

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: JUNE 23, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<b><u>NEW APPLICATIONS - (CONSENT)</u></b>				
B-44/16	CANDICE CHILTON	63 FOREST AVE	1	Approved
<b><u>DEFERRED APPLICATIONS - (CONSENT)</u></b>				
B-002/16 TO B-005/16 A-013/16 TO A-017/16	ADINA DI BLASIO	2365 CAMILLA RD	7	Oct. 20
B-034/16 A-198/16 A-199/16	MUNAFF ABDUL	1299 HAIG BLVD	1	Approved Approved Approved
<b><u>NEW APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-254/16	ASBURY INVESTMENTS LTD.	35 BRUNEL RD	5	Approved 5 Years
A-255/16	ROGERS TELECOMMUNICATIONS LIMITED	0, 425, 465, & 475 WEBB DRIVE, 3960, 3970 & 3980 CONFEDERATION PARKWAY, and 0, 410, 470 & 480 BURNHAMTHORPE ROAD WEST	7	Approved 10 Years
A-256/16	SOHAL GOYAL & SAPNA BUTANY-GOYAL	5047 BRANDY LANE CRT	11	Approved
A-257/16	DI SHEN	899 HAMPTON CRES	1	Aug. 11
A-258/16	CP REIT ONTARIO PROPERTIES LIMITED	580 SECRETARIAT CRT	5	Approved
A-259/16	SYED WAQAR ALI / NASEEM SULTANA	4776 LIGHTHOUSE CRT	4	Aug. 11
A-260/16	SHARON BOGART	918 GOODWIN RD	1	Aug. 11
A-261/16	2212264 ONTARIO INC.	1885 SISMET RD	5	July 21
A-262/16	2505147 ONTARIO INC	2780 SLOUGH ST	5	Approved
A-263/16	PSCC 971	2780 SLOUGH ST	5	Approved
A-264/16	1912348 ONTARIO LIMITED	20 TRADERS BLVD E	5	Approved
A-265/16	TANIYA & VIJAY MANN	93 CUMBERLAND DR	1	July 14
A-266/16	REGION OF PEEL	3570 & 3590 COLONIAL DR	8	July 21
<b><u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-187/16	ANDRE FREHN	786 TERLIN BLVD	2	Approved
A-197/16	PAUL EBAYER	22 CUMBERLAND DR	1	Approved
A-208/16	JENNIFER DOUGLAS	1565 SPRING RD	2	Approved

## COMMITTEE OF ADJUSTMENT

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

CANDICA CHILTON

on Thursday, June 23, 2016

Candice Chilton is the owner of 63 Forest Avenue being Lot 338 and Part of Lot 337, Registered Plan F-12, zoned RM7-5, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 8.38m (27.49.ft.) and an area of approximately 293.10 m<sup>2</sup> (3154.90 sq.ft.). The effect of the application is to create a new lot for residential purposes.

Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct a semi-detached dwelling unit on each parcel. Mr. Oughtred advised that the RM7-5 zone designation permits semi-detached dwellings and the proposed dwellings will comply with the requirements of the By-law. He presented a photograph of semi-detached dwellings that were constructed across the street and advised that the proposed dwellings will be of similar built form.

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 (June 17, 2016),  
City of Mississauga, Transportation and Works Department (June 16, 2016),  
City of Mississauga, Community Services Department (June 21, 2016),  
Region of Peel, Environment, Transportation & Planning Services (June 16, 2016)

E-mails were received from J. Ozdemir, property owner at 9 Iroquois Avenue, expressing an interest in the application. She further indicated that she had no objection to the application.

No other persons expressed any interest in the application.

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

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

The Committee, 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 June 16, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 21, 2016.

MOVED BY: D. George

SECONDED BY: J. Page


CARRIED

Application Approved, on conditions as stated.


Dated at the City of Mississauga on June 30, 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 24, 2016**.

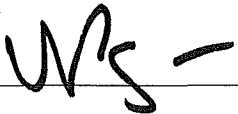
Date of mailing is July 4, 2016.

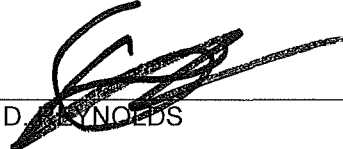
  
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S. PATRIZIO (CHAIR)

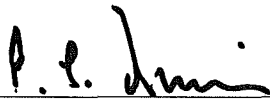
  
\_\_\_\_\_  
per D. GEORGE

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

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

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

  
\_\_\_\_\_  
D. SYNNOlds

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

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
\_\_\_\_\_  
DINA MELFI, ACTING SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **July 4, 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

MUNAFF ABDUL

on Thursday, June 23, 2016

Munaff Abdul is the owner of 1299 Haig Boulevard being Part of Lot 7, Concession 2 SDS, zoned R3-75, Residential. The applicant requests the consent of the Committee to convey a parcel of land having a lot frontage of 13.04m (42.78ft.) and a lot area of approximately 548.92m<sup>2</sup> (5908.71sq.ft.). The effect of the application is to create a new lot for residential purposes.

This application will be considered concurrently with Minor Variance Application Files 'A' 198/16 and 'A' 199/16.

On May 19, 2016, Mr. W. Oughtred, authorized agent, attended and advised that the Consent application was submitted with two Minor Variance applications. He requested that the Minor Variance applications be deferred to allow an amended Notice to be circulated noting that the property owner has instructed him to request a variance for a reduced side yard between the 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 13, 2016),  
City of Mississauga, Transportation and Works Department (May 12, 2016),  
City of Mississauga, Community Services Department (May 16, 2016),  
Region of Peel, Environment, Transportation & Planning Services (May 16, 2016)

A letter was received from B. Perisa, property owner at 1307 Haig Boulevard expressing opposition to the application.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to June 23, 2016.

On June 23, 2016, Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred advised that permission is being requested to sever the lot and construction a single family dwelling on each lot. He presented a site plan and elevation plan for the Committee's review and consideration. Mr. Oughtred advised that the proposed lot sizes are similar to the other lots on the street.

Mr. Oughtred advised that the definition of lot frontage under the Zoning By-law requires that the frontage be measured on a line 7.50m (24.68ft.) back from and parallel to the front lot line when the side lot lines are not parallel. He indicated that the surveyor measured the lot frontage as per the Zoning By-law definition and calculated it to be 12.93m (42.42ft.). Mr. Oughtred requested that the Consent and Minor Variance applications be amended accordingly.



The Committee consented to the request. The application was amended to request the consent of the Committee to convey a parcel of land having a lot frontage of 12.93m (42.42ft.) and a lot area of approximately 548.92m<sup>2</sup> (5908.71sq.ft.).

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (June 17, 2016),  
City of Mississauga, Transportation and Works Department (June 16, 2016),  
Region of Peel, Environment, Transportation & Planning Services (June 16, 2016)

No other persons expressed any interest in the application.

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

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

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). ('A' 198/16 and 'A' 199/16)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 16, 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 16, 2016. (Street Tree)

MOVED BY: J. Page

SECONDED BY: J. Robinson


CARRIED

Application Approved, as amended, on conditions as stated.

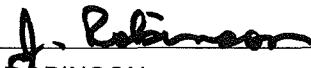
Dated at the City of Mississauga on June 30, 2016.


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 24, 2016**.

Date of mailing is July 4, 2016.

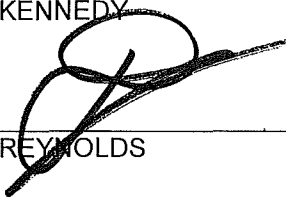
  
S. PATRIZIO (CHAIR)


  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
DINA MELFI, ACTING SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **July 4, 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

MUNAFF ABDUL

on Thursday, June 23, 2016

Munaff Abdul is the owner of 1299 Haig Boulevard being Part of Lot 7, Concession 2, SDS, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "severed lands" of Consent Application 'B' 0034/16 proposing:

1. a lot frontage of 13.04m (42.78ft.) and a lot area of 548.92m<sup>2</sup> (5908.53sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) and requires a minimum lot area of 550.00m<sup>2</sup> (5920.15sq.ft) in an R3-75 Residential zone in this instance;
2. a northerly side yard of 1.20m (3.93ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

On May 19, 2016, Mr. W. Oughtred, authorized agent, attended and advised that the subject Minor Variance application was submitted with a Consent application for the subject property. He requested that the applications be deferred to allow an amended Notice to be circulated noting that the property owner has instructed him to request a variance for a reduced side yard between the dwellings.

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

The City of Mississauga Planning and Building Department commented as follows (May 13, 2016):

### "Recommendation

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the applications to apply for a Building Permit to ensure that all variances are correctly identified 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 may wish to apply for a Building Permit or Pre-Zoning Review application and submit working drawings in order for a detailed zoning review to be completed.

Additionally, the zoning of the property should be correctly identified as R3-75, rather than R3 as listed on the notices.

**Planning**

The requested Consent seeks to establish a new lot for the purposes of creating two new single detached dwellings. The surrounding area contains a lot fabric with varying frontages and lot areas, as well as varying types of built form on adjacent streets. Staff conducted a 120 m test of the subject lands in accordance with Official Plan policy 16.1.2.1 and found that the average lot frontage and lot area are 17.07 m (56.00 ft.) and 832.89 m<sup>2</sup> (8965.15 sq. ft.), respectively. Although the proposed lots do not represent the average of the lots within 120 m, the Lakeview Neighbourhood is characterized by an inconsistent lot fabric throughout much of the character area with varying lot frontages and lot areas. The proposed lot frontage is greater than the two lots immediately to the south and very similar to many other lots along the street and within the broader neighbourhood; the averages of the 120 m test are somewhat skewed by a few lots that could be considered outliers within the data set. In our opinion the proposed Consent has regard for the criteria of Section 51(24) of the *Planning Act* and although the applicant has not provided any plans regarding proposed building footprints, we are of the opinion that two reasonably sized dwellings could be constructed on the severed and retained lands without the need for minor variances for setbacks or any other relief from the Zoning By-law.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the applications to apply for a Building Permit to ensure that all variances are correctly identified and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (May 1, 2016):

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 34/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 16, 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. In addition please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."



## MISSISSAUGA

File: "A" 198/16  
WARD 1

A letter was received from B. Perisa, property owner at 1307 Haig Boulevard expressing opposition to the application.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to June 23, 2016.

On June 23, 2016, Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred advised that permission is being requested to sever the lot (Reference Consent application 'B' 34/16). He indicated that they wish to construct a single family dwelling on each newly created lot noting that the proposed lot is similar in size to the other lots on the street and in the community.

Mr. Oughtred presented a site plan for the Committee's review and consideration. Mr. Oughtred presented an elevation drawing of the proposed dwelling and indicated that they are requesting a reduction in the northerly side yard to the second storey. The dwelling floor area will be approximately 306.57m<sup>2</sup> (3,300sq.ft.) and is similar to other dwellings constructed in the neighbourhood.

Mr. Oughtred advised that the definition of lot frontage under the Zoning By-law requires that the frontage be measured on a line 7.50m (24.68ft.) back from and parallel to the front lot line when the side lot lines are not parallel. He indicated that the surveyor measured the lot frontage as per the Zoning By-law definition and calculated it to be 12.93m (42.42ft.). Mr. Oughtred requested that the Minor Variance application be amended accordingly.

The Committee consented to the request.

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

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

### **"Recommendation**

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

## Planning

The applicant was previously before the Committee at the May 19<sup>th</sup>, 2016 hearing, where a deferral was requested to recirculate for the purpose of adding a variance to the applicant. The applicant is proposing to permit a side yard setback of 1.20 m (3.94 ft.) to the second storey for each dwelling, between the two dwellings. The proposed dwellings maintain the required setback for the first storey and meet all other required setbacks. The reduction in setback to the second storey only does not impact the footprint of the dwelling and should not have a significant effect on the streetscape along Haig Boulevard. In the opinion of the Department this request is minor in nature and maintains the general intent of the Zoning By-law.

Our previous comments with regards to the Consent application and associated variance #1 remain applicable."

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 34/16."

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

"Please note that servicing the lands may adversely affect the existing location of the water and sanitary 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 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."

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 amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot, being the "severed lands" of Consent Application 'B' 0034/16 proposing:

1. a lot frontage of 12.93m (42.42ft.) and a lot area of 548.92m<sup>2</sup> (5908.53sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) and requires a minimum lot area of 550.00m<sup>2</sup> (5920.15sq.ft) in an R3-75 Residential zone in this instance;
2. a northerly side yard of 1.20m (3.93ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

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

File: "A" 198/16  
WARD 1

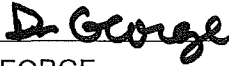
Application Approved, as amended.


Dated at the City of Mississauga on June 30, 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 20, 2016**.

Date of mailing is July 4, 2016.


  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)


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

  
per J. ROBINSON

  
per D. KENNEDY

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

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

  
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P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
\_\_\_\_\_  
DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MUNAFF ABDUL

on Thursday, June 23, 2016

Munaff Abdul is the owner of 1299 Haig Boulevard being Part of Lot 7, Concession 2, SDS, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "retained lands" of Consent Application 'B' 0034/16 proposing:

1. a lot frontage of 13.04m (42.78ft.) and a lot area of 547.51m<sup>2</sup> (5893.35sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) and requires a minimum lot area of 550.00m<sup>2</sup> (5920.15sq.ft) in an R3-75 Residential zone in this instance; and,
2. a southerly side yard of 1.20m measured to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

On May 19, 2016, Mr. W. Oughtred, authorized agent, attended and advised that the subject Minor Variance application was submitted with a Consent application for the subject property. He requested that the applications be deferred to allow an amended Notice to be circulated noting that the property owner has instructed him to request a variance for a reduced side yard between the dwellings.

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

The City of Mississauga Planning and Building Department commented as follows (May 13, 2016):

### "Recommendation

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the applications to apply for a Building Permit to ensure that all variances are correctly identified 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 may wish to apply for a Building Permit or Pre-Zoning Review application and submit working drawings in order for a detailed zoning review to be completed.

Additionally, the zoning of the property should be correctly identified as R3-75, rather than R3 as listed on the notices.

**Planning**

The requested Consent seeks to establish a new lot for the purposes of creating two new single detached dwellings. The surrounding area contains a lot fabric with varying frontages and lot areas, as well as varying types of built form on adjacent streets. Staff conducted a 120 m test of the subject lands in accordance with Official Plan policy 16.1.2.1 and found that the average lot frontage and lot area are 17.07 m (56.00 ft.) and 832.89 m<sup>2</sup> (8965.15 sq. ft.), respectively. Although the proposed lots do not represent the average of the lots within 120 m, the Lakeview Neighbourhood is characterized by an inconsistent lot fabric throughout much of the character area with varying lot frontages and lot areas. The proposed lot frontage is greater than the two lots immediately to the south and very similar to many other lots along the street and within the broader neighbourhood; the averages of the 120 m test are somewhat skewed by a few lots that could be considered outliers within the data set. In our opinion the proposed Consent has regard for the criteria of Section 51(24) of the *Planning Act* and although the applicant has not provided any plans regarding proposed building footprints, we are of the opinion that two reasonably sized dwellings could be constructed on the severed and retained lands without the need for minor variances for setbacks or any other relief from the Zoning By-law.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the applications to apply for a Building Permit to ensure that all variances are correctly identified and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (May 1, 2016):

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 34/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 16, 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. In addition please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."



## MISSISSAUGA

File: "A" 199/16  
WARD 1

A letter was received from B. Perisa, property owner at 1307 Haig Boulevard expressing opposition to the application.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to June 23, 2016.

On June 23, 2016, Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred advised that permission is being requested to sever the lot (Reference Consent application 'B' 34/16). He indicated that they wish to construct a single family dwelling on each newly created lot noting that the proposed lot is similar in size to the other lots on the street and in the community.

Mr. Oughtred presented a site plan for the Committee's review and consideration. Mr. Oughtred presented an elevation dwelling of the proposed dwelling and indicated that they are requesting a reduction in the southerly side yard to the second storey. The dwelling floor area will be approximately 306.57m<sup>2</sup> (3,300sq.ft.) and is similar to other dwellings constructed in the neighbourhood.

Mr. Oughtred advised that the definition of lot frontage under the Zoning By-law requires that the frontage be measured on a line 7.50m (24.68ft.) back from and parallel to the front lot line when the side lot lines are not parallel. He indicated that the surveyor measured the lot frontage as per the Zoning By-law definition and calculated it to be 12.93m (42.42ft.). Mr. Oughtred requested that the Minor Variance application be amended accordingly.

The Committee consented to the request.

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

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

### **"Recommendation**

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

**Planning**

The applicant was previously before the Committee at the May 19<sup>th</sup>, 2016 hearing, where a deferral was requested to recirculate for the purpose of adding a variance to the applicant. The applicant is proposing to permit a side yard setback of 1.20 m (3.94 ft.) to the second storey for each dwelling, between the two dwellings. The proposed dwellings maintain the required setback for the first storey and meet all other required setbacks. The reduction in setback to the second storey only does not impact the footprint of the dwelling and should not have a significant effect on the streetscape along Haig Boulevard. In the opinion of the Department this request is minor in nature and maintains the general intent of the Zoning By-law.

Our previous comments with regards to the Consent application and associated variance #1 remain applicable."

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 34/16."

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

"Please note that servicing the lands may adversely affect the existing location of the water and sanitary 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 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."

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 amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot, being the "retained lands" of Consent Application 'B' 0034/16 proposing:

1. a lot frontage of 12.93m (42.42ft.) and a lot area of 547.51m<sup>2</sup> (5893.35sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) and requires a minimum lot area of 550.00m<sup>2</sup> (5920.15sq.ft) in an R3-75 Residential zone in this instance; and,
2. a southerly side yard of 1.20m measured to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey in this instance.

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


Dated at the City of Mississauga on June 30, 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 20, 2016.

Date of mailing is July 4, 2016.

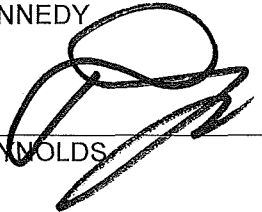
  
S. PATRIZIO (CHAIR)


  
per D. GEORGE

  
per J. ROBINSON

  
per D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

ASBURY INVESTMENTS LTD.

on Thursday, June 23, 2016

Asbury Investments Ltd. is the owner of 35 Brunel Road being Part of Block 1, Plan M-425, zoned E1, Employment. The applicant requests the Committee to authorize a minor variance to permit the continued operation of a night club with an accessory outdoor patio use within Units 1D, 2, and 3 of the subject building, as previously approved pursuant to Committee of Adjustment Decision File "A" 001/11; whereas By-law 0225-2007, as amended, does not permit these uses in an E1, Employment zone in this instance.

Mr. E. Langdana, authorized agent, attended and presented the application to continue the operation of a night club and accessory outdoor patio on the subject property. Mr. Langdana advised that they have operated the night club for appropriately 15 years at this location. He indicated that the original approval was obtained through an appeal of Minor Variance Decision 'A' 459/02 to the Ontario Municipal Board (OMB). Mr. Langdana advised that the OMB approval was obtained for five (5) years subject to various conditions which were imposed to protect against significant, undesirable impact. Mr. Langdana advised that at the end of the five year term, a Minor Variance application was approved by the Committee for an additional 5 year period with the same conditions. Subsequently, another Minor Variance application was submitted and the Committee approved the application again for another 5 year period with the same conditions.

Mr. Langdana indicated that he wishes to have certain conditions removed or modified noting that the original conditions were imposed as a measure to ensure that the operation would not disrupt the adjoining community. Mr. Langdana indicated that there have been no complaints with respect to the operation.

Mr. Langdana advised that they wish to modify condition # 3 with respect to the months that the outdoor patio should operate. He indicated that the original approval was given to allow the outdoor patio to operate only during the months of June, July, August, and September of each year. Mr. Langdana requested that they also be permitted to operate during the month of May noting that the weather is usually favourable in May.

Mr. Langdana advised that they wish to modify Condition # 6, concerning the erection of a fence between the subject property and the Quality Inn property. Mr. Langdana indicated that the six foot board fence was constructed along the north boundary as required by the OMB Order. He requested that the conditions concerning maintaining the fence be removed. Mr. Langdana indicated that the snow is piled up along the fence by the neighbouring property and the boards are damaged. Mr. Langdana indicated that because the OMB Order indicates that the costs of maintaining the fence are at the expense of the nightclub, the neighbouring property owner does not share the cost of repairing the fence. He requested that the condition be removed.

Mr. Langdana requested that the Committee remove Condition # 11, which was the necessity of providing a financial security deposit in the amount of \$10,000.00 to ensure that the terms of the OMB Order were complied with. Mr. Langdana advised the Committee that the terms of the OMB Order have been complied with. He indicated that if the financial security was returned, it would allow him to use those funds to initiate renovations to the establishment. Mr. Langdan advised that there have been no complaints with respect to the operation.

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

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

#### **"Recommendation**

The Planning and Building Department has no objection to the application, subject to the previous conditions.

#### **Background**

##### **Mississauga Official Plan**

Character Area: Gateway Corporate Centre

Designation: Office

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

Zoning: E1

##### **Other Applications:**

##### **Comments**

##### **Zoning**

The referenced use was approved under zoning certificate application 03-7551, and as such we have no objections to the continued use proposed in this minor variance.

##### **Planning**

The application is a continuation of 'A' 001/11 which was granted a temporary five year approval, subject to conditions, in 2011.

Further, we advise that we have contacted By-law Enforcement regarding any noise complaints received for the nightclub and outdoor patio uses, and can confirm that no complaints have been received.

We note that the Committee of Adjustment previously refused a similar variance application under file 'A' 459/02. The property owner appealed the Committee's decision to the Ontario Municipal Board and the appeal was allowed under Decision/Order No. 0194 for a period of five years, subject to a number of conditions that would protect against significant, undesirable impacts. The Board felt that the application conformed with the general intent and purpose of both the Official Plan and Zoning By-law, and that the imposition of the 11 conditions made the application desirable and minor in this instance.

The Planning and Building Department has no objection to the application, subject to the previous conditions."

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

"This department would have no objections to the continued operation of a night club with an accessory outdoor patio provided that similar conditions of approval imposed on 'A' 01/11 which granted a 5 year approval also be imposed on this request.

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

"We have no comments."

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Langdana and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that they have no objection to the patio being open for the month of May or any other month. They indicated that the condition could be removed. They indicated that the fence condition was applied to ensure safety and if it is removed, the fence repairs may not be completed and the area may become hazardous. The indicated that the condition must remain.

The Committee advised that the conditions enacted by the OMB were essentially a performance guarantee applied to ensure that all the conditions were adhered to. They indicated that the condition with respect to the financial securities was to be in place for a period of five years and if the securities were not cashed, they were to be refunded at the conclusion of the five year term. The Committee indicated that the terms of the original OMB order were re-attached to the subsequent Minor Variance applications requesting an extension of the approval. The Committee indicated that it is not necessary for the securities to be held any longer.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years to expire and terminate on June 30, 2021, subject to the following conditions:

This decision is subject to the following decisions:

1. This decision is personal to "My Apartment" and shall be in effect so long as the subject premises are leased and/or occupied by same.
2. The permission shall be limited to existing structure at 35 Brunel Road, units 1D, 2, and 3 including the patio with no expansion in floor area or person capacity beyond what is in effect at the date of OMB Order 0194.
3. Patio lighting shall be directed inward only and access to the patio shall be only from within the establishment.
4. There shall be no sound speakers on the patio nor directed to the patio at any time. When the Patio is in operation, the 2 bass bin speakers on the interior closest to the patio shall be removed.



**MISSISSAUGA**

File: "A" 254/16  
WARD 5

5. The Applicant shall construct and maintain, at the expense of the Applicant, to the satisfaction of the City and the Quality Inn, a 6-foot board fence along the north boundary between 35 Brunel and the Quality Inn.
6. No outdoor line-up shall be permitted to extend beyond the premises occupied by "My Apartment".
7. 'My Apartment' shall provide at least one outdoor security guard at all times when 'My Apartment' is open or about to open and for a reasonable time after closure to ensure all conditions are met and no disruption takes place with the operations of other tenants at 35 Brunel or the Quality Inn as a result of 'My Apartment' activities.
8. The Applicant shall establish for its tenants at 35 Brunel a Tenant Committee, representative of all tenants and the owner to meet regularly. The Applicant shall consider the request of Mr. Sissakis for designation of a reasonable number of parking spaces for the exclusive use of that restaurant (as per OMB Order 0194).
9. The Applicant shall monitor the parking lot and ensure that debris is placed in trash bins no later than 3:30 a.m. each morning after the nightclub is in operation.

MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
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**MISSISSAUGA**

File: "A" 254/16  
WARD 5

Application Approved, temporarily, on conditions as stated.


Dated at the City of Mississauga on June 30, 2016.

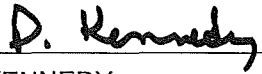
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 20, 2016.

Date of mailing is July 4, 2016.


  
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S. PATRIZIO (CHAIR)


  
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D. GEORGE

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

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

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

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

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

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
\_\_\_\_\_  
DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

**COMMITTEE OF ADJUSTMENT**

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY  
ROGERS TELECOMMUNICATIONS LIMITED

on Thursday, June 23, 2016

Rogers Telecommunications Limited is the owner of 0, 425, 465, & 475 Webb Drive, 3960, 3970 & 3980 Confederation Parkway, and 0, 410, 470 & 480 Burnhamthorpe Road West being Part of Blocks 155, 161 & 162, Plan M-809, Blocks 154, 155, & 158, Plan M-809, Part of Block 8, Plan M-677 and Block I, Plan M-677, zoned H-CC2-5, City Centre with Holding provision. The applicant requests the Committee to authorize a minor variance to permit the construction of a temporary sales office on the subject property; whereas By-law 0225-2007, as amended, does not permit the use in a H-CC2-5 zone in this instance.

Mr. Neil Davis, of Davis, Webb, LLP, authorized agent, attended and presented the application to permit the use and construction of a temporary sales pavilion and associated parking on the subject property. Mr. Davis advised that there is a H, Holding designation on the property and the use and construction of the sales office is not permitted under the H designation. He advised that approximately 5,000 units will be constructed on the 16 acre site. Mr. Davis indicated that the development is projected to occur through three (3) phases over a 15 year period. He requested that, if the Committee sees merit in the application, any approval given be for a period of ten years.

Mr. Davis indicated that any sales pavilion that is constructed will be moved as each phase is completed. He explained that there are ten (10) sales pavilion buildings planned for the site. Mr. Davis requested that they wish to be able to move the sales pavilion building to another location on the site without having to apply for and obtain a minor variance approval to effect the change.

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

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

**"Recommendation**

The Planning and Building Department has no objection to the requested variance provided that approval is for an appropriate temporary basis; however, the applicant may wish to defer the application and apply for the required Site Plan Approval and Building Permit applications to determine whether any additional variances will be required.

**Background**

**Mississauga Official Plan**

Character Area: Downtown Core  
Designation: Mixed Use

**Zoning By-law 0225-2007**



## MISSISSAUGA

File: "A" 255/16  
WARD 7

**Zoning:** H-CC2-5 (City Centre)

### **Other Applications:**

Building Permit File: Required  
Site Plan Approval File: Required

### **Comments**

#### **Zoning**

A Building Permit application and a Site Plan Approval application are required. In the absence of either of these applications we are unable to confirm the accuracy of the requested variance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the request as outlined in this application, it was apparent that the following additional variance may be required:

"To permit the addition of a structure not legally existing on the date of passing of this By-law for a use not permitted by the zone and the expansion of parking facilities to support the use within the proposed building without removing the Hold from the property."

Notwithstanding the above, the applicant is advised that should they choose to proceed without submission of an application, a full zoning review may result in further variances being required.

#### **Planning**

A master site plan for this block of land has been approved by the City and the temporary sales office will serve to facilitate the development of these lands. Further Site Plan Approval will be required for the sales office and individual buildings as construction occurs. The Committee should consider a temporary time period as a condition of approval that is consistent with the developers planned timeline for the life of the sales office.

Based on the preceding information the Planning and Building Department has no objection to the requested variance provided that approval is for an appropriate temporary basis; however, the applicant may wish to defer the application and apply for the required Site Plan Approval and Building Permit applications to determine whether any additional variances will be required."

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

"We are noting for information purposes that any Transportation and Works access related requirements for the temporary sales office can adequately be addressed through the Access and Site Plan Approval Process."

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

"The Region of Peel has received the Servicing Application for water and wastewater servicing to the proposed Sales Office. The proposed servicing is under review and Site Servicing approvals are required prior to the local municipality issuing building permit. Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. This also applies to temporary service connections, which shall be abandoned and/or disconnected to Regional standards."

No other persons expressed any interest in the application.



Mr. H. Lynch, Planner with the City of Mississauga, attended and advised that they understand that the applicant wishes the approval to be in effect for a ten (10) year period so that changes to the location of the pavilion/sales office building and access can be addressed through the Site Plan Approval process without having to apply for and obtain a new Minor Variance approval each time.

The Secretary-Treasurer advised that the wording as suggested by the Zoning Section indicates that the variance request should be amended; however the wording is a statement and does not specify the exact permitted By-law requirements or specifications.

Mr. Davis advised that he has discussed the request with the Zoning Section and was advised that a temporary sales office pavilion/building is not a permitted use. He further advised that the H, Holding designation does not permit the use as the sales office building and the expansion of parking facilities to support the use are not permitted without removing the Holding designation from the property as the building and parking facilities did not legally exist prior to the passing of the By-law.

Mr. Lynch advised that there is a master plan provided for the development and as each phase is constructed, land will be severed off and new property boundaries established. He indicated that these changes may trigger a need for other variances. Mr. Lynch indicated that they have no objection, in principle, to the moving of the sales office building within the site during the ten year period.

The Committee indicated that the variance request wording should be amended to ensure that the building may be moved within the site without requiring the applicant to return for a further variance. The Committee noted that the site is subject to Site Plan Approval and the relocation of the building as well as the access will be reviewed through this process.

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

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

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



MISSISSAUGA

File: "A" 255/16  
WARD 7

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a temporary sales office building/pavilion and associated parking facilities on the subject property; whereas By-law 0225-2007, as amended, does not permit the use in a H-CC2-5 zone in this instance.

This decision is approved for a temporary period of ten (10) years to expire and terminate on June 30, 2026.

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


Dated at the City of Mississauga on June 30, 2016.

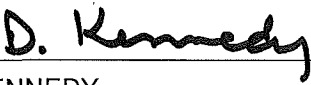
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 20, 2016.

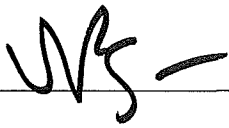
Date of mailing is July 4, 2016.

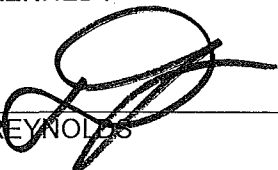
  
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 S. PATRIZIO (CHAIR)


  
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 per D. GEORGE

  
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 per J. ROBINSON

  
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 per D. KENNEDY

  
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 J. PAGE

  
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 D. REYNOLDS

  
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 P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
 \_\_\_\_\_  
 DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

SOHAL GOYAL & SAPNA BUTANY-GOYAL

on Thursday, June 23, 2016

Sohal Goyal & Sapna Butany-Goyal are the owners of 5047 Brandy Lane Court being Lot 53, Registered Plan M-855, zoned R2-8, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an outdoor swimming pool in the rear yard of the subject property proposing a setback of 1.53m (5.02ft.) measured from the inside wall of the swimming pool to the G1, Greenbelt zone; whereas By-law 0225-2007, as amended, requires a setback of 5.00m (16.40ft.) from the inside wall of a swimming pool to a G1 zone, in this instance.

Ms. S. Butany-Goyal, co-owner of the property, attended and presented the application. She advised that they purchased the lot with the intent of installing a pool in the rear yard. Ms. Butany-Goyal indicated that upon purchasing the property, she was advised that the fence was installed within City-owned property and noted that they removed the fence.

Ms. Butany-Goyal applied for a building permit for the pool and was advised that the setback to the pool was too close to the Greenbelt zone. She presented a site plan for the Committee's review and consideration. Ms. Butany-Goyal presented an aerial photograph indicating that many of the neighbouring properties have pools in the rear yard.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood  
Designation: Low Density I

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

Zoning: R2-8

#### **Other Applications:**

#### **Comments**

### Zoning

The Building Division is currently processing a pool permit application for 5047 Brandy Lane Court. Based on review of the information currently available for this building permit, the variances, as requested are correct.

### Planning

The application is to build a new pool with a reduced setback to a greenbelt zone. Typically, this Department does not support structures within the setback to a greenbelt and relies on the Credit Valley Conservation Authority's expertise in these matters. In this instance, CVC has issued a permit and was included in the application. We note that the pool structure does not extend along the entire width of the lot, and the interlock patio does not extend to the rear property line. The neighbouring properties have existing pools within the setback. The general intent of the zoning bylaw and official plan are maintained.

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

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

"Acknowledging that the Credit Valley Conservation Authority has issued a permit for the proposal, this department has no objections to the applicant's request."

The City of Mississauga Community Services Department commented as follows (June 21, 2016):

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

"Should the application be approved, this Department notes the following:

1. The Community Services Department has no objection to the application provided that the applicant revises the Site Plan to remove the 1.52 high wrought iron fence gate providing access onto the greenbelt. Direct access into the greenbelt is not allowed for preservation purposes.
2. City of Mississauga Park #155 (Bonnie Brae) abuts the rear yard of the applicants' property.
3. Construction access from the City Park and rear yard of the property is not permitted.
4. Stockpiling of materials and/or excavated soil in the adjacent City Park is not permitted.
5. Drainage of pool water on to the adjacent City Park is not permitted."

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

"We have no comments or objections."

The Credit Valley Conservation commented as follows (June 20, 2016):

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

**Proposal:**

The applicant requests the Committee to authorize a minor variance to permit the construction of an outdoor swimming pool in the rear yard of the subject property proposing a setback of 1.53m (5.02ft) measured from the inside wall of the swimming pool to the G1, Greenbelt zone; whereas By-law 0225-2007, as amended, requires a setback of 5.00m (16.40ft.) from the inside wall of a swimming pool to a G1 zone, in this instance.

**Site Characteristics:**

The subject property is adjacent to a valley slope, Mississauga Natural Areas System (CE12) and within the vicinity of the floodplain associated with Mullett Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features and functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or the ecological functions of these areas.

**Ontario Regulation 160/06:**

The subject property is entirely within the Authority's Regulated Area. As such, the property is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse or wetland, and prohibits development (e.g. new structures, additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit). The property is regulated due its vicinity to the valley slope and floodplain of Mullett Creek. In addition, the subject property is adjacent to a part of the Mississauga Natural Areas System (CE12).

**Comments:**

CVC has reviewed the proposal through permit application (FF 16/078). The subject property is adjacent to a valley slope and the flood hazard of Mullett Creek. CVC has determined that the proposed setbacks from the natural features and natural hazards are satisfactory. On this basis, CVC has no objection to the approval of this application by the Committee at this time."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Butany-Goyal and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee advised that the Credit Valley Conservation has no objection to the request and noted that many of the neighbouring properties already have pools.

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

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

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

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

Dated at the City of Mississauga on June 30, 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 20, 2016.

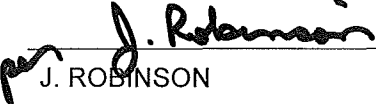
Date of mailing is July 4, 2016.



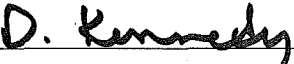
S. PATRIZIO (CHAIR)



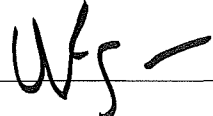
per D. GEORGE




per J. ROBINSON



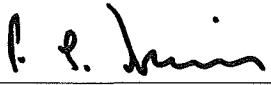
per D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

**COMMITTEE OF ADJUSTMENT**

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY  
  
CP REIT ONTARIO PROPERTIES LIMITED

on Thursday, June 23, 2016

CP REIT Ontario Properties Limited is the owner of 580 Secretariat Court being Part of Block 2, Registered Plan 43M-1418, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit an addition to the existing manufacturing building on the subject property proposing a rear yard of 4.20m (13.78ft.) to the stairs and landing and 5.56m (18.24ft.) to the proposed building addition; whereas By-Law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Mr. G. Priamo, of Zelinka Priamo Ltd., authorized agent, attended and presented the application to permit an expansion to the existing building occupied by "Ace Bakery". Mr. Priamo advised that an additional line will be constructed in the building and relief is required as the equipment specifications require the building depth to be expanded. He advised that relief is being requested for the setback to the rear wall and a staircase. Mr. Priamo requested that the application be amended to indicate a rear yard of 5.28m (17.32ft.) to the building and 3.93m (12.89ft.) to the stairs.

The Committee consented to the request and reviewed the information and plans submitted with the application.

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

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Gateway Employment Area East  
Designation: Business Employment

**Zoning By-law 0225-2007**

Zoning: E2

**Other Applications:**

Site Plan application: SP 16 / 62

**Comments**

**Zoning**

The Building Department is currently processing a site plan approval application under file SP 16/62. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

**Planning**

The application proposes a rear addition to an existing manufacturing building. A site plan application has been reviewed by Planning staff. The proposed addition maintains access and functionality of the site.

The requested of 4.20m to the stairs represents a few points along a 145m long façade. The majority of the rear setback is 5.56m. Soft area landscaping and an existing chain link fence are to remain within the proposed setback. In the Planning and Building Department, the intent of the rear setback is still maintained.

The Planning and Building Department has no objection to the requested variance, but the applicant may wish to defer in order to ensure that all required variances have been accurately identified."

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

"This Department has no objections to the applicant's request to permit an addition to the existing building."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 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. Priamo and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit an addition to the existing manufacturing building on the subject property proposing a rear yard of 3.93m (12.89ft.) to the stairs and landing and 5.28m (17.32ft.) to the proposed building addition; whereas By-Law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

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

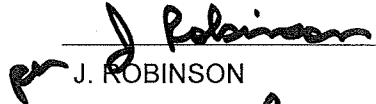
Dated at the City of Mississauga on June 30, 2016.

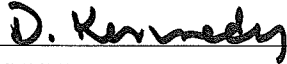
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 20, 2016.


Date of mailing is July 4, 2016.

  
S. PATRIZIO (CHAIR)


  
per D. GEORGE

  
per J. ROBINSON

  
per 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 30, 2016.

  
DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

**COMMITTEE OF ADJUSTMENT**

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

2505147 ONTARIO INC. (BY PURCHASE & SALE AGREEMENT)

on Thursday, June 23, 2016

2505147 Ontario Inc. (by Purchase and Sale Agreement) is the owner of 2780 Slough Street being Unit 4, Level 1, PSCP-971, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a Genetics Laboratory (Science & Technology Facility) within Unit 4 on the subject property providing a minimum of nine (9) parking spaces and zero (0) loading spaces; whereas By-law 0225-2007, as amended, requires a minimum of eleven (11) parking spaces and one (1) loading space for a Science & Technology use in this instance.

This application is being considered concurrently with 'A'-263/16.

Mr. M. Rogers, of John D. Rogers & Associates Inc., authorized agent, attended and advised that two applications have been submitted as a portion of the lands are under the jurisdiction of the Condominium Corporation and the proposed purchaser will own and occupy the Unit 4.

Mr. Rogers presented a site plan and advised that they wish to establish a Science and Technology Facility within Unit # 4. He indicated that permission is being requested under application 'A' 263/16 to provide six tandem parking spaces within the exclusive use area behind Unit 4 noting that tandem parking is not permitted under the Zoning By-law.

Mr. Rogers explained that the subject application has been submitted to request permission to establish a Science and Technology Facility within Unit # 4 providing a total of 9 parking spaces. Mr. Rogers explained that parking has been allocated at a rate of 1.60 parking spaces per 100.00m<sup>2</sup> Gross Floor Area (GFA) for Unit # 4. He noted that the parking standard for a Science and Technology facility is allocated at a rate of 3.20 parking spaces per 100.00m<sup>2</sup> Gross Floor Area (GFA). Mr. Rogers advised that a total of 11 parking spaces are required. They wish to provide six (6) tandem parking spaces in the exclusive use area (as requested under concurrent Minor Variance application 'A' 263/16) and provide three (3) parking spaces at the front of the unit for a total of nine (9) parking spaces.

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

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

**"Recommendation**

The Planning and Building Department has no objection to the requested variance, but the applicant may wish to defer the application in order to ensure that all required variances have been accurately identified.

## Background

### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Business Employment

### Zoning By-law 0225-2007

Zoning: E2

### Other Applications:

### Comments

#### Zoning

The Building Department is currently processing a certificate of occupancy permit application under file 16-604. Based on review of the information currently available for this Zoning certificate 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.

#### Planning

This application is being considered concurrently with 'A' 263/16, where additional parking spaces are provided. The application is requesting a parking reduction.

A letter was submitted by John D. Rogers and Associates Inc., dated May 19, 2016, that satisfactorily justifies the requested parking reduction. The applicant has indicated there will only be between four and five employees with no patient or public traffic. Therefore nine spaces would be adequate. The request is minor and can be supported.

The Planning and Building Department has no objection to the requested variance, but the applicant may wish to defer the application in order to ensure that all required variances have been accurately identified."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 262/16."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 262/16  
WARD 5

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

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


Dated at the City of Mississauga on June 30, 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 20, 2016.

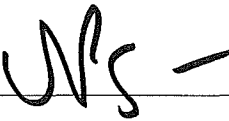
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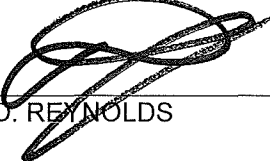
  
 \_\_\_\_\_  
 S. PATRIZIO (CHAIR)


  
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 per D. GEORGE

  
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 per J. ROBINSON

  
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 per D. KENNEDY

  
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 J. PAGE

  
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 D. REYNOLDS

  
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 P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
 \_\_\_\_\_  
 DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

PSCC 971

on Thursday, June 23, 2016

PSCC 971 is the owner of 2780 Slough Street being PSCP-971 - Formerly Block B Registered Plan 737 and Part of Block G, Registered Plan 852, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit six (6) tandem parking spaces to be provided in the exclusive area at the rear of Unit #4; whereas By-law 0225-2007, as amended, does not permit tandem parking spaces in this instance.

This application is being considered concurrently with 'A'-262/16.

Mr. M. Rogers, of John D. Rogers & Associates Inc., authorized agent, attended and advised that two applications have been submitted as a portion of the lands are under the jurisdiction of the Condominium Corporation and the proposed purchaser will own and occupy the Unit 4.

Mr. Rogers presented a site plan and advised that they wish to establish a Science and Technology Facility within Unit # 4. He indicated that permission is being requested under the subject application to provide six tandem parking spaces within the exclusive use area behind Unit 4 noting that tandem parking is not permitted under the Zoning By-law.

Mr. Rogers explained that a concurrent application ('A' 262/16) has been submitted to request permission to establish a Science and Technology Facility within Unit # 4 providing a total of 9 parking spaces. Mr. Rogers explained that parking has been allocated at a rate of 1.60 parking spaces per 100.00m<sup>2</sup> Gross Floor Area (GFA) for Unit # 4. He noted that the parking standard for a Science and Technology facility is allocated at a rate of 3.20 parking spaces per 100.00m<sup>2</sup> Gross Floor Area (GFA). Mr. Rogers advised that a total of 11 parking spaces are required. They wish to provide six (6) tandem parking spaces in the exclusive use area and provide three (3) parking spaces at the front of the unit for a total of nine (9) parking spaces.

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

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

### "Recommendation

The Planning and Building Department has no objection to the requested variance, but the applicant may wish to defer the application in order to ensure that all required variances have been accurately identified.

### Background

**Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning:** E2

**Other Applications:**

**Comments**

**Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 16-604. Based on review of the information currently available for this Zoning certificate 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.

**Planning**

This application is being considered concurrently with 'A' 262/16, where additional parking spaces are provided. The application is requesting a variance to permit tandem parking spaces.

A letter submitted by John D. Rogers and Associates, dated May 19, 2016 in support of variance application 'A' 262/16 (concurrently considered with 'A' 263/16) justifies the requested variance. The applicant has indicated there will only be between four and five employees with no patient or public traffic. Tandem parking would create additional parking spaces over and above the tenants needs. The request is minor and in keeping with the general intent of the zoning by-law and the official plan.

The Planning and Building Department has no objection to the requested variance, but the applicant may wish to defer the application in order to ensure that all required variances have been accurately identified."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 263/16."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 263/16  
WARD 5

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

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

Dated at the City of Mississauga on June 30, 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 20, 2016.

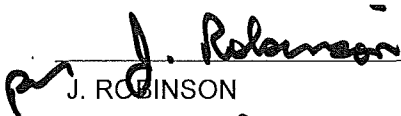
Date of mailing is July 4, 2016.



S. PATRIZIO (CHAIR)



per D. GEORGE



J. ROBINSON



per D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

1912348 ONTARIO LIMITED

on Thursday, June 23, 2016

1912348 Ontario Limited is the owner of 20 Traders Boulevard East being Part of Block 42, Registered Plan M-425, zoned E1, Employment. The applicant requests the Committee to authorize a minor variance to permit the development of a one storey banquet hall and a six storey hotel on the subject property proposing:

1. a front yard of 2.00m (6.56ft.) measured from the front lot line (Hurontario Street); whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.50m (14.76ft.) in this instance,
2. a front yard of 0.10m (0.33ft.) from the entrance canopy located at the intersection of Hurontario Street & Traders Blvd.; whereas Bylaw 0225-2007, as amended, requires a minimum 4.50m (14.76ft.) front yard in this instance.
3. an exterior side yard 0.10m (0.33ft.) from the entrance canopy located at the intersection of Hurontario Street & Traders Blvd. and 1.30m (4.26ft.) to the building wall located at the intersection of Hurontario Street & Traders Blvd.; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance,
4. an exterior side yard of 2.00m (6.56ft.) to the building wall; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance,
5. a landscape buffer of 2.00m (6.56ft.) to the street line (Traders Boulevard); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (14.76ft.) in this instance,
6. a landscape buffer of 0.40m (1.31ft.) to the street line (Hurontario Street); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (14.76ft.) in this instance,
7. a landscape buffer of 0.00m (0.00ft.) within 24.0m (78.70ft.) of the intersection at Hurontario Street and Traders Blvd.; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (14.76ft.) in this instance,
8. a distance from a surface parking space of 7.80m (25.59ft.) to a street (Hurontario Street) , whereas By-law 0225-2007, as amended requires a distance of 10.00m (32.80ft.) from a surface parking space to a street (Hurontario Street) in this instance; and,
9. an increase to the maximum setback to the first 3 storeys of a street wall on a lot abutting Hurontario Street to 10.33m (33.89ft.); whereas By-law 0225-2007, as amended, permits a maximum setback of 10.00m (32.80ft.) to the first 3 storeys of a street wall on a lot abutting Hurontario Street.



Mr. R. Guetter, of Weston Consulting, authorized agent, attended and presented the application to permit the construction of a mixed use employment development located in the Gateway Corporate Centre. He advised that the nine variances being requested relate to the building and setback conditions along Hurontario Street. Mr. Guetter presented a site plan and advised that extensive discussion has taken place with respect to the site. He advised that the setback relief being requested relates to the building and setbacks to the canopies as well as yard conditions along the street.

Mr. Guetter presented a rendering of the building and indicated that the site will contain a hotel, convention centre and banquet hall. He indicated that the site has good urban design that will draw people to the site. Mr. Guetter requested that the Committee consider the request favourably.

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

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

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Gateway Corporate Centre  
Designation: Office

**Zoning By-law 0225-2007**

Zoning: E1

**Other Applications:**

Site Plan Application: SP 14-122

**Comments**

**Zoning**

The Building Department is currently processing a site plan approval application under file 14-122. Based on review of the information currently available for this application, the variances, as requested in the revised Notice are correct.

**Planning**

The application proposes the development of a hotel and banquet hall. The site plan application has been reviewed by Planning staff.

The requested variances #1 to #5 are for how the building meets the street along the Hurontario St and Traders Blvd facades. The subject lands are located within the Gateway Corporate Centre, which is intended to have a high quality urban design that promotes a lively and walkable streetscape. The proposal indicates a series of building canopies which provide protection from the elements, but project from the building into the required setback. The proposed public realm is a combination of landscape treatments, walkways, sidewalks, canopies and entrances. Part of the intent of the setback is to provide opportunities for landscaping to contribute to a streetwall along Hurontario St. Variances #1, #2, and #5 are at pinch points where the building meets the corner of the intersection.



**MISSISSAUGA**

File: "A" 264/16  
WARD 5

Regarding variance #6, the requested variance is to have a parking space closer to the street than as required in the zoning bylaw. The proposed parking space is consistent with the streetwall of the proposed building.

Staff have worked with the applicant, and are satisfied with the site plan application at this stage. In the opinion of the Planning and Building Department the variances are minor, and create a desirable condition, while keeping the intent of the official plan and zoning bylaw.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/122. 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 (June 16, 2016):

"We have no comments or objections."

A letter was received from Ward Councillor Parrish indicating the Hyatt Hotel and Convention Centre is to be situated along the Light Rail Transit line which will be built shortly. She expressed her delight that a four star hotel with many amenities and a beautiful exterior will dress up the corner of Traders Boulevard and Highway 10. She indicated that none of the requested variances cause her any concern on behalf of her community noting that it meets the general intent and purpose of the Official Plan.

An e-mail was received from A. Gulamani, President of Bayview Mississauga Holdings Ltd., property owners at 100 Traders Boulevard East, expressing an interest in the application.

No other persons expressed any interest in the application.

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

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

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

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

MOVED BY:	D. Reynolds	SECONDED BY:	J. Robinson	CARRIED
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MISSISSAUGA

File: "A" 264/16  
WARD 5


Application Approved.


Dated at the City of Mississauga on June 30, 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 20, 2016.

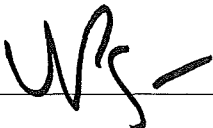
Date of mailing is July 4, 2016.

  
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S. PATRIZIO (CHAIR)


  
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per D. GEORGE

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

  
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per D. KENNEDY

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

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

  
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P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
\_\_\_\_\_  
DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

- NOTES:**
- A Development Charge may be payable prior to the issuance of a Building Permit.
  - Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY

ANDRE FREHN

on Thursday, June 23, 2016

Andre Frehn is the owner of 786 Terlin Boulevard being Part of Lot 9, Range 2, C.I.R., zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit additions and alterations to the existing dwelling proposing:

1. a combined width of side yards of 4.46m (14.63ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of 27.00% of the lot frontage, being 5.45m (17.88ft.) in this instance;
2. a south-westerly side yard of 1.90m (6.23ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (7.90ft.) in this instance;
3. a dwelling height of 9.99m (32.77ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (29.52ft.) in this instance;
4. a height of 6.91m (22.67ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) in this instance; and,
5. a Gross Floor Area – Infill Residential of 342.08m<sup>2</sup> (3,682.23sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Infill Residential of 334.91m<sup>2</sup> (3,605.05sq.ft.) in this instance.

On May 12, 2016, Mr. A. Frehn, property owner, attended and presented the application to demolish the existing home on the property but retain the existing foundation on which a new two-storey home is proposed to be constructed. He presented an elevation drawing and explained that variances for side yard and combined width of both side yards are existing conditions. He explained that they wish to maintain the existing foundation, which is structurally sound and considered legal non-conforming.

Mr. Frehn, further explained that variances #3 and #4 are associated with the excessive height of eaves and roof ridge which are a result of skewed average grade calculations.

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

The City of Mississauga Planning and Building Department commented as follows (May 9, 2016):

### "Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to provide additional information through the Site Plan Approval application to ensure that no additional variances are 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 File: SPI 15-123

## Comments

### Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed interior renovation and second storey addition. Based on the review of the Site Plan Approval application, we advise that the variances as requested are correct, however, more information is required to determine whether additional variances will be required. The additional information is related to a number of items including Gross Floor Area (GFA), average grade calculations, walkway dimensions, and landscaped area calculations.

### Planning

Variances #1 and #2 generally maintain the existing conditions on site as the existing building footprint and foundation is being used for the alterations and additions. The proposed addition of a covered porch and completion of the second storey above the existing garage should maintain the character of the neighbourhood and not have negative impacts on the neighbouring properties or the streetscape. Utilizing the existing foundation allows for the retention of the mature tree cover across the site, which is consistent throughout the neighbourhood.

The requested height variances to the height of the dwelling and height to the underside of the eaves are primarily accounted for by the grade change on the site. The average grade, where the height is measured from, is lower than where the base of the dwelling meets the ground. The result is that the dwelling appears as one that would comply with the Zoning By-law height restriction if viewed from the street. As a result, we are of the opinion that the request maintains the general intent of the Zoning By-law and is minor in nature.

Based on the preceding information, the Planning and Building Department have no objection to the requested variances; however, the applicant may wish to defer the application to provide additional information through the Site Plan Approval application to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (May 5, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed additions and alterations to the existing dwelling will be addressed at the time of the Building Permit process."



The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 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. Please note that site servicing approvals will be required prior to building permit."

A letter was received from S. & R. Nash of 781 Terlin Boulevard in support of the application and indicating that they have no concerns regarding the proposed construction of the new dwelling.

A letter was received from M.J. & L. Soares of 805 Terlin Boulevard in support of the application and indicating that they have no concerns regarding the proposed construction of the new dwelling.

A letter was received from P. Marzinotto of 768 Terlin Boulevard in support of the application and indicating that he has no concerns regarding the proposed construction of the new dwelling.

A letter was received from T. & J. Leishman of 785 Terlin Boulevard in support of the application and indicating that they have no concerns regarding the proposed construction of the new dwelling.

A letter was received from D. & L. Tutty of 785 Terlin Boulevard in support of the application and indicating that they have no concerns regarding the proposed construction of the new dwelling.

No other persons expressed any interest in the application.

Mr. Frehn, upon hearing the comments of the Committee and the Planning and Building Department, requested the application be deferred to allow additional time for the plans to be reviewed by City staff to confirm that no additional variances are required.

The Committee consented to the request and deferred the application to June 23, 2016.

On June 23, 2016, Mr. A. Frehn, property owner, attended and advised that an additional variance is required for a slight increase in the gross floor area. Mr. Frehn presented a set of plans for the Committee's review and consideration. He advised that the existing foundation does not comply with the Zoning By-law requirements and they wish to construct the new dwelling using the existing foundation.

Mr. Frehn presented a sketch of the dwelling and indicated that the eave height at the rear of the home, on only a portion of the dwelling between the peaks, does not comply with the By-law due to the grade changes on site.

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

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

#### **"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to provide additional information through the Site Plan Approval application to ensure that no additional variances are 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 File: SPI 15-123

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed interior renovation and second storey addition. Based on the review of the Site Plan Approval application, we advise that the variances as requested are correct, however, more information is required to determine whether additional variances will be required. The additional information is related to a number of items including Gross Floor Area (GFA), average grade calculations, walkway dimensions, and landscaped area calculations.

**Planning**

The Planning and Building Department previously commented on this application for the May 12<sup>th</sup>, 2016 Committee of Adjustment hearing. At that time the department had no objection to the application; however, the applicant chose to defer the application to ensure that all of their variances had been correctly identified. Given that we have received no new information our previous comments from that hearing remain applicable."

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

"Please refer to our comments submitted for the May 12, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 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. Please note that site servicing approvals will be required prior to building permit."

An e-mail was received from A. and P. Petrie, property owners at 771 Indian Road, expressing opposition to the application and noting their concerns with respect to height and noting their comments.

No other persons expressed any interest in the application.

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

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



MISSISSAUGA

File: "A" 187/16  
WARD 2

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 30, 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 20, 2016.

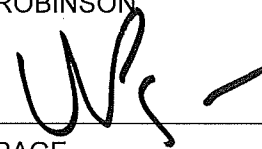
Date of mailing is July 4, 2016.

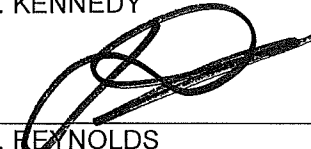
  
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 S. PATRIZIO (CHAIR)

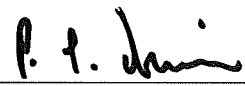
  
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 per D. GEORGE

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

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

  
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 J. PAGE

  
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 D. REYNOLDS

  
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 P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
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 DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.



**COMMITTEE OF ADJUSTMENT**

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended.  
- and -  
IN THE MATTER OF AN APPLICATION BY  
  
PAUL EBAYER

on Thursday, June 23, 2016

Paul Ebeyer is the owner of 22 Cumberland Drive being Lot 11 Registered Plan H-21, zoned R15-8, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing detached dwelling on the subject property proposing:

1. an existing northerly side yard on 0.90m (2.95ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance,
2. an southerly side yard of 0.93m (3.05ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance; and,
3. a front yard to the porch, inclusive of stairs of 4.06m (13.32ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the porch, inclusive of stairs of 4.40m (14.43ft.) in this instance.

On May 19, 2016, Mr. J. Wallace, authorized agent, attended and presented the application. Mr. Wallace advised that a building permit was submitted for an addition to the existing dwelling. He indicated that variances are required for the setback to the porch, side yards, and dwelling height.

Mr. Wallace presented a set of plans for the Committee's review and consideration. He indicated that the northerly side yard to the existing dwelling does not comply with the Zoning By-law. Mr. Wallace indicated that this deficiency was identified through a review of the building permit application.

Mr. Wallace advised that a southerly side yard of 0.93m (3.05ft.) is proposed. He presented a floor plan and advised that a stair and landing are located within the garage. He advised that the additional width is required to allow a functional use of the space and allow a vehicle to be parked within the garage.

Mr. Wallace indicated that a covered porch is being constructed at the front of the dwelling. He advised that the setback to the front porch stair is slightly less than the By-law requirement. Mr. Wallace indicated that the visual appeal would be affected if the stairs were re-located to the side.

Mr. Wallace indicated that the addition is at a different floor level than the dwelling. He advised that the average grade is significantly lower than the first floor and consequently, the height exceeds the By-law requirement. Mr. Wallace indicated that the grade slopes upwards on the property. He indicated that the height to the underside of the eaves complies with the By-law requirements. He indicated that if they were to adjust the roof pitch to reduce the height, the design of the house would be compromised. Mr. Wallace advised that if they were constructing a new home, the height on the lot, it would comply with the By-law. He advised that the height does not comply because of the grade and the average grade calculations.

Mr. Wallace indicated that he has spoken with the neighbours on both sides who have expressed support for the application.

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

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

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

**Zoning:** R15-8 (Residential)

**Other Applications:**

Building Permit File: 16-820

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Building Permit application and based on the information provided with it, variance #2, #3 and #4 are correct, as requested.

Based on the review of the Building Permit application we advise that variance request #1 should be amended as follows:

"1. a dwelling height to the highest ridge of 10.53 m (34.54 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest ridge of 9.50 m (31.16 ft.) in this instance,"

**Planning**

The applicant is proposing to reconstruct the existing dwelling, maintaining a portion of the existing building footprint on the northerly side of the lot; variance #2 seeks to recognize this condition with some additional new construction. The applicant is also proposing a 0.93 m (3.05 ft.) setback on the southerly side yard for the new construction on the lot under variance #3. The redevelopment in the area is commonly characterized by narrow side yards between homes and the requested variances should generally maintain the character of the area and not have a significant impact on the streetscape along Cumberland or on the neighbouring dwellings.

Variance #1 requests a dwelling height of 10.53 m (34.54 ft.), which is partially accounted for as a result of the average grade calculations. The lot has a slight slope to the rear of the property and the appearance of the dwelling from the street will be one that is lower in height from the ground to the top of the dwelling than what the variance requests. Further, the roof slopes towards the middle of the dwelling from most sides which helps to reduce the massing impact of increased heights.



## MISSISSAUGA

File: "A" 197/16  
WARD 1

The requested front yard setback to the porch is a relatively minor request in our opinion. The main wall of the dwelling complies and the centrally located covered porch should not produce a significant massing impact on the street.

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 1, 2016):

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works concerns/requirements for the proposed addition will be addressed at the time of the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 16, 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. Please note that site servicing approvals will be required prior to building permit."

A letter was received from M. Howes-Clark and A. Clark, property owners at 43 Onaway Road, expressing objection to the application and noting their concerns regarding height and setbacks. They noted that a By-law amendment was recently passed implementing the R15-8 zoning and they requested that the applicant design the dwelling in accordance with the regulations.

A letter was received from D. Bailey, resident at 55 Cumberland Drive, expressing concerns with respect to the height and decreased setbacks. Mr. Baily indicated that the R15-8 zoned provisions were recently enacted and the applicant should comply with the requirements.

A letter was received from A. Basaraba, property owner at 20 Cumberland Drive, expressing no objection to the application.

A letter was received from P. and T. Trost, residents at 24 Hiawatha Parkway, expressing objection to the application and noting their concerns with respect to the proposed height of the dwelling.

A letter was received from M. and S. Lynch, property owners at 24 Cumberland Drive, expressing no objection to the application.

An e-mail was received from B. Sayer and B. Keely, residents at 39 Wanita Road, expressing objection to the application and noting their concerns with respect to height.

An e-mail was received from C. G., and G. Watts, residents at 47 Wanita Road, expressing objection to the application and noting their concerns with respect to height. They noted that a By-law was recently passed regulating the height.

An e-mail was received from P. McGrath and D. Daigle, residents at 101 Cumberland Drive, expressing objection to the application and noting their concerns regarding the height of the dwelling. They indicated that the height is not in character with the neighbourhood and is not in keeping with the general intent and purpose of the By-law noting that a By-law was recently enacted to limit the height. They requested that the applicant design a dwelling in accordance with the By-laws.

An e-mail was received from A. Saint, resident at 13 Cumberland Drive, expressing objection to the proposed height of the dwelling.



## MISSISSAUGA

File: "A" 197/16  
WARD 1

Ms. P. Trost, property owner at 24 Hiawatha Parkway, attended and advised that a new By-law regulating height and massing was recently passed by Council after much community involvement. Ms. Trost requested that the applicant comply with the Zoning By-law.

Mr. D. Bailey, resident at 55 Cumberland Drive, attended and expressed his objection to the application. He indicated that he examined the plans and the front yard and height variance requests are unreasonable as they contribute to the massing effect. He expressed his concerns with respect to the overshadowing. Mr. Baily indicated that the dwelling at 24 Cumberland Drive was constructed prior to the enactment of the By-law regulating the height of the dwellings. He indicated that the By-law represents diligent efforts by Council and the Community to keep the development in scale with the other homes in the neighbourhood. Mr. Baily indicated that the integrity of the neighbourhood should be integral to the design.

Mr. Wallace advised that the hip roof design reduces the massing effect. He indicated that they attempted to design a dwelling that respect the height limits; however, were unable to due to the average grade calculation. He noted that the grade elevation is 1.40m (4.59ft.) below the finished floor. Mr. Wallace indicated that the second floor has sloped ceilings to reduce the requested height to the underside of the eaves. He indicated that the dwelling is generally in keeping with the By-law.

No other persons expressed any interest in the application.

The Committee indicated that there is strong opposition from the Community with respect to the height noting that the By-law regulating the height has been two years in the making, undergoing much public participation in the process.

Mr. Wallace, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow him an opportunity to address the concerns with respect to height.

The Committee consented to the request and deferred the application to June 23, 2016.

On June 23, 2016, Mr. J. Wallace, authorized agent, attended and advised that the dwelling has been re-designed to eliminate the request for a variance for height. He presented a set of plans for the Committee's review and consideration.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

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

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

**Zoning:** R15-8 (Residential)

#### **Other Applications:**

Building Permit File: 16-820

## Comments

### Zoning

Although the application has been amended to remove the requested height variance, the plans associated with the Building Permit drawings have not been updated. As a result the applicant should submit updated drawings through the Building Permit application in order to correctly show the new reduced height of the dwelling.

### Planning

The Planning and Building Department previously commented on this application for the May 19<sup>th</sup>, 2016 hearing and had no objection with the proposal. Given that the proposal remains identical, with the exception of the removal of the height variance, the departments previous comments still apply with respect to all other variances."

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

"Please refer to our comments submitted for the February 23, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 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. Please note that site servicing approvals will be required prior to building permit."

A letter was received from G. Clark and M. Howes-Clark, property owners at 43 Onaway Road, expressing objection to the application and noting concerns with respect to the projecting garage and the reduced front yard to the steps and requesting that the applicant meet the By-law requirements. They also expressed concerns with respect to the mature tree located in front of the home and indicated that the tree should remain as it enhances the neighbourhood.

A letter was received from M. Brait, property owner at 19 Cumberland Drive, indicating they have no objection to the request.

A letter was received from J. and J. Messenger, property owners at 35 Oakwood Avenue South, indicating they have no objection to the request.

A letter was received from A. Cross, property owner at 21 Cumberland Drive, indicating he has no objection to the application.

A letter was received from A. and J. Smith, property owners at 23 Cumberland Drive, indicating they have no objection to the request.

Mr. D. Bailey, property owner at 55 Cumberland Drive, attended and advised that based upon a review of the revised plans, he supports the application. He requested that if the existing tree is to be removed, that an additional tree be planted on the property.

Mr. G. Clark, property owner at 43 Onaway Road, attended and advised that a projecting garage is proposed and he believes that the Zoning By-law does not permit a projecting garage. He indicated that the porch and foyer should be modified so that the variance for a reduced front yard setback is not required. Mr. Clark advised that there have been 12 trees removed in the neighbourhood. Mr. Clark indicated that they would like the applicant to save the existing tree located in the front yard for the benefit of the community.



No other persons expressed any interest in the application.

Mr. Wallace indicated that the homeowner contacted an arborist to inspect the privately owned tree who advised that the tree is starting to rot. Mr. Wallace indicated that there is no immediate intention to remove the tree. He indicated that when the large branches start to fall, the owner will respond accordingly to protect his and his neighbour's properties.

Mr. Wallace indicated that the vestibule is being replaced; however it is not coming any closer to the street than the existing vestibule. He indicated that he has had discussions with zoning staff who advised that the setback is taken to the vestibule as the front main wall of the dwelling so the garage does not technically project. He indicated that an additional step is being added to allow the residents to get to the grade level.

The Committee, after considering the submissions put forward by Mr. Wallace and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that front porch and stairs and the garage are not situated in a position where they will impact the health of the tree and the requested variances are minor 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 requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 197/16  
WARD 1

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

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


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


Dated at the City of Mississauga on June 30, 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 20, 2016.

Date of mailing is July 4, 2016.

  
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 S. PATRIZIO (CHAIR)

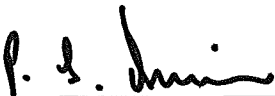
  
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 per D. GEORGE

  
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 per J. ROBINSON

  
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 per D. KENNEDY

  
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 J. PAGE

  
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 D. REYNOLDS

  
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 P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.

  
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 DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

## COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY

JENNIFER DOUGLAS

on Thursday, June 23, 2016

Jennifer Douglas is the owner of 1565 Spring Road being Lot 56, Registered Plan 389, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new gazebo and an accessory structure (fire place) on the subject property proposing:

1. a gazebo height of 3.89m (12.76ft.); whereas Bylaw 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft.) in this instance,
2. an accessory structure (fire place) height of 5.12m (16.80ft.); whereas Bylaw 0225-2007, as amended, permits a accessory strucutre (fire place) height of 3.00m (9.84ft.) in this instance; and,
3. a gazebo occupied area of 57.10m<sup>2</sup> (614.62sq.ft.); whereas Bylaw 0225-2007, as amended, permits a maximum area occupied of 10.00m<sup>2</sup> (107.64sq.ft.) in this instance.

On June 2, 2016, Mr. J. Smith, authorized agent, attended and requested that the application be deferred to allow an Amended Notice to be circulated. The Committee advised Mr. Smith that the requested Gross Floor Area (GFA) variance which was not included in the Notice of Public Hearing would require circulation in accordance with the Planning Act. The Committee also noted that the magnitude of the GFA variance could be a concern.

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 applicant defer the application in order to redesign the gazebo to address staff concerns related to the GFA and height of the structure.

### 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:**

Building Permit File: BP 9NEW 16-414

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Building Permit application for the proposed rear yard accessory structure and based on the review of the Building Permit application we advise that the following additional variance is required:

"3. an accessory structure with a floor area of 57.1 m<sup>2</sup> (614.62 sq. ft.); whereas Bylaw 0225-2007, as amended, permits an accessory structure with a floor area of 10.0 m<sup>2</sup> (107.64 sq. ft.) in this instance"

All other variances are correct, as requested.

**Planning**

The subject property is a large lot which could reasonably accommodate a larger than permitted gazebo or accessory structure with regards to Gross Floor Area (GFA) and height; however, the Planning and Building Department is of the opinion that the proposal is excessive. The proposed gazebo is to be located relatively close to a property line which may increase the impacts on neighbouring properties of the size and height of the structure. 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, we are of the opinion that the intent of the Zoning By-law is not maintained.

The requested increase in height for the fireplace is not a significant concern to the Department as the fireplace chimney is limited in its mass and does not have the same impact as the height of a conventional accessory structure or gazebo.

Based on the preceding information, the Planning and Building Department recommends the applicant defer the application in order to redesign the gazebo to address staff concerns related to the GFA and height of the structure."

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 construction of the new gazebo and accessory structure (fireplace) on the subject property.

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

"We have no comments or objections."

An email was received from N. Syed of 1557 Spring Road expressing concerns about the application. Mr. Syed indicated that the height of the proposed structure and chimney and width of the structure is excessive. He also noted a potential concern with respect to the smoke coming from the fire place and also excessive sound from any entertainment system that could accompany the gazebo structure.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to June 23, 2016. The \$200 deferral fee was waived by the Committee because the applicant was not at fault for the additional variance not being included in the Notice.

On June 23, 2016, Mr. J. Smith, authorized agent, attended and advised that there were minor changes to the design noting that the height of the structure was reduced from 4.27m to 3.89m (14.00ft. to 12.765ft.). He further advised that the proposed gazebo location has been modified to be further from the side property line and following the same setback as the dwelling. Mr. Smith indicated that the property has ample greenery that shields the structure from view.

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

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

**"Recommendation**

The Planning and Building Department has no objection to requested variances #1 and #2; however, we recommend that variance #3 be refused.

**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:**

Building Permit File: BP 9NEW 16-414

**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 that application the variances are correct, as requested.

**Planning**

The Planning and Building Department previously commented that we had concerns with the Gross Floor Area (GFA) and height of the gazebo. We continue to have no objection to requested variance #2; however, given that the GFA has remained identical we continue to have concerns with variance #3. Variance #1, for the height of the gazebo, has been reduced to a reasonable height and is now within what could be considered minor in the context of this lot.



MISSISSAUGA

File: "A" 208/16  
WARD 1

The Department is of the opinion that the requested GFA exceeds what could be considered minor. The proposed gazebo is located relatively close to the property line and the increased GFA may have an imposing massing impact on the neighbouring property. The intent of the Zoning By-law is that accessory structures will be appropriately proportional in size to the dwelling and the lot and will not have undue impacts on neighbouring properties. It is our opinion that the requested variance for the GFA of the gazebo is not minor and does not maintain the general intent of the Zoning By-law.

Based on the preceding information, the Planning and Building Department has no objection to requested variances #1 and #2; however, we recommend that variance #3 be refused."

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

"Please refer to our comments submitted for the June 2, 2016 hearing of this application as those comments are still applicable."

An e-mail was received from A. Chow, property owner at 1574 Jalna Avenue, expressing opposition to the application and noting his concerns with respect to the size and height of the gazebo.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Smith and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the size of the structure is appropriate in this instance as the lot is large.

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

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

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

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
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File: "A" 208/16  
WARD 1

Application Approved.

Dated at the City of Mississauga on June 30, 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 20, 2016**.

Date of mailing is July 4, 2016.



S. PATRIZIO (CHAIR)



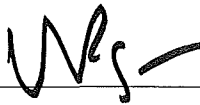
per D. GEORGE



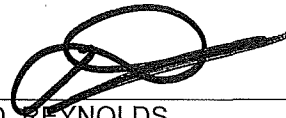
per J. ROBINSON

ABSENT


D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on June 30, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

**NOTES:**

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.