

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER

Hearing: MAY 12, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-033/16	1938597 ONTARIO INC	1355 AEROWOOD DR	5	Approved
<u>DEFERRED APPLICATIONS - (CONSENT)</u>				
B-043/15	ALAN PIERRE NOLET & LEANNE MARY NOLET	43 JOHN ST S	1	Refused
A-392/15	ALAN PIERRE NOLET & LEANNE MARY NOLET	43 JOHN ST S	1	Approved in Part
A-393/15	PETER NOLET	42 FRONT ST S	1	Approved in Part
<u>NEW APPLICATIONS - (MINOR VARIANCE)</u>				
A-183/16	2437299 ONTARIO INC.	888 FOURTH ST	1	Approved
A-184/16	WHITEROCK 5945-5955 AIRPORT ROAD MISSISSAUGA INC.	5945 AIRPORT RD	5	Approved
A-185/16	PORT CREDIT HOLDINGS INC.	231 LAKESHORE RD E	1	Approved
A-186/16	1672578 ONTARIO INC.	3062 HURONTARIO ST	7	Approved
A-187/16	ANDRE FREHN	786 TERLIN BLVD	2	June 23
A-188/16	LINDA BASMAJI	29 OAKWOOD AVE S	1	Approved
A-189/16	MIDWAY INVADER INC	6809 INVADER CRES	5	Approved
A-190/16	DANUTA NOWAKOWSKA-WOZNIAK	1291 HAIG BLVD	1	Approved
A-191/16	ANTONIO BOSCO	1445 GLENBURNIE RD	1	Approved

## COMMITTEE OF ADJUSTMENT

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

1938597 ONTARIO INC.

on Thursday, May 12, 2016

1938597 Ontario Inc. is the owner of 1355, 1385, 1465, 1475, 1485, and 1495 Aerowood Drive and 5500, 5505, 5515, and 5525 Ambler Drive, Part of Lot 3, Concession 3, E.H.S., zoned C3-42, Commercial and E2, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 103.80m (340.55ft.) and a lot area of approximately 1.25ha (3.08acres). The effect of the application is to create a new lot for employment purposes.

Mr. J. Levac of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application. Mr. Levac presented a site plan and explained that several years ago the applicant purchased all the lands that make up the Dixie Auto Mall which also included an industrial building located at 1355 Aerowood Drive. He noted that the tenant of this building has since then vacated the property. Mr. Levac indicated that the severed lands are zoned E2, Employment and the retained lands are zoned C3-42, Commercial. He further indicated that there are no variances required the severed or retained lands as a result of the conveyance. Mr. Levac concluded and stated that the application is appropriate and meets the requirements under Section 51(24) of the Planning Act.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (May 6, 2016),  
City of Mississauga, Transportation and Works Department (May 5, 2016),  
City of Mississauga, Community Services Department (May 9, 2016),  
Region of Peel, Environment, Transportation & Planning Services (May 6, 2016).

No other persons expressed any interest in the application.

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

The Committee, after considering the submissions put forward by Mr. Levac, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the consent request is appropriate because the employment use on the severed lands currently functions independently of the commercial use on the retained lands.



## MISSISSAUGA

File: "B" 033/16  
WARD 5

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 5, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 9, 2016 (re: street trees).

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED


Application Approved, on conditions as stated.

Dated at the City of Mississauga on May 19, 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 9, 2016**.


Date of mailing is May 20, 2016.

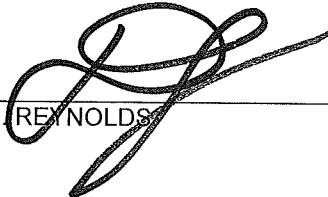
  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 2016.

  
DAVID L. MARTIN, SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 20, 2017**.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

## COMMITTEE OF ADJUSTMENT

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

ALAN PIERRE NOLET & LEANNE MARY NOLET

on Thursday, May 12, 2016

Alan Pierre Nolet & Leanne Mary Nolet are the owners of 43 John Street South being Part of Lots 1 to 4, Plan 300W, zoned R15-1, Residential. The applicants request the consent of the Committee to the conveyance of a parcel of land having an area of approximately 91.00m<sup>2</sup> (979.54sq.ft.). The effect of the application is to merge the lands with the lands to the east located at 42 Front Street.

The lands are also the subject of Minor Variance Application Files "A" 392/15 and "A" 393/15.

On September 17, 2015, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and requested that the application be deferred. He indicated that, through the review of the application, information was requested with respect to the carriage house, whether it was utilized as a habitable structure, and whether the structure is legal non-conforming. Also, the property is a designated Heritage property. Mr. Levac indicated that the firm had been retained only to sever the land. He indicated that he required additional time to discuss the application further with his client and the Planning and Building Department.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 15, 2015),  
City of Mississauga, Transportation and Works Department (September 10, 2015),  
City of Mississauga, Community Services Department (September 16, 2015),  
Region of Peel, Environment, Transportation & Planning Services (September 11, 2015)  
Credit Valley Conservation (September 17, 2015).

A neighbour, Mr. M. Podstawskyj, representing Ms. S. Govaerts, property owner at 39 John Street South and Mr. P. Breuer, property owner at 31 Bay Street, attended and requested that the application be considered on December 10, 2015 as he was unable to attend the meeting if scheduled in late November.

A letter, signed by the property owners at 34 Peter Street South, 27 Mississauga Road South, 32 Peter Street South, 26 Peter Street South, 38 John Street, 36 Lake Street, 42 John Street South, 31 Bay Street, 39 John Street South, 36 John Street South, 47 John Street South, 46 John Street South, and 27 Bay Street, was received expressing objection to the application and indicating that the lot size, if approved, would be vastly smaller than the original Zoning By-law intent and far smaller than the minimum lot size of 460.00m<sup>2</sup> as specified by the City-wide Zoning By-law. They noted that the application, if approved, would set a dangerous precedent and change the nature and character of the community. The letter also questions the use of the structure on the lot.

A letter was received from R. Hunwicks and E. Keir, property owners at 36 Lake Street expressing strong opposition to the application and noting their concerns.

A letter was received from E. Wirsching, property owner at 38 John Street South, expressing objection to the applications and noting that the requested variances are an attempt to chip away at the By-laws that were implemented to protect the integrity of Port Credit's heritage district.

A letter was received from L. Crawford and M. Bergshoeff, property owners at 42 John Street South, expressing strong concerns that if the applications are approved, it will set a precedent in the neighbourhood that would be detrimental to a community that is unique, vibrant and governed by the Heritage Act.

A letter was received from M. Homes, property owner at 27 Bay Street, expressing opposition to the applications and variances and noting this comments and concerns.

A letter was received from C. Dohn, property owner at 47 John Street South, expressing objection to the application and indicating that the applicant wishes to add more square footage to a property that is larger than the property being severed and, in doing so, create a non-compliant lot.

Mr. Dohn also objects to the minor variances for the auxiliary structure to remain noting that he believes that the building has been converted to a dwelling without proper inspections and permits.

An e-mail was received from S. Govaerts, property owner at 39 John Street South expressing objection to the application and noting her concerns with respect to the heritage character of the neighbourhood.

An e-mail was received from S. Govaerts, on behalf of P. Breuer, property owner at 31 Bay Street, expressing opposition to the application.

A letter was received from J. Bongers and J. Sleeman, property owners at 36 John Street South expressing objection to the applications and noting their comments and concerns.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to December 10, 2015.

On December 10, 2015, Mr. J. Levac, of Glen Schnarr & Associates Inc., authorize agent, attended and requested a further deferral of the application. Mr. Levac advised that they wish to apply for a building permit to convert the carriage house, constructed in the 1840's, into a second unit. He indicated that the Consent application was submitted to increase the amenity area of the property located at 42 Front Street South.

Mr. Levac requested that the application be deferred to allow his client an opportunity to submit a building permit for the carriage house to ensure it meets the Ontario Building Code requirements. Mr. Levac indicated that he believes that it is best to consider the Consent and Minor Variance applications together.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 9, 2015),  
City of Mississauga, Transportation and Works Department (December 3, 2015),  
City of Mississauga, Community Services Department, Culture Division (December 9, 2015),  
City of Mississauga, Community Services Department, Park Planning Section (December 9, 2015),  
Region of Peel, Environment, Transportation & Planning Services (December 7, 2015)

Mr. C. Dohn, property owner at 47 John Street South, attended and advised that he and the neighbours are disappointed that the matter is being deferred. He requested that the application be deferred to May 12, 2016.

Ms. C. Nin Hernandez, Heritage Co-ordinator for the City of Mississauga, attended and advised that they require a Heritage Impact Assessment to determine whether a heritage permit is required.

A letter was received from J. Danahy, property owner at 25 Mississauga Road South, expressing opposition to the application and noting his concerns. He advised that the application should be disallowed as the second lot does not satisfy the minimum lot size in the district, it violates the intent of heritage conservation, dilutes the stock of heritage homes to non-heritage, undermines the goals of the heritage conservation, and does not serve the Smart Growth plan.

A letter was received from D. Tomiuk, Vice-President of the Town of Port Credit Association (TOPCA), expressing comments on behalf of the TOPCA Executive. She advised that the proposed conveyance will allow a lot with less than the minimum By-law requirements and has the potential to allow the larger lot to be subdivided into two lots at a later date. She also advised that TOPCA does not support any of the requests with respect to the "accessory structure". She advised that the Heritage District is not the place for intensification. She indicated that if the application is approved, it could set a precedent for substandard sized lots or second dwelling units in the Heritage District.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to May 12, 2016.

On May 12, 2016, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the consent application. Mr. Levac presented a site plan illustrating the parcel of land to be conveyed together with the "retained" lands (43 John Street South) and the adjacent "resultant" lands located to the rear at 42 Front Street South, both of which are owned by the applicants. He explained that the application was previously deferred to allow the applicants to submit a building permit application for the accessory structure, known as the carriage house, and to prepare a heritage impact assessment as requested by Planning staff. The applicants agreed to the requests in the interest of public safety for the carriage house to comply with the Ontario Building Code regulations and to comply with the policies of the Old Port Credit Heritage Conservation District Plan (OPCHCDP).

Mr. Levac explained that the intent of the consent application is to create a larger and more functional rear yard for the cottage-like dwelling located at 42 Front Street South. He indicated that the 91.00m<sup>2</sup> (979.52ft.<sup>2</sup>) conveyed parcel was a result of creating a rear yard at 42 Front Street South that meets the current 7.50m (24.60ft.) rear yard setback requirement. Mr. Levac recognized that the application is not supported by Planning and Heritage staff but requested that the Committee give consideration to Section 51 (24) of the Planning Act which was not considered by Planning staff's comments.

Mr. Levac presented an excerpt of Section 51(24) of the Planning Act for considering a draft plan of subdivision and explained how the application satisfies each of the applicable criteria. He indicated that the conveyance is a simple lot addition that has no provincial interest. Mr. Levac also indicated that the requested variances under File 'A'-392/15 and 'A'-393/15 have no public interest because they are legalizing existing structures on the property that have been there for many decades. Mr. Levac presented a map of the surrounding properties to demonstrate the application's compliance to the 120.00m (393.70ft.) test for the creation of new lots under section 16.1.2.1 of the Official Plan. He indicated that the resultant lands would continue to have a lot frontage of 19.25m (63.16) which is greater than the surrounding average lot frontage of 15.95m (52.33) and that the proposed lot area of 425.70m<sup>2</sup> (4,582.34ft.<sup>2</sup>) is greater than the surrounding average lot area of 351.00m<sup>2</sup> (3778.13ft.<sup>2</sup>). He also mentioned that the proposed lot area of 895.90m<sup>2</sup> (9643.39ft.<sup>2</sup>) for the retained lands as well as the lot areas of the adjacent lots are all well in excess of the minimum lot area of 460.00m<sup>2</sup> (4,951.56ft.<sup>2</sup>) as required by the Zoning By-

law. Mr. Levac further indicated that all zoning regulations are being met for the retained and resultant lands with the exception of the requested variances for lot area and setbacks under File 'A'-392/15 and 'A'-393/15.

Mr. Levac concluded by indicating that the consent application meets the tests under Section 51 (24) of the Planning Act.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (May 11, 2016),  
City of Mississauga, Transportation and Works Department (May 5, 2016),  
City of Mississauga, Community Services Department, Culture Division (May 8, 2016).

An email was received from Ms. S. Govaerts, property owner of 39 John Street South who is also representing Mr. P. Breuer (her father), property owner of 31 Bay Street expressing their shared objections and request for refusal of the application. Ms. Govaerts outlined in detail their concerns with respect to the application not meeting the intent of the Zoning By-Law, Official Plan, Old Port Credit Village Heritage District Plan and issues with the size of the resultant lot. Ms. Govaerts indicated that the application provides no valid, reasonable, or responsible reason to support the necessity for the conveyance being requested.

Mr. H. Lynch, planner with the City of Mississauga Planning & Building Department attended and expressed additional comments regarding Mr. Levac's presentation. Mr Lynch indicated that Mr. Levac conducted the 120.00m (393.70ft.) test for the creation of new lots based on the 60.00m (196.85) notification radius and not the 120.00m (393.70ft.) radius as required by the Official Plan. Mr. Lynch presented a map of the surrounding properties within 120.00m (393.70ft.) and indicated that the average lot area is approximately 461.00m<sup>2</sup> (4,962.16ft.<sup>2</sup>). He stated that this lot area is consistent with the zoning by-law requirement of 460.00m<sup>2</sup> (4,951.56ft.<sup>2</sup>) which arose from a neighbourhood-scale review having regard for the areas lot fabric, including smaller lots.

Mr. Lynch indicated that he could not find any record of the accessory structure (carriage house) being used as a dwelling unit for many decades as mentioned by Mr. Levac. Mr. Lynch stated that the Fire and Insurance Plan from 1929 for Old Port Credit has no record of the carriage house but that it shows up on an aerial photo from 1954, so the structure was likely constructed between these dates. He also indicated that the structure is identified on a plan of survey from 1995 as a two (2) storey block garage. Mr. Lynch continued to explain that the 2007 Ontario Municipal Board (OMB) decision on the previous consent and minor variance application noted that extensive renovations were undertaken on the accessory structure after 1997 to create a habitable dwelling.

Mr. M. Podstawkyj, resident of 39 John Street South attended representing Mr. P. Breuer, property owner of 31 Bay Street and Ms. S. Govaerts, property owner of 39 John Street South who are both long-term residents of this City block since 1967. Mr. Podstawkyj indicated that the local neighbourhood has rallied on this matter to organize their comments, concerns and objection to the consent and concurrent minor variance applications. Mr. Podstawkyj referenced the signed petition by local residents from September of 2015 which outlined at length their objections and reasons for opposing the creation of a smaller lot. The Committee confirmed that this petition was still on record. Mr. Podstawkyj believed that the applications before the Committee are identical to those submitted in 2006 and refused by the OMB and requested that these applications also be refused. Mr. Podstawkyj summarised the main points from the written submission made by Ms. Govaerts.





## MISSISSAUGA

File: "B" 043/15  
WARD 1

Mr. M. Homes, property owner of 27 Bay Street, attended and presented his concerns with the applications. Mr. Homes presented photographs of the existing accessory structure which he noted was used as a garage since it was built until the applicant purchased the property in the mid-1990's and converted it to a habitable structure and therefore should not be considered a legal non-conforming use. He indicated that the structure and its projections have insufficient setbacks that impose on his adjacent property. Mr. Homes is concerned that the conversion of the garage to a habitable dwelling did not receive the required building permits and the applicant refused requests by the City to inspect the property.

Ms. D. Tomiuk, property owner of 33 Mississauga Road South, attended and expressed her concerns as a local resident who was actively involved in the creation of the OPCHCDP. She expressed that the neighbours fought very hard to have a heritage district plan created for this area and requested that the Committee not undermine the policies of the OPCHCDP when considering the applications before them.

No other persons expressed any interest in the application.

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

After hearing the comments of the Committee, City staff and local residents, Mr. Levac clarified that the severance and minor variance applications that were submitted in 2006 and refused by the OMB were for the severance of the lot located at 42 Front Street South and not comparable to the applications currently before the Committee. Mr. Levac indicated that his Client is simply trying to legalize an existing situation and to create a larger backyard for the property at 42 Front Street South and facilitate the sale of it. He further indicated that the applicants are not conspiring to propose any other type of development of the properties. He noted that the applicability of the legal non-conforming clause is questionable not knowing which zoning by-law was in place at the time the structures were constructed and would be up to the City to decide on how to enforce the matter. Mr. Levac concluded by asking the Committee to evaluate the consent application on its own merits and ability to satisfy the tests and policies as presented.

The Committee, after considering the submissions put forward by Mr. Levac, the local residents, and the comments received from Staff and the recommended conditions, is not satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the criteria listed under Section 51 (24) of the Planning Act are not intended to test the appropriateness of severance applications but rather criteria to be considered when reviewing a consent application. The Committee advised that the application compromises the policies of the OPCHCDP by not protecting the historical character of the area or enhancing its historical resources which is contrary to policies in the Official Plan as noted by City staff.

The Committee is not satisfied that the conveyance is appropriate for the development of the retained and resultant lands. The Committee advised that taking two currently compliant lots and creating a smaller lot area for one lot and a larger backyard for 42 Front Street South was not appropriately justified or necessary in this instance. The creation of the lot with deficient lot area does not maintain the general intent and purpose of the Official Plan or Zoning By-laws. The Committee further noted that the future development in character with the conservation district policies could be compromised with the creation of a smaller lot and increase in lot size for the other lot that would be the recipient of the lot addition. The Committee preferred the evidence in this regard provided by the City's Planning Department and Community Services Department, Heritage Section in this instance.

The Committee did not consider this request to be appropriate.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, as amended, resolves to deny the request as the proposed lot addition does not have regard or conform to the Official Plan Policies of the City and the dimensions and shapes of the lots are not in conformance with the Heritage Conservation District Conservation plan for the area.

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

Application Refused.

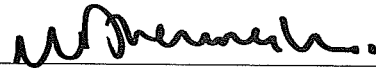

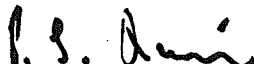
Dated at the City of Mississauga on May 19, 2016.

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 9, 2016**.

Date of mailing is May 20, 2016.

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

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

  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE  
\_\_\_\_\_  
D. REYNOLDS  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 2016.

  
\_\_\_\_\_  
DAVID L. MARTIN, SECRETARY-TREASURER

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 20, 2017**.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

## COMMITTEE OF ADJUSTMENT

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

on Thursday, May 12, 2016

Alan Pierre Nolet & Leanne Mary Nolet are the owners of 43 John Street South being Part of Lots 1 to 4, Plan 300W, zoned R15-1, Residential. The applicants request the Committee to authorize a minor variance to permit the existing dwelling to remain on a lot (being the retained parcel of Consent Application File "B" 43/15) proposing:

1. a front yard of 2.84m (9.31ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.00m (16.40ft.) in this instance;
2. an interior side yard of 0.70m (2.29ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance; and,
3. a lot area of 425.70m<sup>2</sup> (4,582.34sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00m<sup>2</sup> (4,951.56sq.ft.) in this instance.

On September 17, 2015, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and requested that the application be deferred. He indicated that, during the review of the application, information was requested with respect to the carriage house, whether it was utilized as a habitable structure, and whether the structure is legal non-conforming. Also, the property is a designated Heritage property. Mr. Levac indicated that the firm had been retained only to sever the land. He indicated that he required additional time to discuss the application further with his client and the Planning and Building Department.

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

The City of Mississauga Planning and Building Department commented as follows (September 15, 2015):

### 1.0 Recommendation

The Planning and Building Department recommends that the applications be deferred.

### 2.0 Background

*Mississauga Official Plan*

*Character Area:* Port Credit Community Node

*Designation:* Residential Low Density I

*Zoning By-law 0225-2007*

*Zoning:* "R15-1", Residential

### 3.0 Other Applications

☒ *Building Permit* File: BP08-1611

### 4.0 Comments

We note that the Department is currently processing an open Building Permit application from 2008 for the addition of a deck to the subject "accessory structure". Additional information has been requested through this application and therefore we are unable to verify the accuracy of variances #3 and #4 and determine whether additional variances will be required. We further advise that it appears variance #2 is not required.

Based on a recent site visit and photographs, we question whether the structure in the rear yard can be considered an accessory structure as it appears it may be used as a second dwelling on the property. It is our understanding that the applicant will be requesting a deferral of the applications to clarify this issue. We concur with the request."

The City of Mississauga Transportation and Works Department commented as follows (September 10, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (September 16, 2015):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan.

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for their information. HAC received the information on the applications at their meeting of September 15, 2015 and had no comment or recommendation.

After the HAC meeting took place, the Planning and Building Department's comments issued on the subject applications indicated that there is additional information required and there is a possibility for additional variances to be identified, which have not been fully confirmed or included as part of the current applications and could have an impact on the Old Port Credit HCD.

Heritage Planning recommends that the applications be deferred until such time as complete information and opportunity for further review are provided as it relates to the subject properties and their contribution to the heritage district character."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 11, 2015):

"The subject property is within the vicinity of Saddington Memorial Park. The landfill site was likely used for the disposal of construction and demolition wastes. There is no trace of methane gas or leachate. The site is used as a neighbourhood park. It is catalogued by the MOECC as #7070."

"The subject property is within the vicinity of a private landfill site with MOECC #A220107. It is an inactive landfill located on the southwest corner of Mississauga Rd and Lakeshore Blvd. It has been cleaned to MOECC standards."

"The subject property is within the vicinity of Port Credit Memorial Park/Library. The landfill site was used for the disposal of flyash and waste. Methane gas and leachate have been detected at the site. An environmental monitoring program is in place and consists of groundwater, surface water and landfill gas monitoring on a routine basis. The site is currently a park complete with library facilities. It is catalogued by the MOECC as #7069."

The Credit Valley Conservation commented as follows (September 17, 2015):

"It is understood that the applicant is seeking a minor variance related to setbacks and driveway length in order to permit the existing dwelling to remain on the lot. CVC has no concerns and **no objection** to the requested variance. However, the applicant is to note that the subject property is within a Credit Valley Conservation (CVC) Regulated Area. As such, any proposed development on the subject property in the future may require a CVC permit.

CVC has no comment regarding the related minor variance application **A 392/15** and consent application **B 043/15** as they are outside of a CVC Regulated Area."

A neighbour, Mr. M. Podstawskyj, representing Ms. S. Govaerts, property owner at 39 John Street South and Mr. P. Breuer, property owner at 31 Bay Street, attended and requested that the application be considered on December 10, 2015 as he was unable to attend the meeting if scheduled in late November.

A letter, signed by the property owners at 34 Peter Street South, 27 Mississauga Road South, 32 Peter Street South, 26 Peter Street South, 38 John Street, 36 Lake Street, 42 John Street South, 31 Bay Street, 39 John Street South, 36 John Street South, 47 John Street South, 46 John Street South, and 27 Bay Street, was received expressing objection to the application and indicating that the lot size, if approved, would be vastly smaller than the original Zoning By-law intent and far smaller than the minimum lot size of 460.00m<sup>2</sup> as specified by the City-wide Zoning By-law. They noted that the application, if approved, would set a dangerous precedent and change the nature and character of the community. The letter also questions the use of the structure on the lot.

A letter was received from R. Hunwicks and E. Keir, property owners at 36 Lake Street expressing strong opposition to the application and noting their concerns.

A letter was received from E. Wirsching, property owner at 38 John Street South, expressing objection to the applications and noting that the requested variances are an attempt to chip away at the By-laws that were implemented to protect the integrity of Port Credit's heritage district.

A letter was received from L. Crawford and M. Bergshoeff, property owners at 42 John Street South, expressing strong concerns that if the applications are approved, it will set a precedent in the neighbourhood that would be detrimental to a community that is unique, vibrant and governed by the Heritage Act.

A letter was received from M. Homes, property owner at 27 Bay Street, expressing opposition to the applications and variances and noting this comments and concerns.

A letter was received from C. Dohn, property owner at 47 John Street South, expressing objection to the application and indicating that the applicant wishes to add more square footage to a property that is larger than the property being severed and, in doing so, create a non-compliant lot.

Mr. Dohn also objects to the minor variances for the auxiliary structure to remain noting that he believes that the building has been converted to a dwelling without proper inspections and permits.

An e-mail was received from S. Govaerts, property owner at 39 John Street South expressing objection to the application and noting her concerns with respect to the heritage character of the neighbourhood.

An e-mail was received from S. Govaerts, on behalf of P. Breuer, property owner at 31 Bay Street, expressing opposition to the application.

A letter was received from J. Bongers and J. Sleeman, property owners at 36 John Street South expressing objection to the applications and noting their comments and concerns.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to December 10, 2015.

On December 10, 2015, Mr. J. Levac, of Glen Schnarr & Associates Inc., authorize agent, attended and requested a further deferral of the application. Mr. Levac advised that they wish to apply for a building permit to convert the carriage house, constructed in the 1840's, into a second unit. He indicated that the Consent application was submitted to increase the amenity area of the property located at 42 Front Street South.

Mr. Levac requested that the application be deferred to allow his client an opportunity to submit a building permit for the carriage house to ensure it meets the Ontario Building Code requirements. Mr. Levac indicated that he believes that it is best to consider the Consent and Minor Variance applications together.

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

The City of Mississauga Planning and Building Department commented as follows (December 9, 2015):

**"Recommendation:**

The Planning and Building Department recommends that the applications be deferred for the applicant to submit the required Building Permit application to verify all of the required variances for 'A' 393/15 and to ensure compliance with the Ontario Building Code.

**Background:**

***Mississauga Official Plan:***

**Character Area:** Port Credit Community Node  
**Designation:** Residential Low Density I

***Zoning By-law 0225-2007:***

**Zoning:** R15-1, Residential

**Other Applications:**

No other applications currently in process.

**Comments:**

When these applications were previously before the Committee on September 17, 2015, the applicant deferred the application to clarify the nature of the accessory structure on 42 Front Street South. Staff have had ongoing discussions with the authorized agent, and have identified several further variances that were not included on the revised Notice of Public Hearing, received by this Department on November 10, 2015. It is our understanding that the applicant would like to request a further deferral of 'A' 393/15, but would like to proceed with 'B' 43/15 and 'A' 392/15.

It is our opinion that the applications should be reviewed together. However, without the benefit of knowing all of the variances that will be required for 42 Front Street South, we are unable to comment on the appropriateness of any of the applications.

According to a previous 2007 Ontario Municipal Board (OMB) hearing, the applicant purchased the property in 1997 and carried out renovations to the existing carriage house to convert it into habitable space. These renovations were carried out without a Building Permit. In the absence of detailed drawings through a Building Permit application, we are unable to verify the accuracy of requested variances. Therefore, we recommend that the

applicant submit a Building Permit application. This would also allow staff to confirm whether the structure meets the requirements under the Ontario Building Code.

Based on the information we currently have, this Department has concerns with legitimizing residential use of the carriage house, which was previously addressed in the 2007 OMB decision. The Board indicated that the impacts of an accessory building are different from those from a residence, and legitimizing a residence that is extremely close to neighbouring lot lines does not constitute good planning.

Based on the preceding information, we recommend that the applications be deferred for the applicant to submit the required Building Permit application to verify all of the required variances for 'A' 393/15 and to ensure compliance with the Ontario Building Code."

The City of Mississauga Transportation and Works Department commented as follows (December 2, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (December 9, 2015):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan. The accessory structure at 42 Front Street is identified as "complementary" in the same plan.

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for their information. HAC received the information on the applications at their meeting of September 15, 2015 and had no comment or recommendation. On November 11, 2015, an amended Notice to permit a second unit within an accessory structure on the same lot was circulated and subsequently HAC received the notice for their information at their November 17, 2015 meeting.

#### Comments

##### Severance and Consent related to 43 John Street and 42 Front Street:

The heritage district plan supports the current zoning by-law's stipulated minimum lot area as it supports the Heritage District character; therefore a reduction of lot area to below the allowable within the district is not supported. The Old Port Credit Heritage Conservation District was enacted by by-law 0272-2004 together with a zoning by-law amendment as a result of OMB order No. 01847. The order introduced changes in zoning restrictions that supported the heritage district character as identified through community consultation during the Heritage Conservation District by-law approval process and the OMB decision process. The OMB order enacted the current minimum lot area for residential lots in the heritage conservation district which were consolidated into the current Zoning by-law in effect. The severance and consent would create a substandard lot that does not support the intent and character of the Old Port Credit Heritage Conservation District. Heritage Planning does not support the proposed severance and consent applications.

##### Request to permit a second unit within an accessory structure at 42 Front Street and related variances:

A Heritage Impact Assessment is required to be submitted for review in order to ascertain the impact of the proposed on the existing "complementary" building and the adjacent historic building and property. This information has not been submitted for review. The Old Port Credit Heritage District Plan requires a Heritage Permit for changes to complementary

buildings following criteria indicated in the said HCD plan. More information on the potential physical impacts of the proposed use on the structure is required in order to ascertain whether a heritage permit will be required.

Heritage Planning recommends that the request to permit a second unit within an accessory structure and related variances applications be deferred until such time as complete information and opportunity for further review are provided as it relates to the subject properties and their contribution the heritage district character."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (December 7, 2015):

"Please refer to our previous comments."

Mr. C. Dohn, property owner at 47 John Street South, attended and advised that he and the neighbours are disappointed that the matter is being deferred. He requested that the application be deferred to May 12, 2016.

Ms. C. Nin Hernandex, Heritage Co-ordinator for the City of Mississauga, attended and advised that they require a Heritage Impact Assessment to determine whether a heritage permit is required.

A letter was received from J. Danahy, property owner at 25 Mississauga Road South, expressing opposition to the application and noting his concerns. He advised that the application should be disallowed as the second lot does not satisfy the minimum lot size in the district, it violates the intent of heritage conservation, dilutes the stock of heritage homes to non-heritage, undermines the goals of the heritage conservation, and does not serve the Smart Growth plan.

A letter was received from D. Tomiuk, Vice-President of the Town of Port Credit Association (TOPCA), expressing comments on behalf of the TOPCA Executive. She advised that the proposed conveyance will allow a lot with less than the minimum By-law requirements and has the potential to allow the larger lot to be subdivided into two lots at a later date. She also advised that TOPCA does not support any of the requests with respect to the "accessory structure". She advised that the Heritage District is not the place for intensification. She indicated that if the application is approved, it could set a precedent for substandard sized lots or second dwelling units in the Heritage District.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to May 12, 2016.

On May 12, 2016, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application associated with the concurrent consent application under File 'B'-043/15. Mr. Levac explained that most of the variances are to address current conditions that have existed prior to Zoning By-Law 0225-2007, as amended, being in effect, and long before the property was purchased by the applicants. Mr. Levac read the provisions of Section 2.1.8 of the Zoning By-Law and concluded that variances #1 and #2 should be considered legal-non conforming but because the exact date and records of construction are not known, they are applying for the variances nevertheless as requested by Planning staff.

Mr. Levac presented a map of the surrounding properties to demonstrate the application's compliance to the 120.00m (393.70ft.) test for the creation of new lots under Section 16.1.2.1 of the Official Plan. He indicated that the retained lands would continue to have a lot frontage of 19.25m (63.16) which is greater than the surrounding average lot frontage of 15.95m (52.33) and that the proposed lot area of 425.70m<sup>2</sup> (4,582.34ft.<sup>2</sup>) is greater than the surrounding average lot area of 351.00m<sup>2</sup> (3778.13ft.<sup>2</sup>) which maintains the intent of the Zoning By-Law and Official Plan. Mr. Levac explained that the requested variances are minor and result in the property at 42 Front Street South having a 7.50m (24.60ft.) rear yard setback that meets the Zoning By-Law requirement.



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

The City of Mississauga Planning and Building Department commented as follows (May 11, 2016):

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Port Credit Community Node  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R15-1 (Residential)

**Other Applications:**

Building Permit File: 16-722

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Building Permit application and based on review of the information currently available for the Building Permit, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

The applicant has applied for variances relating to an accessory structure; however, the structure is not an accessory structure, but a second detached dwelling on the lot. The Building Permit application which is currently being processed is seeking to establish a detached dwelling and additional variances will be required.

If there are any changes contained within this Committee of Adjustment application that have not been submitted through the Building Permit process, then the applicant should resubmit this information through the Building Permit process in order to receive updated comments.

**Planning**

The Planning and Building Department previously commented that the applicant should defer the application to apply for a Building Permit to ensure all variances are accurately identified, as well as to ensure compliance with the Ontario Building Code (OBC) with regards to variance application 'A' 393/15. Based on the most recent feedback from Building Staff, it remains unclear whether all OBC regulations will be complied with; further, a number of variances still appear to be incorrect and/or missing. However, as the application has been deferred to the May 12, 2016 hearing on a peremptory basis, the following comments have been prepared for the application as presented.

**'A' 393/15**

Variances #1 through #6 and #9 are directly related to the carriage house structure and seek to legalize the use of the entire structure for residential purposes. A number of the variances identify provisions related to accessory structures, some of which are not

correctly expressed given that a second detached dwelling is proposed under the building permit.

The applications refer to the second detached dwelling as a "carriage house". We note that this is not a defined term in the by-law, and there is no evidence of the historic use of the building for residential purposes. Evidence presented in a 2007 Ontario Municipal Board hearing indicates that the applicant installed a kitchen, bathroom and laundry without building permits after purchasing the premises in 1997.

Variances #2, #3, #4, and #5 could be appropriate if the structure contained no habitable space, given that the structure currently exists and is listed as a complimentary building of interest in the Heritage District; however, it is not appropriate as a dwelling within this proximity to two separate lot lines. The previous Ontario Municipal Board Decision (PL070014) for this property provided the following comment concerning the use of this building:

*"The impacts from an accessory building are quite different from those from a residence. The Board finds that locating a primary residence as close to the lot line as the carriage house is to 27 Bay Street and 39 John Street does not constitute good planning. The intent of the Zoning By-law requirement for setback allowances is to ensure that there is sufficient privacy and an appropriate relationship between the properties. Were the applications to be granted that intent of the Zoning By-law would not be met."*

Variance #1 as requested, or modified to request a second detached dwelling rather than a second unit, is inappropriate given the proximity of the livable space to the adjacent lots. A negative impact will occur on the neighbouring properties as 27 Bay Street and 39 John Street. The intent of the Zoning By-law is not maintained by these variances.

Since the previous Board decision, the Province of Ontario has implemented changes to the *Planning Act* regarding second units through the *Strong Communities through Affordable Housing Act, 2011*. These changes required that municipalities permit second units within single detached dwellings, semi-detached dwellings, townhouses, and accessory structures; however, the legislation continues to allow a municipality the right to determine appropriate areas for such, together with appropriate standards. The City has not yet adopted a policy regime with respect to second units within accessory structures; this work is currently underway. Given the broad policy direction of Mississauga's Official Plan, it is reasonable to expect that such standards would have regard for the relationship of such structures on neighbouring properties within stable neighbourhoods.

The request for the second storey balcony in variance #6 exacerbates the negative impact upon adjacent properties, is not a minor in nature and does not maintain the general intent of the Zoning By-law. The R15-1 zoning on the subject property requires a minimum rear yard setback of 7.50 m (24.61 ft.) to a dwelling and permits an encroachment for a balcony of 1.00 m (3.28 ft.) into that required setback; the application proposes a 0.41 m (1.34 ft.) setback. The requested reduction is significant, would create an intrusive overlook condition and is not desirable.

Variances #7 and #8 are related to the existing driveway on site. This Department does not support the request for two access points on one lot, and accordingly does not support the request for the additional combined width. The additional driveway adds to the hard surface area along the streetscape and only serves as an access point to the second dwelling, which the Department does not support. Where second units are permitted in the city, parking is to be integrated with the principle dwelling in order to maintain the character of the neighbourhood.

The additional accessory structure (the metal shed) requested in variance #9 is not of concern to this Department. We do not object to two accessory structures on the lot, given the heritage perspective; our objection is to its residential use, as described above.

Finally, this Department does not have a concern with requested variance #10; this variance seeks to legalize an existing condition and the reduction in setback does not

impose on the street or create an undesirable impact. The neighbourhood contains other bungalows with similar front yard setbacks and the reduction is characteristic of the neighbourhood.

Based on the preceding information, with regards to application 'A' 393/15, the Planning and Building Department has no objection to requested variances #9 and #10, provided that there is no habitable space allowed in association with variance #9. We recommend that the remainder of the variances be refused. Additionally, we advise that there are discrepancies between the Minor Variance application and the Building Permit application and it is likely that variances have either been expressed incorrectly or not captured.

'B' 43/15 & 'A' 392/15

The proposed Consent application and associated Minor Variance seek to allow a lot addition from the property at 43 John Street South to the property at 42 Front Street South, which is subject to application 'A' 393/15. The requested variances #1 and #2 seek to recognize an existing deficiency with the dwelling at 43 John Street and as no alterations or construction is proposed our Department has no objections to these variances. However, we have concerns with variance #3 as well as the proposed Consent.

The subject lands are located within the Old Port Credit Village Heritage Conservation Area. The associated Heritage Conservation Plan requires that severance applications are to be reviewed by the Heritage Advisory Committee, which we understand has not occurred to date.

Currently both lots at 43 John Street South and 42 Front Street South are compliant with the Zoning By-law requirements for lot area. The requested consent would add 91.00 m<sup>2</sup> (979.52 sq. ft.) to 42 Front Street South, currently 754.90 m<sup>2</sup> (8125.68 sq. ft.) in area and would leave the retained lands at 43 John Street South deficient to Zoning By-law requirements.

The Zoning By-law's specific lot area requirement arose from the Port Credit Heritage Conservation Feasibility Study and its associated Official Plan and Zoning By-law Amendments. As such, the minimum lot area was determined through a neighbourhood-scale review, having regard for the area's lot fabric and the presence of smaller lots within the vicinity. The Department submits that it is undesirable to permit a lot addition that creates a deficient lot resulting from two compliant lots.

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

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (May 8, 2016):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan. The accessory structure at 42 Front Street is identified as "complementary" in the same plan.



## MISSISSAUGA

File: "A" 392/15  
WARD 1

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for information. HAC received the information on the applications at its meeting of May 10, 2016 and had no comment or recommendation.

Section 7.4.3.3 of the Official plan requires that development applications in a Heritage Conservation District are accompanied by a Heritage Impact Assessment and a Heritage Permit.

### Comments

#### Severance and Consent related to 43 John Street South and 42 Front Street South:

The proposed severance and conveyance would compromise the policies of the Heritage District Plan and hinder the possibility of fulfilling its objectives of conserving and enhancing the heritage district character over time, therefore not align with the heritage policies included in the City's Official Plan that enable the Municipality to protect heritage resources in accordance with the Ontario Heritage Act. (7.4.3.1).

The current zoning by-law's stipulated minimum lot area supports the Heritage District character; therefore a reduction of lot area to below the allowable within the district is contrary to the HCD Plan. The Old Port Credit Heritage Conservation District was enacted by by-law 0272-2004 together with a zoning by-law amendment; as a result of OMB order No. 01847, dated July 15, 2005. The order introduced changes in zoning restrictions that supported the heritage district character as identified through community consultation during the Heritage Conservation District by-law approval process and the OMB process. The OMB order enacted the current minimum lot area for residential lots in the heritage conservation district which were consolidated into the current Zoning by-law in effect.

The consent and reduced lot area assigned to 43 John Street South would create an enlarged lot (42 Front Street South) to the detriment of another, creating a substandard lot that does not support the intent and character of the Old Port Credit Heritage Conservation District. The substandard lot would be hindered in its future development potential while the enlarged lot would create conditions for larger projects, based on the allowable maximum gross floor area stipulations in the zoning by-law.

Creating a substandard lot where a complementary building sits is contrary to the Old Port Credit Heritage District Plan, in which complementary buildings are encouraged to be maintained, retained and added to in a sympathetic way to the heritage district's character. Since 43 John Street South contains a single storey house, adding to it in a sympathetic way already limits the amount of gross floor area as the Heritage District Plan encourages one storey additions towards the rear of existing one storey complementary houses, as depicted in page 51 of the Heritage District Plan. It would be very difficult to allow for a sympathetic addition to the complimentary building at 43 John Street South and satisfy the rear setbacks and other requirements of the zoning by-law. See attached.

Heritage Planning does not support the proposed consent application B 43/15 or the variance relating to a reduced lot size for 43 John Street South described in A 392/15.

#### Request to permit a second unit within an accessory structure at 42 Front Street South and related variances:

### **Background Comments:**

A Heritage Impact Assessment was required to be submitted for review in order to ascertain the impact of the proposal on the existing "complementary" building and the adjacent historic building and property. The Heritage Impact Assessment has been submitted.

The Heritage Impact Assessment did not provide a complete, thorough detailed analysis of the structures that are in existence and a chronology and full list of changes made to the



original structures. The report does not provide a definite construction date for the garage, although it places its construction sometime between 1928 and 1954 (p.16). Figure 20 in the report, an image of a survey dated 1995, notes a "2 storey block garage". The HIA also states that a second frame storey was added prior to 1997. The HIA lacks further detail or photographic evidence on the layers of construction present on the garage. A 2007 OMB decision related to the property (PL070014) notes that there have been changes made to the garage structure without a City permits at the time. The Heritage District Plan was enacted in 2005 as noted previously in the comments. It is clear from the photographs that two of the most recent and notable changes to the original block construction for the garage are the covering with modern horizontal siding and the added balcony. There was no evidence provided as to whether these interventions are based on any historical research.

#### **Comments on A 393/15**

##### **Structures**

The HIA report states that the structures on both subject properties are to be retained. The Old Port Credit Heritage District Plan supports the retention of structures of historic interest in situ as well as those identified as complementary structures. In this regard, Heritage Planning supports the retention in situ of the existing structures.

However, the use of the garage structure as a detached dwelling unit undermines the Plan. Section 1.2 of the Old Port Credit Village Heritage Conservation District Plan states that: "Restoration to some fixed time in the past is not the plan's aim, but "protecting the neighbourhood's primarily low-density residential land use and related architectural and urban form patterns that have survived from historical times is acknowledged as key to the neighbourhood's livability." Allowing the accessory structure to serve as a second detached residential unit within the property detracts from both the low density residential land use and the traditional urban pattern that the Plan seeks to uphold.

If the structures and property, including driveways, and landscaping are required to undergo physical changes as a result of C of A review and/or other City or processes, in particular, associated with the subject applications and their use, a Heritage Permit may be required as per Mississauga's policy for properties within Heritage Conservation Districts. At that time, a revised Heritage Impact Assessment, accompanied by a completed Heritage Permit application, submitted to meet Heritage Planning deadlines for submittal for an appropriate Heritage Advisory Committee meeting will be required.

##### **Driveways**

Heritage Planning does not support an excessive amount of curb cuts, hard surface and parking areas in the front areas of properties, therefore, the proposed variance to allow for multiple driveways and a wider combined width than permitted in the zoning by-law would not be in accordance with the Old Port Credit Heritage District Plan. The HCD plan supports the retention of "the overall soft (green) landscape of the front yard." (p.57, HCD)

Attachment 1: Page 51 Old Port Credit Heritage Conservation District Plan

Attachment 2: Heritage Impact Assessment submitted by the applicant."

The Region of Peel commented as follows (May 6, 2016):

"We have no comments or objections."

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

"It is understood that a variance is being sought to permit a second residential unit within the existing carriage house, for existing structures to remain and for reduced setbacks, height and floor area restrictions. All the existing structures on the subject property are outside of the CVC Regulated Area, as such, a CVC permit is not required and CVC has **no objection** to the approval of this application by the Committee at this time."

An email was received from Ms. S. Govaerts property owner of 39 John Street South who is also representing Mr. P. Breuer (her father) property owner of 31 Bay Street expressing their shared objections and request for refusal of the application. Ms. Govaerts outlined in detail their concerns with respect to the applications not meeting the intent of the Zoning By-law, Official Plan, Provincial Policy Statement, nor the Heritage Act. She indicated that the variances requested are not minor in nature and some variances should be considered under a rezoning application instead. Ms. Govaerts stated that if the variances are rejected that the related consent application should not be considered.

Mr. H. Lynch, planner with the City of Mississauga Planning & Building Department attended and expressed additional comments regarding Mr. Levac's presentation. Mr Lynch indicated that Mr. Levac conducted the 120.00m (393.70ft.) test for the creation of new lots based on the 60.00m (196.85) notification radius and not the 120.00m (393.70ft.) radius as required by the Official Plan. Mr. Lynch presented a map of the surrounding properties within 120.00m (393.70ft.) and indicated that the average lot area is approximately 461.00m<sup>2</sup> (4,962.16ft.<sup>2</sup>). He stated that this lot area is consistent with the zoning by-law requirement of 460.00m<sup>2</sup> (4,951.56ft.<sup>2</sup>) which arose from a neighbourhood-scale review having regard for the areas lot fabric, including smaller lots.

Mr. M. Podstawkyj, resident of 39 John Street South, attended representing Mr. P. Breuer, property owner of 31 Bay Street, and Ms. S. Govaerts, property owner of 39 John Street South, who are both long-term residents of this City block since 1967. Mr. Podstawkyj indicated that the local neighbourhood has rallied on this matter to organize their comments, concerns and objection to the consent and concurrent minor variance applications. Mr. Podstawkyj referenced the signed petition by local residents from September of 2015 which outlined at length their objections and reasons for opposing the creation of a smaller lot. The Committee confirmed that this petition was still on record. Mr. Podstawkyj believed that the applications before the Committee are identical to those submitted in 2006 and refused by the OMB and requested that these applications also be refused. Mr. Podstawkyj summarised the main points from the written submission made by Ms. Govaerts.

Mr. M. Homes, property owner of 27 Bay Street, attended and presented his concerns with the applications. Mr. Homes presented photographs of the existing accessory structure which he noted was used as a garage since it was built until the applicant purchased the property in the mid-1990's and converted it to a habitable structure and therefore should not be considered a legal non-conforming use. He indicated that the structure and its projections have insufficient setbacks that impose on his adjacent property. Mr. Homes is concerned that the conversion of the garage to a habitable dwelling did not receive the required building permits and the applicant refused requests by the City to inspect the property.

Ms. D. Tomiuk, property owner of 33 Mississauga Road South, attended and expressed her concerns as a local resident who was actively involved in the creation of the Old Port Credit Heritage Conservation District Plan (OPCHCDP). She expressed that the neighbours fought very hard to have a heritage district plan created for this area and requested that the Committee not undermine the policies of the OPCHCDP when considering the applications before them.

No other persons expressed any interest in the application.

After hearing the comments of the Committee, City staff and local residents, Mr. Levac clarified that the severance and minor variance applications that were submitted in 2006 and refused by the OMB were for the severance of the lot located at 42 Front Street South and not comparable to the applications currently before the Committee. Mr. Levac indicated that his client is simply trying to legalize an existing situation and to create a larger backyard for the property at 42 Front Street South. He further indicated that the applicants are not conspiring to propose any other type of development of the properties. He noted that the applicability of the legal non-conforming clause is in question and not knowing which zoning by-law was in place at the time the dwellings and structures were

constructed, the decision would be up to the City to decide on how to enforce the matter. Mr. Levac concluded by asking the Committee to evaluate the minor variance application on its own merits and ability to meet the four (4) tests of a minor variance.

The Committee, after considering the submissions put forward by Mr. Levac, City staff and the local residents and having reviewed the plans and comments received, is not satisfied that the request to permit a reduced lot area is desirable for the further development of the subject property. The Committee advised that having two currently compliant lots and creating a smaller lot with lot area deficiency and a much larger backyard at 42 Front Street South was not appropriately justified or necessary in this instance. The request for reduced lot area does not maintain the general intent and purpose of the Official Plan and Zoning By-law in this instance. The Committee further noted that the future development in character with the conservation district policies could be compromised with the creation of a smaller lot at 43 John Street South and increase in lot size for the other lot at 42 Front Street South which would also not be desirable for the appropriate further development of these properties. The Committee advised that the request for lot area reduction was denied.

The Committee indicated that the requests for front yard and side yard to the existing dwelling to permit the existing dwelling to remain 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 requests for front yard and side yard relief to the existing dwelling are minor in nature in this instance.

Accordingly, the Committee resolves to only authorize and grant the existing dwelling to remain on the subject lot providing:

1. a front yard of 2.84m (9.31ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.00m (16.40ft.) in this instance; and,
2. an interior side yard of 0.70m (2.29ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

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

Application Approved, in part.

Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.




S. PATRIZIO (CHAIR)



D. GEORGE


ABSENT  
J. ROBINSON



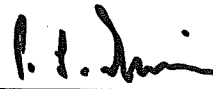
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

PETER NOLET

on Thursday, May 12, 2016

Peter Nolet is the owner of 42 Front Street South being Part of Lots 1 to 4, Plan 300W, zoned R15-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing dwelling to remain on a lot (being the resultant parcel of Consent Application File "B" 43/15) proposing:

1. to permit a second residential unit within the existing 76.00 m<sup>2</sup> (818.08 sq.ft) carriage house on the subject property; whereas By-law 0225-2007, as amended, only permits a second unit within the existing detached dwelling on the lot in this instance,
2. to permit the existing 76.00 m<sup>2</sup> (818.08 sq.ft) two storey carriage house to remain; whereas By-law 225-2007, as amended permits a maximum floor area of 10.00 m<sup>2</sup> (107.64 sq.ft) for an accessory structure in this instance,
3. to permit the carriage house having a height of 5.60 m (18.37ft.); whereas By-law 0225-2007, as amended permits a maximum accessory structure height of 3.00m (9.86 ft.) in this instance,
4. a side yard of 0.19m (0.62 ft.) to the carriage house; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93 ft.) in this instance,
5. a rear yard of 0.36m (1.18 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.20m (3.93 ft.) in this instance,
6. to permit a balcony off the second floor of the existing carriage house, with a rear yard setback of 0.41m (1.34 ft.); whereas By-law 0225-2007, as amended, does not permit a balcony accessory to an accessory structure and permits a maximum encroachment of 1.00m (3.23 feet) into a required rear yard in this instance,
7. to permit a lot with a second unit to have two (2) driveways; whereas By-law 0225-2007, as amended, permits a lot with a second unit to have a maximum of one (1) driveway in this instance,
8. to permit the existing driveways to remain having a combined driveway width of 11.87m (38.94 ft.), being one at 6.02m (19.75 ft.) and one at 5.85m (19.19 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88 feet) in this instance,
9. to permit two (2) existing accessory structures to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance; and,

10. to permit the existing dwelling to remain having a front yard setback of 2.95m (9.67ft) to the dwelling and 1.60 m (5.24ft.) to the porch, exclusive of stairs; whereas By-law 0225-2007, as amended, a minimum front yard of 5.00m (16.40ft. is required to the dwelling and 3.40m (11.15ft.) is required to the porch in this instance.

On September 17, 2015, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and requested that the application be deferred. He indicated that, during the review of the application, information was requested with respect to the carriage house, whether it was utilized as a habitable structure, and whether the structure is legal non-conforming. Also, the property is a designated Heritage property. Mr. Levac indicated that the firm had been retained only to sever the land. He indicated that he required additional time to discuss the application further with his client and the Planning and Building Department.

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

The City of Mississauga Planning and Building Department commented as follows (September 15, 2015):

1.0 Recommendation

The Planning and Building Department recommends that the applications be deferred.

2.0 Background

*Mississauga Official Plan*

*Character Area:* Port Credit Community Node

*Designation:* Residential Low Density I

*Zoning By-law 0225-2007*

*Zoning:* "R15-1", Residential

3.0 Other Applications

☒ *Building Permit* File: BP08-1611

4.0 Comments

We note that the Department is currently processing an open Building Permit application from 2008 for the addition of a deck to the subject "accessory structure". Additional information has been requested through this application and therefore we are unable to verify the accuracy of variances #3 and #4 and determine whether additional variances will be required. We further advise that it appears variance #2 is not required.

Based on a recent site visit and photographs, we question whether the structure in the rear yard can be considered an accessory structure as it appears it may be used a second dwelling on the property. It is our understanding that the applicant will be requesting a deferral of the applications to clarify this issue. We concur with the request."

The City of Mississauga Transportation and Works Department commented as follows (September 10, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (September 16, 2015):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan.

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for their information. HAC

received the information on the applications at their meeting of September 15, 2015 and had no comment or recommendation.

After the HAC meeting took place, the Planning and Building Department's comments issued on the subject applications indicated that there is additional information required and there is a possibility for additional variances to be identified, which have not been fully confirmed or included as part of the current applications and could have an impact on the Old Port Credit HCD.

Heritage Planning recommends that the applications be deferred until such time as complete information and opportunity for further review are provided as it relates to the subject properties and their contribution the heritage district character."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 11, 2015):

"The subject property is within the vicinity of Saddlington Memorial Park. The landfill site was likely used for the disposal of construction and demolition wastes. There is no trace of methane gas or leachate. The site is used as a neighbourhood park. It is catalogued by the MOECC as #7070."

"The subject property is within the vicinity of a private landfill site with MOECC #A220107. It is an inactive landfill located on the southwest corner of Mississauga Rd and Lakeshore Blvd. It has been cleaned to MOECC standards."

"The subject property is within the vicinity of Port Credit Memorial Park/Library. The landfill site was used for the disposal of flyash and waste. Methane gas and leachate have been detected at the site. An environmental monitoring program is in place and consists of groundwater, surface water and landfill gas monitoring on a routine basis. The site is currently a park complete with library facilities. It is catalogued by the MOECC as #7069."

The Credit Valley Conservation commented as follows (September 17, 2015):

"It is understood that the applicant is seeking a minor variance related to setbacks and driveway length in order to permit the existing dwelling to remain on the lot. CVC has no concerns and **no objection** to the requested variance. However, the applicant is to note that the subject property is within a Credit Valley Conservation (CVC) Regulated Area. As such, any proposed development on the subject property in the future may require a CVC permit.

CVC has no comment regarding the related minor variance application **A 392/15** and consent application **B 043/15** as they are outside of a CVC Regulated Area."

A neighbour, Mr. M. Podstawskyj, representing Ms. S. Govaerts, property owner at 39 John Street South and Mr. P. Breuer, property owner at 31 Bay Street, attended and requested that the application be considered on December 10, 2015 as he was unable to attend the meeting if scheduled in late November.

A letter, signed by the property owners at 34 Peter Street South, 27 Mississauga Road South, 32 Peter Street South, 26 Peter Street South, 38 John Street, 36 Lake Street, 42 John Street South, 31 Bay Street, 39 John Street South, 36 John Street South, 47 John Street South, 46 John Street South, and 27 Bay Street, was received expressing objection to the application and indicating that the lot size, if approved, would be vastly smaller than the original Zoning By-law intent and far smaller than the minimum lot size of 460.00m<sup>2</sup> as specified by the City-wide Zoning By-law. They noted that the application, if approved, would set a dangerous precedent and change the nature and character of the community. The letter also questions the use of the structure on the lot.

A letter was received from R. Hunwicks and E. Keir, property owners at 36 Lake Street expressing strong opposition to the application and noting their concerns.

A letter was received from E. Wirsching, property owner at 38 John Street South, expressing objection to the applications and noting that the requested variances are an attempt to chip away at the By-laws that were implemented to protect the integrity of Port Credit's heritage district.

A letter was received from L. Crawford and M. Bergshoeff, property owners at 42 John Street South, expressing strong concerns that if the applications are approved, it will set a precedent in the neighbourhood that would be detrimental to a community that is unique, vibrant and governed by the Heritage Act.

A letter was received from M. Homes, property owner at 27 Bay Street, expressing opposition to the applications and variances and noting this comments and concerns.

A letter was received from C. Dohn, property owner at 47 John Street South, expressing objection to the application and indicating that the applicant wishes to add more square footage to a property that is larger than the property being severed and, in doing so, create a non-compliant lot.

Mr. Dohn also objects to the minor variances for the auxiliary structure to remain noting that he believes that the building has been converted to a dwelling without proper inspections and permits.

An e-mail was received from S. Govaerts, property owner at 39 John Street South expressing objection to the application and noting her concerns with respect to the heritage character of the neighbourhood.

An e-mail was received from S. Govaerts, on behalf of P. Breuer, property owner at 31 Bay Street, expressing opposition to the application.

A letter was received from J. Bongers and J. Sleeman, property owners at 36 John Street South expressing objection to the applications and noting their comments and concerns.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to December 10, 2015.

On December 10, 2015, Mr. J. Levac, of Glen Schnarr & Associates Inc., authorize agent, attended and requested a further deferral of the application. Mr. Levac advised that they wish to apply for a building permit to convert the carriage house, constructed in the 1840's, into a second unit. He indicated that the Consent application was submitted to increase the amenity area of the property located at 42 Front Street South.

Mr. Levac requested that the application be deferred to allow his client an opportunity to submit a building permit for the carriage house to ensure it meets the Ontario Building Code requirements. Mr. Levac indicated that he believes that it is best to consider the Consent and Minor Variance applications together.

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

The City of Mississauga Planning and Building Department commented as follows (December 9, 2015):

"Recommendation:

The Planning and Building Department recommends that the applications be deferred for the applicant to submit the required Building Permit application to verify all of the required variances for 'A' 393/15 and to ensure compliance with the Ontario Building Code.

Background:

*Mississauga Official Plan:*

*Character Area:* Port Credit Community Node  
*Designation:* Residential Low Density I

*Zoning By-law 0225-2007:*

*Zoning:* R15-1, Residential

*Other Applications:*

No other applications currently in process.

*Comments:*

When these applications were previously before the Committee on September 17, 2015, the applicant deferred the application to clarify the nature of the accessory structure on 42 Front Street South. Staff have had ongoing discussions with the authorized agent, and have identified several further variances that were not included on the revised Notice of Public Hearing, received by this Department on November 10, 2015. It is our understanding that the applicant would like to request a further deferral of 'A' 393/15, but would like to proceed with 'B' 43/15 and 'A' 392/15.

It is our opinion that the applications should be reviewed together. However, without the benefit of knowing all of the variances that will be required for 42 Front Street South, we are unable to comment on the appropriateness of any of the applications.

According to a previous 2007 Ontario Municipal Board (OMB) hearing, the applicant purchased the property in 1997 and carried out renovations to the existing carriage house to convert it into habitable space. These renovations were carried out without a Building Permit. In the absence of detailed drawings through a Building Permit application, we are unable to verify the accuracy of requested variances. Therefore, we recommend that the applicant submit a Building Permit application. This would also allow staff to confirm whether the structure meets the requirements under the Ontario Building Code.

Based on the information we currently have, this Department has concerns with legitimizing residential use of the carriage house, which was previously addressed in the 2007 OMB decision. The Board indicated that the impacts of an accessory building are different from those from a residence, and legitimizing a residence that is extremely close to neighbouring lot lines does not constitute good planning.

Based on the preceding information, we recommend that the applications be deferred for the applicant to submit the required Building Permit application to verify all of the required variances for 'A' 393/15 and to ensure compliance with the Ontario Building Code."

The City of Mississauga Transportation and Works Department commented as follows (December 2, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (December 9, 2015):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan. The accessory structure at 42 Front Street is identified as "complementary" in the same plan.

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for their information. HAC received the information on the applications at their meeting of September 15, 2015 and had no comment or recommendation. On November 11, 2015, an amended Notice to permit a second unit within an accessory structure on the same lot was circulated and subsequently HAC received the notice for their information at their November 17, 2015 meeting.

#### Comments

##### Severance and Consent related to 43 John Street and 42 Front Street:

The heritage district plan supports the current zoning by-law's stipulated minimum lot area as it supports the Heritage District character; therefore a reduction of lot area to below the allowable within the district is not supported. The Old Port Credit Heritage Conservation District was enacted by by-law 0272-2004 together with a zoning by-law amendment as a result of OMB order No. 01847. The order introduced changes in zoning restrictions that supported the heritage district character as identified through community consultation during the Heritage Conservation District by-law approval process and the OMB decision process. The OMB order enacted the current minimum lot area for residential lots in the heritage conservation district which were consolidated into the current Zoning by-law in effect. The severance and consent would create a substandard lot that does not support the intent and character of the Old Port Credit Heritage Conservation District. Heritage Planning does not support the proposed severance and consent applications.

##### Request to permit a second unit within an accessory structure at 42 Front Street and related variances:

A Heritage Impact Assessment is required to be submitted for review in order to ascertain the impact of the proposed on the existing "complementary" building and the adjacent historic building and property. This information has not been submitted for review. The Old Port Credit Heritage District Plan requires a Heritage Permit for changes to complementary buildings following criteria indicated in the said HCD plan. More information on the potential physical impacts of the proposed use on the structure is required in order to ascertain whether a heritage permit will be required.

Heritage Planning recommends that the request to permit a second unit within an accessory structure and related variances applications be deferred until such time as complete information and opportunity for further review are provided as it relates to the subject properties and their contribution the heritage district character."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (December 7, 2015):

"Please refer to our previous comments."

The Credit Valley Conservation commented as follows (December 9, 2015):

"We have received the revised hearing notice for the above noted file.

It is understood that the applicant is seeking a minor variance related to setbacks and driveway length to permit the existing dwelling and accessory structure to remain on the lot. Further, in this revised application, the applicant is requesting the minor variance in order to permit a second unit within an accessory structure on the same lot; whereas Section 4.1.20 of By-law 0225-2007, as amended, only permits a second unit within one existing dwelling on a lot.

CVC has no concerns and no objection to the approval of this application by the Committee at this time. The applicant is to note that the subject property is within a CVC Regulated Area and any proposed development may require a CVC permit."

Mr. C. Dohn, property owner at 47 John Street South, attended and advised that he and the neighbours are disappointed that the matter is being deferred. He requested that the application be deferred to May 12, 2016.

Ms. C. Nin Hernandex, Heritage Co-ordinator for the City of Mississauga, attended and advised that they require a Heritage Impact Assessment to determine whether a heritage permit is required.

A letter was received from J. Danahy, property owner at 25 Mississauga Road South, expressing opposition to the application and noting his concerns. He advised that the application should be disallowed as the second lot does not satisfy the minimum lot size in the district, it violates the intent of heritage conservation, dilutes the stock of heritage homes to non-heritage, undermines the goals of the heritage conservation, and does not serve the Smart Growth plan.

A letter was received from D. Tomiuk, Vice-President of the Town of Port Credit Association (TOPCA), expressing comments on behalf of the TOPCA Executive. She advised that the proposed conveyance will allow a lot with less than the minimum By-law requirements and has the potential to allow the larger lot to be subdivided into two lots at a later date. She also advised that TOPCA does not support any of the requests with respect to the "accessory structure". She advised that the Heritage District is not the place for intensification. She indicated that if the application is approved, it could set a precedent for substandard sized lots or second dwelling units in the Heritage District.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to May 12, 2016.

On May 12, 2016, Mr. J. Levac, of Glen Schnarr & Associates, authorized agent, attended and presented the application associated with the concurrent consent application under File 'B'-043/15. Mr. Levac presented a site plan of the subject property illustrating the existing structures and explained that most of the variances (ie. #2, #3, #4, #5, #7, #8, and #10) are to address current conditions that have existed prior to Zoning By-Law 0225-2007, as amended, being in effect, and long before the property was purchased by the applicants. Mr. Levac indicated that the mentioned variances should be considered legal-non conforming but because the exact date and records of construction are not known, they are applying for the variances nevertheless as requested by Planning staff.

Mr. Levac confirmed that the accessory structure, known as the carriage house, is a habitable structure and the applicants wish to continue this use through the request of variances #1, #6, and #9 and associated building permits to make it legal and safe. Mr. Levac explained that the City of Mississauga allows secondary units to be established within single-detached, semi-detached and townhouse dwellings but not within ancillary structures as suggested by provincial legislation. He indicated that the cottage-like home on the subject property does not have the space available to accommodate a second unit suite so they are pursuing to permit this use within the accessory structure instead. Mr. Levac explained that the balcony-like structure off the second floor of the accessory structure could legally exist as a Pergola structure but that applicant intends to legalize it as a balcony. The accessory structure is not parallel to the adjacent lot lines which creates several setback and encroachment pinch points that the variances seek to address. Mr. Levac indicated that the variance to permit the second accessory structure (metal shed) is a minor request which does not require any other height or setback variances and Planning staff are not concerned with.

Mr. Levac concluded by indicating that the requested variances to legalize the existing structures and accommodate the concurrent consent application are minor in nature and an attempt to legalize a long-standing condition.

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

The City of Mississauga Planning and Building Department commented as follows (May 11, 2016):

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Port Credit Community Node  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R15-1 (Residential)

**Other Applications:**

Building Permit File: 16-722

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Building Permit application and based on review of the information currently available for the Building Permit, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

The applicant has applied for variances relating to an accessory structure; however, the structure is not an accessory structure, but a second detached dwelling on the lot. The Building Permit application which is currently being processed is seeking to establish a detached dwelling and additional variances will be required.

If there are any changes contained within this Committee of Adjustment application that have not been submitted through the Building Permit process, then the applicant should resubmit this information through the Building Permit process in order to receive updated comments.

**Planning**

The Planning and Building Department previously commented that the applicant should defer the application to apply for a Building Permit to ensure all variances are accurately identified, as well as to ensure compliance with the Ontario Building Code (OBC) with regards to variance application 'A' 393/15. Based on the most recent feedback from Building Staff, it remains unclear whether all OBC regulations will be complied with; further, a number of variances still appear to be incorrect and/or missing. However, as the application has been deferred to the May 12, 2016 hearing on a peremptory basis, the following comments have been prepared for the application as presented.

**'A' 393/15**

Variances #1 through #6 and #9 are directly related to the carriage house structure and seek to legalize the use of the entire structure for residential purposes. A number of the variances identify provisions related to accessory structures, some of which are not correctly expressed given that a second detached dwelling is proposed under the building permit.



The applications refer to the second detached dwelling as a "carriage house". We note that this is not a defined term in the by-law, and there is no evidence of the historic use of the building for residential purposes. Evidence presented in a 2007 Ontario Municipal Board hearing indicates that the applicant installed a kitchen, bathroom and laundry without building permits after purchasing the premises in 1997.

Variances #2, #3, #4, and #5 could be appropriate if the structure contained no habitable space, given that the structure currently exists and is listed as a complimentary building of interest in the Heritage District; however, it is not appropriate as a dwelling within this proximity to two separate lot lines. The previous Ontario Municipal Board Decision (PL070014) for this property provided the following comment concerning the use of this building:

*"The impacts from an accessory building are quite different from those from a residence. The Board finds that locating a primary residence as close to the lot line as the carriage house is to 27 Bay Street and 39 John Street does not constitute good planning. The intent of the Zoning By-law requirement for setback allowances is to ensure that there is sufficient privacy and an appropriate relationship between the properties. Were the applications to be granted that intent of the Zoning By-law would not be met."*

Variance #1 as requested, or modified to request a second detached dwelling rather than a second unit, is inappropriate given the proximity of the livable space to the adjacent lots. A negative impact will occur on the neighbouring properties as 27 Bay Street and 39 John Street. The intent of the Zoning By-law is not maintained by these variances.

Since the previous Board decision, the Province of Ontario has implemented changes to the *Planning Act* regarding second units through the *Strong Communities through Affordable Housing Act, 2011*. These changes required that municipalities permit second units within single detached dwellings, semi-detached dwellings, townhouses, and accessory structures; however, the legislation continues to allow a municipality the right to determine appropriate areas for such, together with appropriate standards. The City has not yet adopted a policy regime with respect to second units within accessory structures; this work is currently underway. Given the broad policy direction of Mississauga's Official Plan, it is reasonable to expect that such standards would have regard for the relationship of such structures on neighbouring properties within stable neighbourhoods.

The request for the second storey balcony in variance #6 exacerbates the negative impact upon adjacent properties, is not a minor in nature and does not maintain the general intent of the Zoning By-law. The R15-1 zoning on the subject property requires a minimum rear yard setback of 7.50 m (24.61 ft.) to a dwelling and permits an encroachment for a balcony of 1.00 m (3.28 ft.) into that required setback; the application proposes a 0.41 m (1.34 ft.) setback. The requested reduction is significant, would create an intrusive overlook condition and is not desirable.

Variances #7 and #8 are related to the existing driveway on site. This Department does not support the request for two access points on one lot, and accordingly does not support the request for the additional combined width. The additional driveway adds to the hard surface area along the streetscape and only serves as an access point to the second dwelling, which the Department does not support. Where second units are permitted in the city, parking is to be integrated with the principle dwelling in order to maintain the character of the neighbourhood.

The additional accessory structure (the metal shed) requested in variance #9 is not of concern to this Department. We do not object to two accessory structures on the lot, given the heritage perspective; our objection is to its residential use, as described above.

Finally, this Department does not have a concern with requested variance #10; this variance seeks to legalize an existing condition and the reduction in setback does not impose on the street or create an undesirable impact. The neighbourhood contains other bungalows with similar front yard setbacks and the reduction is characteristic of the neighbourhood.

Based on the preceding information, with regards to application 'A' 393/15, the Planning and Building Department has no objection to requested variances #9 and #10, provided that there is no habitable space allowed in association with variance #9. We recommend that the remainder of the variances be refused. Additionally, we advise that there are discrepancies between the Minor Variance application and the Building Permit application and it is likely that variances have either been expressed incorrectly or not captured.

'B' 43/15 & 'A' 392/15

The proposed Consent application and associated Minor Variance seek to allow a lot addition from the property at 43 John Street South to the property at 42 Front Street South, which is subject to application 'A' 393/15. The requested variances #1 and #2 seek to recognize an existing deficiency with the dwelling at 43 John Street and as no alterations or construction is proposed our Department has no objections to these variances. However, we have concerns with variance #3 as well as the proposed Consent.

The subject lands are located within the Old Port Credit Village Heritage Conservation Area. The associated Heritage Conservation Plan requires that severance applications are to be reviewed by the Heritage Advisory Committee, which we understand has not occurred to date.

Currently both lots at 43 John Street South and 42 Front Street South are compliant with the Zoning By-law requirements for lot area. The requested consent would add 91.00 m<sup>2</sup> (979.52 sq. ft.) to 42 Front Street South, currently 754.90 m<sup>2</sup> (8125.68 sq. ft.) in area and would leave the retained lands at 43 John Street South deficient to Zoning By-law requirements.

The Zoning By-law's specific lot area requirement arose from the Port Credit Heritage Conservation Feasibility Study and its associated Official Plan and Zoning By-law Amendments. As such, the minimum lot area was determined through a neighbourhood-scale review, having regard for the area's lot fabric and the presence of smaller lots within the vicinity. The Department submits that it is undesirable to permit a lot addition that creates a deficient lot resulting from two compliant lots.

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

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/15."

The City of Mississauga Community Services Department, Culture Division, commented as follows (May 8, 2016):

"The subject properties are designated under Part V of the *Ontario Heritage Act* as they form part of the Old Port Credit Village Heritage Conservation District. The property at 43 John Street South is identified in the Old Port Credit Village Heritage District Plan as complementary in character to the heritage district. The property at 42 Front Street South is identified as a property of historic interest in the same plan. The accessory structure at 42 Front Street is identified as "complementary" in the same plan.

The Old Port Credit Village Heritage District Plan requires that the Heritage Advisory Committee (HAC) review Committee of Adjustment applications for information. HAC received the information on the applications at its meeting of May 10, 2016 and had no comment or recommendation.

Section 7.4.3.3 of the Official plan requires that development applications in a Heritage Conservation District are accompanied by a Heritage Impact Assessment and a Heritage Permit.

#### Comments

##### Severance and Consent related to 43 John Street South and 42 Front Street South:

The proposed severance and conveyance would compromise the policies of the Heritage District Plan and hinder the possibility of fulfilling its objectives of conserving and enhancing the heritage district character over time, therefore not align with the heritage policies included in the City's Official Plan that enable the Municipality to protect heritage resources in accordance with the Ontario Heritage Act. (7.4.3.1).

The current zoning by-law's stipulated minimum lot area supports the Heritage District character; therefore a reduction of lot area to below the allowable within the district is contrary to the HCD Plan. The Old Port Credit Heritage Conservation District was enacted by by-law 0272-2004 together with a zoning by-law amendment; as a result of OMB order No. 01847, dated July 15, 2005. The order introduced changes in zoning restrictions that supported the heritage district character as identified through community consultation during the Heritage Conservation District by-law approval process and the OMB process. The OMB order enacted the current minimum lot area for residential lots in the heritage conservation district which were consolidated into the current Zoning by-law in effect.

The consent and reduced lot area assigned to 43 John Street South would create an enlarged lot (42 Front Street South) to the detriment of another, creating a substandard lot that does not support the intent and character of the Old Port Credit Heritage Conservation District. The substandard lot would be hindered in its future development potential while the enlarged lot would create conditions for larger projects, based on the allowable maximum gross floor area stipulations in the zoning by-law.

Creating a substandard lot where a complementary building sits is contrary to the Old Port Credit Heritage District Plan, in which complementary buildings are encouraged to be maintained, retained and added to in a sympathetic way to the heritage district's character. Since 43 John Street South contains a single storey house, adding to it in a sympathetic way already limits the amount of gross floor area as the Heritage District Plan encourages one storey additions towards the rear of existing one storey complementary houses, as depicted in page 51 of the Heritage District Plan. It would be very difficult to allow for a sympathetic addition to the complimentary building at 43 John Street South and satisfy the rear setbacks and other requirements of the zoning by-law. See attached.

Heritage Planning does not support the proposed consent application B 43/15 or the variance relating to a reduced lot size for 43 John Street South described in A 392/15.

##### Request to permit a second unit within an accessory structure at 42 Front Street South and related variances:

#### **Background Comments:**

A Heritage Impact Assessment was required to be submitted for review in order to ascertain the impact of the proposal on the existing "complementary" building and the adjacent historic building and property. The Heritage Impact Assessment has been submitted.

The Heritage Impact Assessment did not provide a complete, thorough detailed analysis of the structures that are in existence and a chronology and full list of changes made to the original structures. The report does not provide a definite construction date for the garage, although it places its construction sometime between 1928 and 1954 (p.16). Figure 20 in the report, an image of a survey dated 1995, notes a "2 storey block garage". The HIA also states that a second frame storey was added prior to 1997. The HIA lacks further detail or

photographic evidence on the layers of construction present on the garage. A 2007 OMB decision related to the property (PL070014) notes that there have been changes made to the garage structure without a City permits at the time. The Heritage District Plan was enacted in 2005 as noted previously in the comments. It is clear from the photographs that two of the most recent and notable changes to the original block construction for the garage are the covering with modern horizontal siding and the added balcony. There was no evidence provided as to whether these interventions are based on any historical research.

#### **Comments on A 393/15**

##### **Structures**

The HIA report states that the structures on both subject properties are to be retained. The Old Port Credit Heritage District Plan supports the retention of structures of historic interest in situ as well as those identified as complementary structures. In this regard, Heritage Planning supports the retention in situ of the existing structures.

However, the use of the garage structure as a detached dwelling unit undermines the Plan. Section 1.2 of the Old Port Credit Village Heritage Conservation District Plan states that: "Restoration to some fixed time in the past is not the plan's aim, but "protecting the neighbourhood's primarily low-density residential land use and related architectural and urban form patterns that have survived from historical times is acknowledged as key to the neighbourhood's livability." Allowing the accessory structure to serve as a second detached residential unit within the property detracts from both the low density residential land use and the traditional urban pattern that the Plan seeks to uphold.

If the structures and property, including driveways, and landscaping are required to undergo physical changes as a result of C of A review and/or other City or processes, in particular, associated with the subject applications and their use, a Heritage Permit may be required as per Mississauga's policy for properties within Heritage Conservation Districts. At that time, a revised Heritage Impact Assessment, accompanied by a completed Heritage Permit application, submitted to meet Heritage Planning deadlines for submittal for an appropriate Heritage Advisory Committee meeting will be required.

##### **Driveways**

Heritage Planning does not support an excessive amount of curb cuts, hard surface and parking areas in the front areas of properties, therefore, the proposed variance to allow for multiple driveways and a wider combined width than permitted in the zoning by-law would not be in accordance with the Old Port Credit Heritage District Plan. The HCD plan supports the retention of "the overall soft (green) landscape of the front yard." (p.57, HCD)

Attachment 1: Page 51 Old Port Credit Heritage Conservation District Plan

Attachment 2: Heritage Impact Assessment submitted by the applicant."

The Region of Peel commented as follows (May 6, 2016):

"We have no comments or objections."

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

"It is understood that a variance is being sought to permit a second residential unit within the existing carriage house, for existing structures to remain and for reduced setbacks, height and floor area restrictions. All the existing structures on the subject property are outside of the CVC Regulated Area, as such, a CVC permit is not required and CVC has **no objection** to the approval of this application by the Committee at this time."

An email was received from Ms. S. Govaerts property owner of 39 John Street South who is also representing Mr. P. Breuer (her father) property owner of 31 Bay Street expressing their shared objections and request for refusal of the application. Ms. Govaerts outlined in

detail their concerns with respect to the applications not meeting the intent of the Zoning By-law, Official Plan, Provincial Policy Statement, nor the Heritage Act. She indicated that the variances requested are not minor in nature and some variances should be considered under a rezoning application instead. Ms. Govaerts stated that if the variances are rejected that the related consent application should not be considered.

Mr. H. Lynch, planner with the City of Mississauga Planning & Building Department attended and expressed additional comments regarding Mr. Levac's presentation. Mr Lynch indicated that Mr. Levac conducted the 120.00m (393.70ft.) test for the creation of new lots based on the 60.00m (196.85) notification radius and not the 120.00m (393.70ft.) radius as required by the Official Plan. Mr. Lynch presented a map of the surrounding properties within 120.00m (393.70ft.) and indicated that the average lot area is approximately 461.00m<sup>2</sup> (4,962.16ft.<sup>2</sup>). He stated that this lot area is consistent with the zoning by-law requirement of 460.00m<sup>2</sup> (4,951.56ft.<sup>2</sup>) which arose from a neighbourhood-scale review having regard for the areas lot fabric, including smaller lots.

Mr. Lynch indicated that he could not find any record of the accessory structure (carriage house) being used as a dwelling unit for many decades as mentioned by Mr. Levac. Mr. Lynch stated that the Fire and Insurance Plan from 1929 for Old Port Credit has no record of the carriage house but that it shows up on an aerial photo from 1954, so the structure was likely constructed between these dates. He also indicated that the structure is identified on a plan of survey from 1995 as a two (2) storey block garage. Mr. Lynch continued to explain that the 2007 Ontario Municipal Board (OMB) decision on the previous consent and minor variance application noted that extensive renovations were undertaken on the accessory structure after 1997 to create a habitable dwelling.

Mr. M. Podstawkyj, resident of 39 John Street South, attended representing Mr. P. Breuer, property owner of 31 Bay Street, and Ms. S. Govaerts, property owner of 39 John Street South, who are both long-term residents of this City block since 1967. Mr. Podstawkyj indicated that the local neighbourhood has rallied on this matter to organize their comments, concerns and objection to the consent and concurrent minor variance applications. Mr. Podstawkyj referenced the signed petition by local residents from September of 2015 which outlined at length their objections and reasons for opposing the creation of a smaller lot. The Committee confirmed that this petition was still on record. Mr. Podstawkyj believed that the applications before the Committee are identical to those submitted in 2006 and refused by the OMB and requested that these applications also be refused. Mr. Podstawkyj summarised the main points from the written submission made by Ms. Govaerts.

Mr. M. Homes, property owner of 27 Bay Street, attended and presented his concerns with the applications. Mr. Homes presented photographs of the existing accessory structure which he noted was used as a garage since it was built until the applicant purchased the property in the mid-1990's and converted it to a habitable structure and therefore should not be considered a legal non-conforming use. He indicated that the structure and its projections have insufficient setbacks that impose on his adjacent property. Mr. Homes is concerned that the conversion of the garage to a habitable dwelling did not receive the required building permits and the applicant refused requests by the City to inspect the property.

Ms. D. Tomiuk, property owner of 33 Mississauga Road South, attended and expressed her concerns as a local resident who was actively involved in the creation of the Old Port Credit Heritage Conservation District Plan (OPCHCDP). She expressed that the neighbours fought very hard to have a heritage district plan created for this area and requested that the Committee not undermine the policies of the OPCHCDP when considering the applications before them.

After hearing the comments of the Committee, City staff and local residents, Mr. Levac clarified that the severance and minor variance applications that were submitted in 2006 and refused by the OMB were for the severance of the lot located at 42 Front Street South and not comparable to the applications currently before the Committee. Mr. Levac indicated that his client is simply trying to legalize an existing situation and to create a



## MISSISSAUGA

File: "A" 393/15  
WARD 1

larger backyard for the property at 42 Front Street South. He further indicated that the applicants are not conspiring to propose any other type of development of the properties. He noted that the applicability of the legal non-conforming clause is in question and not knowing which zoning by-law was in place at the time the dwellings and structures were constructed, the decision would be up to the City to decide on how to enforce the matter. Mr. Levac concluded by asking the Committee to evaluate the minor variance application on its own merits and ability to meet the four (4) tests of a minor variance.

The Committee, after considering the submissions put forward by Mr. Levac, City staff and the local residents and having reviewed the plans and comments received, is not satisfied that the requests to permit a second residential unit within the existing carriage house and other associated variances is desirable for the further development of the subject property. The Committee advised that the use of an accessory structure for a second unit was not in keeping with the Official Plan and Zoning By-Law policies. The Committee further noted that the requested variances to legalize the carriage house as a second dwelling unit was not minor or appropriate in this instance.

The Committee indicated that the requests to permit two (2) accessory structures and the existing dwelling with a reduced front yard to remain are 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 requests to permit two (2) accessory structures and the existing dwelling with a reduced front yard to remain are minor in nature in this instance.

Accordingly, the Committee resolves to only authorize and permit two (2) accessory structures and the existing dwelling to remain on the subject lot providing:

1. to permit two (2) existing accessory structures to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance; and,
2. to permit the existing dwelling to remain having a front yard setback of 2.95m (9.67ft) to the dwelling and 1.60 m (5.24ft.) to the porch, exclusive of stairs; whereas By-law 0225-2007, as amended, a minimum front yard of 5.00m (16.40ft. is required to the dwelling and 3.40m (11.15ft.) is required to the porch in this instance.

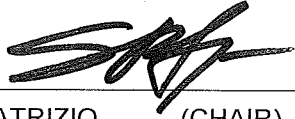
MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
-----------	---------	--------------	-----------	---------

Application Approved, in part.

Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.

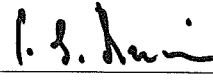


S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON



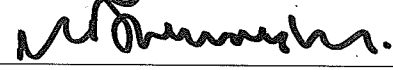
J. PAGE



P. QUINN



D. GEORGE

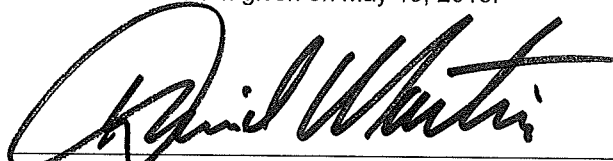


D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 19, 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

2437299 ONTARIO INC.

on Thursday, May 12, 2016

2437299 Ontario Inc. is the owner of 888 Fourth Street being Lots 191 and 192, Plan C-22, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached garage and an addition to the existing dwelling on the subject property proposing:

1. a setback of 18.25m (59.87ft.) to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00m (98.42ft.) to a railway right-of-way in this instance;
2. a setback of 0.00m (0.00ft.) from the new portion of the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) from the driveway to the side property line in this instance;
3. a front yard of 4.50m (14.76ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance;
4. a front yard of 2.41m (7.90ft.) inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.40m (14.43ft.) inclusive of stairs in this instance.

Mr. A. Trotter, authorized agent, attended and presented the application. Mr. Trotter presented a perspective drawing illustrating the front elevation of the existing dwelling compared to the final elevation with the proposed second storey addition on the front portion of existing home. Mr. Trotter presented a site plan indicating that the requested variances currently reflect the footprint of the existing home and that the proposed changes will continue to maintain the established setback to the railway right-of-way and the front yard setback to the house and front porch. Mr. Trotter also indicated that the new portion of the driveway will stay in line with the existing driveway that currently has a 0.00m (0.00ft.) setback to the side property line. Mr. Trotter concluded that the application maintains the intent of the Official Plan and represents good built form that is in keeping with the character of the neighbourhood.

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

The City of Mississauga Planning and Building Department commented as follows (May 6, 2016):

### "Recommendation

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



## Background

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

Zoning: RM1 (Residential)

### Other Applications:

Building Permit File: 16-649

## Comments

### Zoning

The Planning and Building Department is currently processing a Building Permit application for the proposed porch, detached garage and second storey addition. Based on the review of the Building Permit application we advise that the variance request should be amended as follows:

"1. a setback of 24.01 m (78.77 ft.) to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00 m (98.42 ft.) to a railway right-of-way in this instance;

4. a front yard of 2.41 m (7.90 ft.) measured to the porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.40 m (14.43 ft.) measured to the porch inclusive of stairs in this instance."

### Planning

The applicant is proposing to build a second storey addition on top of the existing first floor building footprint, which is 4.50 m (14.76 ft.) from the front lot line. Variance # 3 is required as a result of the second storey deficiency, although the proposal maintains the currently existing front yard condition. The reduced front yard setback is common along this section of Fourth Street and generally maintains the character of the street. Similarly, variance # 4, as amended, is consistent with the general neighbourhood character and is the result of rebuilding the porch and stair similar to what currently exists on site. Neither the front yard deficiency to the dwelling or to the porch and stairs should have a negative impact on the streetscape or the character of the neighbourhood, in our opinion.

Although the Department does not generally support a 0.00 m (0.00 ft.) setback for a driveway to a property line, the condition is currently existing over the majority of the lot and the variance is only required for a small extension in front of the proposed garage. Considering that the variance is required for a minor extension of an existing condition, the Department has no objection to the request.

Regarding variance #1, as amended, the entire southern side of Fourth Street, as well as many other established streets within the neighbourhood, are in a currently existing condition of deficient setbacks from the railway. Maintaining the setback would not allow for a reasonable sized building envelope on the site.

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

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. For more information, please call our Site Servicing Technicians at 905-791-7800 ext.7973. Please note that site servicing approvals will be required prior to building permit."

Ms. M. Caporale, resident and adjacent neighbour at 884 Fourth Street attended and expressing an interest in the application with respect to the timing of construction, whether the existing fence be maintained by the applicant and if there will be any impacts to her property as a result of the proposed driveway extension.

No other persons expressed any interest in the application.

Mr. Trotter, after hearing the comments of the Committee, the Planning and Building Department, requested that the application be amended in accordance with their recommendations. Mr. Trotter also indicated that applicant intends to maintain the existing fence adjacent Ms. Caporale's property and that he will make sure all her comments are addressed.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new detached garage and an addition to the existing dwelling on the subject property proposing:

1. a setback of 24.01 m (78.77 ft.) to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00 m (98.42 ft.) to a railway right-of-way in this instance;
2. a setback of 0.00m (0.00ft.) from the new portion of the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) from the driveway to the side property line in this instance;
3. a front yard of 4.50m (14.76ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance; and,
4. a front yard of 2.41 m (7.90 ft.) measured to the porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.40 m (14.43 ft.) measured to the porch inclusive of stairs in this instance."

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
-----------	-----------	--------------	-------------	---------

Application Approved, as amended.

Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.

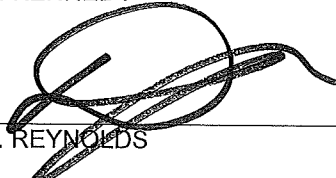
  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

WHITEROCK 5945-5955 AIRPORT ROAD MISSISSAUGA INC.

on Thursday, May 12, 2016

Whiterock 5945-5955 Airport Road Mississauga Inc. is the owner of 5945 – 5955 Airport Road being Part of Lot 5, Concession 7, E.H.S., zoned E2-68, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a restaurant and outdoor patio on the subject property proposing to provide 500 parking spaces on the site; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use and requires a minimum of 550 parking spaces to be provided on the site in this instance.

Ms. C. Spears, of Spears & Associates Inc., authorized agent attended and presented the application. Ms. Spears presented a site plan of the subject lands known as Airway Corporate Centre illustrating the proposed restaurant and associated outdoor patio (including a roof top outdoor patio) as well as the proposed parking area reconfiguration. Ms. Spears indicated that a parking utilization study was submitted and recently reviewed by Planning staff and that she is amenable to their recommended conditions on the overall Gross Floor Area (GFA) non-residential cap for all uses and the restaurant use.

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

The City of Mississauga Planning and Building Department commented as follows (May 12, 2016):

### "Recommendation

The Planning and Building Department supports the application, subject to the conditions, but the applicant may wish to defer in order to determine the accuracy of requested variances.

### Background

#### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Business Employment

#### Zoning By-law 0225-2007

Zoning: E2-68

Other Applications:

## Comments

### Zoning

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

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.

### Planning

The subject property is a multi-building office development directly across from Pearson International Airport. The applicant is proposing a new free-standing restaurant with an outdoor patio fronting Airport Road, and 500 parking spaces on site.

The applicant submitted a parking utilization study prepared by BA Group. Subsequently, the applicant submitted a revised parking study and additional information on May 9, 2016. The study identified lunch hour period will generate peak parking demand using counts at the existing office building and at a nearby similar restaurant proxy site.

Currently, the office building is 11% vacant. Accounting for the vacancy, the study notes the proposed site would operate at slightly over full parking capacity, or a deficiency of approximately five parking spaces, at lunch hour at a regular basis.

Staff recommend the following conditions:

- An overall cap of 14,595 m<sup>2</sup> (157,099 sq. ft.) GFA non-residential (for all uses)
- A cap of 650 m<sup>2</sup> (7,000 sq. ft.) GFA non-residential (proposed restaurant use)

The Planning and Building Department supports the application, subject to the conditions, but the applicant may wish to defer in order to determine the accuracy of requested variances."

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

"This Department has no objections, comments or requirements."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"As per Region of Peel Storm Sewer Design Criteria 2.0, No additional storm drainage shall be conveyed to the Region of Peel's Right of Way and No grading will be permitted within any Region of Peel Right-of-Way to support adjacent development

As per Region of Peel Storm Sewer Design Criteria 3.0 "Post-Development flows must be equal to or less than Pre-Development levels"

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Please note that site servicing approvals will be required prior to building permit."

A letter was received from W. H. Watt, Property Administrator at Trans-Northern in association with Enbridge and other petroleum product providers. Mr. Watt confirmed that all of their transmission pipelines are at no time closer to the subject property than about 120.00m (393.70ft.). Mr. Watt does not object to the minor variance or proposed use.

Mr. P. McGuigan, a representative of BRL Realty Limited, the landowner of adjacent properties located at 5889 Airport Road and 5689 Bresler Drive, attended and expressed an interest in the application. Mr. McGuigan did not object to the application but asked what tenant would occupy the new restaurant and would not want the application to create any parking issues on their surrounding properties. Mr. McGuigan confirmed that their properties share the same access road but that their site has a parking gate to control access.

No other persons expressed any interest in the application.

Ms. Spears upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. Ms. Spears noted that the proposed new restaurant building will be occupied by a Brazilian Steakhouse.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a restaurant and two (2) outdoor patios on the subject property proposing to provide 500 parking spaces on the site; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use and requires a minimum of 550 parking spaces to be provided on the site in this instance.

This decision is subject to the following conditions:

1. A maximum of 14,595.00 m<sup>2</sup> (157,104.41 sq.ft.) GFA non-residential is permitted for all uses on site; and,
2. A maximum of 650.00 m<sup>2</sup> (6996.77 sq.ft.) GFA non-residential is permitted for the proposed restaurant use.

MOVED BY:	D. Reynolds	SECONDED BY:	D. Kennedy	CARRIED
-----------	-------------	--------------	------------	---------

Application Approved, as amended, on conditions as stated.

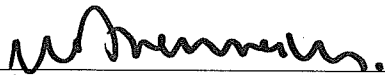
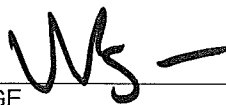
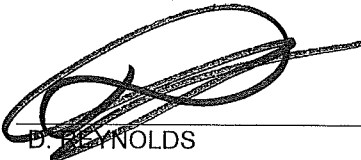
Dated at the City of Mississauga on May 19, 2016.

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 8, 2016**.

Date of mailing is May 20, 2016.

  
S. PATRIZIO (CHAIR)  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY  
J. PAGE  
D. REYNOLDS  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

PORT CREDIT HOLDINGS INC.

on Thursday, May 12, 2016

Port Credit Holdings Inc. is the owner of 231 Lakeshore Road East being Part of Lot 121, Plan H-21, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of an outdoor patio on the subject property; whereas By-law 0225-2007, as amended, does not permit an outdoor patio in this instance.

Mr. G. Thomas, authorized agent, attended and presented the application. Mr. Thomas presented a site plan illustrating the proposed outdoor patio area and explained that he is requesting an outdoor patio be permitted on the subject property in the area between the building and the sidewalk, whereas an outdoor patio is currently permitted on the municipal boulevard only via an encroachment agreement.

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

The City of Mississauga Planning and Building Department commented as follows (May 6, 2016):

### "Recommendation

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the 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: Port Credit Neighbourhood (East)  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

#### Other Applications:

Certificate of Occupancy File: Required  
Site Plan Approval File: Required



## Comments

### Zoning

A Certificate of Occupancy application and a Site Plan Approval application are required. In the absence of one of these applications we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. The applicant may wish to defer the application to apply for one of the required applications or a Pre-Zoning Review application to verify the accuracy of the requested variances.

### Planning

The existing patio fronts onto Lakeshore Road East, with the nearest residential zone around the corner on Cumberland Drive. The applicant has been through an encroachment agreement process to establish permissions for the dimensions and layout of the patio prior to this application. Sidewalk patios have the potential to add to the street and pedestrian environment in C4 (Mainstreet Commercial) zones and parts of Port Credit are good examples of where they can provide a benefit to the neighbourhood, provided they do not have a negative impact on nearby residential uses. In this instance, the nearest residential use is around the corner, separated by other commercial buildings, and should not be impacted by the requested patio.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the 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 (May 5, 2016):

"This department has no objections to the applicant's request to permit the operation of an outdoor patio on the subject property. As Committee is aware, an Encroachment Agreement dated May 27, 2015 has been authorized by the City of Mississauga Encroachment By-Law 0057-2004 which permits Port Credit Holdings Inc. (the applicant) to have certain structures and improvements encroach upon a portion of the Lakeshore Road East municipal road allowance adjacent to the restaurant. It should also be noted that the Encroachment Agreement includes a Schedule 'D' which contains site specific restrictions for the temporary sidewalk platforms."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"We have no comments or objections."

An e-mail was received from M. Luksic, resident at 12 Minnewawa Road, expressing opposition to the application and noting his concerns with respect to noise.

Mr. G. Kirton, Planner with the City of Mississauga, attended and confirmed to the Committee that there are no other patio's located within approximately 100.00m (328.08ft.) of the subject property and that he was not aware of any complaints regarding patios in the immediate area. He also believed that there was sufficient buffering between the proposed patio and the nearest residential uses.

No other persons expressed any interest in the application.

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

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

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

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

1. The outdoor patio shall operate in accordance with the same provisions as outlined in the City of Mississauga Encroachment Agreement dated May 27, 2015 and authorized by By-law 0057-2004.


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

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.




S. PATRIZIO (CHAIR)



D. GEORGE

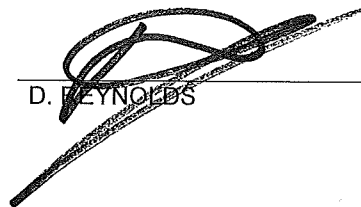
ABSENT  
J. ROBINSON




D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

1672578 ONTARIO INC.

on Thursday, May 12, 2016

1672578 Ontario Inc. is the owner of 3062 Hurontario Street being Part of Lots 54 and 55, Plan TOR-12, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of a take-out restaurant on the subject property providing two (2) parking spaces on site and permit the take-out restaurant to be located closer than 60.00m (196.85ft.) to a Residential zone, as previously approved pursuant to Committee of Adjustment Decision File "A" 385/08; whereas By-law 0225-2007, as amended, requires a total of five (5) parking spaces on site and requires a minimum separation distance of 60.00m (196.85ft.) from a take-out restaurant to a Residential zone in this instance.

Mr. R. Dhadda, authorized agent, and the owner of the subject property attended and presented the application. Mr. Dhadda explained that he recently purchased the pizza take-out restaurant business which he intends to continue to operate subject pizza take out restaurant from the subject property as it has operated in the past.

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

The City of Mississauga Planning and Building Department commented as follows (May 6, 2016):

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Downtown Cooksville  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: C4 (Mainstreet Commercial)

#### Other Applications:

N/A

**Comments**

**Zoning**

N/A

**Planning**

The requested variance is a continuation of previously approved variances dating back to 2001, with the most recent temporary approval being granted in 2008 by application 'A' 385/08. We are not aware of any concerns with the operation of the existing take-out pizza restaurant and do not anticipate any future concerns with its continued operation. The nearest residential zones are high density apartment sites where the buildings are setback significantly further from the lot line than other residential zones, which allows for an increased buffer between the restaurant and the residential use. The restaurant has extremely limited seating options and serves primarily as a walk in and quick in and out pick up restaurant; as a result, we anticipate the existing parking deficiency to continue to be adequate for the operation of this use.

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 (May 5, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 186/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"We have no comments or objections."

A letter was received from the Peel District School Board expressing an interest in the application.

No other persons expressed any interest in the application.

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

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

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

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

1. This decision shall be in effect so long as the subject premises are leased and/or occupied by a Pizza Take-Out Restaurant.

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

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 19, 2016.

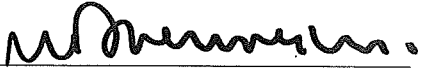
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 8, 2016**.

Date of mailing is May 20, 2016.

  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON


  
D. KENNEDY

  
J. PAGE

D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

LINDA BASMAJI

on Thursday, May 12, 2016

Linda Basmaji is the owner of 29 Oakwood Avenue South being South Part of Lot 38, Plan D-09, zoned R15-8, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached two storey dwelling on the subject property proposing:

1. a height of 9.80m (32.15ft.) to the highest ridge of the sloped roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (31.16ft.) to the highest ridge of the sloped roof in this instance; and,
2. a height of 6.95m from average grade to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m from average grade to the underside of the eaves in this instance.

Mr. J. Levac, of Glenn Schnarr & Associates Inc., authorized agent, attended and presented the application to tear down the existing dwelling with detached garage and replace it with a new two storey dwelling on the subject property. Mr. Levac presented a front elevation drawing of the proposed dwelling and described the requested height variances. He explained that the home has been elevated in excess of the Zoning By-Law requirements to avoid maintenance and costs associated with having to install a sewage grinder pump in accordance with new servicing requirements recently imposed by the Region of Peel if the home was constructed at a lower elevation. Mr. Levac concluded by stating that this application meets the four (4) tests of a minor variance.

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

The City of Mississauga Planning and Building Department commented as follows (May 6, 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 or a Pre-Zoning Review application to verify the accuracy of the requested variances.

### Background

#### Mississauga Official Plan

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

**Zoning By-law 0225-2007**

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

**Other Applications:**

Building Permit File: Required

**Comments**

**Zoning**

A Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. The applicant may wish to defer the application to apply for the required Building Permit or a Pre-Zoning Review application to ensure that all variances have been correctly identified.

**Planning**

The requested height increase is primarily a result of a change in grade on the property; the average grade where the height is measured from is lower than where the front of the dwelling meets the ground. As a result, the visual impact on the street will be generally of that of a dwelling which complies with the By-law height requirements. The proposed dwelling is located between two dwellings of a similar size to what is proposed by the applicant and should fit in with the character of the redeveloping neighbourhood. The requested variances are minor, in our opinion, and maintain the general intent of the Zoning By-law.

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

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

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

An e-mail was received from M. Miller, property owner at 26 Oakwood Avenue South, expressing opposition to the application and noting his comments and concerns with respect to the reduction in space between the dwellings and its effect on the streetscape.

No other persons expressed any interest in the application.

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

The Committee, after considering the submissions put forward by Mr. Levac 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 19, 2016.

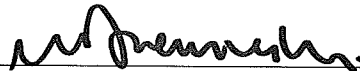
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **June 8, 2016**.

Date of mailing is May 20, 2016.


  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON


  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

MIDWAY INVADER INC.

on Thursday, May 12, 2016

Midway Invader Inc. is the owner of 6809 Invader Crescent being Lot 6, Registered Plan M-479, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the existing multi-occupancy building to provide a total of 153 parking spaces on site for the uses in the building; whereas By-law 0225-2007, as amended, requires a minimum of 186 parking spaces to be provided for all the uses on site in this instance.

Mr. V. Fulgenzi, authorized agent, attended and presented the application. He presented a site plan of the subject property and explained that the building was originally intended to be used as a manufacturing and warehousing facility only requiring 1.6 parking spaces per 100m<sup>2</sup> (1076.40ft.<sup>2</sup>). Mr. Fulgenzi indicated that current market conditions have resulted in several units being occupied by auto service repair facilities and an adult entertainment facility which has increased the overall required parking requirements. This has resulted in an overall shortfall of approximately thirty six (36) parking spaces for all uses on the subject property. He indicated that a parking letter was submitted which justifies the requested parking reduction. Mr. Fulgenzi further explained that the adult entertainment facility only uses approximately fifty (50) of the required one hundred and twenty (120) parking spaces outside of the typical operating hours of the other businesses which creates an opportunity to allocate approximately eighty (80) required parking spaces to other uses on the premise.

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

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

### "Recommendation

The Planning and Building Department has no objection to the variance, but the applicant may wish to defer in order to submit Certificates of Occupancy to determine the accuracy of the requested variance.

### Background

#### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Business Employment

#### Zoning By-law 0225-2007

Zoning: E2

**Other Applications:**

**Comments**

**Zoning**

Based on current Certificates of Occupancy, there is no parking deficiency on site.

**Planning**

The property is currently a multi-occupancy building with a variety of tenants including motor vehicle repair, warehouse, manufacturing, and adult establishment.

The applicant is proactively requesting a variance for a parking reduction. The building was intended for warehouse purposes, but uses with higher parking needs, such as motor vehicle repair are proposed.

The applicant submitted a parking analysis outlining the parking needs. According to the information submitted the adult establishment use requires 120 parking spaces in this instance, but throughout the 10 years of operation, only about 50 spaces are in needed, and mostly during the evening hours that the other uses are closed.

The requested variance is based on current leasing and parking projections provided by the applicant. The Planning and Building Department has no objection to the variance, but the applicant may wish to defer in order to submit Certificates of Occupancy to determine the accuracy of the requested variance."

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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

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

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

MOVED BY:	D. Reynolds	SECONDED BY:	D. George	CARRIED
-----------	-------------	--------------	-----------	---------

Application Approved.

Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.

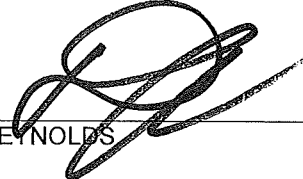
  
S. PATRIZIO (CHAIR)


  
D. GEORGE

ABSENT  
J. ROBINSON

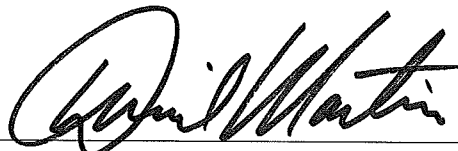
  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

DANUTA NOWAKOWSKA-WOZNIAK

on Thursday, May 12, 2016

Danuta Nowakowska-Wozniak is the owner of 1291 Haig Boulevard being Part of Lot 7, Concession 2, S.D.S., zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing a northerly side yard of 1.35m (4.42ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit a northerly side yard of 1.35m (4.42ft.) measured to the second storey of the proposed new dwelling. Mr. Oughtred presented a site plan and elevation drawings indicating the requested variance. He explained that the same northerly side yard variance was requested and approved by the Committee under application File 'A' 355/15 but in that instance the applicant was proposing an addition to the existing dwelling. Since then, it became apparent that it was not possible to retain the foundation of the existing dwelling and the applicants had to change their plans to construct an entirely new home which required a new minor variance application be submitted to reflect a new dwelling versus additions to the existing dwelling.

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

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

### "Recommendation

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

### 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 File: PREAPP 15-5087

## Comments

### Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application for the proposed dwelling and based on the review of the application we advise that the variance request should be amended as follows:

"1. proposing a northerly side yard of 1.35 m (4.42 ft.) measured to the second storey ; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft.) measured to the second storey in this instance."

### Planning

The applicant was previously granted a variance for a setback to a second storey addition identical to what is being requested today under file 'A' 355/15; however, prior to construction the applicant became aware of structural concerns with the existing dwelling and has modified their proposal to construct a new two storey dwelling, rather than an addition. The new proposal would maintain the same setbacks as the existing dwelling and previously approved variance. It is the Department's opinion that the requested setback to the second storey will not negatively impact adjacent neighbours or the general streetscape along Haig Boulevard.

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

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

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

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

An e-mail was received from J. Tobola, property owner at 1266 Myron Drive expressing support for the application and noting his concerns with respect to the waste water from the swimming pool.

No other persons expressed any interest in the application.

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

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to the construction of a new two storey dwelling proposing a northerly side yard of 1.35m (4.42ft.) measured to the second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) measured to the second storey in this instance.

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

Application Approved, as amended.


Dated at the City of Mississauga on May 19, 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 8, 2016**.

Date of mailing is May 20, 2016.




S. PATRIZIO (CHAIR)

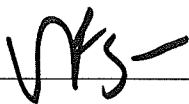


D. GEORGE

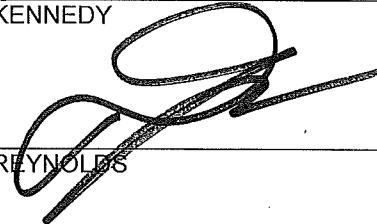
ABSENT  
J. ROBINSON




D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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

ANTONIO BOSCO

on Thursday, May 12, 2016

Antonio Bosco is the owner of 1445 Glenburnie Road being Part of Lot 2, Range 2, C.I.R., and Lot 18, Plan G-20, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing:

1. a height of 8.74m (28.67ft.) to the top of a flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) to the top of a flat roof in this instance;
2. a combined width of side yards of 6.54 m (21.45 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.22 m (26.96 ft.) in this instance;
3. a dwelling depth of 22.67 m (74.37 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (65.61 ft.) in this instance; and,
4. a driveway width of 7.40 m (24.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred explained that very similar variances were requested and approved by the Committee under application File 'A' 358/15 with the exception of the requested height variance. He indicated that since then the applicant has added an elevator which has resulted in some design changes and the need for an additional height variance.

Mr. Oughtred presented the proposed front elevation drawing compared to the one previously approved by the Committee. He indicated that although the overall height of the dwelling has been reduced from 8.84m (95.15ft.) to 8.74m (94.08ft.) a height variance is now required because the roof is proposed to be a flat roof which has a more restrictive height allowance versus a sloped roof as previously proposed.

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

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

### "Recommendation

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application to ensure that all variances have been accurately identified and that no additional variances will be required.



## Background

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I, Greenbelt

### Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

### Other Applications:

Site Plan Approval Application File: SP 15/43

## Comments

### Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the information provided with the Site Plan Approval application, variances #2, #3 and #4, as requested, are correct. More information is required to verify the accuracy of requested variance #1 or determine whether additional variances will be required. We have not received an up to date submission since the February 11<sup>th</sup>, 2015 submission. The proposal has changed since the last review and the applicant should resubmit any changes through the Site Plan Approval application for formal review.

### Planning

The requested reduction in the combined width of side yards, in variance #2, is required along only a portion of the dwelling as the massing is broken up along the easterly side of the lot. The breaking up of the massing along with each side yard individually complying with the Zoning By-law regulations provide adequate separation distance from adjacent properties, in our opinion.

Variance #3, for dwelling depth, is also not required along the entire extent of the dwelling at any given point. The massing of the dwelling is broken up across the site and the depth and appearance of the dwelling will be lesser than what the requested variance represents. Given the design of the dwelling, the requested increase in dwelling depth should not have a negative impact on adjacent neighbours and should maintain the general intent of the Zoning By-law provisions.

The subject property is a large lot with a frontage of 30.44 m (99.89 ft.) and the requested driveway width of 7.40 m (24.27 ft.) still allows for substantial landscaped area in the front yard and should not take away from the residential character of the surrounding neighbourhood. The requested driveway width is proportional to the proposed dwelling and lot size and we don't anticipate any concerns with excessive vehicular parking in the front yard.

The requested height increase is partially accounted for by the grade change on the site. The dwelling is only two storeys and would appear from the street to be shorter than the variance request represents, which would decrease the visual massing impact of the dwelling. Further, the height increase is only for a part of the dwelling located centrally within the structure, which further mitigates any impacts felt from an increase height.

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 ensure that all variances have been accurately identified and that no additional variances will be required."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/43. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 6, 2016):

"Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site servicing approvals will be required before a building permit is issued."

The Credit Valley Conservation commented as follows (April 15, 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 traversed by Mary Fix Creek and its associated floodplain and valley system. 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 Mississauga Natural Heritage System and within the City's Natural Areas System classified as a Significant Natural Site (MI17) and Residential Woodland (MI14).

**Ontario Regulation 160/06:**

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

**Proposal:**

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

1. a height of 8.74m (28.67 ft.) to the top of a flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60 ft.) to the top of a flat roof in this instance;
2. a combined width of side yards of 6.54m (21.45 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.22m (26.96 ft.) in this instance;
3. a dwelling depth of 22.67m (74.37 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61 ft.) in this instance; and
4. a driveway width of 7.40m (24.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68 ft.) in this instance.

**Comments:**

CVC staff are currently reviewing the proposed development through Site Plan application SP 15/043. Outstanding CVC concerns/comments are to be addressed through the Site Plan approval process. The proposed variance does not impact the Authority's interests in this case. As such, CVC has **no objection** to the approval of this application by the Committee at this time.

A CVC permit is required for the development as proposed."

Mr. G. Kirton, Planner with the City of Mississauga Planning & Building Department attended and clarified to the Committee that although the subject property is not subject to the recent changes to the flat roof by-law that regulates properties south of Lakeshore Road it is subject to the residential infill by-law provisions which under Table 4.2.3 already had a 7.50m (24.60ft.) maximum flat roof height requirement.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate 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 19, 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 8, 2016**.

Date of mailing is May 20, 2016.

  
S. PATRIZIO (CHAIR)

  
D. GEORGE

ABSENT  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 19, 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.