

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: MARCH 31, 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
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NEW APPLICATIONS - (CONSENT)

B-24/16	TAPES INVESTMENT LTD.	1440 BLOOR ST	3	Approved
B-25/16	BVD HOLDINGS MISSISSAUGA INC.	6070 DIXIE RD	5	Approved
B-26/16	DERRY TEN LIMITED	6730 HURONTARIO ST	5	Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-123/16	AMIRALLI AND SHEHENAZ MANJI	107 SWANHURST BLVD	11	Apr. 21
A-124/16	YU QIAO	1834 DELDERFIELD CRES	8	May 5
A-125/16	VIVEK AND APARNA GULAVANE	1656 CASABLANCA CIR	11	Approved
A-126/16	LISA AND PATRICIA SCHOLEY	1343 MILTON AVE	1	Approved
A-127/16	UZMA AND SYED TAUSIF AHMED	4208 MISSISSAUGA RD	8	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-462/15	ANA YANG	5470 MIDDLEPORT CRES	5	Approved
A-043/16	DING LIU	37 PINE AVE S	1	Withdrawn
A-066/16	NAMPOWER INC	3119 CHURCHILL AVE	5	Approved
A-072/16	NADARAJAH SATCHITHANANTHEMOORTH	4254 TRAILMASTER DR	6	Approved
A-102/16	ARNOLDO & ELVIRA CORTELLUCCI	7171 TORBRAM RD	5	Approved 5 Years

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

TAPES INVESTMENT LTD.

on Thursday, March 31, 2016

Tapes Investment Ltd. is the owner of 1440 Bloor Street being Part of Block E, Registered Plan 729, zoned RA2-56 and RM5-55, Residential. The applicant requests the consent of the Committee to the conveyance of an easement having a width of approximately 3.00m (9.84ft.) and an area of approximately 73.92m² (795.67 sq. ft.) on a parcel of land being the 'severed' land of Consent Application 'B' 008/16. The effect of the application is to create an easement for a new storm water sewer purpose in favour of the owners of the lands known as the 'retained' land of Consent Application 'B' 008/16.

Mr. P. Favot, Architect and Urban Planner, attended and presented the application. Mr. Favot presented a site plan for the Committee's review and consideration indicating that approval is being requested to create an easement for storm water sewer purposes along the east side of the property.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (March 29, 2016),
City of Mississauga, Transportation and Works Department (March 24, 2016),
Region of Peel, Environment, Transportation & Planning Services (March 28, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Favot 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. Favot, 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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 24, 2016.
4. The Secretary-Treasurer's Certificate under the *Planning Act* shall be issued with respect to the "severed" land of application "B" 008/16 prior to the issuance of the subject Consent.

MOVED BY: J. Robinson

SECONDED BY: J. Page

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on April 7, 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 **MAY 1, 2016**.

Date of mailing is April 11, 2016.



S. PATRIZIO




D. GEORGE (CHAIR)



J. ROBINSON



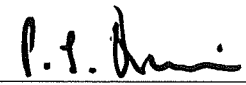
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **April 11, 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

BVD HOLDINGS MISSISSAUGA INC.

on Thursday, March 31, 2016

BVD Holdings Mississauga Inc. is the owner of 6070 Dixie Road being Part of Lot 12, Registered Plan M689, zoned E2, Employment. The applicant requests the consent of the Committee to the conveyance of an easement having an area of approximately 1802.77m² (19,404.85ft²). The effect of the application is to create an easement for access to monitoring wells in favour of the owners of the lands known as 6090 Dixie Road.

Mr. J. Kenny, attended and presented the application. Mr. Kenny presented a site plan for the Committee's review and consideration indicating that approval is being requested to create an easement to allow access to monitoring wells. He advised that the monitoring wells were installed as part of a condition of the purchase and sale agreement with the adjoining property owner. He indicated that a previous Consent application, File B 47/13, was approved for the easements; however, the location of the monitoring wells changed, resulting in the submission of the subject Consent application.

Mr. Kenny indicated that they were advised that the monitoring wells, fencing and landscape screening were placed on the Region of Peel's sanitary easement. He advised that they have re-located some of the monitoring wells and a revision to the encroachment agreement with the Region of Peel was obtained.

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 (March 29, 2016),
City of Mississauga, Transportation and Works Department (March 24, 2016),
Region of Peel, Environment, Transportation & Planning Services (March 28, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Kenny 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. Kenny, 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.

MOVED BY: S. Patrizio

SECONDED BY: D. Reynolds

CARRIED


Application Approved, on conditions as stated.

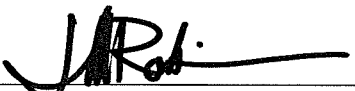
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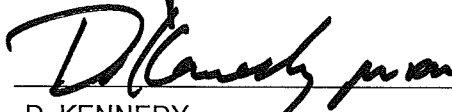
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **MAY 1, 2016**.

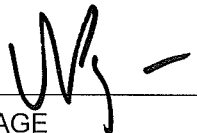
Date of mailing is April 11, 2016.


S. PATRIZIO

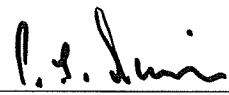

D. GEORGE (CHAIR)


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **April 11, 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

DERRY TEN LIMITED

on Thursday, March 31, 2016

Derry Ten Limited is the owner of 6730 Hurontario Street being Part of Lots 9 and 10, Concession 1, West of Hurontario Street, zoned H-E1-28 and H-E2-126, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 114.25m (374.84ft.) and a lot area of approximately 1.82ha (4.5ac). The effect of the application is to create a new lot for employment purposes.

Mr. T. Pierce, authorized agent, attended and presented the application. Mr. Pierce presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property, noting it is located at the corner of Maritz Drive and Skyway Drive.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (March 29, 2016),
City of Mississauga, Transportation and Works Department (March 24, 2016),
Region of Peel, Environment, Transportation & Planning Services (March 28, 2016)

No other persons expressed any interest in the application.

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

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

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 24, 2016.
5. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, Transportation Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 28, 2016.

MOVED BY: J. Page

SECONDED BY: P. Quinn

CARRIED

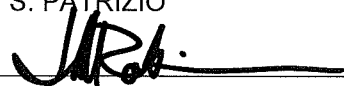
Application Approved, on conditions as stated.

Dated at the City of Mississauga on April 7, 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 **MAY 1, 2016**.

Date of mailing is April 11, 2016.


S. PATRIZIO


J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on April 7, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **April 11, 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

VIVEK & APARNA GULAVANE

on Thursday, March 31, 2016

Vivek & Aparna Gulavane are the owners of 1656 Casablanca Circle being Part of Block 4, Registered Plan M-1423, zoned RM5-16 Residential and G2-1, Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the construction of a single storey sunroom addition to the rear of the existing dwelling and to permit the existing pergola to remain proposing:

1. a rear yard of 2.27m (7.45ft) from the sunroom addition to the G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a rear yard of 7.50m (24.60ft) from the sunroom addition to the G2-1, Greenbelt zone, in this instance; and,
2. the existing pergola having an occupied area of 17.41m² (184.49ft²); whereas Bylaw 0225-2007, as amended, permits a maximum occupied area of 10.00m² (107.64ft²) in this instance.

Mr. I. Kulitis, authorized agent, attended and presented the application to permit the construction of a sunroom addition. He presented plans for the Committee's consideration and review and advised that relief is required as the lot shape is irregular. He advised that they are also requesting permission for the pergola to remain, as constructed.

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

The City of Mississauga Planning and Building Department commented as follows (March 29, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Village
Designation: Medium Density

Zoning By-law 0225-2007

Zoning: RM5-16

Other Applications:

BP 15/6955 Unheated Sunroom Addition at rear
PAM 15/228 A 26.76m² sunroom addition at the rear of the building

Comments

Zoning

The Planning and Building Department is currently processing a building permit application under file 15-6955. Based on the information provided with the building permit application, the variances, as requested, are correct.

Planning

We note that Credit Valley Conservation Authority has granted Permit 15/255 for variance #1, the sunroom addition. The rear yard of 2.27m (7.45ft) from the sunroom is a pinch point.

The existing temporary shed is currently located within G2-1 zone, and is indicated on the site plan that it shall be removed.

The variance #2 should be amended:

The existing gazebo having an occupied area of 17.41m² (184.49ft²); whereas Bylaw 0225-2007, as amended, permits a maximum occupied area of 10.00m² (107.64ft²) in this instance.

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

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"This department has no objections to the applicant's request to permit the construction of a sunroom addition at the rear of the dwelling and also to permit the existing pergola to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (March 29, 2016):

"It is understood the applicants are requesting the variance for a setback reduction of the proposed sunroom to the G-2 and to permit an existing pergola to remain. CVC has previously reviewed the proposed development through a permit application. The sunroom and pergola are setback sufficiently from the areas of concern. As such, CVC has **no objection** to the approval of this application by the Committee at this time."

The Ministry of Transportation commented as follows (March 30, 2016):

"The location of the proposal is within MTO's permit control area and permits will be required. MTO will require site plans and a drainage plan to be submitted by the applicant. Once an initial package is submitted, additional information may be requested from the Ministry."

No other persons expressed any interest in the application.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a single storey sunroom addition to the rear of the existing dwelling and to permit the existing gazebo to remain proposing:

1. a rear yard of 2.27m (7.45ft) from the sunroom addition to the G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a rear yard of 7.50m (24.60ft) from the sunroom addition to the G2-1, Greenbelt zone, in this instance; and,
2. the existing gazebo having an occupied area of 17.41m² (184.49ft²); whereas Bylaw 0225-2007, as amended, permits a maximum occupied area of 10.00m² (107.64ft²) in this instance.

This application is subject to the following condition:

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

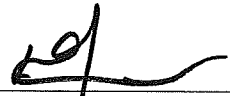
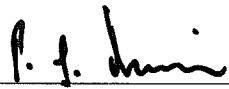
MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
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Application Approved, temporarily, on condition as stated.

Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

Date of mailing is April 11, 2016.


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

I certify this to be a true copy of the Committee's decision given on April 7, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

LISA & PATRICIA SCHOLEY

on Thursday, March 31, 2016

Lisa & Patricia Scholey are the owners of 1343 Milton Avenue being Lot 29, Registered Plan E-13, zoned R2-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a front yard of 6.68m (21.92ft); whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft) in this instance,
2. a porch encroachment of 3.02m (9.91ft) within the required front yard; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) into the required front yard in this instance; and,
3. an interior side yard of 1.58m (5.18ft); whereas Bylaw 0225-2007, as amended, requires a minimum interior side yard of 1.80m (5.91ft) in this instance.

Ms. D. Kowiaz-Sitko, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Ms. Kowiaz-Sitko presented a photograph and advised that the existing dwelling will be removed. She advised the proposed dwelling has been sited closer to the street to enable them to preserve an existing tree in the rear yard.

Ms. Kowiaz-Sitko advised that the requested reduction in the side yard does not adversely impact the neighbour as it faces the rear yard of the adjoining property.

Ms. Kowiaz-Sitko advised that the front yard of the subject dwelling is in line with the front yards of the adjacent homes on the neighbouring lots and consequently, will not adversely impact them.

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

The City of Mississauga Planning and Building Department commented as follows (March 24, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-1 (Residential)

Other Applications:

Site Plan Approval Application File: SP 15/128

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed two storey dwelling. Based on the review of the Site Plan Approval application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Notwithstanding the above, Variances #1 and #2 are correct, as requested, and variance #3 should be amended as follows:

"3. an interior side yard of 1.58 m (5.18 ft.) to the first storey; whereas Bylaw 0225-2007, as amended, requires a minimum interior side yard of 1.80 (5.91 ft.) in this instance."

Furthermore, the length of the proposed garage is insufficient and the following additional variance is required:

"4. a minimum rectangular area of the inside face of the walls of the garage of 6.25 m (20.51 ft.) x 5.94 m (19.49 ft.); whereas By-law 0225-2007, as amended, requires a minimum of 2.75 m (9.02 ft.) x 6.0 m (19.69 ft.)."

Planning

The proposed front yard setback is consistent with the streetscape along this portion of Milton Avenue; the angle in the lot lines create a situation where the front yard setback changes significantly along the front wall of the dwelling. The proposed 6.68 m (21.92 ft.) front yard setback is located at the closest point of the front wall of the dwelling, and the front yard setback increases to 11.82 m (38.78 ft.) at the westerly corner of the dwelling. The porch encroachment is a product of the decreased front yard setback on the easterly portion of the dwelling and the porch is not significantly oversized or imposing on the front yard or street.

Variance #3 requests a reduced side yard setback to the main wall of the first storey of the dwelling. The request is a relatively minor decrease of 0.22 m (0.72 ft.) and should not have a significant impact on the adjacent property or the streetscape along Milton Ave. The second storey of the dwelling appears to comply with the required setback; however, we cannot verify it based on the drawings provided with the application and the applicant may wish to defer the application in order to ensure that no additional variances will be required.

The additional required variance for the length of the garage is required for a relatively minimal decrease and is a minor request in our opinion.

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

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/128. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (March 17, 2016):

"The subject property is listed under the *Ontario Heritage Act* as it forms part of the Mineola Cultural Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation measures. The Heritage Permit application is pending therefore concerns remain for impact to features that contribute to the Cultural Landscape. As such, Heritage Planning staff recommends that the subject variances be deferred."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

The Ministry of Transportation commented as follows (March 30, 2016):

"The Ministry has received the submission regarding the above noted new applications – (minor variance), and these lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the Zoning Section has requested additional information with respect to the line of second storey. He noted that it appears from reviewing the elevation drawings that the wall extends straight up to the second storey. Mr. Kirton indicated that a further variance would be required to the second storey wall noting that the minimum setback is 1.80m to the first storey and 2.41m to the second storey.

Ms. Kowiazko-Kitko, upon hearing the comments of the Committee and the Planner, requested that the application be amended in accordance with their recommendations. She advised that she has amended the garage floor plans and will not require a variance for the interior dimensions.

The Committee consented to the request and, after considering the submissions put forward by Ms. Kowiazko-Kitko and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new two storey dwelling on the subject property proposing:



MISSISSAUGA

File: "A" 126/16

WARD 1

1. a front yard of 6.68m (21.92ft); whereas Bylaw 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft) in this instance,
2. a porch encroachment of 3.02m (9.91ft) within the required front yard; whereas Bylaw 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.25ft) into the required front yard in this instance; and,
3. an interior side yard of 1.58m (5.18ft) to the first storey and second storey; whereas Bylaw 0225-2007, as amended, requires a minimum interior side yard of 1.80m (5.91ft) to the first storey and 2.41m (7.90ft.) to the second storey in this instance.

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


Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

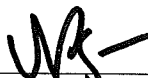
Date of mailing is April 11, 2016.


S. PATRIZIO

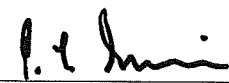

D. GEORGE (CHAIR)


J. ROBINSON

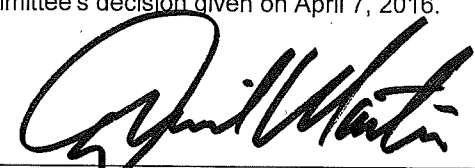

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

UZMA & SYED TAUSIF AHMED

on Thursday, March 31, 2016

Uzma & Syed Tausif Ahmed are the owners of 4208 Mississauga Road being Part of Lot 33, Registrar's Compiled Plan 1003, zoned H-R2-33, Holding Residential and H-G2-1, Holding Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property, proposing:

1. a setback of 6.15m (20.18ft) from the proposed dwelling to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50m (24.60ft) from a dwelling to a G2-1, Greenbelt zone in this instance,
2. a setback of 5.67m (18.60ft) from a proposed deck in the rear yard to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50m (24.60ft) from a proposed deck in the rear yard to a G2-1, Greenbelt zone in this instance,
3. a setback of 5.06m (16.60ft) from a proposed deck in the side yard to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50m (24.60ft) from a proposed deck in a side yard to a G2-1, Greenbelt zone in this instance,
4. a setback of 0.00m (0.00ft) from a driveway to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 0.60m (1.96ft) from a driveway to a G2-1, Greenbelt zone in this instance,
5. to permit a driveway within a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, does not permit a driveway in a G2-1, Greenbelt zone in this instance; and,
6. a total lot coverage of 31.08% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum total lot coverage of 25.00% of the lot area in this instance.

Mr. W. Hicks, of Hicks Design Studio Inc., authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Hicks advised that variances are technical in nature and are required for setbacks to the G2-1 zone. He illustrated the locations where relief is requested.

Mr. Hicks advised that a variance is required for the lot coverage as the G2-1 zoned lands cannot be included in the calculation of lot coverage. He noted that if they were included, the lot coverage would be well below the permitted 25.00% of the lot area.

Mr. Hicks advised that the Heritage Advisory Committee and the Credit Valley Conservation have approved the application and indicated that a Site Plan Approval application has been submitted and reviewed.

Mr. Hicks requested that item # 3 be withdrawn from the application.

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

The City of Mississauga Planning and Building Department commented as follows (March 24, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I, Greenbelt

Zoning By-law 0225-2007

Zoning: H-R2-33 (Residential Holding), H-G2-1 (Greenbelt Holding)

Other Applications:

Site Plan Approval Application File: SP 14/161

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed dwelling. Based on the information provided with the Site Plan Approval application, variances #1, 2, 4, 5, and 6 are correct. Variance #3 is not required.

Planning

The requested variances deal primarily with the setback from the G2-1, greenbelt zone. The intent of the required setback to the greenbelt zone is to provide a buffer area for additional protection of natural areas. The Credit Valley Conservation Authority (CVC) has reviewed the application in depth and has not raised any concerns with the decreased setback requests. The City zoning provisions are meant to support the CVC regulations protecting natural areas; given that the CVC has no concerns related to impact on the greenbelt lands and recognizing the irregular lot configuration, we have no objection to the requested variances #1, #2, #4, and #5.

Variances #6 is required because the lot coverage calculation does not incorporate the area of the private lot zoned greenbelt. If the greenbelt lands within the lot were incorporated into the coverage calculation, the lot coverage would be 23.83%, and would comply with the Zoning By-law requirement. The intent of the lot coverage provisions of the Zoning By-law are to decrease massing impacts on adjacent properties and to provide adequate open space on each lot for landscaping, recreation, and access, among other things. It is our opinion that the general intent of the Zoning By-law is maintained in this instance, and that the request is minor in nature.

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

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/161. 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 (March 28, 2016):

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

"The subject lands are located partially within an area designated as a Core Area of the Regional Greenlands System. The Region relies on the technical expertise of CVC staff for the review of development applications with respect to potential impacts to the natural environment. Staff requests that the Committee consider any comments or conditions of approval appropriately."

The Credit Valley Conservation commented as follows (March 22, 2016):

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

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey addition to the existing dwelling proposing:

1. A setback of 6.15 m (20.18 ft) from the proposed dwelling to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50 m (24.60 ft) from a dwelling to a G2-1, Greenbelt zone in this instance,
2. A setback of 5.67 m (18.60 ft) from the proposed deck in the rear yard to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50 m (24.60 ft) from a proposed deck in the rear yard to a G2-1, Greenbelt zone in this instance,
3. A setback of 5.06 m (16.60 ft) from the proposed deck in the side yard to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50 m (24.60 ft) from a proposed deck in the side yard to a G2-1, Greenbelt zone in this instance,
4. A setback of 0.00 m (0.00 ft) from driveway to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 0.60 m (1.96 ft) from a driveway to a G2-1, Greenbelt zone in this instance,
5. To permit a driveway within a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, does not permit a driveway in a G2-1, Greenbelt zone in this instance; and,
6. A total lot coverage of 31.08% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum total lot coverage of 25.00% of the lot in this instance.

Comments:

CVC has reviewed the proposal through Site Plan application (SP 14/161). The subject property is adjacent to a valley slope associated with Mullett Creek and Core Greenlands as designated by the Region of Peel. 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.

Be advised, a permit from CVC is required for the works as proposed."

An e-mail, dated March 30, 2016, was received from the Ministry of Transportation indicating the location of the proposal is within MTO's permit control area, the ministry has already reviewed the submission from the proponent and permits have been issued. An email was sent to the City of Mississauga on September 1, 2015 indicating MTO has no further concerns or comments and the proponent can proceed with the permit application."

No other persons expressed any interest in the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Hicks 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 variance to permit the construction of a new two storey dwelling on the subject property, proposing:

1. a setback of 6.15m (20.18ft) from the proposed dwelling to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50m (24.60ft) from a dwelling to a G2-1, Greenbelt zone in this instance,
2. a setback of 5.67m (18.60ft) from a proposed deck in the rear yard to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 7.50m (24.60ft) from a proposed deck in the rear yard to a G2-1, Greenbelt zone in this instance,
3. a setback of 0.00m (0.00ft) from a driveway to a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 0.60m (1.96ft) from a driveway to a G2-1, Greenbelt zone in this instance,
4. to permit a driveway within a G2-1, Greenbelt zone; whereas Bylaw 0225-2007, as amended, does not permit a driveway in a G2-1, Greenbelt zone in this instance; and,
5. a total lot coverage of 31.08% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum total lot coverage of 25.00% of the lot area in this instance.

MOVED BY:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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MISSISSAUGA

File: "A" 127/16
WARD 8

Application Approved, as amended.

Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

Date of mailing is April 11, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

ANA YANG

on Thursday, March 31, 2016

Ana Yang is the owner of 5470 Middleport Crescent being Lot 133, Registered Plan M-1100, zoned R4-31, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure (gazebo) on the subject property proposing:

1. a floor area of 13.00m² (140.00sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. a height of 3.66m (12.00ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance;
3. a side yard of 0.91m (2.98ft.) to the accessory building and the gazebo; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance as the lot area exceeds 750.00m² (8,073.19sq.ft.);
4. a rear yard of 0.95m (3.11ft.) to the accessory building and the gazebo; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft.) in this instance as the lot area exceeds 750.00m² (8,073.19sq.ft.);
5. to allow the existing outdoor swimming pool and the proposed swimming pool (hot tub) to be located in the exterior side yard; whereas By-law 0225-2007, as amended, does not permit swimming pools in a front or required exterior side yard in this instance;

On November 26, 2015, Mr. F. Cortese, the authorized agent, attended and requested a deferral of the application to allow him additional time to address the concerns identified in the Planning and Building Department report.

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

The City of Mississauga Planning and Building Department commented as follows (November 23, 2015):

"Recommendation:

The Planning and Building Department recommend that the application be deferred to allow the applicant time to apply for a Building Permit to verify the accuracy of the requested variances, as well as to redesign their proposal to address staff concerns.

Background:

Mississauga Official Plan:

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007:

Zoning: "R4-31", Residential

Other Applications:

☐ Building Permit File: Required - No application received

Comments:

We note that a Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. However, based on a review of the minor variance application it appears that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure and gazebo on the subject property proposing:

1. a floor area for the gazebo of 13.00 m² (139.93 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq.ft.) in this instance;
2. a height of 4.42 m (14.50 ft.) for both the accessory structure and the gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance;
3. a side yard setback of 0.91 m (2.98 ft.) to the accessory building; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.93 ft.) in this instance;
4. a rear yard setback of 0.95 m (3.11 ft.) to the accessory building and the gazebo; whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20 m (3.93 ft.) in this instance as the lot area exceeds 750.00 m² (8073.19 sq.ft.)."

Variance #1 is a relatively small increase in size of 3.00 m² (32.29 sq.ft.). Additionally the permitted lot coverage on the property is 30% and the coverage including the proposed gazebo would still be less than 25%. As a result, any massing impacts of a larger accessory structure should be mitigated by the lower than permitted coverage.

Regarding variances #3 and #4, the subject property is 754.09 m² (8 116.96 sq.ft.); if the property were less than 750.00 m² (8 072.93 sq.ft.) then only require 0.61 m (2.00 ft.) would be required for the side and rear yard setbacks for the accessory structure and would comply. This property is the largest lot in the immediate neighbourhood and all other properties would require 0.61 m (2.00 ft.) setbacks.

The height requested in variance #2 is significant and the Department is of the opinion that the applicant should redesign the accessory structure to decrease the height. We are not satisfied that there is appropriate rationale to justify the nearly 50% increase in height and cannot support the requested variance.

Based on the preceding information, the Planning and Building Department has no objection to variances #1, #3, and #4; however we recommend that the application be deferred for the applicant to redesign the accessory structure to address concerns related to variance #2. Additionally, the deferral will allow the applicant time to submit a Building Permit application to verify the accuracy of the requested variances and ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"This department has no objections to the applicants request to permit the construction (gazebo) on the subject property. Should Committee see merit we would suggest the existing drainage pattern be maintained."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

"The property is within the vicinity of a private landfill site with MOECC #A220104. It is an inactive landfill located northwest of Kennedy & Bristol."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the February 25, 2016 hearing.

On February 25, 2016, Mr. F. Cortese, authorized agent, attended and requested that the application be amended in accordance with the Planning and Building Department recommendations.

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

The City of Mississauga Planning and Building Department commented as follows (February 22, 2016):

"Recommendation

The Planning and Building Department does not oppose any of the requested variances as amended, however the applicant may wish to defer the application to provide more information for Zoning to verify the accuracy of the variances, as amended, or determine whether additional variances will be required.

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-31 Residential

Other Applications:

Building: BP9 ALT 16-10

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed accessory structure and hot tub. Based on the review of the Building Permit application we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

However, notwithstanding the above, we advise that the variance request should be amended to include the following;

Variance #4 a rear yard setback of 0.95m (3.11 ft.) to the accessory building and the gazebo; whereas bylaw 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (3.93 ft) in this instance as the lot area exceeds 750.00m² (8,073.19 sq ft).

Variance #5 to permit an outdoor swimming pool (hot tub) in an exterior side yard; whereas By-law 0225-2007, as amended, states that "No part of an outdoor swimming pool is permitted in a front or required exterior side yard", in this instance.

Furthermore, variance #2 should be revised as follows;
A height of 3.66m (12.00 ft.) for both the accessory structure and the gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance.

Planning

At the November 16, 2015 hearing, the application was deferred to allow for the applicant to address concerns identified by the Planning and Building Department.

Our previous comment regarding variance #1 remains the same. The requested variance represents a small increase and does not impact lot coverage.

For variance #2, we recognized the accessory structure cabana has been reduced from 4.42m to 3.66m. In our opinion we are satisfied with the reduction in height.

Our previous comment regarding variances #3 and #4 also remain the same. The subject property is 754.09m² (8,116.96 sq ft); and zoning bylaw 0225-2007 requires 1.20m minimum setbacks to interior side and rear lot lines for accessory buildings and structures located in the rear yard. If the lot area was less than 750m² then only 0.61m setback is required. The subject property is one the larger properties in the immediate area, where the typical character is less than 750m² lots. The requested variances for the accessory structure are minor.

The additional variance #5 is for the hot tub which is well shielded by mature landscaping and within the current fenced area of the corner property; therefore we have no concerns.

The Planning and Building Department does not oppose any of the requested variances, but recommend deferral in order for the applicant to provide more information for Zoning to review."

The City of Mississauga Transportation and Works Department commented as follows (February 18, 2016):

"Please refer to our comments submitted for the November 26, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (February 19, 2016):

"Please refer to our previous comments."

No other persons expressed any interest in the application.

The Committee requested clarification from the Planning and Building Department as to whether a variance was required for the existing swimming pool located in the exterior side yard.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that further variances may be required pending review of the submitted Building Permit application.

The Committee indicated that the requested relief for the hot tub was not included in the original Notice of Public Hearing. Mr. Cortese requested that the application be deferred to allow him an opportunity to determine whether any additional variances are required and provide the information to the Committee of Adjustment Office so that an amended Notice of Public Hearing may be circulated.

The Committee consented to the request and the application was deferred to March 31, 2016.

On March 31, 2016, Mr. F. Cortese, authorized agent, attended and advised that relief is also required for the swimming pool. He advised that the setback to the inside coping of the swimming pool is 1.33m (4.36ft.) and the minimum requirement is 1.50m (4.92ft.). He requested that the application be amended accordingly.

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

The City of Mississauga Planning and Building Department commented as follows (March 30, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, as amended, but the applicant may wish to defer in order to provide revised drawings with the Building Permit application in order for Zoning to verify the accuracy of the variances, or determine whether additional variances will be required.

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-31 Residential

Other Applications:

BP 9 ALT 16-10

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed accessory structure and hot tub under file BP9 ALT 16-10. Based on the review of the Building Permit application we advise that the variance #1 request should be amended as follows:

A floor area of 12.59sq.m (135.52 sq.ft.) for the proposed Gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00sq.m (107.64 sq.ft.) in this instance.

All other variances, as identified, are correct.

We note that the applicant must submit revised Building Permit drawings consistent with the drawings submitted with the Minor Variance application.

Planning

At the February 25, 2016 hearing, the application was deferred to allow for the applicant to address concerns identified by the Planning and Building Department.

Our previous comment regarding variance #1 remains the same; the requested variance represents a small increase and does not impact lot coverage.

For variance #2, we recognize the accessory structure cabana and gazebo has been reduced in height from 4.42m to 3.66m. This reduction is satisfactory.

Our previous comment regarding variances #3 and #4 also remain the same. The subject property is 754.09m² (8,116.96 sq ft); and zoning By-law 0225-2007 requires 1.20m minimum setback to interior side and rear lot lines for accessory buildings and structures located in the rear yard. If the lot area was less than 750m² then only 0.61m setback is required. The subject property is one of the larger properties in the immediate area, where the typical character is less than 750m² lots. The requested variances for the accessory structure gazebo and cabana are minor.

The variance #5 is in part for the existing outdoor swimming pool, Pool Permit 0/100, was issued and approved in 2000.

Variance #5 is also for the proposed swimming pool (hot tub). The hot tub is set back 1.52m from the lot line and well shielded from the street with mature landscaping, and within the current fenced area of the corner property.

Additionally, the existing outdoor swimming pool side yard set back is legal non-conforming. The applicant may wish to recognize this deficiency as follows:

A side yard of 0.711m (2.33 ft.) to the existing outdoor swimming pool; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.5m from all lot lines, measured from the inside wall of the outdoor swimming pool.

The Planning and Building Department has no objection to the requested variances, as amended, but the applicant may wish to defer in order to provide revised drawings with the Building Permit application in order for Zoning to verify the accuracy of the variances, or determine whether additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"Please refer to our comments submitted for the November 26, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"Please refer to our previous comments."



MISSISSAUGA

File: "A" 462/15
WARD 5

An e-mail, dated March 3, 2016, was received from the Ministry of Transportation indicating that the subject lands are located outside the ministry permit control area. Therefore, they have no concerns or comments offer, and permits will not be required.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an accessory structure (gazebo) on the subject property proposing:

1. a floor area of 12.59m² (135.52sq.ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. a height of 3.66m (12.00ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) in this instance;
3. a side yard of 0.91m (2.98ft.) to the accessory building and the gazebo; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance as the lot area exceeds 750.00m² (8,073.19sq.ft.);
4. a rear yard of 0.95m (3.11ft.) to the accessory building and the gazebo; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93ft.) in this instance as the lot area exceeds 750.00m² (8,073.19sq.ft.);
5. to allow the existing outdoor swimming pool and the proposed swimming pool (hot tub) to be located in the exterior side yard; whereas By-law 0225-2007, as amended, does not permit swimming pools in a front or required exterior side yard in this instance; and,
6. a side yard of 1.33m (4.36ft.) to the existing outdoor swimming pool; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.50m (4.92ft.) from all lot lines, measured from the inside wall of the outdoor swimming pool.

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

Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

Date of mailing is April 11, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON



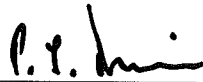
D. KENNEDY



J. PAGE

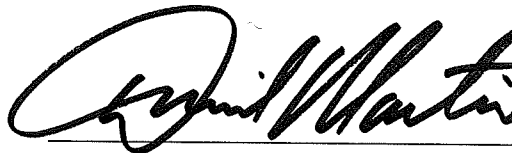


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

NAMPOWER INC.

on Thursday, March 31, 2016

Nampower Inc. is the owner of 3119 Churchill Avenue being Lot 172, Registered Plan 436, zoned R4-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property proposing:

1. a front yard of 5.26m (17.25ft.) to the porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35ft.) in this instance; and,
2. a total lot coverage of 37.55% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance.

On February 18, 2016, Mr. J. Ramirez, authorized agent, attended and presented the application to replace the existing single storey bungalow with the construction of a new two storey home on the subject property. Mr. Ramirez described and explained the justification for the requested variances, stating that they are similar to other variances recently approved in the neighbourhood. Mr. Ramirez further indicated that the applicant received a permit from the Heritage Department and a written clearance statement from the Toronto and Region Conservation Authority. Mr. Ramirez clarified to the Committee that the examples of similar variances received by other properties in the neighbourhood did not include all the variances being requested by the applicant but instead only contained a single variance in most cases.

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

The City of Mississauga Planning and Building Department commented as follows (February 16, 2016):

"Recommendation

The Planning and Building Department recommends the application be deferred in order for the applicant to redesign the dwelling to address staff concerns.

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-1, Residential

Other Applications:

PREAPP 15-7224

Comments

Zoning

The Planning and Building Department is currently processing a preliminary zoning review application. Based on the information provided with that application, variances 1 & 2, as requested, are correct.

Further, we advise that variance request #3 should be amended as follows:

a total lot coverage of 39.60% (147.25m²) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (130.06m²) of the lot area in this instance.

Note: the proposed amendments are only to add the square metres figures

Planning

The property is located in an area identified as a significant "cultural landscape" (Victory Village) in the Cultural Landscape Inventory for the City of Mississauga. The neighbourhood consists of modest War Time Housing in one, one and half, and two storey dwellings.

Reviewing the neighbourhood context, the adjacent property at 3115 Churchill Avenue received minor variances in 2003. Specifically, 3115 Churchill Avenue received approval for a maximum lot coverage of 36.34% of the lot area where a maximum of lot coverage of 35% is permitted.

In our opinion, the permitted zoning provides a generous building footprint, and the proposed dwelling is out of scale with the surrounding neighbourhood. We have no objection to the requested front yard variance of 5.26m (17.25ft.) to the porch inclusive of stairs, but feel the requested side yard variances and total lot coverage variance represent overdevelopment of the site. Therefore, the Planning and Building Department recommend the application be deferred in order for the applicant to redesign the dwelling."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed two-storey dwelling will be addressed through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (February 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 the existing service may be required. For more information, please call our Site Servicing Technicians at 905-791-7800 x7973. Please note that site servicing approvals will be required prior to the issuance of a building permit."

No other persons expressed any interest in the application.

After hearing the comments of the Committee and the Planning and Building Department, Mr. Ramirez requested the application be deferred to allow the applicant additional time to revise the plans to address the comments and concerns raised by Staff and the Committee.

The Committee consented to the request and deferred the application to March 31, 2016.

On March 31, 2016, Mr. J. Ramirez, authorized agent attended and advised that they have amended the plans and they no longer require relief for the side yards. Mr. Ramirez advised that relief is being requested only for the front yard and for the lot coverage.

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

The City of Mississauga Planning and Building Department commented as follows (March 30, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order for Zoning to verify the accuracy of the variances, or determine whether additional variances will be required.

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-1 Residential

Other Applications:

Pre App 15-7224

Comments

Zoning

The applicant has not submitted revised drawings to Zoning.

Planning

At the February 18, 2016 hearing, the Planning and Building Department recommended deferral for the applicant to redesign the dwelling. At that time we had no objection to the front yard porch variance, but objected to the side yard variances, and lot coverage variances.

The applicant has consulted with Staff and made revisions to the design. The applicant no longer is requesting side yard variances, and the total lot coverage variance is minor.

The Planning and Building Department has no objection to the requested variances, but the applicant may wish to defer in order for Zoning to verify the accuracy of the variances, or determine whether additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"Please refer to our comments submitted for the February 11, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"Please refer to our previous comments."

The Ministry of Transportation commented as follows (March 30, 2016):

"The Ministry has received the submission regarding the above noted new applications – (minor variance), and these lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

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

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

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

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

1. The outstanding deferral fee payment of \$200.00 shall be received by the Committee of Adjustment office.

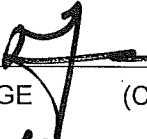
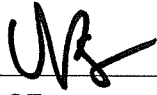
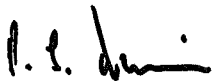
MOVED BY:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved, on condition as stated.

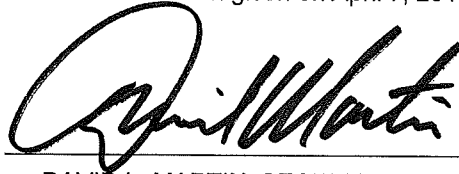
Dated at the City of Mississauga on April 7, 2016.

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 **APRIL 27, 2016**.

Date of mailing is April 11, 2016.


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

I certify this to be a true copy of the Committee's decision given on April 7, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

NADARAJAH SATCHITHANANTHEMOORTHY

on Thursday, March 31, 2016

Nadarajah Satchithananthemoorthy is the owner of 4254 Trailmaster Drive being Lot 91, Plan M-1596, zoned R4-42, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing dwelling with accessory second dwelling unit to remain proposing:

1. a driveway width of 7.00m (22.96ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,
2. a landscaped soft area of 38.00% in the front yard; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% in the front yard in this instance.

On February 18, 2016, Mr. N. Satchithananthemoorthy, property owner, attended and presented the application to allow an existing 8.50m (27.88ft) wide driveway to remain on the subject property. Mr. Satchithananthemoorthy advised the Committee that additional parking is required on the property to accommodate tenant parking associated with the second unit license. Mr. Satchithananthemoorthy indicated that he was also told by his contractor that no permit is required for the driveway and that his neighbours have similar driveway widths. The Committee confirmed that a permit is not required but that the bylaw requirements still apply and must be met and any neighbours that have similar situations cannot be used as precedence if those driveways do not meet the bylaw or have received the necessary variances from the Committee.

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

The City of Mississauga Planning and Building Department commented as follows (February 16, 2016):

"Recommendation

The Planning and Building Department recommend the application be refused.

Background

Mississauga Official Plan

Character Area: East Credit
Designation: Medium Density Residential

Zoning By-law 0225-2007

Zoning: R4-42

Other Applications:

Zoning Certificate Application: 15-6179

Comments

Zoning

The Planning and Building Department is currently processing a zoning certificate application for the proposed second unit. Based on the review of that application we advise that the variance request should be amended as follows;

The applicant requests the Committee to authorize a minor variance to permit the proposed driveway having a width of 8.5m (27.88ft), whereas by-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft) in this instance.

The Planning and Building Department is currently processing a zoning certificate application for the proposed second unit. Based on the review of that application we advise that the following additional variance(s) is required:

to permit a landscaped soft area of 19.7m² (30.1%) in the front yard, whereas by-law 0225-2007, requires a minimum landscaped soft area of 26.2m² (40%).

Planning

A driveway width of 8.50m (26.24ft.) is wide enough to accommodate three vehicles parked side by side across the front of the dwelling. In the opinion of planning staff this creates a situation with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated.

The second unit provisions in the zoning bylaw are part of the City's affordable housing strategy. However, the intent of the provisions is to protect the character of the existing neighbourhoods, by limited the number of driveways, including driveway widths.

Driveways in the vicinity, including 4259 Trailmaster Dr and 4263 Trailmaster Dr have been widened in a similar fashion, but have not applied for minor variances. Therefore, the non-complying driveway widths should not be considered when evaluating the character of the neighbourhood with respect to driveways.

The Planning and Building Department recommend the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (February 11, 2016):

"This department is not supportive of the existing driveway as constructed. In view of the above we would recommend that this application be deferred until such time that the applicant makes satisfactory arrangements with City Staff, in particular our Traffic Section to determine exactly what modifications should be made to the existing driveway in order that any requested variances could be supported by City Staff. It should also be noted that any modifications will also have to include the widened portion of the driveway between the municipal sidewalk and curb."

No other persons expressed any interest in the application.

After hearing the comments of the Committee, the Planning and Building Department, and Transportation and Works Department, Mr. Satchithananthemoorthy requested the application be amended in accordance with their recommendations and deferred to allow additional time for the plans to be revised to address the comments and concerns raised by Staff and the Committee.

The Committee consented to the request and deferred the application to March 31, 2016.

On March 31, 2016, Mr. N. Satchithananthemoorthy, property owner, attended and advised that he met with representatives of the Planning and Building Department and the Transportation and Works Department. He advised that they wish to reduce the size of the driveway in compliance with the revised site plan and are now requesting a driveway width of 7.00m (22.96ft.) which increases the amount of landscaped soft area to 38.00% of the front yard.

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

The City of Mississauga Planning and Building Department commented as follows (March 30, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: East Credit
Designation: Medium Density Residential

Zoning By-law 0225-2007

Zoning: R4-42

Other Applications:

Zoning Certificate Application: 15-6179

Comments

Zoning

The Planning and Building Department is currently processing a building permit application under file 15-6179. Based on the information provided with that application, the variances, as requested, are correct.

Planning

At the February 18, 2016 hearing the Planning and Building Department recommended the application be refused. Since then the applicant consulted with Staff and has redesigned the driveway. The requested driveway width variance has been reduced from 8.85m to 7.00m, where By-law 0225-2007 states 6.00m is permitted in this instance.

We are satisfied with this reduction, as it does not allow three vehicles to be parked across the front of the vehicle.

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



MISSISSAUGA

File: "A" 072/16

WARD 6

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"Further to our previous comments submitted for the February 18, 2016 hearing we are advising that the Transportation and Works Department staff have re-visited the property and met with the owner to advise what modifications to the existing widened driveway would be supported by this department. The owner has taken our recommendations and resubmitted a revised drawing (stamped March 2, 2016) which specifically indicates that the widened portion of the driveway between the municipal sidewalk and curb will be reduced and also indicating that the widened portion of the driveway will be reduced to 7.0M.

In view of the above we would have no objections and support the variances being requested in the Revised Notice of Public Hearing, specifically the driveway width of 7.0M and a landscaped soft area of 38.0%, provided that the driveway be modified to reflect the revised Site Plan dated March 2, 2016."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"We have no comments or objections."

The Ministry of Transportation commented as follows (March 30, 2016):

"The Ministry has received the submission regarding the above noted new applications – (minor variance), and these lands are located outside the ministry permit control area. Therefore, we have no concerns or comments to offer, and permits will not be required."

No other persons expressed any interest in the application.

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

Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

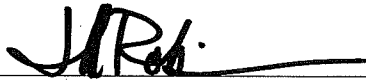
Date of mailing is April 11, 2016.



S. PATRIZIO



D. GEORGE (CHAIR)




J. ROBINSON



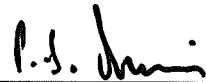
D. KENNEDY



J. PAGE

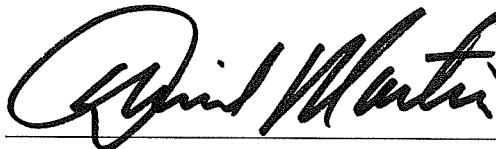


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

ARNOLDO & ELVIRA CORTELLUCCI

on Thursday, March 31, 2016

Arnaldo & Elvira Cortellucci are the owners of 7171 Torbram Road, Unit # 22 being Peel Condominium Plan 81, Level 1, Unit 22, zoned E2, Employment. The applicants request the Committee to authorize a minor variance to permit the existing Motor Vehicle Repair Facility – Restricted to include Motor Vehicle Body Repair Facility within the subject unit, whereas By-law 0225-2007, as amended, makes no provision for a Motor Vehicle Body Repair Facility Use in this instance.

On March 10, 2016, the subject application was called and no one was in attendance to present the application.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast EA (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2

Other Applications:

Certificate of Occupancy: 10-2421

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Motor Vehicle Repair Facility-Restricted and Motor Vehicle Body Repair Facility under file 10-2421. Based on the review of the Certificate of Occupancy application we advise that the variance request should be amended as follows;

to permit the existing Motor Vehicle Repair Facility - Restricted to include Motor Vehicle Body Repair Facility within the subject unit; whereas By-law 0225-2007, as amended, makes no provision for a Motor Vehicle Body Repair Facility use in this instance.

Planning

The application was previously approved for a period of five years in December 2010, terminating January 31, 2016. Since then the conditions on site have not changed.

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

The City of Mississauga Transportation and Works Department commented as follows (March 3, 2016):

"This department has no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 7, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation indicating that the lands are located outside the ministry permit control area and permits will not be required.

A letter was received from Peel Condominium Corporation No. 81, expressing concerns with respect to the number of motor vehicle repair facilities and collectively, whether the continued use of the units no longer satisfies the criteria that the minor variance request is minor in nature and that, once an application is approved, it sets a precedent for other units to perpetuate the use. They indicated that the property establishes a gradual and appropriate transition in land use intensity from Employment (E2) to the Residential (R3) lands to the east. They noted that the motor vehicle body repair use falls under the uses permitted in an E3 designation and is more disruptive to other permitted uses.

Peel Condominium Corporation No. 81 requested that, if the Committee approves the application, that the approval be conditional that the use not be permitted to expand, that the approval be temporary, and that a more permanent solution be sought to address the compatibility of the use with the adjacent unit owners and residents.

Ms. J. Chan, a representative of Peel Condominium Corporation No. 81 was in attendance.

No other persons expressed any interest in the application.

The Committee requested that the Secretary-Treasurer contact the applicant to advise of the new Hearing. The Committee deferred the application to March 31, 2016.

On March 31, 2016, Mr. V. Cortellucci, authorized agent, attended and presented the application. He advised that they wish to continue to operate in the same manner as previously approved and no changes are proposed.

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

The City of Mississauga Planning and Building Department commented as follows (March 30, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2

Other Applications:

Certificate of Occupancy: 10-2421

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Motor Vehicle Repair Facility-Restricted and Motor Vehicle Body Repair Facility under file 10-2421. Based on the review of the Certificate of Occupancy application we advise that the variance request should be amended as follows;

To permit the existing Motor Vehicle Repair Facility - Restricted to include Motor Vehicle Body Repair Facility within the subject unit; whereas By-law 0225-2007, as amended, makes no provision for a Motor Vehicle Body Repair Facility use in this instance.

Planning

At the March 10, 2016 hearing, the applicant was called but was not in the audience.

We have not received additional information, and our previous comments remain the same.

The application was previously approved for a period of five years in December 2010, terminating January 31, 2016. Since then the conditions on site have not changed.

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

The City of Mississauga Transportation and Works Department commented as follows (March 24, 2016):

"This Department has no objections to the applicant's request."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 28, 2016):

"We have no comments or objections."



MISSISSAUGA

File: "A" 102/16
WARD 5

Ms. J. Chan, a representative from Duka Consulting Inc., representing Peel Condominium Corporation 81, attended and advised that there are four auto repair uses operating in the complex. She indicated that the Condominium is concerned that a precedent may be set if the application is approved on a permanent basis. She indicated that the auto repair and body repair uses are more disruptive than the other uses in the complex and if additional units are approved for repair uses, it may adversely affect the other tenants. She requested that if the Committee approves the application, that the approval be conditional that the use not be permitted to expand and that the approval be temporary.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submission put forward by Mr. Cortellucci 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.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing Motor Vehicle Repair Facility - Restricted to include Motor Vehicle Body Repair Facility within the subject unit; whereas By-law 0225-2007, as amended, makes no provision for a Motor Vehicle Body Repair Facility use in this instance subject to the following condition:

1. This application is approved for a temporary period of five (5) years to expire and terminate on April 30, 2021.

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

File: "A" 102/16
WARD 5

Application Approved, temporarily, on condition as stated.

Dated at the City of Mississauga on April 7, 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 **APRIL 27, 2016**.

Date of mailing is April 11, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on April 7, 2016.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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