised that he built the shed not knowing the Zoning By-law requirements and is requesting variances for the excessive height and floor area of the accessory structure.

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, however the applicant may wish to defer the application to apply for the required Building Permit to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (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 a relatively large lot which could reasonably accommodate a larger accessory structure than is permitted by the By-law. The rear of the lot has multiple mature trees which help to provide screening for the accessory structure, which should limit any potential negative impacts from the increased Gross Floor Area (GFA) and height. The intent of the Zoning By-law provisions which limit the GFA and height of accessory structures is to ensure that they are proportional to the dwelling and the lot and do not create unreasonable impacts on the neighbouring properties. In this instance, given the size of the lot and screening provided on site, our department is of the opinion that the proposal maintains the general intent of the Zoning By-law.

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

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

"This Department has no objections to the applicant's request to permit the existing accessory structure 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.

The Committee, after considering the submissions put forward by Mr. Crooks 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:	J. Page	SECONDED BY:	J. Quinn	CARRIED
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Application Approved.


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

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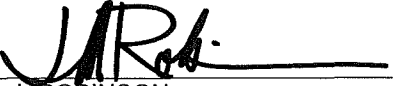
Date of mailing is June 13, 2016.




S. PATRIZIO



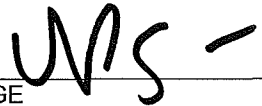
D. GEORGE (CHAIR)



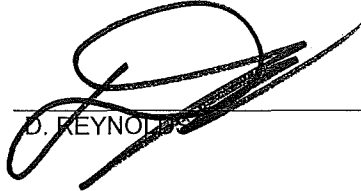
J. ROBINSON



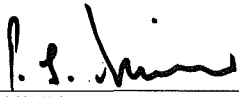
D. KENNEDY



J. PAGE

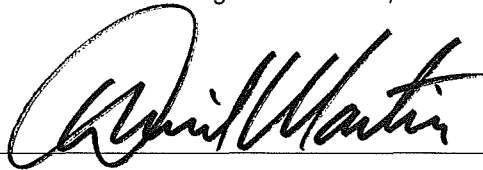


D. REYNOLDS



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

ILIR & LULJETA KUKA

on Thursday, June 2, 2016

Ilir & Luljeta Kuka are the owners of 618 Sir Richard's Road being Lot 10, Registered Plan 694, zoned R1-8, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new roof on the second storey of the dwelling, exterior facade changes and a new front porch proposing:

1. a front yard of 11.29m (37.04ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (39.37ft.) in this instance;
2. a front yard of 8.93m (29.29ft.) to the front porch, inclusive of stairs; whereas By-law 0225-2007, as amended, permits a minimum front yard, inclusive of stairs of 10.40m (34.12ft.) in this instance,
3. a driveway width of 10.50m (34.44ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.88m (22.57ft.) in this instance,
4. an eaves projection of 0.56m (1.83ft.); whereas By-law 0225-2007, as amended, permits a maximum eaves projection of 0.45m (1.47ft.) in this instance,
5. a side yard of 1.49m (4.88ft.) to the projecting eave at the north east corner of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance; and,
6. a dwelling height of 9.80m (32.15ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance.

Mr. J. Rabianski, authorized agent, attended and presented the application. Mr. Rabianski presented a site plan and explained that the existing garage side entrance is located in the side yard and rather inaccessible. Mr. Rabianski is proposing to change the location of the garage doors to the front of the house and reconstruct a new roof structure on the existing home with a redesigned front porch area. Mr. Rabianski presented drawings illustrating the existing front elevation and the new proposed elevation. He highlighted the front porch area which projects into front yard and requires a variance and identified the extent of the new and retained driveway area which also requires a variance. Mr. Rabianski also noted the need for the eave projection and dwelling height variances as a result of the new design.

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, however the applicant may wish to defer the application to resubmit updated drawings through the Building Permit application process to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-8 (Residential)

Other Applications:

Building Permit File: 16-994

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed renovations and based on the review of the Building Permit application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required. We have not received a resubmission addressing staff comments from April 21, 2016 to verify the requested variances.

Planning

The applicant is proposing renovations to the existing dwelling including a new roof, façade changes, and a new front porch. The renovations make use of the existing walls of the dwelling on both the first and second storeys.

Variances #1 and #2 relate to the front yard setbacks and are both minor in nature, in our opinion. Variance #1 is required to the corner of the new portion of the wall where the porch is to be built and improves as the wall runs east. The main portion of the wall of the existing dwelling complies with the Zoning By-law requirements. The requested reduction in setback to the porch is required to the corner of the structure and the condition improves across the rest of the porch similar to variance #1. Further, the porch is a single storey and does not have significant massing associated with it and should not have a negative impact on the streetscape.

Variance #3 is required as a result of the reorientation of the garage to face the front yard rather than the side yard of the dwelling. The lot has a large frontage with significant available area for landscaping in the front yard and the driveway narrows to 4.71 m (15.45 ft.) as it approaches and meets the lot line and the street line.

The requested variances for side yard setback and eave projection are both a result of the new roof construction; the existing main wall of the dwelling complies with the side yard setback requirements of the Zoning By-law, however when the eaves project beyond 0.45 m (1.47 ft.) the side yard setback must be measured from the edge of the eaves. In this instance, the eave projection and associated reduced side yard setback do not create a negative massing impact on the neighbouring property.

The final variance for dwelling height is a relatively minor increase of 0.30 m (0.98 ft.) above what the Zoning By-law permits and is mostly accounted for by the change of grade on the site and the requirement to measure the height from the calculated average grade.



The requested height increase maintains the general intent of the Zoning By-law and is minor, in our opinion.

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

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

"This Department has no objections to the requested variances."

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.

The Committee, after considering the submissions put forward by Mr. Rabianski 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:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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Application Approved.

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

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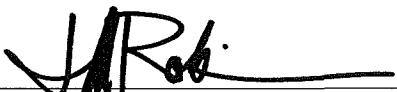
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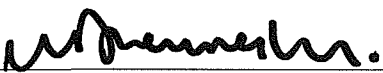
S. PATRIZIO



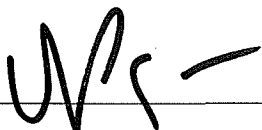
D. GEORGE (CHAIR)



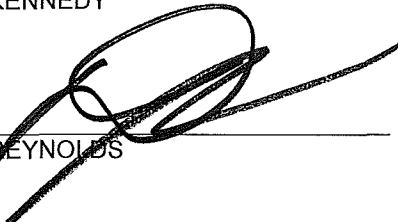
J. ROBINSON




D. KENNEDY



J. PAGE

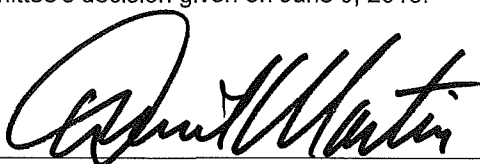


D. REYNOLDS



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

DAVID PORTER

on Thursday, June 2, 2016

David Porter is the owner of 875 Sunningdale Bend being Lot 9, Plan 536, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the rear of the existing dwelling proposing:

1. a side yard of 2.34m (7.67ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) in this instance; and,
2. a combined width of side yards of 5.50m (18.04ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.58m (21.58ft.) in this instance.

Mr. D. Porter, property owner attended and presented the application. He presented a survey plan and illustrated the single storey addition to be removed and replaced with a larger two (2) storey addition. Mr. Porter indicated that the existing structure has a 2.34m (7.67ft.) side yard setback which will be maintained by the addition but requires a variance to rectify the existing non-compliance condition. Mr. Porter noted that he contacted his neighbours and the rate payers association to advise them of his plans and they had no objection. Mr. Porter also noted that the existing accessory structure (shed) will be moved to avoid the need for an additional variance. Mr. Porter believed the requested variances to be minor in nature and not in contravention of the Official Plan or Zoning By-law policies. *dm*

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; however, the applicant may wish to defer the application to submit additional information through the Site Plan Approval application process to confirm the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 12/81

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed rear yard addition and based on the review of the application we advise that more information is required to determine whether additional variances will be required. We cannot confirm the proposed Gross Floor Area (GFA) of the dwelling and cannot confirm whether any variances may be required relating to the accessory structure.

Planning

The applicant is proposing a rear yard addition which maintains the existing side yard setback on the east side and improves the condition on the west side. The proposed setback is a relatively minor reduction from that required and should not have an undue impact on the neighbouring lot.

Regarding variance #2, the applicant is proposing to bring the addition in slightly from the wall on west side which improves upon existing conditions. The intent of the combined width of side yards provisions is to ensure that new development fits in with the existing neighbourhood character in the infill area. Given the relatively small scope of the addition and the improvement over existing conditions, it is our opinion that the general intent of the Zoning By-law is maintained and the request is minor in nature.

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

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

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

The Region of Peel, 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.

The Committee, after considering the submissions put forward by Mr. Porter 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:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.


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

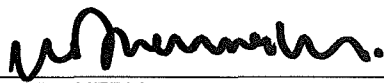
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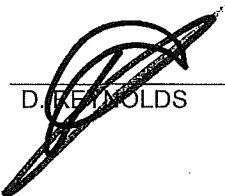

S. PATRIZIO

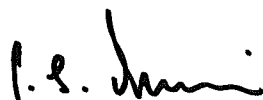

D. GEORGE (CHAIR)


J. ROBINSON

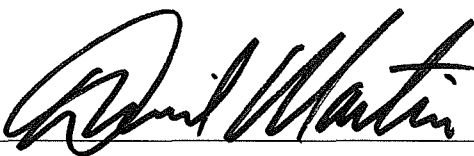

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

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- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

CCP CAWTHRA LIMITED PARTNERSHIP

on Thursday, June 2, 2016

CCP Cawthra Limited Partnership is the owner of 700 Dundas Street East being Part of Lot 1, Plan G-14, and Part of Lot 10, Concession 1, S.D.S., zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a recreational establishment within Unit # 5 of the subject property proposing:

1. a total of 103 parking spaces for all uses on the site; whereas By-law 0225-2007, as amended, requires a minimum of 187 parking spaces for all uses on the site;
2. an aisle width of 6.53m (21.42ft.); whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (22.96ft.) in this instance; and,
3. a total of four (4) accessible parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of six (6) accessible parking spaces in this instance.

Mr. N. Dell, authorized agent, attended and presented the application. Mr Dell presented a site plan and explained that the property was developed as a manufacturing/industrial building in accordance with the Official Plan and Zoning regulations at that time. Mr. Dell indicated that since then the Official Plan designation was changed to neighbourhood commercial resulting in new parking requirements for the property which it does not comply to now despite the fact that the property has been operating without any issues since it was constructed many years ago. Mr. Dell explained the three required parking variances which are supported by the parking study which was prepared and submitted with the application. Mr. Dell requested variance #1 be amended to require 180 parking spaces and not 187 parking spaces, to require seven (7) accessible parking spaces and not six (6) accessible parking spaces and to add an additional aisle width reduction in the rear 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 (May 27, 2016):

Recommendation

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

Background

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1 (Commercial)

Other Applications:

Certificate of Occupancy File: 15-8503

Comments

Zoning

The Planning and Building Department is currently processing a Zoning Certificate of Occupancy application for the proposed Recreational Establishment and based on the review of the application we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Planning

The applicant has submitted a Parking Utilization Study completed by Beacon Planning dated April 26, 2016 in support of the application. Planning staff have reviewed the study and found that peak demand occurred Friday April 15, 2016 at 1:00pm and observed 60 vehicles utilizing parking spaces at this time. There were some vacancies on the site at the time of surveying but when standard parking rates are applied to the vacant units the peak demand is still well below the requested variance. The requested variance for accessible parking spaces is proportional to the requested reduction in regular spaces and given that the ratio of accessible spaces to regular spaces will be maintained our department has no objection to this request. The requested reduction in aisle width in variance #2 should still allow for a function parking lot and is a minor request.

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

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

This Department has no objections, comments or requirements with respect to C.A. 'A' 222/16.

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Dell upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended as presented.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell 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 the establishment of a recreational facility within Unit #5 of the subject property proposing:

1. a total of 103 parking spaces for all uses on the site; whereas By-law 0225-2007, as amended, requires a minimum of 180 parking spaces for all uses on the site;

a minimum driveway aisle width of 3.35m (10.99ft.) at the rear of the property between 8 parking spaces and the 2 loading spaces and a 6.53m (21.42ft.) driveway aisle width in the front of the property; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (22.96ft.) in this instance; and,

2. a total of four (4) parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a minimum of seven (7) parking spaces for persons with disabilities in this instance.

MOVED BY:	D. Reynolds	SECONDED BY:	J. Page	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**.

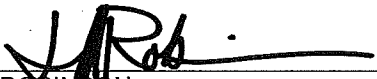
Date of mailing is June 13, 2016.



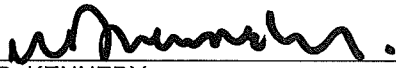
S. PATRIZIO



D. GEORGE (CHAIR)



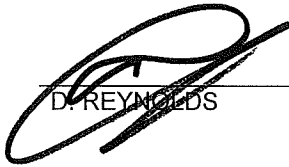
J. ROBINSON



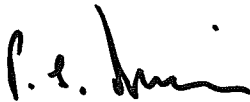
D. KENNEDY



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

TIBOR URAC & WANDA BOGOROS

on Thursday, June 2, 2016

Tibor Urac & Wanda Bogoros are the owners of 518 Richey Crescent being Part of Lot 28, Plan C-19, zoned G1, Greenbelt and R3-75, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new three (3) storey dwelling proposing:

1. a front yard of 6.17m (20.24ft.); whereas By-law 0225-2007, as amended, permits a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a lot coverage of 41.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
3. a westerly side yard of 0.61m (2.00ft.) to the first and second storey and 0.91m (2.98ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance; and,
4. an easterly side yard of 0.91m (2.98ft.) to the first and second storey and 1.20 m (3.93ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance.

Mr. T. Urac, the property owner, attended and presented the application to permit the construction of a new three (3) storey dwelling. Mr. Urac explained that they purchased the home in 2008 and undertook some renovations to make the existing home more suitable to start raising a family in. Mr. Urac indicated that their plan has always been to build a new home on the subject property which is among one of four very narrow lots on the street with a 7.62m (25.00ft.) lot frontage. Mr Urac indicated that this is their third time before the Committee to request variances for the construction of their new home.

Mr. Urac explained that the property has a split zoning which means that only a portion of the property is considered as developable which has resulted in the lot coverage variance. He indicated that the requested front yard setback variance is consistent with the front yard setbacks of the neighbouring lots. Mr. Urac also explained that the side yard setbacks have been increased since their previous application and their garage height reduced to 2.29m (7.50ft.). He presented pictures of similar existing homes in the neighbourhood and explained that their proposal is not disproportionate to their neighbours and they have received tremendous support from local residents for the construction of their new home. Mr. Urac confirmed that the total gross floor area of the proposed home is approximately 250.84m² (2700sq.ft.) to 260.13m² (2800.00 sqft.).



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

The City of Mississauga Planning and Building Department commented as follows (June 1, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: 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

A lot with a frontage of 7.62 m (25.00 ft.), with a zoning of R3, presents challenges for re-development. The provisions of the R3 zone are better suited to larger lot sizes than narrow lots.

The third storey, which is permitted as of right and meets the Zoning By-law height requirements, has been set back from the front of the dwelling and from the second storey side yard setbacks. The third storey is setback from the front wall of the dwelling far enough that, from eye level at the street, the massing appearance and impact will not be as imposing on the streetscape as a full third storey.

The requested variances are similar to the dwelling at 519 Richey Crescent across the street, which were previously approved for a full three storey dwelling. Both Richey Crescent and Beechwood Avenue have been undergoing redevelopment on a number of lots, of varying size, from historic cottage style housing to large modern dwellings; similarly, the broader neighbourhood context has experienced significant redevelopment on a variety of lot sizes with a variety of housing styles.

Variance #1 requests a reduced front yard setback that is consistent with other properties on the street, and is required as a result of locating the house forward slightly to meet setbacks from greenbelt lands adjacent to the lake.

The requested lot coverage increase is a result of the greenbelt lands to the rear of the property not being included in the calculation. In this instance, the greenbelt lands make up a large portion of the lakefront portion of the lot and should be considered when assessing the impact of increased lot coverage.

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

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

"As Committee is aware this request is similar to the previous Committee of Adjustment Application 'A' 45/16 which was refused. The Transportation and Works Department had previously indicated a number of grading and drainage related concerns with the proposal, specifically the reduction in side yard setbacks and the proposed reverse grade driveway. The applicant worked with staff towards achieving an acceptable Site Grading Plan which would give us a comfort level to allow the requested variances to proceed.

With regards to our previous concerns pertaining to the reverse grade driveway we had requested that a driveway drain be considered to gravity drain the driveway at the garage slabs and into the side yard flowing to the rear of the property. The retaining wall which was proposed within city property has been removed and the reverse grade driveway was revised so that it would be split at the property line where no drainage from Richey Crescent would drain onto private property. Our Development Construction Section was also being challenged by reviewing two different grading plans certified by two different consultants, we now have a combined blended grading plan matching the grades between the two properties.

In view of the above and should Committee see merit in the applicant's request we would request that a condition of approval be that the Transportation and Works Department be in receipt of a Site Grading Plan approved by our Development Construction Section."

The City of Mississauga Community Services Department commented as follows (May 30, 2016):

"The Park Planning Section of the Community Services Department has reviewed the above noted Minor Variance application and provide the following comments:

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, these same lands are located within the Helen Molasy Memorial (LV4) section of the City's Natural Area System and within the floodplain of the Cooksville Creek. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information.

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

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

The Credit Valley Conservation commented as follows (May 25, 2016):

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

Site Characteristics:

The subject site is adjacent to Lake Ontario and is located within its associated shoreline erosion hazard and Regulatory Floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. a front yard of 6.17m (20.24ft.); whereas By-law 0225-2007, as amended, permits a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a lot coverage of 41.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
3. a westerly side yard of 0.61m (2.00ft.) to the first and second storey and 0.91m (2.98 ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance; and,
4. an easterly side yard of 0.91m (2.98ft.) to the first and second storey and 1.20m (3.93ft.) to the third storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey, and 2.42m (7.93ft.) to the third storey in this instance.

Comments:

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

The applicants are to note that the subject property is within the CVC Regulated Area, and the development as proposed requires a CVC permit. CVC requires appropriate setbacks from Lake Ontario. At the time of the CVC permit application, CVC will require additional detailed information and review the application to ensure the appropriate setbacks are maintained and the hazards are addressed."

An e-mail was received from B. and H. Benoit, residents at 510 Richey Crescent expressing support for the application and noting their comments.

An e-mail was received from M. and D. Kake, residents at 529 Richey Crescent, expressing no objection to the application.

A petition was received, signed by the residents/property owners at 812, 906, 934, 952, 958, 904, 970, 967, 869, 887, 893, 913, 923, 868, 909, 917, 933, 882, 954, 962, 949, 864, 929, 937, 898, 941, 883, 953, and 945 Beechwood Avenue and 502, 519, 529, 506, 492, 518, 522, & 516 Richey Crescent expressing support for the application.

A letter was received from K. Riddell, property owner at 512 Richey Crescent expressing objection to the application and noting that the construction project is not being disadvantaged by any physical barriers or lot anomalies that prevent the new construction from meeting the by-law requirements. He requested that the by-laws be upheld and the variances rejected.

Ms. F. Campbell, property owner of 512 Richey Crescent attended and presented her objection and concerns about the application. Ms. Campbell explained that the applicants have decided to divide and concur now that 518 Richey Crescent is being presented as a single proposal while 516 Richey Crescent awaits an OMB hearing. Ms. Campbell indicated that the changes to the proposed dwelling are negligible since the last application 'A' 045/16 which was refused by the Committee. Ms. Campbell explained that proposed dwelling requires swales and sump pumps and that a smaller house would negate this requirement because the runoff would be able to be absorbed by the lot with larger setbacks and less coverage. Ms. Campbell noted that the proposed home is still a full four storeys tall from the lake and is simply too much house on a lot that is just too small to accommodate it.

Mr. P. Farrell, a representative of the Lakeview Ratepayers Association, residing at 608 Montbeck expressed concerns about the proposed development not meeting the four tests of a minor variance. Mr. Farrell identified the percentages of the requested variances versus the Zoning By-Law requirements and argued that requested reductions of approximately 20% to 60% are not minor. Mr. Farrell explained that in the past Planning staff suggested setbacks to additional storeys in order to limit the impacts on adjacent bungalows. Mr. Farrell indicated that it is evident that the proposed development will have an impact on the surrounding neighbourhood. Mr. Farrell recited the Lakeview area built form policies from the Official Plan stating that new development will have minimal impact on adjacent neighbours with respect to overshadowing and overlook. He indicated that the reduced side yard setbacks prevent access for maintenance, are not desirable or an appropriate form of development for the neighbourhood. Mr. Farrell concluded that the proposed development is too much for the narrow lot to accommodate and does not meet the four tests of a minor variance.

Ms. C. Wennerstrom, property owner and resident of 516 Richey Crescent, attended and expressed her full support for the application. Ms. Wennerstrom presented a slide show to the Committee explaining that the proposed development implements sensitive design features that make it an appropriate type of development for the neighbourhood with variances that are truly minor in nature. She explained that the requested variances are inevitable given the property is 50% smaller than what is anticipated by the Zoning By-law. Ms. Wennerstrom noted that there is a gap in the Zoning By-law and that the applicant should not be penalized for a fault with the Zoning By-law. Ms. Wennerstrom indicated that the applicants have done a tremendous job in engaging the local residents and receiving an overwhelming amount of support for the project. She indicated that the applicant is demonstrating excellence in striking a perfect balance between the old and the new homes in the area.

Mr. K. Riddell, property owner of 512 Richey Crescent, attended and expressed opposition to the application. He indicated that the applicant has had two deferrals and has been turned down twice by the Committee in the past for the same development. Mr. Riddell presented some photographs from the last application which still represents the overall impact to the adjacent properties and the surrounding community. Mr. Riddell explained that the flat roof bylaw was implemented to limit the scale and massing of flat roofed homes in the neighbourhood. Mr. Riddell noted that the side yard setbacks are 50% to 70% less of what they should be and the impact of the height of the proposed structure is immense from the lakeside. Mr. Riddell presented a table comparing the requested variances to what the Zoning By-law requirements are. He indicated that the zoning should be changed if it is not deemed appropriate.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Urac, Mr. Farrell, Ms. Wennerstrom, Ms. Campbell, Mr. Riddell and having reviewed the plans and comments received from City staff and the neighbours, is not satisfied that the request is desirable for the appropriate development of the subject property.

The Committee advised that the neighbourhood will continue to mature and change over time and also understands the challenges of building a new dwelling on a 7.62m (25.00ft.)



MISSISSAUGA

File: "A" 223/16
WARD 1

lot and that certain variances may be required to accommodate a new dwelling. They noted that it was evident from the illustrations presented that the impact to the neighbourhood is not minor and the variances are not incidental but are rather trying to achieve too much on a lot that is too small to accommodate a dwelling of this magnitude with the proposed variances. The intent of recent changes to the Zoning By-law was to eliminate the negative impacts created by three (3) storey flat roofed dwellings which in this instance has not been met.

The Committee does not believe that the requested variances in this instance preserve or respect the existing character of a very sensitive and unique neighbourhood based on the Official Plan policies, Local Area Plan policies, the Zoning By-law, and the negative impact to the surrounding community.

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

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

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

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



MISSISSAUGA

File: "A" 223/16
WARD 1

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)

DISSENTED

J. ROBINSON

D. KENNEDY

J. PAGE

DISSENTED

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

415501 ONTARIO LTD.

on Thursday, June 2, 2016

415501 Ontario Ltd. is the owner of 1160 Crestlawn Drive being Part of Lot 7, Concession 2, N.D.S., zoned E2-19, Employment. The applicant requests the Committee to authorize a minor variance to continue to permit the retail sales of automobiles, accessory to the existing wholesale and automobile repair garage use, located within Unit 3 of the subject property as previously approved pursuant to Committee of Adjustment File "A" 118/10; whereas By-law 0225-2007, as amended, does not permit the use in this instance.

Mr. W.E. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred noted that there are no changes to the automobile repair and accessory sales operation currently in operation and the request is simply a renewal of the previous approval.

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 requested variance, subject to the conditions previously specified under file 'A' 552/04.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-19

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 Committee previously granted approval to similar variances under files 'A' 118/10, 'A' 552/04, 'A' 649/01, and 'A' 242/98. The most recent decision was subject to the conditions that the decision be personal, there shall be no more than three (3) vehicles offered for sale from the premises at any one time, and that all vehicles offered for sale shall be displayed inside the subject unit and vehicles related to the retail sales operation shall not be stored or displayed outside. The variance expired on April 30, 2015.

The applicant has indicated that the site has been operating since 1998 and that no changes are proposed to the site.

The Planning and Building Department has no objection to the requested variance, subject to the conditions previously specified under file 'A' 552/04."

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."

No other persons expressed any interest in the application.

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

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

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

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

1. This decision is personal to "Bravo Car Care Inc. & Bravo Auto Sales Inc." and shall be in effect so long as the subject premises are leased and/or occupied by same.
2. There shall be no more than three (3) vehicles offered for sale from the premises at any one time.
3. All vehicles being offered for sale shall be displayed inside the subject unit and there shall be no outside storage or display of vehicles related to the retail sales operation.

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

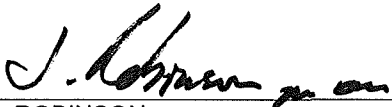
Dated at the City of Mississauga on June 9, 2016.

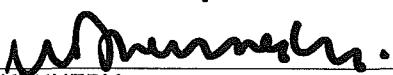
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Date of mailing is June 13, 2016.

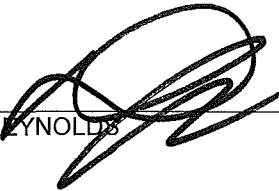

S. PATRIZIO


D. GEORGE (CHAIR)


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

LAMENZA INVESTMENTS CORPORATION INC.

on Thursday, June 2, 2016

Lamenza Investments Corporation Inc. is the owner of 600 Burnhamthorpe Road West being Part of Lot 20, Concession 1, N.D.S., zoned C3-5, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a restaurant within Unit # 4 of the subject building, having a gross floor area of 208.00m² (2,238.96sq.ft.), being located approximately 57.00m (187.00ft.) from a Residential zone, and providing a total of 84 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant to the closest lot line of a Residential zone and requires a minimum of 115 parking spaces for all uses on site in this instance.

Mr. W.E. Oughtred, authorized agent, attended and presented the application to permit a total of 85 parking spaces on site whereas the Zoning By-law requires a total of 114 parking spaces to be provided on site with the establishment of the restaurant in this instance. He noted that the proposed restaurant is approximately 57.00m (187.00ft.) from a Residential zone with no frying of food or associated patio. Mr. Oughtred also noted that a parking study was submitted in support of the application and that Planning staff are satisfied with the results of the parking study.

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: Fairview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-5 (Commercial)

Other Applications:

Building Permit File: 16-1330

Comments

Zoning

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

"...Providing a total of 85 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum... of 114 parking spaces for all uses on site in this instance."

Planning

The applicant has submitted a Parking Utilization Study completed by Beacon Planning, dated April 8, 2016, in support of the application. The peak parking demand of 40 vehicles was observed at 1:00pm on Saturday April 2, 2016. Based on the parking rate associated with the proposed Dunk 'n Dip restaurant, the total parking demand on site could reach 73 spaces. Further, the peak parking observed at the Dunk 'n Dip location on Lakeshore Road East shows that parking demand is highest in the evening, which is opposite to the peak demand of the existing uses at 600 Burnhamthorpe Road West.

Regarding the separation distance from a residential zone, it is our opinion that the requested reduction should not have a negative impact on the residential zone and is minor in nature.

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, comments or requirements with respect to C.A. 'A' 225/16."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Oughtred upon hearing the comments of the Committee and the Planning and Building Department, requested that the application 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 further use of the subject property.

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

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



MISSISSAUGA

File: "A" 225/16
WARD 7

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a restaurant within Unit # 4 of the subject building, having a gross floor area of 208.00m² (2,238.96sq.ft.), being located approximately 57.00m (187.00ft.) from a Residential zone, and providing a total of 85 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) from a restaurant to the closest lot line of a Residential zone and requires a minimum of 114 parking spaces for all uses on site in this instance.

MOVED BY: D. Reynolds SECONDED BY: J. Page CARRIED

Application Approved, as amended.


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

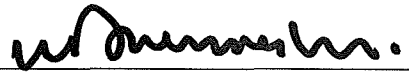
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 29, 2016**.

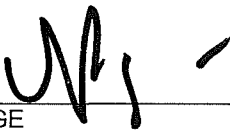
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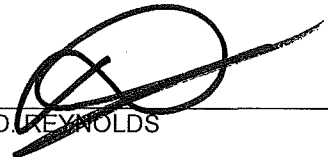

S. PATRIZIO

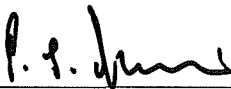

D. GEORGE (CHAIR)


J. ROBINSON

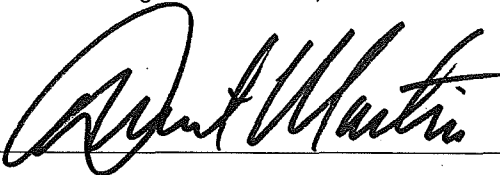

D. KENNEDY


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

N. TURK INVESTMENTS LTD.

on Thursday, June 2, 2016

N. Turk Investments Ltd. is the owner of 1625 Trinity Drive being Lot 9, Plan M-363, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit:

1. automobile sales within Unit # 3, 14 and 15 of the subject building, accessory to the motor vehicle repair use in Units 14 and 15 providing parking at a rate of 1.60 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area; whereas By-law 0225-2007, as amended, does not permit the use and requires parking to be provided at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft.) gross floor area in this instance; and,
2. to exclude the automobile sales use in Unit # 3 in the calculation of non-manufacturing, non-warehousing/distribution and/or non-wholesaling facility uses in a Multiple-Occupancy Mixed Use Building; whereas By-law 0225-2007, as amended, requires this use to be considered as a non-manufacturing, non-warehousing/distribution and/or non-warehousing facility for the purposes of calculating parking for the subject property in this instance.

Mr. W.E. Oughtred, authorized agent, attended and presented the application to permit automotive sales with an existing auto repair business, existing within Unit #14 and 15 and his client is requesting to expand to also include Unit # 3. Mr. Oughtred described the requested variances and indicated that a parking study was submitted in support of 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 31, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, as amended and 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: Northeast Employment Area West
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

Comments

Zoning

We note that a certificate of occupancy application is required for Motor Vehicle Sales - Restricted in Unit 3. 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

Based on a review of the application, we advise that variance #1 should be amended as follows:

1. Automobile sales within Unit # 3, 14, 15 of the subject building, providing parking at a rate of 1.60 parking spaces per 100.00m² (1,076.42sq.ft) gross floor area; whereas By-law 0225-2007, as amended, does not permit the use and requires parking to be provided at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft) gross floor area in this instance;

The subject property is a multi-tenant industrial building in the Northeast Employment Area. The applicant is not proposing any exterior alterations. The applicant is proposing to establish automobile sales as an accessory use within unit 3, where the applicant currently operates motor vehicle repair uses in units 14 and 15. The requested use is not viewed as accessory because the new use is located in a different unit, and not adjacent to the applicant's motor vehicle repair units.

Currently there are six motor vehicle repair businesses located on the subject site, with many related uses in the immediate area. There is a large and long-standing vehicle pound facility neighbouring the property. The proposal is consistent with the character of the area and the impact will be minor.

In the event of a Zoning Certificate of Occupancy is issued for that use, the balance of manufacturing vs. non-manufacturing GFA is tipped to non-manufacturing as the predominant use, and therefore parking calculations would be based on the specific standards to each use. However, a parking study prepared by Beacon Planning Services outlined that the additional parking requirements can be accommodated.

Based on the results of the parking survey, a parking reduction can be supported.

We recommend the following conditions:

1. Parking spaces to be re-stripped on the subject site

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

"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 further use 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. automobile sales within Unit # 3, 14, 15 of the subject building, providing parking at a rate of 1.60 parking spaces per 100.00m² (1,076.42sq.ft) gross floor area; whereas By-law 0225-2007, as amended, does not permit the use and requires parking to be provided at a rate of 4.30 parking spaces per 100.00m² (1,076.42sq.ft) gross floor area in this instance; and,
2. to exclude the automobile sales use in Unit # 3 in the calculation of non-manufacturing, non-warehousing/distribution and/or non-wholesaling facility uses in a Multiple-Occupancy Mixed Use Building; whereas By-law 0225-2007, as amended, requires this use to be considered as a non-manufacturing, non-warehousing/distribution and/or non-warehousing facility for the purposes of calculating parking for the subject property in this instance.

The decision is subject to the following condition:

1. A letter shall be received from the Planning and Building Department advising that satisfactory arrangements have been made to re-stripe the parking spaces on the subject property.

MOVED BY:	J. Page	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, as amended, 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**.

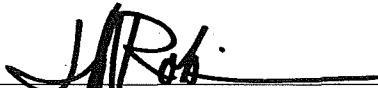
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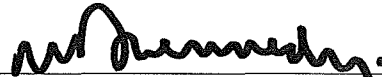
S. PATRIZIO



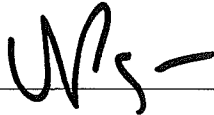
D. GEORGE (CHAIR)



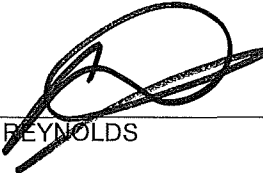
J. ROBINSON



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.