

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: MAY 5, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (MINOR VARIANCE)</u>				
A-175/16	KENNETH E. HOWIE	1530 PINETREE CRES	1	Approved
A-176/16	DANIEL & MARITA PINEDA	5221 ADOBE CRT	10	June 9
A-177/16	TAN JING	594 CURZON AVE	1	Refused
A-178/16	WIESLAW KONOPKA	110 PINEWOOD TR	1	Approved
A-179/16	HOSSAIN ABDUL KHAER MOHAMMED & BEGUM GULSHAN ARA	6462 DONWAY DR	11	June 16
A-180/16	KEE GROUP INC	1010 DREAM CREST RD	6	Approved
A-181/16	PHIL HARDIE / KIM GIBSON-HARDIE	1212 TECUMSEH PARK CRES	2	Approved
A-182/16	FABIO CAPRIOTTI	1436 MYRON DR	1	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-006/16	ARIEL & LINDA ANTONIO	464 ASHDENE AVE	7	Approved
A-112/16	ABDURRAHMAN EDDEB	1283 INFINITY ST	2	Approved
A-119/16	IRINA KASHINA & ANDRIY BUDNYI	582 HYACINTHE BLVD	4	Refused
A-124/16	YU QIAO	1834 DELDERFIELD CRES	8	Approved
A-148/16	MAVUNGAL KRISHNAPILL RAJESHLAL	253 FAIRVIEW RD W	7	Approved

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

KENNETH E. HOWIE

on Thursday, May 5, 2016

Kenneth E. Howie is the owner of 1530 Pinetree Crescent being Lot 10, Plan 595, zoned R1-2, Residential and G1, Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the existing driveway on the subject property to remain having:

1. a driveway width of 10.50m (34.44ft.) beyond that portion of the driveway that is within 6.00m (19.68ft.) of the front garage face; whereas By-law 0225-2007, as amended, permits a maximum width of 8.50m (27.88ft.) beyond that portion of the driveway that is within 6.00m (19.68ft.) of the front garage face in this instance; and,
2. a combined width for the two points of access for the circular driveway of 8.64m (28.34ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width for the two points of access for the circular driveway of 8.50m (27.88ft.) in this instance.

Mr. D. Reynolds declared an indirect pecuniary interest in the application and left the hearing room and did not participate in the proceedings in any manner.

Mr. R. Beaman, Solicitor and authorized agent, attended and presented the application to permit the existing driveway to remain as constructed. Mr. Beaman advised that a three car garage addition was constructed on the property. He indicated that the driveway was modified and constructed in accordance with the approved Site Plan. Mr. Beaman advised that the driveway was modified as the angle was inappropriate to allow a vehicle to exit from the third garage.

Mr. Beaman indicated that when construction was completed, they applied to obtain a refund of the deposits submitted through the Site Plan Approval process. They were advised that the driveway, as constructed, does not comply with the original approved Site Plan or the Zoning By-law and subsequently, a refund of the deposits are being withheld pending Committee of Adjustment Approval.

Mr. Beaman advised that the circular driveway has been in existence since 1979. He presented plans for the Committee's review and consideration and indicated that the width is difficult to measure as the width becomes the length at some point which is not easily determined. He further indicated that the width could be measured at different places and a different figure obtained. Mr. Beaman requested that the driveway remain in its present location, as constructed.

Mr. Beaman indicated that the property owner has spoken with the neighbours and they have indicated that they have no concerns with respect to the driveway.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, we are unable to confirm the accuracy of the requested variances and the applicant may wish to defer the application to apply for a Pre-Zoning Review application to verify the accuracy of the requested variances and to determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential) & G1 (Greenbelt)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. Based on the information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. It appears that an additional variance may be required for a driveway width greater than 10.50 m (34.44 ft.), however we are unable to determine the correct value for the variance.

Planning

The existing driveway maintains its width beyond the 6.00 m (19.68 ft.) from the garage face and appears to be slightly larger than 10.50 m (34.44 ft.) at one point. The largest point is where the two entrances merge coming up to the garage. The majority of the driveway complies with the zoning regulations aside from the central area and a 0.14 m (0.46 ft.) width increase at the access points, and the Planning and Building Department is of the opinion that the requested variances are minor, however the applicant should consider deferring the application in order to verify the accuracy of the requested variances and to identify the probable additional variance."

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

"This department has no objections to the applicant's request to permit the existing driveway on the subject property to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (April 27, 2016):

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

Site Characteristics:

The subject site is adjacent to the Credit River and is within its associated floodplain and valley system. It also contains portions of the Provincially Significant Credit River Marshes Wetland Complex. It is within the Credit River Costal Marsh Area of Natural and Scientific Interest and within the Credit River Environmentally Significant Area. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject site is partially within the Region of Peel Core Greenlands and entirely within the Mississauga Natural Heritage System and within the City's Natural Areas System classified as a Significant Natural Site (CRR9) and Residential Woodland (M14).

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 existing driveway on the subject property to remain having:

1. a driveway width of 10.50m (34.44 ft.) beyond that portion of the driveway that is within 6.00m (19.68ft.) of the front garage face; whereas By-law 0225-2007, as amended, permits a maximum width of 8.50m (27.88ft) beyond that portion of the driveway that is within 6.00m (19.68 ft.) of the front garage face in this instance; and,
2. a combined width for the two points of access for the circular driveway of 8.64m (28.34 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width for the two points of access for the circular driveway of 8.50m (27.88ft.) in this instance.

Comments:

CVC staff have previously reviewed the proposed development on the subject property through a Site Plan Application and CVC Permit application (SP 10/003 & FF 10/111). The driveway is setback sufficiently from the areas of concern. As such, CVC has no concerns and **no objection** to the approval of this application by the Committee at this time.

It should be noted that the subject property is entirely within CVC's Regulated Area, and any proposed development in the future may require a CVC permit."

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

No other persons expressed any interest in the application.

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

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

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

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


MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
-----------	-----------	--------------	----------	---------

Application Approved.

Dated at the City of Mississauga on May 12, 2016.

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


Date of mailing is May 16, 2016.



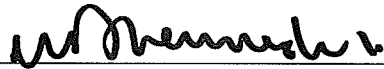
S. PATRIZIO



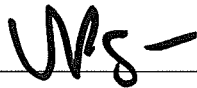
D. GEORGE



J. ROBINSON (CHAIR)

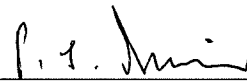


D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

TAN JING

on Thursday, May 5, 2016

Tan Jing is the owner of 594 Curzon Avenue being Lot 122, Plan C-19, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new three storey dwelling on the subject property proposing:

1. a height of 9.75m (31.98ft.) to the top of the flat roof; whereas By-law 0225-2007, permits a maximum height of 7.50m (24.60ft.) to the top of the flat roof under the R-75 zone provisions in this instance; and,
2. a side yard of 1.20m (3.93ft.) to the second storey on the north and south sides of the dwelling and a southerly side yard of 1.57m (5.15ft.) to the third storey of the dwelling; whereas By-law 0225-2007, as amended, permits a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey and 2.42m (7.93ft.) to the third storey of the dwelling in this instance.

Mr. Z. Cao, authorized agent, attended and presented the application. He advised that the existing bungalow will be demolished and replaced with a new dwelling. He indicated that they wish to construct a three (3) storey home, comprised of approximately 418.05m² (4,500sq.ft.), to accommodate the seven (7) family members that will occupy the dwelling. Mr. Cao advised that the City has recently changed the requirements to limit height. He indicated that they wanted to comply with the requirements; however, they are unable to dig any deeper to lower the basement and reduce the height due to flood prevention and sewage concerns.

Mr. Cao advised that the proposed dwelling is similar to many other dwellings in the neighbourhood. He presented photographs of other three storey dwellings with flat roofs constructed in the community. Mr. Cao indicated that the three storey dwelling is an efficient use of space. He explained that If the dwelling is constructed in accordance with the By-law, a pyramidal structure will result and there will be inadequate space on the second and third floors.

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

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

"Recommendation

The Planning and Building Department recommends that the application be refused.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: Required
Pre-Zoning Review Application File: 15-6898

Comments

Zoning

A Pre-Zoning Review application has been received, and based on the review of that application we are unable to verify the accuracy of the requested variances, or determine what additional variances will be required. Additional information has been requested for 14 items and no resubmission has occurred.

Planning

Notwithstanding the additional missing information, the Planning and Building Department is of the opinion that the requested variances are not minor in nature and do not maintain the general intent of the Zoning By-law. The requested height increase for the height to a flat roof is a significant deviation from what the recently enacted By-law permits. The intent of the by-law is to limit the height of flat roof dwellings in order to mitigate massing impacts on the streetscape and adjacent properties. In this case, the reduction in side yard setbacks combined with the additional height compounds these impacts. We recognize that the immediately adjacent property at 588 Curzon Avenue is developed with a three storey flat roof dwelling of a similar height to the applicant's proposal; however, their Building Permit was issued, without the need for any variances, prior to the new by-law. Aside from 588 Curzon, the context of the neighbourhood generally consists of bungalows and modest two storey pitch roofed homes. While redevelopment is expected on some of these lots, the applicant's proposal is not in keeping with the intent of the Zoning By-law provisions for the neighbourhood. The combination of excessive height and multiple reduced side yard setbacks, to allow for the construction of a 456.33 m² (4911.89 sq. ft.) dwelling, represents overdevelopment of the lot. Given that the lot is a standard sized 15.24 m (50.00 ft.) lot and that the proposal is an entirely new build, the applicant should be able to construct an adequate sized dwelling without the need for multiple variances for side yard setbacks.

Based on the preceding information, the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

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

An e-mail was received from the Ministry of Transportation indicating the lands are outside the ministry permit control area and no permits are required.

E-mails were received from L. Sirdevan expressing objection to the height of the dwelling and noting that three storey dwellings should not be allowed in the neighbourhood.

A petition was received, signed by the residents/owners at 606, 609, 610, & 613, Montbeck Crescent, 896 Aviation Road, 618, 615, & 598 Curzon Crescent, and 896 Hampton Crescent, expressing opposition to the application and expressing their concerns about the effects of shadowing and overlook on their properties.

A letter was received from J. Williams, of 927 Aviation Road, expressing opposition to the height, shadowing impacts, and adverse impact on the neighbouring properties.

Mr. T. Lee, and Mrs. D. Lee, property owners at 598 Curzon Crescent, attended and advised that they live in a bungalow on the adjoining lot. Mr. Lee expressed his objection to the application indicating that the three storey dwelling will cast shadows on their property and they will have no sunlight in the afternoon. Mrs. Lee expressed her concerns with respect to drainage noting that the rain run off may drain on their property.

No other persons expressed any interest in the application.

The Committee inquired about the ceiling heights and suggested that perhaps the applicant could reduce the height by limiting the ceiling heights.

Mr. Cao indicated that the nine foot ceilings (2.74m) are what the current market dictates and provides a more comfortable living space for the occupants.

The Committee, after considering the submissions put forward by Mr. Cao and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that a new By-law was recently passed restricting the height of dwellings. They advised that the result of the public process concerning three storey dwellings was that they were inappropriate. The Committee indicated that the proposed design is not in keeping with the scale and character of the Lakeview development area.

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

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

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

MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
-----------	-----------	--------------	---------	---------



File: "A" 177/16
WARD 1

Application Refused.

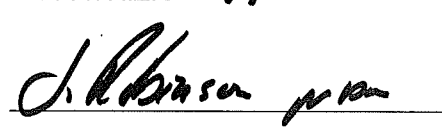
Dated at the City of Mississauga on May 12, 2016.

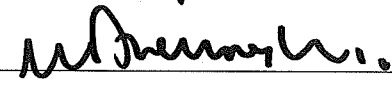
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 1, 2016**.


Date of mailing is May 16, 2016.

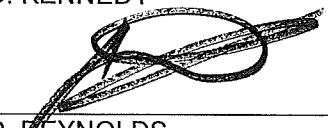

S. PATRIZIO

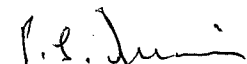

D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

WIESLAW KONOPKA

on Thursday, May 5, 2016

Wieslaw Konopka is the owner of 110 Pinewood Trail being Part of Lot 1, Range 2 Credit Indian Reserve and Lot 8 Registered Plan 318, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit a gazebo to remain on the subject property having:

1. an area occupied of 24.50m² (263.72ft²); whereas Bylaw 0225-2007, as amended, permits a maximum area occupied of 10.00m² (107.64ft²) in this instance; and,
2. a gazebo height of 4.40m (14.44ft); whereas Bylaw 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft), in this instance.

Mr. J. Petrykowski, authorized agent, attended and presented the application to permit the existing gazebo to remain on the property. Mr. Petrykowski presented plans for the Committee's review and consideration and advised that his client constructed the structure without benefit of a building permit. He indicated that the building inspector advised the homeowner that he required a permit. Mr. Petrykowski indicated that the structure is required to provide a shelter area for the barbeque and a table with seating. Mr. Petrykowski indicated that the lot is large and the structure occupies approximately less than one percent of the lot area.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required. In the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances or determine whether additional variances will be required. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a Pre-Zoning Review application and submit working drawings for a detailed zoning review to be completed.

Planning

The subject property is a large sized lot that can reasonably accommodate a significantly larger accessory structure or gazebo than permitted by the Zoning By-law, while still maintaining an appropriate scale and character. In this instance, the requested increases in Gross Floor Area (GFA) and height are keeping within a size that is appropriately proportional to the dwelling and the size of the lot. Further, the applicant has taken care in siting the gazebo between multiple existing mature trees, maintaining the tree cover to help minimize any visual impacts of the structure on neighbouring lots.

Considering the size of the lot and siting of the gazebo, the Planning and Building Department is of the opinion that the intent of the Zoning By-law, in maintaining an appropriate relationship between accessory structures and the dwelling and lot, is maintained. The Department has no objections to the requested variances; however, the applicant may wish to defer the application to apply for the required Building Permit application to verify the accuracy of the requested variances and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

"This department has no objections to the applicant's request to permit the existing gazebo to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation indicating the lands are located outside the ministry control area and no permits are required.

A letter was received from A. You of 99 Pinewood Trail, expressing opposition to the application and noting his concerns with respect to size, privacy, drainage, possible decreased property value, and the possibility of the approval of the application creating a precedent for similar applications.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Petrykowski and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed structure size is modest and proportionate to the lot area.

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

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

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

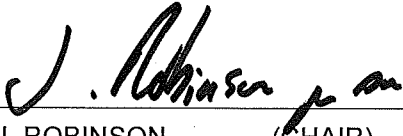
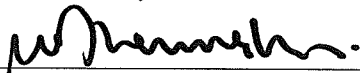

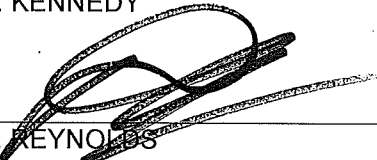
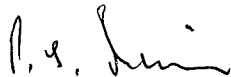
MOVED BY:	D. Kennedy	SECONDED BY:	S. Patrizio	CARRIED
-----------	------------	--------------	-------------	---------

Application Approved.

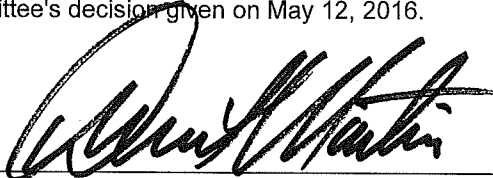
Dated at the City of Mississauga on May 12, 2016.

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

Date of mailing is May 16, 2016.


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

I certify this to be a true copy of the Committee's decision given on May 12, 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

KEE GROUP INC.

on Thursday, May 5, 2016

Kee Group Inc. is the owner of 1010 Dream Crest Road being Block 102, Registered Plan M-1033, zoned C1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the continued operation of a restaurant within Unit # 2 of the subject plaza, being located closer than 60.00m (196.85ft.) to a Residential zone and providing a total of 85 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (196.85ft.) measured in a straight line from the nearest part of the building or structure or portion of the building or structure containing the use, to the closest lot line of a Residential zone and requires a minimum of 110 parking spaces for all uses on site in this instance.

Mr. C. Stobie, of Keyser Mason Ball, LLP, authorized agent, attended and presented the application to permit the continued operation of a restaurant within Unit # 2 of the subject property. He indicated that the restaurant prepares Hakka cuisine. Mr. Stobie indicated that the restaurant was originally known as the "Hot and Sour" restaurant and is now known as the "New Hot and Sour" restaurant. He noted that although the ownership has changed, the restaurant will continue to operate in the same manner as previously approved.

He advised that the restaurant is located closer than 60.00m (196.85ft.) to a Residential zone and there is a deficiency in the parking requirements. Mr. Stobie advised that there are three take-out restaurants already located in the 14 unit plaza. He advised that the restaurant will be open seven days per week from 11:00a.m. to 11:00p.m. and noted that their peak hours are Thursday, Friday, and Saturday evening when most of the other businesses in the plaza are closed. Mr. Stobie indicated that the restaurant is not licensed and they have no intention of seeking a liquor licence.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1

Other Applications:

Comments

Zoning

The referenced use (restaurant) was approved under zoning certificate application 06-2574, and as such we have no objections to the continued use proposed in this minor variance.

Planning

The applicant is applying for a continuation of A 399/11. The commercial plaza has a variety of restaurants and other retail uses. Previously the applicant provided a parking utilization study that satisfactorily justified the requested reduction in parking.

Given that the subject unit is situated within an existing commercial plaza with past and present restaurant uses, the continuation of a restaurant within 60 m of a Residential Zone is an appropriate location in this instance.

Based on the preceding, the Planning and Building have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 180/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation indicating the lands are located outside the ministry control permit area and no permits are required.

An e-mail was received from B. Wu, resident at 931 Blizzard Road expressing opposition to the application and noting that the proposed will create an adverse environmental impact which may affect the property value.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Stobie 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. This decision shall be in effect so long as the subject premises are utilized as a Hakka cuisine restaurant.

MOVED BY:	P. Quinn	SECONDED BY:	D. George	CARRIED
-----------	----------	--------------	-----------	---------

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 12, 2016.

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

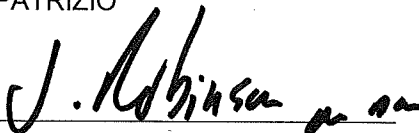
Date of mailing is May 16, 2016.



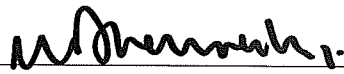
S. PATRIZIO



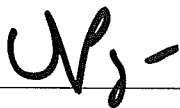
D. GEORGE




J. ROBINSON (CHAIR)




D. KENNEDY



J. PAGE

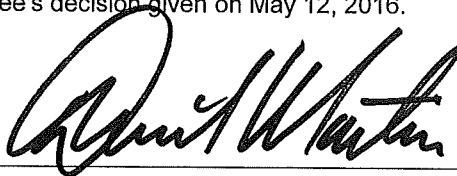


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

PHIL HARDIE & KIM GIBSON-HARDIE

on Thursday, May 5, 2016

Phil Hardie & Kim Gibson-Hardie are the owners of 1212 Tecumseh Park Crescent being Part of Lot 17, Plan 330, zoned R1-2, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a front porch addition on the subject property proposing a lot coverage of 27.20% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.

Mr. J. Sibenik, authorized agent, attended and presented the application to permit the construction of a porch addition on the subject property. He presented plans for the Committee's review and consideration. He explained that the porch overhang is included in the calculation of lot coverage and consequently will exceed the maximum permitted lot coverage.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

Building Permit File: BP 16-683

Comments

Zoning

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

Planning

The requested lot coverage increase is a result of the applicant proposing a covered porch addition at the front of the dwelling. The proposed addition is a single storey in height and limited in its massing. The lot coverage provisions of the Zoning By-law are intended to minimize overdevelopment of a lot and help maintain open space and the residential feel of a neighbourhood. In this instance, we are of the opinion that the intent is maintained; the porch addition in the center of the dwelling in the front yard should not create a noticeable increased massing effect on any adjacent property or the general streetscape.

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

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

" This department has no objections to the applicant's request to permit the construction of a front porch addition."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation indicating that the lands are outside the ministry control area and no permits are required.

No other persons expressed any interest in the application.

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

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

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

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


MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
-----------	-----------	--------------	---------	---------

Application Approved.

Dated at the City of Mississauga on May 12, 2016.

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


Date of mailing is May 16, 2016.




S. PATRIZIO




D. GEORGE



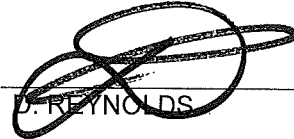
J. ROBINSON (CHAIR)



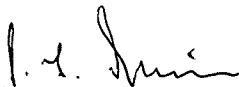
D. KENNEDY



J. PAGE




D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

FRANK CAPRIOTTI

on Thursday, May 5, 2016

Fabio Capriotti is the owner of 1436 Myron Drive being Lot 15, Plan 448, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. an exterior side yard of 3.57m (11.71ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,
2. an exterior side yard to the porch, inclusive of stairs of 1.84m (6.03ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard to the porch, inclusive of stairs of 4.40m (14.43ft.) in this instance.

Mr. A. Diaz, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling on the subject property proposing a reduced exterior side yard. He indicated that the existing dwelling will be demolished and replaced with a new dwelling. Mr. Diaz advised that the corner lot has a legal non-conforming lot frontage of 15.50m (50.86ft.) instead of the required 19.50m (63.97ft) lot frontage. He noted that it is difficult to site a dwelling on the narrow lot and maintain the appropriate setbacks. Therefore, they are requesting relief for a reduced exterior side yard. Mr. Diaz presented a sketch and indicated that if the lot frontage was 19.50m (63.97ft.) wide, the dwelling would comply with the exterior side yard requirements.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 15-8450

Comments

Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application and based on the information provided with it, the variances, as requested, are correct.

Planning

The subject property is a corner lot at the intersection of Myron Drive and Sylva Road with the same general dimensions of the interior lots adjacent to it. The increased side yard setback requirements for the exterior side on a corner lot restrict the building envelope significantly on a lot with standard frontage. The intention of the increased exterior side yard setbacks are to maintain a consistent building line along the adjacent street and to reduce the massing presence on the street by allowing for additional separation distance from the roadway. In this instance the lot is relatively deep and the distance between the proposed dwelling and 1422 Myron Drive will mitigate the setback. Further, the dwelling on the corner of Myron Drive and Sylva Road to the west is sited relatively close to the property line similar to the applicant's proposal.

The City owned boulevard along Myron Drive also provides a generous additional buffer from the street itself and given the context of the neighbourhood, it is unlikely that Myron Drive will be modified and widened in the future.

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

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

" We are attaching for Committee's information some photos which depict the subject property and an aerial photo taken from the City's Map Viewer which indicates the approximate limits of the subject property in relation to the Myron Drive municipal right-of-way. Site Plan DWG S1 submitted with the application also indicates the property limits and shows a significant area which is enclosed by an existing wood fence constructed on city property. The location of the existing fence currently creates a sight visibility concern for any vehicle backing out of the existing driveway onto Myron Drive, however as the Site Plan submitted indicates that this existing access will be removed, this concern will be resolved. From our site inspection and enclosed photos it is also evident that the existing fence located in its current location could create a sight visibility concern for the abutting property to the south (1422 Myron Drive) as the fence could impede sight visibility for any vehicles backing out of that driveway.

In view of our above noted concern with regards to the existing fence being located on city property and sight visibility concerns for 1422 Myron Drive we would request that a condition of approval be that the existing wood fence currently located within the Myron Drive municipal boulevard area be relocated onto private property."

The City of Mississauga Community Services Department commented as follows (May 3, 2016):

"The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and wishes to note that:

1. A private fence has been installed onto City property. Through the redevelopment of the property, the applicant shall remove the encroachment and align the fence with the property boundary. This will ensure that the street tree will be accessible."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

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

An e-mail was received from the Ministry of Transportation indicating that the lands are outside of the ministry control permit area and no permits are required.

Letters were received from the property owners/residents at 1168, 1174, 1190, & 1193 Sylva Road, 1421, 1422, 1433, 1434, 1443 and 1449 Myron Drive, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Diaz 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. Prior to the issuance of the building permit, a letter shall be received by the Committee of Adjustment from the Transportation and Works Department indicating that satisfactory arrangements have been made by the applicant with respect to removing the wood fence from the municipal boulevard and re-locating it onto private property.

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
-----------	----------	--------------	---------	---------



MISSISSAUGA

File: "A" 182/16
WARD 1

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 12, 2016.

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

Date of mailing is May 16, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

ARIEL & LINDA ANTONIO

on Thursday, May 5, 2016

Ariel & Linda Antonio are the owners of 464 Ashdene Avenue being Lot 80, Registered Plan M-1218, zoned R5-4 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to be modified and remain on the subject property proposing:

1. a driveway width of 7.65m (25.09ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance; and,
2. a landscaped soft area of 20.75% of the front yard area; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 30% of the front yard in this instance.

On January 7, 2016, Mr. A. Antonio & Ms. Antonio, representatives of the property owners, attended. Mr. Antonio advised that they are requesting permission for the driveway to remain, as constructed. Mr. Antonio indicated that they were unaware of the regulations with respect to maximum permitted driveway width when they expanded the driveway.

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

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

"Recommendation

The Planning and Building Department recommends that the application be refused.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-4, Residential

Discussion: The intent of the By-law restriction on driveway widths is to maximize opportunities for front yard landscaping while providing for a reasonable amount of parking. The current driveway results in a front yard that consists of hard surface area which overemphasizes motor vehicle parking, and does not reinforce nor enhance the character of the neighbourhood.

Other Applications:

No other applications currently in process.

Comments

In the absence of any related applications, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. To confirm the accuracy of the requested variances, the applicant may apply for a Pre-Zoning Review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

This Department has concerns with the existing driveway as it results in an excessive amount of hard surface area on the property which overemphasizes motor vehicle parking in the front yard. The requested driveway width represents 95% of the lot frontage and almost the entire front yard has been paved, including the City-owned municipal boulevard.

Staff conducted an analysis of properties in the immediate vicinity on Ashdene Avenue, Compton Crescent and Naomi Crescent. None of the properties have applied or have been approved for driveway width variances.

Based on the preceding information, we recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (January 6, 2016):

"This department is not supportive of the existing widened driveway as constructed. From the enclosed photos and our site inspection we note that the existing driveway has been significantly widened and that the southerly municipal curb has also recently been widened. It should also be noted that we have reviewed our records and could find no records to confirm that the recently widened curb was approved by the City. This department is also concerned and not supportive of the widened portion of the driveway between the municipal curb and sidewalk. In view of the above we cannot support the application as submitted and would recommend that the application be refused, or alternatively the 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."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (January 4, 2016):

"We have no comments and no objections."

An e-mail was received from R. Yeung, property owner at 467 Ashdene Avenue, expressing opposition to the application.

An e-mail was received from L. Wong, property owner at 463 Ashdene Avenue, expressing opposition to the application and noting his concerns.

A letter was received from C. Coimbra and N. Carvalho, property owners at 459 Ashdene Avenue expressing objection to the application.

A letter was received from E. Chan, property owner at 483 Ashdene Avenue, expressing objection to the application and noting his concerns.

A letter was received from D. Zinko, property owner at 455 Ashdene Avenue, expressing objection to the application and noting her concerns and comments. She indicated that the reduction in green space degrades the aesthetics of the neighbourhood and requested that the driveway width be returned to the maximum permitted by the Zoning By-law.

A letter was received from D. Govindu, property owner at 471 Ashdene Avenue expressing objection to the application and noting her concerns. She requested that the rules and guidelines set by the City be adhered to.

Mr. K. Liberski, property owner at 484 Ashdene Avenue, attended and advised that he had no objection to the request.

No other persons expressed any interest in the application.

The Committee indicated that the driveway is too wide and there is not enough soft landscaping provided in the front yard.

Mr. Antonio requested that the application be deferred to allow him an opportunity to consider making revisions to the driveway to reduce the amount of hard surface area in the front yard.

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

On February 25, 2016, Mr. A. Antonio, a representative of the property owner, attended and presented a proposal to modify the existing driveway. He indicated that he had discussed the changes with the Transportation and Works Department and indicated that he would restore part of the paved portion of the boulevard to grass.

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 recommend that the application be refused.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-4 (Residential)

Other Applications:

N/A

Comments

Zoning

We are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

The Committee previously heard this application at the January 7th, 2016 hearing. Staff comments from that hearing expressed concerns with the excessive width of the driveway. The applicant has made some modifications to their proposal since the previous hearing; however, the revised driveway width of 8.10 m (26.57 ft.) still represents excessive hard surfaced area in our opinion. The width of the driveway is sufficient for three vehicles to be easily parked across the front of the dwelling resulting in an undesirable condition of excessive hard surfaced area and excessive vehicular parking in the front yard. Further, the excessive driveway width is directly related to the deficiency of soft landscaping area requested in variance #2. The soft landscaping area would comply if the driveway was adequately reduced in width.

As indicated in staff comments for the prior hearing, staff conducted an analysis of driveway widths within the immediate neighbourhood and found that there have been no variance applications or approvals for driveway width within the immediate neighbourhood.

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

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

"Further to our comments submitted for the January 7, 2016 hearing we are advising that Transportation and Works Department Staff have re-visited the property and met with Mr. Ariel Antonio (owner) to advise what modifications to the existing widened driveway would be supported by this department. The owner has taken our recommendations and then resubmitted a revised drawing which specifically indicates that the widened portion of the driveway between the municipal sidewalk and curb will be reduced from the existing 8.56M to 6.78M and also showing what modifications will be made to reduce the widened portion of the driveway within his property. This department advised Mr. Antonio that we were in support of the proposed modifications, however he would have to provide the proposed revisions to the Committee of Adjustment Office in order that a revised notice and plan could be recirculated to any others commenting on the application.

On January 27, 2015 the Committee of Adjustment office recirculated the revised notice and plan which we find acceptable and in this regard the Transportation and Works Department would have no objections to the amended request provided that the driveway be modified to reflect the latest "Proposed Modification Plan" submitted which specifically shows the areas of the existing driveway to be removed."

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

"We have no comments and no objections."

A letter was received from D. Zinko, property owner at 455 Ashdene Avenue, expressing objection to the application and noting her concerns with respect to the purpose of the widened driveway and the width of the driveway not being in character with the neighbourhood.

A letter was received from E. Chan, property owner at 483 Ashdene Avenue, expressing opposition to the application and indicating that the increased driveway width and reduced landscaping will detract from the curb appeal and affect property values in the neighbourhood.

A letter was received from A. Rehal, resident at 460 Ashdene Avenue, expressing concerns with respect to whether the driveway is constructed on her property.

No other persons expressed any interest in the application.

The Committee indicated that the photos of the driveway contained in their file did not appear to correspond with the sketch plan presented by Mr. Antonio. The Committee indicated that the applicant should provide a new plan, fully dimensioned and drawn to scale, indicating the paved area, landscaped area, and the areas to be re-instated with landscaping. The Committee indicated that the driveway width and amount of hard surface area appears to be excessive. They indicated that the revised plan should clearly indicate the property boundaries and limits of paved area to ensure that the neighbour's concerns with respect to the driveway encroachment are addressed.

Mr. Antonio requested that the application be deferred to allow him an opportunity to meet with staff to discuss the driveway width, modify the driveway proposal and clearly address the neighbour's concerns regarding the encroachment of the driveway on their property.

The Committee consented to the request and deferred the application to May 5, 2016.

On May 5, 2016, Mr. A. Antonio and Mrs. Antonio, property owners, attended and advised that they discussed modifications to the existing driveway with the staff of the Planning and Building Department and Transportation and Works Department. Mr. Antonio presented a site plan and advised that the driveway is to be reduced in hard surface area and the boulevard portion will be returned to grass area.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-4 (Residential)

Other Applications:

N/A

Comments

Zoning

We are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, the applicant may apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

Planning Staff have met with the applicant multiple times over the course of the last number of months and the applicant has been cooperative and has made significant reductions in their driveway width and hard surfaced area on the site. They are proposing to reinstate the city boulevard to an appropriate width and provide an increased setback to the lot line, from their driveway, on either side. Although the proposed width still exceeds what the Zoning By-law permits, we are satisfied that there is no intent to allow for excessive parking in the front yard; further, the proposed width is less than what three parking spaces would require under the Zoning By-law standards.

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

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

"This department has no objections to the revised Committee of Adjustment Notice and attached revised layout plan stamped April 11, 2016 from the City of Mississauga Committee of Adjustment office. As we previously indicated the owner, Mr. Ariel Antonio has been very compliant with city staff and taken our recommendations. In view of the above we would have no objections to this request being approved as illustrated on the revised layout plan submitted and stamped April 11, 2016."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

A letter was received from the Ministry of Transportation indicating the lands are outside the ministry permit control area and no permits are required.

An e-mail was received from E. Chan, resident at 483 Ashdene Avenue, expressing opposition to the application and noting that the driveway and landscaping will downgrade the curb appeal and property values.

A letter was received from C. Coimbra expressing opposition to the application.

A letter was received from D. Zinko, expressing objection to the application and noting her comments and concerns with respect to the application. She further noted that she reviewed the revised plan and the hard surface area is still excessive.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Antonio and having reviewed the site plan, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that applicant has satisfactorily reduced the width of the driveway. They noted that the boulevard portion is to be re-instated to the satisfaction of the Transportation and Works Department.



MISSISSAUGA

File: "A" 006/16
WARD 7

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

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

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

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


MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
-----------	-------------	--------------	-------------	---------


Application Approved, on condition as stated.


Dated at the City of Mississauga on May 12, 2016.

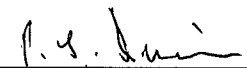
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 1, 2016**.

Date of mailing is May 16, 2016.

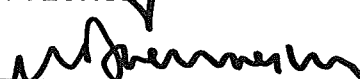

S. PATRIZIO



J. ROBINSON (CHAIR)


J. PAGE

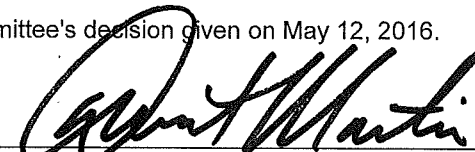

P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 12, 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

ABDURRAHMAN EDDEB

on Thursday, May 5, 2016

Abdurrahman Eddeb is the owner of 1283 Infinity Street being Lot 150, Plan M-1468, zoned R2-29, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structures to remain in the rear yard having:

1. a side yard of 1.10m (3.60ft.) to the accessory structure (cabana equipment room); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the accessory structure in this instance;
2. a height of 3.30m (10.82ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for a gazebo in this instance;
3. a gazebo occupying an area of 13.80m² (148.54sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum area occupied by a gazebo of 10.00m² (107.64sq.ft.) in this instance;
4. a second gazebo (outdoor kitchen) on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one gazebo on the subject property in this instance;
5. a side yard of 1.00m to the second gazebo (outdoor kitchen); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the pergola in this instance; and,
6. a lot coverage of 38.90% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance.

On March 24, 2016, Mr. A. Eddeb, property owner, attended and presented the application to permit the cabana and gazebo structures in the rear yard to remain. Mr. Eddeb explained that he hired a contractor to construct his new pool and three accessory structures and trusted the contractor to get all the necessary permits and conform to any Zoning By-law requirements. Mr. Eddeb applied for the requested variances upon being notified of the non-compliance issues relating to three (3) accessory structures.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-29 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

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. To verify the accuracy of the variances, the applicant may wish to apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

Variances #1 and #4 are relatively minor reductions of 0.10 m (0.33 ft.) and 0.20 m (0.66 ft.) to the required side yard setbacks and should not have a significant impact on the neighbouring properties. Each structure is relatively small in size and the change in setback should not have a significant impact beyond what it would be if the By-law standard was met. The applicant is also requesting a height variance for the pergola under variance #3; the requested increase is only 10% beyond what is permitted, and pergolas generally have a less significant massing impact and appearance on neighbouring properties. The height variance for the gazebo (variance #2) is mitigated by its central location on a relatively large lot. It is our opinion that the requested variances for these structures are minor in nature and maintain the general intent of the Zoning By-law.

Variance #5 is requesting an additional 6.16% lot coverage, however the R2-29 exception zone permits 35% lot coverage, therefore the requested variance #5 should be amended to indicate a permitted 35% lot coverage rather than 30%. The existing dwelling has a lot coverage of roughly 33% exclusive of accessory structures. The permitted 35% lot coverage for an R2-29 zone excludes the area of a porch, balcony, or breezeway. A porch is shown at the front of the dwelling, however without a full zoning review we are unable to determine the correct lot coverage request. Notwithstanding the above, we have no objection to the requested increase in lot coverage; as requested, the applicant is seeking an additional 1.16% coverage over what is permitted, which is a minor request in our opinion.

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

The City of Mississauga Transportation and Works Department commented as follows (March 17, 2016):

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



MISSISSAUGA

File: "A" 112/16
WARD 2

The Region of Peel, Environment, Transportation and Planning Services commented as follows (March 18, 2016):

"This property is within the vicinity of an inactive, private landfill site with M.O.E.C.C. # A220108 and has been cleaned to M.O.E.C.C. standards."

A letter was received from A. Vescan, at 1277 Infinity Street, together with a signed petition from residents at 1271, 1277, 1282, 1289 Infinity Street expressing concern and objecting to the requested variances. The letter indicates that the requested height of the Gazebo and outdoor Kitchen Pergola are too high and don't conform to the bylaw requirements. The area of the Gazebo exceeds the permitted floor area by 38% and the total lot coverage is 21% higher than permitted.

Mr. A Vescan, property owner at 1277 Infinity Street and Mr. Marinaccio, resident at 1282 Infinity Street, attended and presented their concerns about the number of variances requested, that the kitchen pergola is not allowed to have a closed roof and questioned the reported height of the kitchen pergola structure.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that further variances may be required pending review of more detailed drawings.

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

Mr. Eddeb requested that the application be deferred to allow time to address the comments received and the application drawings to be revised as necessary.

The Committee consented to the request and deferred the application to May 5, 2016.

On May 5, 2016, Mr. A. Eddeb, property owner, attended and further presented the applications. He presented plans for the Committee's review and consideration and advised that the minimum setback to the property line for the cabana is 1.20m (3.93ft.) and they are proposing a setback of 1.10m (3.60ft.). He indicated that the neighbour to the north has no objection to this variance.

Mr. Eddeb advised that the second accessory structure, a gazebo, is located in the middle of the back yard. He indicated that a shed was previously located in this area and was removed. Mr. Eddeb advised that he is requesting a variance to the height to allow for a safe slope for the roof construction. He advised that the property is adjacent to a park and the increased height will not cause any adverse impact.

Mr. Eddeb advised that the third accessory structure has been classed as a gazebo. He indicated that the height of the structure, without the roof, is 2.74m (9.00ft.) Mr. Eddeb indicated that the gazebo has a metal bar with electrical pot lights affixed to it. He advised that the roof has been designed to slope from 3.04m to 2.74m (10.00ft. to 9.00ft.) and the sloping roof will be what the neighbour will view from his lot.

Mr. Eddeb advised that a variance is being requested for increased lot coverage as the porch is also include in the calculation.

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

The City of Mississauga Planning and Building Department commented as follows (May 2, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-29 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

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. In order to confirm the accuracy of the requested variances, the applicant may apply for a Pre-Zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

The Planning and Building Department previously commented on this application at the March 24th, 2016 Committee of Adjustment hearing and have the following to add:

Since the previous hearing the applicant has amended their request to correctly identify the structure over the kitchen area as a gazebo, rather than a pergola, but there has been no change to the conditions on site. Planning staff are of the opinion that the second gazebo structure will not create a significant massing impact on adjacent neighbours as it is limited in Gross Floor Area (GFA) and the higher portion of the structure is interior to the lot.

The applicant has also lowered the height of the central gazebo and been able to eliminate the variance for it.

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

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

An e-mail was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area and no permits are required.

A letter was received from S. Simas, property owner at 1295 Infinity Street, expressing opposition to items 2, 3, 4, and 6. He advised that the view from his property is essentially a wall of shingles and looks like an industrial park.

Mr. A. Vescan, property owner at 1277 Infinity Street, attended and advised that he appreciates the adjustments made by the applicant. He indicated that he still has a concern with respect to the closed roof over the kitchen so close to the property line. He expressed his concerns with respect to safety and expressed his opposition to the closed roof structure. Mr. Vescan further indicated that the three structures in the rear yard are not in character with the neighbourhood.

No other persons expressed any interest in the application.

Mr. Eddeb indicated that a pergola structure would be more imposing than the proposed sloped roof structure. He indicated that it is not feasible for him to demolish the structure and rebuild it due to cash limitations. Mr. Eddeb indicated that it is not possible to add trees behind the structure as there is insufficient space.

The Committee, after considering the submissions put forward by Mr. Eddeb 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:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
-----------	-------------	--------------	---------	---------



File: "A" 112/16
WARD 2

Application Approved.

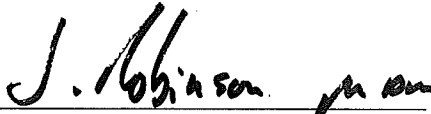
Dated at the City of Mississauga on May 12, 2016.

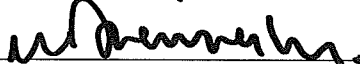
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 1, 2016**.

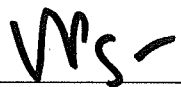
Date of mailing is May 16, 2016.


S. PATRIZIO

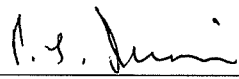

D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

IRINA KASHINA & ANDRIY BUDNYI

on Thursday, May 5, 2016

Irina Kashina & Andriy Budnyy are the owners of 582 Hyacinthe Boulevard being Lot 12, Plan 553, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit a second driveway to be constructed to provide access to the proposed detached garage located in the rear yard; whereas By-law 0225-2007, as amended, permits a maximum of one driveway on a lot in this instance.

On March 24, 2016, Mr. P. Tourko, authorized agent, attended and requested the application be deferred to allow time for the applicants to address the Planning & Building Department and Transportation Works Department comments.

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

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

"Recommendation

The Planning and Building Department recommend variances #1 and #2 be refused, but the applicant may wish to defer to provide additional information to Zoning in order to determine if additional variances are required.

Background

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3

Other Applications:

CSU 15/8216 Second Unit in Basement
BP 9ALT 15/7977 Convert attached garage to living space, roof alterations, and new detached garage

Comments

Zoning

We note that a building permit application (15-7977) has been submitted. Based on review of permit 15-7977, the variances as requested are correct, however insufficient information has been provided to confirm compliance with all applicable standards and additional variance(s) may be required.

The applicant is reminded that a full zoning review has not been completed for this minor variance application and that comments provided are based on the zoning review completed through the building permit application process. Any changes submitted through the minor variance process must also be submitted through the building permit process in order to ensure all drawings/information is the same.

Planning

One of the requested variances is for the construction of a second driveway. For residential zones R1 to R16, a maximum of one (1) driveway shall be permitted per lot.

For variances #1 and #2, although we recognize that the driveway is an existing condition, the applicant is proposing the construction of a new detached garage [variance #3] in the rear yard. We are not satisfied as to why the additional driveway is necessary. The variance #3 proposed detached garage and driveway fronting Mississauga Valley Blvd would provide four parking spaces in addition to the two existing parking spaces.

In principle, we have no issue with the proposed detached garage, however we need more information to ensure that no additional variances are required.

The Planning and Building Department recommend variances #1 and #2 be refused, but the applicant may wish to defer to provide additional information to Zoning in order to determine if additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (March 17, 2016):

"This department does not see the rationale and is not supportive of the applicant's request to permit a second driveway to be located on this property. We are also noting for the applicant's information that through the Building Permit Process the Transportation and Works Department as a condition of approval will be requesting that the existing Hyacinthe Boulevard Access be removed. The applicant is also advised that they will be responsible for any costs incurred to remove and re-instate the existing municipal curb on Hyacinthe Boulevard and also re-instate the area with topsoil and sod."

The City of Mississauga Community Services Department, Park Planning commented as follows:

"The Park Planning Section of the Community Services Department has reviewed the above noted Consent application and advise that Forestry staff have identified the following City owned tree within the municipal boulevard in close proximity to the proposed driveway on Mississauga Valley Boulevard:

1. One (1) Maple Tree – Good condition – \$3,000.00 value
2. One (1) Linden Tree – Good condition - \$1,400.00 value

Should the applications be approved, this Department wishes to impose the following condition:

1. The applicant shall provide a tree protection deposit in the amount of \$4,400.00 to the City of Mississauga Forestry Department for the above noted trees.

In addition, this Department notes the following:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.
2. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West. Any questions regarding tree preservation securities can be directed to Ryan Cormier, Forestry Section at 905-615-3200 ext.4580."

No other persons expressed any interest in the application.

The Committee consented to the request to defer the application to May 5, 2016.

On May 5, 2016, Mr. P. Tourko, authorized agent, attended and further presented the application. He advised that the plans have been revised and the original variances for driveway width and the setback of the driveway to the side property line are no longer required. Mr. Tourko advised that they are requesting relief to allow two driveways on the property.

Mr. Tourko presented photographs and a site plan for the Committee's review and consideration. He advised that the existing garage is being converted to living space and a new two car garage will be constructed on the property. Mr. Tourko indicated that they wish to retain the existing driveway for the parking of a vehicle for the accessory apartment unit. Mr. Tourko indicated that if both driveways are retained, the occupants would not have to continually jockey the cars to exit the property and they would not have to park the vehicles on the street. Mr. Tourko indicated that, since the property is a corner lot, the driveways are not noticeable. He advised that two driveways on one lot are typical in the area and indicated that the property at 625 Hyacinthe Boulevard has two driveways.

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

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

"Recommendation

The Planning and Building Department recommends the application be refused.

Background

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3

Other Applications:

Comments

Zoning

The applicant has not submitted new drawings to the Building Division, and therefore previous comment remains the same.

Planning

The applicant has revised the submission to no longer require variances for driveway width or driveway setback to side property line. However, the request for a second driveway remains.

The Planning and Building Department do not support more than one driveway per lot. Allowing a second driveway would decrease the amount of street visitor parking available. The current application would have six parking spots; two on the existing driveway and four with the new driveway and garage.

Allowing a second unit is not intended to impact the street. In the opinion of staff, two driveways would negatively impact the streetscape and character of the neighbourhood.

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

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

"In our comments provided for the March 24, 2016 Hearing this department was not supportive and did not see the rationale to permit a second driveway to be located on this property. Further to the Hearing, Mr. Pavlo Tourko, the applicant's Architect and agent provided a Memorandum dated April 11, 2016 which indicated some modifications to Site Plan Drawing A-1, in particular to the landscaped and paved areas which have removed the requirement for both variances #1 and #2.

With regards to the request to permit a second driveway, this department has reviewed with our Traffic Section the rationale provided to permit the second driveway to be constructed on this property to provide access to the proposed detached garage with an access onto Mississauga Valley Boulevard and are advising that our position has not changed. In view of the above we are not supportive of the variance to permit the second driveway on this property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

A letter was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area and no permits are required.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Tourko and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the Planning and Building Department and Transportation and Works Department do not support the request. They further advised that if the second driveway is permitted, it would prevent residents from parking on the street in front of the driveway and thereby reduces the available on-street parking for visitors.

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

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

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

MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
-----------	---------	--------------	-----------	---------

Application Refused.

Dated at the City of Mississauga on May 12, 2016.

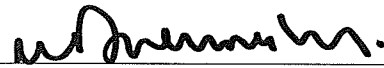
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 1, 2016**.

Date of mailing is May 16, 2016.

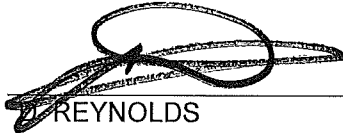


S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

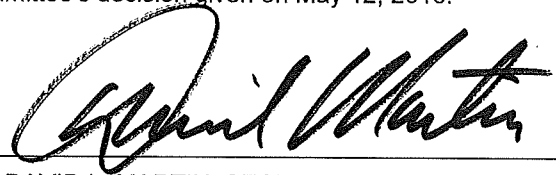
J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

YU QIAO

on Thursday, May 5, 2016

Yu Qiao is the owner of 1834 Delderfield Crescent being Lot 60, Registered Plan M-601, zoned R2-48, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing gazebo structure to be altered and remain proposing:

1. a height of 3.65m (12.00ft); whereas Bylaw 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft), in this instance; and,
2. an exterior side yard of 1.70m (5.58ft); whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft), in this instance.

On March 31, 2016, Mr. D. DeVries, of Cedar Springs Landscape Group, authorized agent, and Mr. Frank Qiao, son and representative of the property owner attended to present the application to allow the existing gazebo to remain in the exterior side yard. Mr. DeVries advised that they commenced construction of the gazebo and when it was almost completed, a stop work order was issued. Mr. DeVries advised that he did not believe a building permit was required as the structure is less than 10.00m² (107.64sq.ft.). He indicated that he reviewed the exterior side yard provisions of the Zoning By-law and believed that, as the structure was located behind the rear wall of the dwelling, it was located in the rear yard, not the exterior side yard. Mr. DeVries advised that the height of the gazebo was chosen by the home-owner for aesthetic and practical reasons.

Mr. F. Qiao, son of the property owner, advised that the gazebo was constructed for his father. He indicated that it will be costly to move the structure. He indicated that they are willing to modify the height of the structure. Mr. Qiao indicated that the pitched roof adds to the landscaping character of the rear yard.

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

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

"Recommendation

The Planning and Building Department recommends that the application be refused.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-48 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. The variances requested have been reviewed based on information provided with this application however a full zoning review has not been completed. The applicant may wish to apply for a Pre-Zoning Review application to verify the accuracy of the requested variances and to determine whether additional variances will be required.

Planning

A similar application was previously heard, and refused, by the Committee on January 28th, 2016, under file A 33/16. The current application is proposing a height of 4.27 m (14.00 ft.) whereas the prior application requested 4.90 m (16.07 ft.). The applicant is proposing that the structure remain in the same location, requesting the same exterior side yard setback variance. Planning staff previously objected to the location and height of the gazebo.

Although the applicant is proposing a reduction in height of the gazebo, Planning staff maintains the opinion that the requested location and height of the gazebo are not minor in nature and do not maintain the general intent of the Zoning By-law. The intent of the Zoning By-law requiring that accessory structures be further setback from the exterior side lot line is to maintain the open area adjacent to the street consistent with the setback required for the dwelling. The proposed location of the gazebo, in conjunction with the height request, will be very visible along the street. The Planning and Building Department are of the opinion that the proposed gazebo would be more appropriate in a more central location in the rear yard of the lot.

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

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 existing gazebo structure to remain."

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."

A letter was received from K. Liu, property owner at 4559 Badminton Drive, expressing opposition to the application and noting her concerns.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the grades, height, and the impact of the gazebo structure on the streetscape.

Mr. DeVries requested that the application be deferred to allow him an opportunity to address their concerns.

The Committee consented to the request and deferred the application to May 5, 2016.

On May 5, 2016, Mr. D. DeVries, authorized agent, attended and further presented the application. He advised that the building permit was obtained to construct a portico at the front of the home and during construction, they were advised that a building permit was required for the gazebo. Mr. DeVries advised that they ceased construction and have modified the plans to reduce the height of the original structure from 4.87m to 3.65m (14.00ft. to 12.00ft.).

Mr. DeVries presented a copy of the landscape plan for the Committee's review and consideration and advised that once the trees are planted, it will not be noticeable.

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

The City of Mississauga Planning and Building Department commented as follows (May 2, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, 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: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-48 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. The variances requested have been reviewed based on information provided with this application; however, a full zoning review has not been completed. Although we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required, variance #2 should be amended as follows:

"2. a setback to the exterior side lot line of 1.70 m (5.58 ft.); whereas Bylaw 0225-2007, as amended, requires a minimum exterior side setback of 6.00 m (19.68 ft.) in this instance."

Planning

The application was previously heard by the Committee at the March 31st, 2016 hearing. At the hearing the applicant chose to defer the application to further reduce the height of the structure as per committee and staff concerns. The applicant has proposed to reduce the height to 3.65 m (12.00 ft.). The further reduction in height from previous proposals, as well as the tree cover provided on the lot and within the City Boulevard help to limit the visual impact on the streetscape of the gazebo structure. The intent of the exterior side yard setback for accessory structures is meant to keep accessory structures in the rear yard to limit impact on the adjacent street. Given the height reduction, the screening on site from the fence and trees, and the generous City Boulevard providing an additional separation distance, we are of the opinion that the general intent of the Zoning By-law is maintained in protecting the visual impact of the structure on the streetscape.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application 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 (April 29, 2016):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 29, 2016):

"We have no comments or objections."

A letter was received from the Ministry of Transportation indicating the lands are located outside the ministry permit control area and no permits are required.

A letter was received from K. Liu, property owner at 4559 Badminton Drive, expressing opposition to the application and noting her comments and concerns.

No other persons expressed any interest in the application.

The Committee indicated that the trees shown on the landscape plan are deciduous trees and noted that evergreen trees may provide additional screening year round.

Mr. F. Qiao, son of the property owner, attended and advised that if cedars are planted, less light will be provided in the gazebo. He further indicated that the deciduous trees provide a more pleasing aesthetic effect.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Delderfield and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee are satisfied that the height of the original structure is to be reduced.

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 existing gazebo structure to be altered and remain proposing:

1. a height of 3.65m (12.00ft); whereas Bylaw 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft), in this instance; and,
2. a setback to the exterior side lot line of 1.70 m (5.58 ft.); whereas Bylaw 0225-2007, as amended, requires a minimum exterior side setback of 6.00 m (19.68 ft.) in this instance

This decision is subject to the following condition:

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


MOVED BY:	D. Reynolds	SECONDED BY:	S. Patrizio	CARRIED
-----------	-------------	--------------	-------------	---------

Application Approved, on condition as stated.


Dated at the City of Mississauga on May 12, 2016.

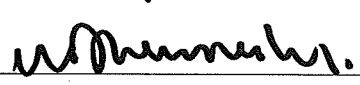
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 1, 2016**.

Date of mailing is May 16, 2016.

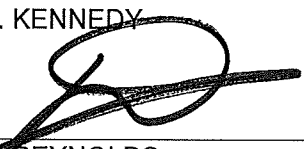

S. PATRIZIO



D. GEORGE


J. ROBINSON (CHAIR)

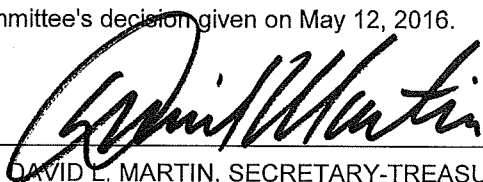

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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

MAVUNGAL KRISHNAPILL RAJESHLAL

on Thursday, May 5, 2016

Mavungal Krishnapill Rajeshlal is the owner of 253 Fairview Road West being Lot 55, Registered Plan M-595, zoned R4-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing basement entrance to remain having:

1. an exterior side yard of 3.11m (10.20ft); whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft) in this instance; and,
2. a new pedestrian entrance facing a street to facilitate a second unit; whereas Bylaw 0225-2007, as amended, does not permit a new pedestrian entrance facing a street, a private road or a CEC-private road, to facilitate a second unit.

On April 21, 2016, Mr. R. Nowacki, authorized agent, attended and advised that an additional variance is required for a side entrance to the basement facilitating a second unit. He requested that the application be deferred to allow for an amended Notice to be prepared and circulated.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-2 (Residential)

Other Applications:

Building Permit (Second Unit) File: SEC UNIT 16R 691 SU

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed basement walkout to access the second dwelling unit. Based on the review of the Building Permit application we advise that the following additional variance is required:

"2. A proposed pedestrian entrance facing a street to facilitate a second unit; whereas By-law 0225-2007, as amended, states that, 'a new pedestrian entrance facing a street, a private road or a CEC - private road, to facilitate a second unit, shall not be permitted.'"

Based on the information provided with the Building Permit application, all other variances, as requested, are correct

Planning

The basement walkout is located completely within the existing fence on the property and not visible from the roadway. One of the intentions to restricting basement walkouts in the exterior side yard is that it is to maintain the appearance of the dwelling as a single detached dwelling. Given the existing fence, there should be no impact to the neighbourhood as a result of the basement entrance way as it is hidden. Our Department is of the opinion that the request is minor and meets the general intent of the Zoning By-law, in this instance.

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 (April 14, 2016):

"This department has no objections to the applicant's request to permit the existing basement entrance to remain."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to May 5, 2016.

On May 5, 2016, Mr. R. Nowacki, authorized agent, attended and advised that an amended Notice was circulated advising of an additional variance required to allow a new pedestrian entrance facing a street to facilitate a second unit. Mr. Nowacki advised that they have contacted neighbouring property owners and submitted letters expressing support for the application.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-2 (Residential)

Other Applications:

Building Permit (Second Unit) File: SEC UNIT 16R 691 SU

Comments

Our Comments from the previous hearing on April 21st, 2016 remain applicable, with regards to the appropriateness of the variance request."

The City of Mississauga Transportation and Works Department commented as follows (April 29, 2016):

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

Letters of support for the application were received from the property owners/residents at 246, 249, 273, 275, 276, 277, 284 and 254 Fairview Road West, 266 Manila Gate, and 3365 Testimony Square.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Nowacki and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the entrance is located behind the fence and not visible from the street.

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

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

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

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



MISSISSAUGA

File: "A" 148/16
WARD 7

Application Approved.

Dated at the City of Mississauga on May 12, 2016.

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

Date of mailing is May 16, 2016.

ABSENT

S. PATRIZIO

J. ROBINSON (CHAIR)

D. GEORGE

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 12, 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.