

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: MAY 19, 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
------	-------------------	------------------	------	-------------

NEW APPLICATIONS - (CONSENT)

B-034/16 A-198/16 A-199/16	MUNAFF ABDUL	1299 HAIG BLVD	1	June 23
B-035/16 A-205/16 A-206/16	NORMA BETHELL	961 FOURTH ST	1	Approved Approved Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-192/16	JEANIE PAPAConstantinou	324 WILLA RD	1	Approved
A-193/16	1058849 ONTARIO LTD	1293 WOODLAND AVE	1	Approved
A-194/16	MUSTAFA & MAHA WARSI	1401 WOODDEDEN DR	2	Approved
A-195/16	CLIFF ROAD MANORS LTD	350-438 LADYCROFT TERRACE, 2050-2062 EXCALIBUR WAY & 2051- 2061 CLIFF ROAD	7	Approved
A-196/16	VELOCITY HOMES INC	778 DACK BLVD	2	Approved
A-197/16	PAUL EBAYER	22 CUMBERLAND DR	1	June 23
A-200/16	1900 DUNDAS STREET WEST MISSISSAUGA INC.	1900 DUNDAS ST W	8	Approved
A-201/16	DELTIN HOLDINGS INC	1555 ENTERPRISE RD	5	Approved
A-202/16	1393215 ONTARIO INC	1233 DERRY RD E	5	Approved 5 Years
A-203/16	ZHOU JUN, JOZE GENORIA	234 MISSISSAUGA VALLEY BLVD	4	Approved
A-204/16	HYPERTec GROUP	20 FALCONER DR	11	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-110/16	VOLODYMYR LUPANDIN & MARINA LUPANDINA	2752 DUNCAIRN DR	9	Approved
A-135/16	TADEUSZ AND MIROSLAWA WIERCISZEWSKI	3256 NOBLETON DR	3	July 14
A-155/16	MICHAEL ALI	945 AVIATION RD	1	Approved
A-166/16	YOU SUNG JUN	1072 ENOLA AVE	1	Approved in Part

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

NORMA BETHELL

on Thursday, May 19, 2016

Norma Bethell is the owner of 961 Fourth Street being Part of Lots 25 and 26, Registered Plan C-21, zoned RM1-26, Residential. The applicant requests the consent of the Committee to convey a parcel of land having a lot frontage of 8.38m (27.49ft.) and an area of approximately 329.20m² (3543.59sq.ft.). The effect of the application is to create a new lot for residential purposes.

This application will be considered concurrently with Minor Variance Application Files 'A' 205/16 and 'A' 206/16.

Mr. J. Levac, of Glen Schnarr & Associates Ltd., authorized agent attended and presented the application. Mr. Levac presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property and construct semi-detached dwellings. He advised that the proposed lots are slightly deficient in lot frontage and lot area. Mr. Levac advised that they have designed dwellings for the lots that comply with the setback, height, and lot coverage provisions. He presented a copy of the elevation and floor plans for the Committee's review and consideration.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (May 13, 2016),
City of Mississauga, Transportation and Works Department (May 12, 2016),
City of Mississauga, Community Services Department (May 16, 2016),
Region of Peel, Environment, Transportation & Planning Services (May 16, 2016)

A letter was received from Mr. D. Cameron, resident at 957 Fourth Street, expressing his opposition to the application and noting his concerns that the lots will be too narrow and change the character of the neighbourhood.

Ms. S. Poulin-James, resident at 1148 Meredith Avenue, attended and expressed her concerns with respect to whether the existing mature trees located on the property will be retained. She also expressed concerns with respect to the demolition and possibility of asbestos being found in the building materials.

No other persons expressed any interest in the application.

Mr. Levac indicated that some trees will be removed to facilitate construction. He noted that a generous rear yard has been provided and the trees located along the rear property line could be retained. He noted that they could hire an arborist and take measures to preserve the trees along the rear property lines.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). ('A' 205/16 and 'A' 206/16)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 12, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 16, 2016. (Street Trees)

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED




File: "B" 035/16
WARD 1


Application Approved, on conditions as stated.

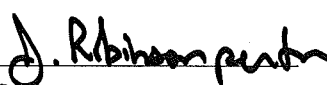
Dated at the City of Mississauga on May 26, 2016.

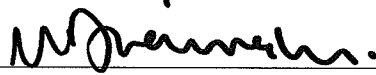
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 19, 2016**.


Date of mailing is May 30, 2016.

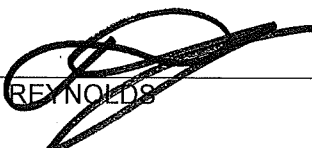

S. PATRIZIO (CHAIR)


D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **May 30, 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

NORMA BETHELL

on Thursday, May 19, 2016

Norma Bethell is the owner of 961 Fourth Street being Part of Lots 25 & 26, Registered Plan C-21, zoned RM1-26, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "severed lands" of Consent Application 'B' 0035/16 having a lot frontage of 8.38m (27.49ft.) and a lot area of 329.20m² (3543.48sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (29.52ft.) and requires a minimum lot area of 340.00m² (3659.73sq.ft) in an RM1-26 Residential zone in this instance.

Mr. J. Levac, of Glen Schnarr & Associates Ltd., authorized agent attended and presented the application. Mr. Levac presented a site plan for the Committee's review and consideration and advised that Consent application "B" 35/16 has been submitted to create lots for the construction of semi-detached dwellings. He advised that the accompanying minor variance application requests permission for the lot to have a lot frontage of 8.38m (27.49ft.) whereas the By-law requirement is 9.00m (29.52ft.) and a lot area of 329.20m² (3,543.48sq.ft.) whereas the By-law requirement is 340.00m² (3,659.73sq.ft.). Mr. Levac indicated that the lots are similar to others located in the neighbourhood. He advised that the semi-detached dwelling have been designed to comply with the setback, height, and lot coverage provisions and no further variances will be required. He presented a copy of the elevation and floor plans for the Committee's review and consideration.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. The applicant may wish to apply for a Building Permit or Pre-Zoning Review application and submit working drawings in order for a detailed zoning review to be completed.

Additionally, the zoning of the property should be correctly identified as RM1-26, rather than RM1 as listed on the notices.

Planning

The requested Consent seeks to establish a new lot for the purpose of constructing a semi-detached dwelling. The surrounding area contains a lot fabric with varying lot frontages and lot areas, as well as varying types of built form on adjacent streets. Staff conducted a 120 m test of the subject lands in accordance with Official Plan policy 16.1.2.1 and found that the average lot frontage and lot area are 13.06 m (42.85 ft.) and 445.27 m² (4792.85 sq. ft.), respectively. Although the proposed lots do not represent the average lot frontage and lot area of the lots within 120 m, the direct comparison is difficult in this instance, given that the lots included in the study area include a mix of detached dwellings and semi-detached dwellings under different zoning provisions. The proposed lots are similar in lot frontage and larger in lot area than many of the lots within the study area, which are developed with semi-detached dwellings. In our opinion the proposed Consent has regard for the criteria of Section 51(24) of the *Planning Act* and although the applicant has not provided any plans regarding proposed building footprints, we are of the opinion that a reasonable sized semi-detached dwelling could be constructed on the severed and retained lands without the need for minor variances for setbacks or any other relief from the Zoning By-law.

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

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

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 35/16."

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

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water/sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. In addition please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."



MISSISSAUGA

File: "A" 205/16

WARD 1

A letter was received from Mr. D. Cameron, resident at 957 Fourth Street, expressing his opposition to the application and noting his concerns that the lots will be too narrow and change the character of the neighbourhood.

Ms. S. Poulin-James, resident at 1148 Meredith Avenue, attended and expressed her concerns with respect to whether the existing mature trees located on the property will be retained. She also expressed concerns with respect to the demolition and possibility of asbestos being found in the building materials.

No other persons expressed any interest in the application.

Mr. Levac indicated that some trees will be removed to facilitate construction. He noted that a generous rear yard has been provided and the trees located along the rear property line could be retained. He noted that they could hire an arborist and take measures to preserve the trees along the rear property lines.

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 subject to the following condition:

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


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


Application Approved, on condition as stated.

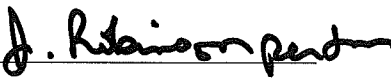
Dated at the City of Mississauga on May 26, 2016.

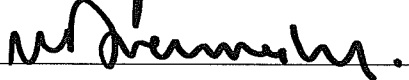
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 15, 2016**.

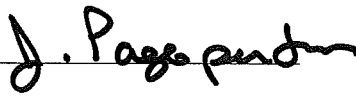
Date of mailing is May 30, 2016.

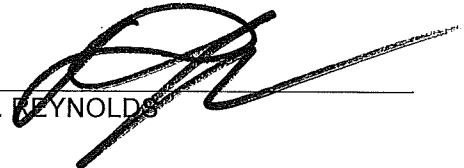


S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

NORMA BETHELL

on Thursday, May 19, 2016

Norma Bethell is the owner of 961 Fourth Street being Part of Lots 25 and 26, Registered Plan C-21, zoned RM1-26, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "retained lands" of Consent Application 'B' 0035/16 having a lot frontage of 8.38m (27.49ft.) and a lot area of 329.20m² (3543.48sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (29.52ft.) and requires a minimum lot area of 340.00m² (3659.73sq.ft) in an RM1-26 Residential zone in this instance.

Mr. J. Levac, of Glen Schnarr & Associates Ltd., authorized agent attended and presented the application. Mr. Levac presented a site plan for the Committee's review and consideration and advised that Consent application "B" 35/16 has been submitted to create lots for the construction of semi-detached dwellings. He advised that the accompanying minor variance application requests permission for the lot to have a lot frontage of 8.38m (27.49ft.) whereas the By-law requirement is 9.00m (29.52ft.) and a lot area of 329.20m² (3,543.48sq.ft.) whereas the By-law requirement is 340.00m² (3,659.73sq.ft.). Mr. Levac indicated that the lots are similar to others located in the neighbourhood. He advised that the semi-detached dwelling have been designed to comply with the setback, height, and lot coverage provisions and no further variances will be required. He presented a copy of the elevation and floor plans for the Committee's review and consideration.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building Permit application we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. The applicant may wish to apply for a Building Permit or Pre-Zoning Review application and submit working drawings in order for a detailed zoning review to be completed.

Additionally, the zoning of the property should be correctly identified as RM1-26, rather than RM1 as listed on the notices.

Planning

The requested Consent seeks to establish a new lot for the purpose of constructing a semi-detached dwelling. The surrounding area contains a lot fabric with varying lot frontages and lot areas, as well as varying types of built form on adjacent streets. Staff conducted a 120 m test of the subject lands in accordance with Official Plan policy 16.1.2.1 and found that the average lot frontage and lot area are 13.06 m (42.85 ft.) and 445.27 m² (4792.85 sq. ft.), respectively. Although the proposed lots do not represent the average lot frontage and lot area of the lots within 120 m, the direct comparison is difficult in this instance, given that the lots included in the study area include a mix of detached dwellings and semi-detached dwellings under different zoning provisions. The proposed lots are similar in lot frontage and larger in lot area than many of the lots within the study area, which are developed with semi-detached dwellings. In our opinion the proposed Consent has regard for the criteria of Section 51(24) of the *Planning Act* and although the applicant has not provided any plans regarding proposed building footprints, we are of the opinion that a reasonable sized semi-detached dwelling could be constructed on the severed and retained lands without the need for minor variances for setbacks or any other relief from the Zoning By-law.

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

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

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 35/16."

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

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water/sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. In addition please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from Mr. D. Cameron, resident at 957 Fourth Street, expressing his opposition to the application and noting his concerns that the lots will be too narrow and change the character of the neighbourhood.

Ms. S. Poulin-James, resident at 1148 Meredith Avenue, attended and expressed her concerns with respect to whether the existing mature trees located on the property will be retained. She also expressed concerns with respect to the demolition and possibility of asbestos being found in the building materials.

No other persons expressed any interest in the application.

Mr. Levac indicated that some trees will be removed to facilitate construction. He noted that a generous rear yard has been provided and the trees located along the rear property line could be retained. He noted that they could hire an arborist and take measures to preserve the trees along the rear property lines.

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 subject to the following condition:

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

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



MISSISSAUGA

File: "A" 206/16
WARD 1

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

JEANIE PAPACONSTANTINO

on Thursday, May 19, 2016

Jeanie Papaconstantinou is the owner of 324 Willa Road being Part of Block A, Registered Plan 337, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. an attached garage having a floor area of 82.70m² (890.20sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00m² (807.31sq.ft.) in this instance,
2. a dwelling depth of 24.92m (81.75ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance,
3. a combined width of side yards of 6.08m (19.94ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.20m (23.62ft.) in this instance,
4. a driveway width of 14.92m (48.95ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88ft.) in this instance,
5. a walkway attachment of 3.43m (11.25ft) adjacent to a driveway; whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) adjacent to a driveway in this instance,
6. a gazebo having a floor area of 19.20m² (206.67sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00m² (107.64sq.ft.) in this instance,
7. a gazebo height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.68ft.) in this instance; and,
8. an accessory structure (cabana) having a height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.68ft.) in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application to permit the construction of a new dwelling on the irregularly shaped property. Mr. Brown advised that they submitted an application for Site Plan Approval and non-compliances with the Zoning By-law were identified. He presented a set of plans for the Committee's review and consideration.

Mr. Brown indicated that a three car garage is proposed and relief is being requested to allow a slight increase in the garage floor area to allow for additional storage.



MISSISSAUGA

File: "A" 192/16

WARD 1

Mr. Brown advised that the dwelling has been sited on the lot with a bend between the main portion of the dwelling and the garage portion of the dwelling following the bulb shape of the street. He indicated that the proposed dwelling depth, measured from the front of the garage to the portion of the dwelling that protrudes into the rear yard, exceeds the maximum permitted dwelling depth.

Mr. Brown indicated that the minimum side yard setbacks comply with the By-law; however the combined width of both side yards does not. He advised that the property has an irregular lot shape and has many trees. He indicated that the overall reduction in the combined side yard width will not be evident.

Mr. Brown presented plans of the accessory structure (gazebo and cabana) located in the rear yard. He indicated that the enclosed and open areas exceed the maximum permitted accessory structure area. Mr. Brown indicated that the proposed accessory structure size is proportionate to the lot area. He advised that the structure is well shielded by foliage and advised that there is no adverse impact on the neighbours.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SP 16/15

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed Single Family Dwelling. Based on the review of the Site Plan Approval application we advise that the variance request should be amended as follows:

"1. an attached garage having a floor area of 82.94 m² (892.76 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00 m² (807.31 sq.ft.) in this instance

4. a driveway width of 12.56 m (41.21 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.88 ft.) in this instance"

The remaining variances are correct, as requested.

Planning

The subject property is a large, irregular shaped lot with some development challenges across the site; the relatively narrow frontage compared to the rest of the lot and the erosion control restrictions to the rear of the lot constrain the building envelope slightly.

The proposed garage structure is slightly larger than permitted by the By-law, although a three car garage is permitted and is consistent with redevelopment in the area. The garage structure is proportional to the proposed dwelling and requested variance #1 should not create a negative effect on the streetscape.

Variance #3, for the combined width of side yards, is required partially as a result of the irregular shape of the lot. Since the front of the lot is narrower than the rear, where construction is not possible, the width of the lot becomes slightly tighter for development. The applicant's proposal exceeds the individual requirements for the side yard setbacks and generally maintains an adequate separation distance from the adjacent lots.

The driveway and walkway width requests, captured in variance #4 and #5, are proportional to the garage structure and entrance to the dwelling. The request of 12.56 m (41.21 ft.) for the garage is only required immediately in front of the garage door entrances and decreases to 11.09 m (36.38 ft.) beyond the main wall of the dwelling and further reduces to 6.00 m (19.69 ft.) where the driveway meets the lot line and street line.

Variances #6, #7, and #8 relate to the gazebo and accessory structure (cabana) in the rear yard. The proposed structures are centrally located and there is significant tree cover and screening provided along the rear of the lot. The lot layout is such that there would be very limited sightlines or impact to adjacent properties as a result of the oversized structures. The lot is large enough to reasonably accommodate accessory structures with larger than permitted Gross Floor Areas (GFA) and heights.

The requested 24.92 m (81.75 ft.) dwelling depth is a result of a technical point of measurement from the front portion of the garage towards a point in the middle of the rear yard which is in line with the rear of the dwelling. The westerly wall of the dwelling is the longest continuous wall and has a depth of 21.74 m (71.33 ft.). The rear part of this wall is a single storey and would not have the same massing impacts as the rest of the wall on neighbouring properties. In our opinion the added functional depth of 1.74 m (5.71 ft.) should not have a significant added impact beyond what is permitted as of right.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/015. 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 16, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (April 28, 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 within close proximity to Cooksville Creek; it is adjacent to the Regulatory Floodplain associated with this Creek and is traversed by the associated valley slope. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

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

Proposal:

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

1. an attached garage having a floor area of 82.70m² (890.20sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00m² (807.31sq.ft.) in this instance,
2. a dwelling depth of 24.92m (81.75 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61 ft.) in this instance,
3. a combined width of sideyards of 6.08m (19.94 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.20m (23.62 ft.) in this instance,
4. a driveway width of 14.92m (48.95 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88ft.) in this instance,
5. a walkway attachment of 3.43m (11.25ft.) adjacent to a driveway, whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) adjacent to a driveway in this instance,
6. a gazebo having a floor area of 19.20m² (206.67sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00m² (107.64sq.ft.) in this instance,
7. a gazebo height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.68ft.) in this instance; and,
8. an accessory structure (cabana) having a height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.68ft.) in this instance.

Comments:

CVC have reviewed the proposed development through the Site Plan application (SPI 16/015). The proposed development as shown is setback adequately from the natural and hazardous areas. Furthermore, a CVC permit is not required for the proposed development as shown on the current site plan drawing. 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.

The applicants are to note that the subject property is within the CVC Regulated Area, and any changes to the location of the proposed structures or other proposed development in the future may require a CVC permit."

No other persons expressed any interest in the application.

Mr. Brown, 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. Brown and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that they concur with the Planning and Building Department's recommendations.

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

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

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

1. an attached garage having a floor area of 82.94m² (892.76sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00m² (807.31sq.ft.) in this instance;
2. a dwelling depth of 24.92m (81.75ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance;
3. a combined width of side yards of 6.08m (19.94ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.20m (23.62ft.) in this instance;
4. a driveway width of 12.56m (41.21ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88ft.) in this instance;
5. a walkway attachment of 3.43m (11.25ft) adjacent to a driveway; whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) adjacent to a driveway in this instance;
6. a gazebo having a floor area of 19.20m² (206.67sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00m² (107.64sq.ft.) in this instance;
7. a gazebo height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.68ft.) in this instance; and,
8. an accessory structure (cabana) having a height of 4.99m (16.37ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.68ft.) in this instance.

This Decision is subject to the following condition:

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

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

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

1058849 ONTARIO LTD.

on Thursday, May 19, 2016

1058849 Ontario Ltd. is the owner of 1293 Woodland Avenue being Lot 2, Registered Plan 355, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling on the subject property proposing a combined width of side yards (for eaves that project greater than 0.45m (1.47ft.)) of 7.26m (23.81ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.22m (26.96ft.) in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application to permit the construction of a new two storey dwelling on the subject property. Mr. Brown advised that, as the eaves of the dwelling project beyond the maximum permitted by the Zoning By-law, the setbacks are taken to the eaves instead of the main walls of the dwelling. He advised that the combined width of both side yards complies with the By-law when measured to the walls but not to the eaves. Mr. Brown noted that the deficiency was identified through the Site Plan Approval process.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

Other Applications:

Building Permit File: BP 9NEW 13-3831

Comments

Zoning

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

Planning

The requested variance is required as a result of the eave projection. When the eaves project beyond 0.45 m (1.47 ft.) from the dwelling, the side yards must be measured from the eaves rather than from the walls of the dwelling. In this case, the walls of the dwelling exceed the required combined width of side yards, however when the measurement is taken from the eaves there is a deficiency. The intent of the combined width of side yards provision is to ensure that infill development is sensitive to the existing housing stock and neighbourhood character in certain areas of Mississauga. Many of the homes in this area of Mineola have significant separation distance between the dwellings and massing impacts on neighbours are at a minimum. In this instance, the walls of the dwelling which provide the majority of massing impacts exceed the Zoning By-law requirements. In our opinion the requested variance maintains the general intent of the infill regulations of the Zoning By-law and is minor in nature.

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 1, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 13/18. 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 16, 2016):

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

An e-mail was received from the Credit Valley Conservation indicating that, as the property is outside of the CVC Regulated Area, they have no comment.

No other persons expressed any interest in the application.

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

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

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

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

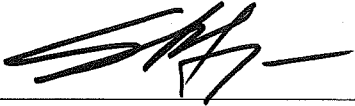


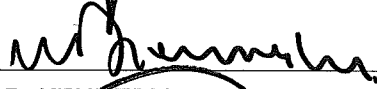


MOVED BY:	J. Robinson	SECONDED BY:	D. Kennedy	CARRIED
-----------	-------------	--------------	------------	---------

Application Approved.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.


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

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MUSTAFA & MAHA WARSI

on Thursday, May 19, 2016

Mustafa & Maha Warsi are the owners of 1401 Woodeden Drive being Lot 45, Registered Plan 425, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. a dwelling depth of 26.91m (88.28ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance,
2. an attached garage projection of 4.70m (15.41ft.); whereas By-law 0225-2007, as amended, permits a 0.00m (0.00ft.) garage projection beyond the main front wall of the dwelling in this instance; and,
3. a second accessory structure (outdoor fireplace) on the subject property; whereas By-law 0225-2007, as amended, permits one accessory structure in this instance.

Mr. D. Brown, of David Small Designs, authorized agent, attended and presented the application. He advised that the property has a unique configuration and discussions have taken place with the Zoning Section to determine the lot frontage and setbacks. They have determined that due to the unusual lot configuration, the lot has only front and rear lot lines, and no side lot lines.

Mr. Brown indicated that the dwelling depth is determined based upon the front yard which is described as the line that separates the lot from the street. He indicated that it is possible to measure the lot depth in different locations. Mr. Brown illustrated the location that has been determined to be the dwelling depth in this instance and indicated that it exceeds the maximum permitted dwelling depth.

Mr. Brown presented a site plan for the Committee's review and consideration and advised that the front door of the dwelling will face the bulb portion of the street. He explained that, as the lot has such a long frontage and a row of hedges would have to be removed to construct a new access to the property, the three car garage is to be constructed in the same general location as the original carport. Mr. Brown indicated that a variance is required as the garage will project in front of the dwelling. He presented elevation drawings and advised that the garage dormers will lessen the impact of the garage on the streetscape. Mr. Brown indicated that placing the garage in the selected location will provide an appropriate rear yard amenity area. Mr. Brown indicated that they could construct a small addition to the dwelling to make the garage comply with the requirements; however the addition area would only serve as a hall.

Mr. Brown indicated that a pool cabana and outdoor fireplace will be constructed. He advised that the fireplace is considered to be an accessory structure and the Zoning By-law only permits one accessory structure per lot. Mr. Brown indicated that the outdoor fireplace is a gas fireplace and is located behind the garage. He advised that it will not impact the neighbours.

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

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

Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign their proposal to address staff concerns.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SP 16/21

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, the variances, as requested, are correct.

In addition to the requested variance, more information is required to determine whether an additional variance may be required for the height of the fireplace accessory structure on the lot.

Planning

This Department recognizes that the lot is irregularly shaped and may present challenges during design, in order to meet Zoning By-law requirements; however, we have concerns with the dominant presence of the garage portion of the dwelling along Chriseden Drive. The large three car garage is the primary visual feature on the elevation fronting onto Chriseden Drive and the projection from the dwelling will further exacerbate this as the dominant feature. The intent of the Zoning By-law provisions restricting garage projections is to not allow a garage to be the primary visual feature along the streetscape and to encourage better integration into the dwelling to achieve a more desirable neighbourhood character. Our Department recognizes that this is a more difficult condition to achieve given the unique lot shape; however, we are of the opinion that there is adequate space available to adjust the proposal to recess the garage further or reconfigure the dwelling on the lot to minimize its impact on the Chriseden Drive streetscape.

The Department does not have a concern with the dwelling depth variance as a result of the depth and massing being broken up across the dwelling and the lot. None of the individual walls maintain the requested depth, the lot is large in size, and the impact of the massing of the dwelling would not practically be what the variances request represents. Further, if the applicant is to redesign the dwelling to minimize the impact of the garage on the streetscape it is likely that the dwelling depth variance would be significantly reduced.

Regarding variance #3, the requested additional accessory structure (fireplace) should not have any impact on adjacent lots. The subject property is large in size and reasonably capable of accommodating an additional accessory structure without impact on neighbouring lots.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to redesign their proposal to address staff concerns with the location of the garage.

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/21. 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 16, 2016):

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

An e-mail was received from B. Yaltaghian, resident at 1400 Woodeden Drive, expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that if the applicant was to construct a small addition to the dwelling, the garage location would comply with the requirements. He explained that dominate structures, such as the garage, should be discouraged as it impacts the streetscape.

The Committee, after considering the submissions put forward by Mr. Brown and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that there are constraints on the lot based upon the unique configuration. They advised that there is ample landscaping which will provide screening and subsequently, there will be no adverse impact on the neighbours.

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

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

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

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

Application Approved.


Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

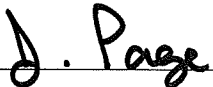


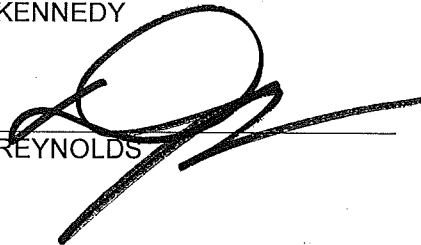
S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

DISSENTED

D. KENNEDY

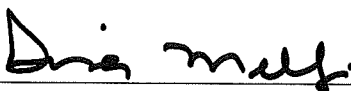
J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

CLIFF ROAD MANORS LTD.

on Thursday, May 19, 2016

Cliff Road Manors Ltd. is the owner of 350-438 Ladycroft Terrace, 2050-2062 Excaliber Way and 2051-2061 Cliff Road being Part of Lot 13, Registered Plan B-27, zoned RA4-28, Residential. The applicant requests the Committee to authorize a minor variance to permit a minimum rear yard between Units 05 & 49 of 13.84m (45.40ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard between townhouse dwelling units of 14.00m (45.93ft.) in this instance.

Ms. A. Kirec, of Armstrong Planning & Project Management, authorized agent, attended and presented the application. Ms. Kirec advised that through the Condominium registration process, it was discovered that a siting error occurred and the dimension between the rear yards of Units 05 and 49 is slightly less than 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 13, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (East)
Designation: Convenience Commercial, Residential High Density, Residential Medium Density, Mixed Use

Zoning By-law 0225-2007

Zoning: RA4-28 (Residential)

Other Applications:

Condominium Registration Application File: CDM 15-008

Comments

Zoning

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

"The applicant requests the Committee to authorize a minor variance to permit a 13.84 m (45.41 ft.) separation between the rear walls of units 05 & 49; whereas By-law 0225-2007, as amended, requires a minimum 14.00 m (45.93 ft.) separation between the rear walls of the units, as per Schedule RA4-28, in this instance."

Planning

The requested variance is for a relatively minor reduction in the separation between the rear walls of the units of 0.16 m (0.52 ft.) and is only required for one unit. In our opinion this reduction will not impact the use of the site and will maintain the intention of the separation distance between units in the Zoning By-law. 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 1, 2016):

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

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

"We have no comments or objections."

The Ministry of Transportation commented as follows (May 4, 2016):

"The Ministry has received the submission regarding the above noted new application – (minor variance) for 350 Ladycrot Terr. The location of the proposal is within MTO's permit control area and permits will be required. MTO will require site plan application to be submitted by the applicant. Once an initial package is submitted, additional information may be requested from the Ministry."

No other persons expressed any interest in the application.

Ms. Kirec, 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 Ms. Kirec and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit a 13.84 m (45.41 ft.) separation between the rear walls of units 05 & 49; whereas By-law 0225-2007, as amended, requires a minimum 14.00 m (45.93 ft.) separation between the rear walls of the units, as per Schedule RA4-28, in this instance

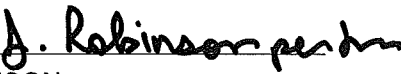
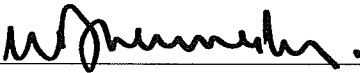
MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
-----------	-----------	--------------	-------------	---------

Application Approved, as amended.

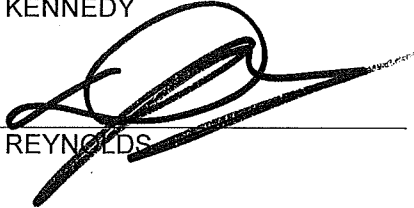
Dated at the City of Mississauga on May 26, 2016.

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 15, 2016**.

Date of mailing is May 30, 2016.


S. PATRIZIO (CHAIR)
D. GEORGE
J. ROBINSON
D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

VELOCITY HOMES INC.

on Thursday, May 19, 2016

Velocity Homes Inc. is the owner of 778 Dack Boulevard being Lot 20, Registered Plan 683, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing a combined width of side yards of 4.82m (15.81ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.58m (21.58ft.) in this instance.

Mr. T. Vanle, of Vanle Architect, a representative of the property owner, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Vanle advised that the minimum side yard setbacks comply with the By-law; however the combined width of side yards do not, noting that the combined width is approximately 19.70% of the lot width whereas the By-law requires a minimum of 27.00% of the lot width.

Mr. Vanle advised that many of the houses on the adjacent lots have a lot frontage of 18.00m (59.05ft.) noting that the By-law requirements are different if the lot width is 18.00m or less. He advised that many of the side yard setbacks on the adjacent lots are 1.80m (5.90ft.). Mr. Vanle indicated that the requested reduction in the combined width of side yards is minor and meets 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 17, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 15-088

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed replacement dwelling and based on the review of the application we advise that the requested variance is correct; however, more information is required to determine whether additional variances may be required, specifically the confirmation of the area of the accessory structure attached to the garage.

Planning

The requested combined width of side yards variance is consistent with the other dwellings along Dack Boulevard and should generally maintain the character of the area with respect to side yards. The proposed dwelling meets the individual minimum side yard setback requirements and the variance request should not have significant negative massing impacts on the neighbourhood or streetscape. The intent of the Infill Regulations of the Zoning By-law are to ensure that the character of the neighbourhood is maintained when redevelopment of lots occur. Many areas of Mississauga which are subject to the Infill Regulations are characterized by generous side yard setbacks well beyond minimum Zoning By-law requirements; however, this area is consistently developed with narrower side yards and the applicant's proposal maintains the intent of the Zoning By-law, in this instance.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application to ensure that all variances have been accurately identified."

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

"We are noting for information purposes that any Transportation and Works concerns/requirements for 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 16, 2016):

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

Ms. E. Blain, property owner at 786 Dack Boulevard, attended and expressed her concerns with respect to privacy, drainage and landscaping and how it will affect her property. She indicated that there are nine homes on the street comprised of bungalows and side splits and if the application is approved, it may affect the integrity of the street.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and indicated that the housing stock in the neighbourhood is comprised of smaller lots and consequently, smaller side yards. He advised that on the larger sized lots, it is more appropriate to have increased side yards.

Mr. Vanle, upon hearing the comments of the Committee and the Planning and Building Department, advised that he wished to proceed with the application.

The Committee, after considering the submissions put forward by Mr. Vanle and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that if the total floor area is to be maintained, the house design would be narrower and project further into the rear yard and this would adversely impact the neighbours. They indicated that the reduced combined side yard width is minor in nature and the proposed dwelling footprint is in character with the neighbourhood and will not impact the streetscape.

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

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

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

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



MISSISSAUGA

File: "A" 196/16
WARD 2

Application Approved.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

DISSENTED

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

1900 DUNDAS STREET WEST MISSISSAUGA INC.

on Thursday, May 19, 2016

1900 Dundas Street West Mississauga Inc. is the owner of 1900 Dundas Street West being Part of Lot 2, Range 1 SDS, zoned C2, Commercial. The applicant requests the Committee to authorize a minor variance to permit the expansion of the existing outdoor patio ancillary to the expanded restaurant known as "Apricot Tree" on the subject property; whereas By-law 0225-2007, as amended, makes no provisions for an outdoor patio use on the subject property in this instance.

Ms. G. Bodrug, of Steven Popovich Associates Inc., authorized agent, attended and presented the application. She advised that the "Apricot Tree" restaurant has operated in the plaza for approximately 23 years. Ms. Bodrug indicated that they extended the restaurant operation into the adjacent unit, previously occupied by "Starbucks". She indicated that they also wish to occupy the patio area previously utilized by "Starbucks". She noted that both outdoor patios were approved through the Site Plan Approval process.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application to apply for a Certificate of Occupancy application to ensure that all variances have been accurately identified.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2 (Commercial)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

A Certificate of Occupancy application is required and in the absence of a Certificate of Occupancy application we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Planning

The requested patio is adjacent to other patios in the area and directly fronting onto Dundas Street West. The patio is located on a busy road and centrally within a commercial plaza development and should not create any negative impacts on surrounding residential properties. Previous variances have been granted for a patio to exist in this location with no complaints which we are aware of. The Department has no objection to the continued use of a patio in this location. Previous approvals have imposed conditions of approval related to hours of operation and a restriction on live music on the patio; the Committee may wish to consider these conditions again should they see merit in the application."

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

"This department has no objections to the applicant's request to permit the expansion of the outdoor patio."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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

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

1. There shall be no music, live or otherwise or speakers permitted in the patio area.
2. The patio shall be closed by 11:00 p.m. daily.

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



MISSISSAUGA

File: "A" 200/16
WARD 8

Application Approved, on conditions as stated.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

DELTIN HOLDINGS INC.

on Thursday, May 19, 2016

Deltin Holdings Inc. is the owner of 1555 Enterprise Road being Part of Block 4, Registered Plan M-596, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing building on the subject property proposing an exterior side yard of 6.60m (21.65ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.60ft.) in this instance.

Mr. M. Luchich, of Glen Schnarr & Associates, authorized agent, attended and presented the application to permit the construction of an addition to the subject building. Mr. Luchich presented a site plan for the Committee's review and consideration and indicated that the slight deficiency in the exterior side yard was identified through a review of the building permit application.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast EA (West)
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

BP 3New 15/5451 Addition to existing building

Comments

Zoning

The Building Department is currently processing a building permit application under file 15-5451. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Any additions or amendments presented at the hearing have not been reviewed.

Planning

The subject site is an irregularly shaped lot located within the Northeast Employment Area. The applicant is proposing an addition to an existing industrial building. The addition will provide storage within the building.

The proposed requested variance maintains the existing side yard setback. In the opinion of staff, there are no adverse impacts created on the neighbouring properties.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 201/16."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 16, 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."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Luchich 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
-----------	-------------	--------------	-----------	---------



MISSISSAUGA

File: "A" 201/16
WARD 5

Application Approved.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

1393215 ONTARIO INC.

on Thursday, May 19, 2016

1393215 Ontario Inc. is the owner of 1233 Derry Road East being Part of Lot 11, Concession 3, EHS and Block 9, Registered Plan M-733, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of a banquet hall on the subject property providing a total of 175 parking spaces on site as previously approved pursuant to Committee of Adjustment File 'A' 201/10; whereas By-law 0225-2007, as amended, requires a minimum of 244 parking spaces on site in this instance.

Mr. N. Dell, of Nick Dell Consulting, authorized agent, attended and presented the application to continue to permit the operation of a banquet hall on the subject property. Mr. Dell indicated that the banquet hall will continue to operate in the same manner as previously approved and no changes are proposed. He advised that there have not been any complaints with respect to the operation. Mr. Dell requested that if the Committee sees merit in the request, that the application be approved on a permanent basis. Mr. Dell indicated that there is a shared parking agreement, registered on title, between the subject property and the property located at 1380 Cardiff Boulevard to utilize the parking spaces when the industrial businesses are closed. Mr. Dell indicated that the properties are owned by two business partners.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2

Other Applications:

Comments

Zoning

The referenced use was approved under zoning certificate application 05-5812, and as such we have no objections to the continued use proposed in this minor variance.

The applicant is advised that a full zoning review has not been completed.

Planning

The subject site is a banquet hall facility in the Northeast Employment Area. The applicant is indicating that the owners and operators have not changed.

The applicant is proposing a continuation of variance A 201/10 which received temporary approval. Previously, the committee authorized a temporary variance A 547/04. The use has remained consistent throughout this time and there are no complaints in our records.

Given that the request is for a continuation of an existing situation on site, we have no concerns with the proposal in this instance, subject to the imposition of condition #1, as specified under A 547/04.

1. That the banquet hall shall only operate on Saturday, Sunday and Holidays, and after 5:00pm on Fridays

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

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

"We have no objections, comments or requirements with respect to C.A. 'A' 202/16.

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

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Dell and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that a temporary approval will provide an opportunity to re-evaluate the situation if there is a change in ownership or difficulties with utilizing the overflow parking site.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years to expire and terminate on May 31, 2021, subject to the following condition:

1. The banquet hall shall only operate on Saturday, Sunday and holidays and after 5:00 p.m. on Fridays.

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

Application Approved, temporarily, on condition as stated.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

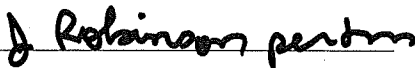
Date of mailing is May 30, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



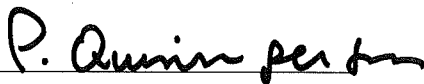
D. KENNEDY



J. PAGE

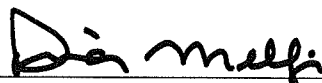


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

ZHOU JUN, JOZE GENORIA

on Thursday, May 19, 2016

Zhou Jun, Joze Genoria are the owners of 234 Mississauga Valley Boulevard being Lot 299, Registered Plan 903, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a one storey rear addition and a two storey addition to the existing dwelling proposing a 1.26m (4.13ft.) easterly side yard to the proposed second storey of the addition; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey of the addition in this instance.

Mr. V. Gupta, authorized agent, attended and presented the application to permit the construction of a two storey addition. He presented plans for the Committee's review and consideration and advised that they wish to construct the second storey in line with the first storey which will provide a functional floor plan layout. Mr. Gupta indicated that there are no adverse impacts to the neighbour.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Fairview
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3

Other Applications:
BP 9ALT 15-7060

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application under file BP 9ALT 15-7060. Based on the information provided with the Building Permit application, the variances, as requested, are correct.

Planning

The applicant is proposing a two storey side addition to the dwelling. The site context consists of one and two storey homes, as well as townhouses.

The requested variance is for the easterly side yard to the second storey of the addition. The Planning and Building Department is of the opinion that the proposed addition maintains the character of the streetscape, and is therefore minor in nature.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variance meets the general intent of the Zoning By-law and we have no objection to the application."

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

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

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

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

A letter was received from M. Sy and J. Lucero, property owners at 228 Mississauga Valley Boulevard, expressing support for the application.

No other persons expressed any interest in the application.

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

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

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

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

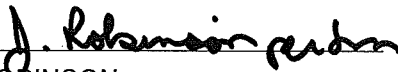
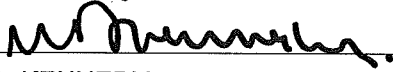
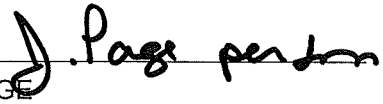
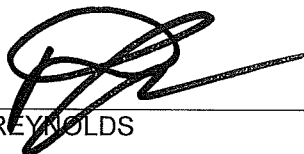
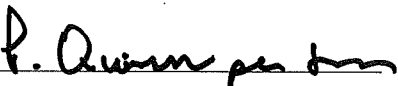
MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
-----------	---------	--------------	----------	---------

Application Approved.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.


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

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

HYPERTEC GROUP

on Thursday, May 19, 2016

Hypertec Group is the owner of 20 Falconer Drive being Part of Block J, Registered Plan 548, zoned E2-35, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of an office use within the existing building proposing:

1. a total of 99 parking space on site; whereas By-law 0225-2007, as amended, requires a total of 113 parking spaces on site for such a use in this instance; and,
2. a total of 4 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a total of 5 parking spaces for persons with disabilities in this instance.

Mr. J. Levac, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application. Mr. Levac advised that the building will be occupied by a disaster recovery/relief operation. He indicated that there are several of these facilities located across Canada. Mr. Levac explained that, in the event of an emergency, the facility is utilized to allow a company to re-locate to the subject building so that the company may continue to operate.

Mr. Levac advised that the existing warehouse area within the building is being converted to office and desk space and therefore, the parking requirements increase. He advised that the building remains vacant until such time as an emergency situation evolves. Mr. Levac indicated that the employees are dispatched to the location to provide an opportunity for the company to operate. He noted that the employees will stay in a hotel and they will be bussed to the location. Mr. Levac indicated that he does not anticipate that there will be any adverse impact.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Business Employment



MISSISSAUGA

File: "A" 204/16
WARD 11

Zoning By-law 0225-2007

Zoning: E2-35

Other Applications:

Comments

Zoning

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

Planning

The applicant is proposing an office use in an existing building serving as temporary emergency and disaster recovery headquarters for business clients. The owner indicates when the office is in use, the employees are usually bussed from hotels to the location in large groups, but the majority of time the building and site remain vacant.

Staff have reviewed the information provided in the letter outlining the business operations. The bus transfer service to the facility satisfactorily justifies the requested parking reduction and can be supported.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may wish to defer in order to verify the accuracy of the requested variance."

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

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

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

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. 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. Reynolds	SECONDED BY:	D. George	CARRIED
-----------	-------------	--------------	-----------	---------

Application Approved.


Dated at the City of Mississauga on May 26, 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 15, 2016**.

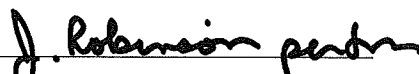
Date of mailing is May 30, 2016.



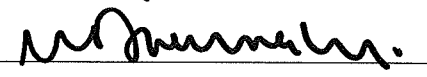
S. PATRIZIO (CHAIR)



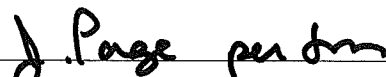
D. GEORGE



J. ROBINSON



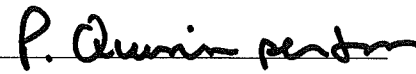
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.



DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

VOLODYMYR LUPANDIN & MARINA LUPANDINA

on Thursday, May 19, 2016

Volodymyr Lupandin & Marina Lupandina are the owners of 2752 Duncairn Drive being Lot 270, Plan M-911, zoned R4, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to be modified to have a driveway width of 7.34m (24.08ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

On March 24, 2016, Mr. D. Lupandin, authorized agent and resident of the subject property, attended and presented the application to allow the widened driveway to remain with a width of 8.82m (28.93ft.). He indicated that there are two families living at the subject property and they require additional parking. Mr. Lupandin clarified to the Committee that the wooden retaining wall is a temporary structure that will be replaced with a proper retaining wall once the weather improves.

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

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

"Recommendation

The Planning and Building Department recommends the application be refused.

Background

Mississauga Official Plan

Character Area: Central Erin Mills
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

N/A

Comments

Zoning

We note that a building permit is not required in this instance. Based on information provided with this application, we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Planning

A driveway width of 8.82m (28.93ft.) is wide enough to accommodate three vehicles parked side by side across the front of the dwelling. In the opinion of planning staff this creates a situation impacting the street with too much emphasis on hard surfaced area and vehicular parking. The dwelling also has a two car garage where additional parking could be accommodated.

Driveways in the vicinity, including 2763 Duncairn Dr have been widened in a similar fashion, but have not applied for minor variances. Therefore, the non-complying driveway widths should not be considered when evaluating the character of the neighbourhood with respect to driveways.

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

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

"Enclosed for Committee's information are some photos which depict the existing driveway as widened. Acknowledging that the owner has not widened the driveway in the area between the municipal curb and sidewalk, we are concerned that if the excessive driveway gets approved without some modifications, then vehicles would probably drive over the sodded boulevard area to access the widened driveway.

We are also attaching for the owner's information a copy of the approved Lot Grading Plan which was approved for this property when the dwelling was constructed. The Lot Grading Plan depicts a rear to front drainage pattern which means that the high point in elevation is the rear yard and drainage from the rear yard area was designed to drain via a side yard swale towards the front yard. The approved Lot Grading Plan also required that a retaining wall be constructed along the common property line in order that drainage from the rear yard could be directed into the front towards the roadway. The sketch plan submitted with the application shows a "Flower Bed" to be constructed abutting the widened driveway which we do not support as this will impede drainage. We would request that the proposed flower bed be replaced with a sodded area containing a swale in order that any drainage from the rear yard can be directed towards the front yard without being obstructed."

No other persons expressed any interest in the application.

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

The Committee consented to the request and deferred the application to May 19, 2016.

On May 19, 2016, Mr. D. Lupandin, authorized agent, attended and advised that they have reduced the driveway width from 8.82 (28.93ft.) to 7.34m (24.08ft.). He indicated that the modified driveway will allow passengers to exit from vehicles and allow them to wheel recycling and garbage bins to the curb. Mr. Lupandin indicated that the flowerbeds will not be constructed on the east side of the property and the area will be re-surfaced with fresh soil and new grass.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Central Erin Mills
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

Comments provided previously remain applicable.

Previous comments:

We note that a building permit is not required in this instance. Based on information provided with this application, we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Planning

At the March 24, 2016 hearing, the application was deferred. Planning staff consulted with the applicant. Subsequently, the applicant revised the proposal to reduce the width of the driveway. Staff supports the efforts made to redesign the driveway. Although the proposed width still exceeds what the Zoning By-law permits, we are satisfied that the width is less than what would accommodate three parking spaces.

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 1, 2016):

"Further to our comments provided for the March 24, 2016 Hearing we are advising that we have no objections to the Revised Plans, Revised Notice and explanation letter submitted by Mr. Demetrius Lupandin (Stamped May 13, 2012 by the Committee of Adjustment). In our previous comments we had indicated drainage related concerns with the location of the proposed flower bed and the applicant has now revised the plan to indicate that this area will be re-instated with grass. In view of the above we have no objections to the applicant's request."

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

"We have no comments or objections."

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 110/16

WARD 9

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

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

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

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

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

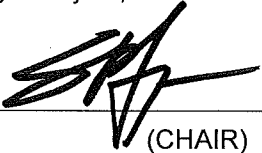
MOVED BY:	J. Robinson	SECONDED BY:	D. Reynolds	CARRIED
-----------	-------------	--------------	-------------	---------


Application Approved, on condition as stated.


Dated at the City of Mississauga on May 26, 2016.

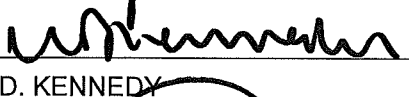
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 15, 2016**.

Date of mailing is May 30, 2016.

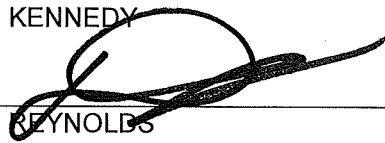

S. PATRIZIO (CHAIR)

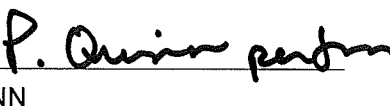

D. GEORGE


J. ROBINSON

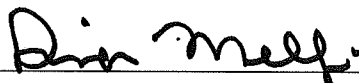

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MICHAEL ALI

on Thursday, May 19, 2016

Michael Ali is the owner of 945 Aviation Road being Part of Lots 27 and 28, Plan A-26, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a three storey addition and renovations to the existing dwelling proposing:

1. an exterior side yard to the porch, inclusive of stairs, of 1.30m; whereas By-law 0225-2007, as amended, allows an exterior side yard to the porch, inclusive of stairs, of 4.40m (14.43ft.) in this instance; and,
2. an exterior side yard of 2.97m (9.74ft.) to the existing dwelling and proposed addition; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

On April 21, 2016, Mr. B. Shirzadatar, Mr. L. Bajana, and Mr. J.C. Tsilfidis, representatives of the property owner, attended and presented the application. Mr. Shirzadatar advised that the variances are for existing conditions. He indicated that the variances are actually existing non-conforming conditions. Mr. Shirzadatar presented a site plan for the Committee's review and consideration. He advised that they are converting the front porch to a covered porch and the proposed addition is also an existing condition. Mr. Shirzadatar indicated that the proposed addition will contain a garage and the existing driveway will lead up to the garage. He presented elevation plans and indicating the location of the garage.

Mr. Bajana and Mr. Tsilfidis advised that they have canvassed the neighbours and shown them the plans and they have expressed support for the application. Mr. Tsilfidis advised that there are no variances required for gross floor area or the footprint.

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

The City of Mississauga Planning and Building Department commented as follows (April 19, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred in order to redesign the proposed addition in order to accommodate the two required parking spaces.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 16-220

Comments

Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application for the proposed renovation/addition. Based on the review of the Pre-Zoning Review application we advise that the following additional variance is required:

"Insufficient parking. One (1) onsite parking space has been provided; whereas By-law 0225-2007, as amended, requires two (2) parking spaces per unit for a detached dwelling."

Planning

Planning staff have no objection in principle to the originally requested variances; the additional encroachment of the steps is relatively minor and the porch structure isn't massive or imposing. Further, the proposed addition maintains existing setbacks and should have no impact on massing felt on the exterior side yard and street where the setback reduction is requested.

However, the reduction in required parking spaces should be reconsidered. The length of the driveway between the garage and the street is less than 3.00 m (9.84 ft.) and is insufficient for the parking of a vehicle. It is our observation that two parking spaces are generally necessary for detached dwellings within the City and as a result we suggest that the applicant should redesign their addition in order to accommodate two parking spaces.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the addition."

The City of Mississauga Transportation and Works Department commented as follows (April 14, 2016):

"Information submitted with this application indicates that the applicant is requesting an exterior side yard setback of 2.97M to the existing dwelling and proposed addition. Acknowledging that we have no objections to the reduction in setback to the existing dwelling we cannot support the reduction in setback to the proposed addition since the garage is to be located in this area. As Committee is aware this department typically does not support any reduction of less than 5.2M measured from the face of the garage to the municipal right-of-way in order to accommodate parking for a vehicle totally within the limits of the property.

In view of the above we would request that the proposed addition be slightly modified in order to allow a minimum 5.2 M setback measured from the face of the garage to the municipal right-of-way.

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 18, 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."



MISSISSAUGA

File: "A" 155/16

WARD 1

An e-mail was received from J. Williams, property owner at 927 Aviation Road, expressing concerns with respect to the application regarding reduction in the green space, reduction in sunlight due to shadowing, reduced setbacks, and precedent setting nature of the request if approved.

An e-mail was received from A. Morrison, property owner at 618 Byngmount Avenue, expressing opposition to the application and noting his comments and concerns regarding traffic, lack of parking, and creating dangerous conditions for pedestrians.

Mr. P. Farrell, property owner at 608 Montbeck Crescent, attended and expressed his concerns with respect to height and inquired if a variance is required for height.

No other persons expressed any interest in the application.

Mr. Tsilfidis, 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.

The Committee indicated that they have no objection to the request for the porch. They expressed concerns with respect to the lack of parking provided on site and the lack of space in front of the garage to park a vehicle. They noted that a variance for height is not required.

Mr. Tsilfidis indicated that they would like the Committee to consider the request today in the interests of time. He noted that they were not advised that two parking spaces are required when they spoke with the Planning Department when discussing their proposal. He indicated that they can revise the plans to indicate two parking spaces and ensure that no other variances will be required. He requested that the request to amend the application be withdrawn. The Committee consented to the request.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that, upon a review of the floor plan and discussing possible scenarios, it may be difficult for the applicant to re-design the home to add the parking space without needing further variances.

Mr. Tsilfidis requested that the application be deferred to allow him an opportunity to provide revised plans to the Planning and Building Department to address the concerns with respect to parking.

The Committee consented to the request and deferred the application to May 19, 2016.

On May 19, 2016, Mr. B. Shirzadtar, authorized agent, attended and advised that the drawings have been revised to address the concerns with respect to the Transportation and Works Department comments. Mr. Shirzadtar indicated that the design has been revised to provide two parking spaces on site. He presented the plans for the Committee's review and consideration and advised that one parking space is provided in the driveway and one parking space is provided within the garage.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 16-220

Comments

Zoning

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

Planning

The applicant has redesigned their proposal since the previous hearing to provide the required two parking spaces on site. The Planning and Building Department previously had no objection to the requested variances, provided that a second parking space was provided. The additional encroachment of the steps is relatively minor and the porch structure is not massive or imposing. Further, the proposed addition maintains existing setbacks and should have no impact on massing felt on the exterior side yard and street where the setback reduction is requested.

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

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

"Please refer to our comments submitted for the April 21, 2016 hearing of this application as those comments are still applicable."

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

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

An e-mail was received from J. Williams, property owner at 927 Aviation Road, expressing opposition to the application and noting her concerns regarding reduction in the green space, reduction in sunlight due to shadowing, reduced setbacks, and precedent setting nature of the request if approved

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Shirzadfar and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the applicant has addressed the concerns regarding parking on a lot that has development limitations.



MISSISSAUGA

File: "A" 155/16
WARD 1

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

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

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

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

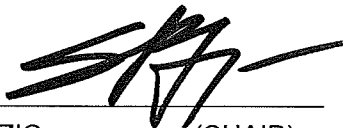
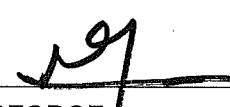
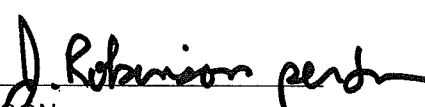
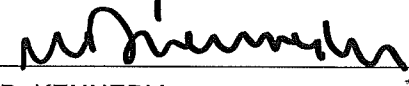
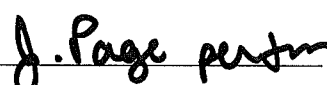
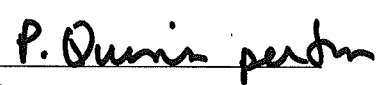
MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
-----------	---------	--------------	-----------	---------

Application Approved, on condition as stated.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 2016.

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

I certify this to be a true copy of the Committee's decision given on May 26, 2016.


DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

YOU SUNG JUN

on Thursday, May 19, 2016

You Sung Jun is the owner of 1072 Enola Avenue being Lot 20, Plan F-20, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new garage and canopy structure (carport) on the subject property proposing:

1. a lot coverage of 43.50% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
2. a setback of 0.31m (1.01ft.) from the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) in this instance;
3. to permit a garage and a carport (canopy structure); whereas By-law 0225-2007, as amended, permits one garage or one carport in this instance;
4. to permit a driveway width of 6.91m (22.67ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.44m (14.56ft.) in this instance;
5. to permit the carport/garage to have a rectangular area of 2.75m x 2.58m (9.02ft.x8.46ft.); whereas By-law 0225-2007, as amended, requires a minimum rectangular area measured from the inside face of walls (width x length) of 2.75m x 6.00m (9.02ft.x19.68ft.) in this instance.

On April 28, 2016, Mr. D.H. Lee, authorized agent, attended and requested that the application be deferred to address the comments and potentially add a new variance if necessary.

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

The City of Mississauga Planning and Building Department commented as follows (April 28, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign their proposal to address staff concerns.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II



MISSISSAUGA

File: "A" 166/16
WARD 1

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 15-8510

Comments

Zoning

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

"1. a lot coverage of 44.94% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;

4. to permit a driveway width of 9.65 m (31.66 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.44 m (14.56 ft.) in this instance;"

Further, the following additional variances are required:

"5. an insufficient rectangular garage area (measured from the inside face of walls [width x length]) of 4.22 m x 5.54 m (13.85 ft x 18.17 ft.); whereas By-law 0225-2007, as amended, requires a rectangular area [measured from the inside face of walls (width x length)] of 2.75 m x 6.00 m (9.02 ft. x 19.68 ft.) in this instance; and

6. a side yard setback to the proposed carport of 0.46 m (1.51 ft.); whereas By-law 0225-2007, as amended, requires a side yard setback of 0.61 m (2.00 ft.) in this instance."

Variances #2 and #3 are correct as identified.

Planning

The Committee previously approved a lot coverage variance of 38.20% to facilitate the construction of the covered porch on site. A further requested increase to 44.94% is excessive in our opinion; the dwelling is already one of the larger ones in the area and adding to the massing effect of the property by permitting additional structures is not appropriate. Given that the existing accessory structure is proposed to be removed to allow for the garage to be built, the Department may not object to a slight additional coverage increase to allow for the construction of the garage; however, we cannot support the additional carport structure, or the side yard setback variance associated with it.

Regarding variances #3 and #4 related to the driveway, the Department is of the opinion that the driveway represents excessive hard surfaced area with inadequate landscaped area. Further, the driveway appears to cover the entire front yard of the property and variance #4 is incorrectly requested and incorrectly shown on the site plan provided with the application. Paving the entire front yard is not appropriate for a low density residential neighbourhood and does not maintain the intent of the Zoning By-law or help to maintain the character of the area. Additionally, the 0.31 m (1.01 ft.) setback to the lot line for the driveway could be improved and still allow for adequate access to the rear yard. Further, as with the driveway width, it appears that the variance is incorrectly requested and the conditions on site differ from what is presented on the site plan; the driveway appears to be closer to the lot line than the requested 0.31 m (1.01 ft.).

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to redesign their proposal to modify the driveway, remove the carport structure, correctly calculate updated coverages, and to provide an updated site plan that matches on site conditions. However, if the applicant chooses to move forward with the application, we recommend that variances #1, #2, #3,



MISSISSAUGA

File: "A" 166/16

WARD 1

#4, and #6 be refused. We would have no objection to variance #5 in principle, however without a modified lot coverage variance request to allow for the garage to be constructed it would be unnecessary."

The City of Mississauga Transportation and Works Department commented as follows (April 21, 2016):

"This department has drainage related concerns with the existing carport (canopy structure) as constructed as the drainage from the roof of the structure is currently directed onto the abutting property to the south. The garage for this property is also located in the rear yard which is accessed by a paved driveway which also creates additional surface drainage runoff. Under a previous variance, File 'A' 13-11 the Committee approved an existing covered deck in the rear, again increasing the hard surface area for this property resulting in additional surface drainage runoff.

In view of the above it is evident from the existing garage, carport (canopy structure), paved driveway extending into the rear yard and previously constructed enclosed deck that there is a significant amount of hard surface area on this property which may be resulting in excessive surface drainage being directed onto the abutting properties, in particular the abutting property to the south. In this regard we have concerns with the requested variance and cannot support the carport (canopy structure) as constructed."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (April 22, 2016):

"We have no comments or objections."

A letter was received, signed by the residents at 1052, 1071, 1061, 1058, 1053, and 1084 Enola Avenue, expressing support for the application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to May 19, 2016.

On May 19, 2016, Mr. D. Lee, authorized agent, attended and presented the application. Mr. Lee presented a set of plans and advised that a shed was removed and replaced with a slightly larger structure, a detached garage.

Mr. Lee advised that there is an existing pine tree located in the side yard and to prevent pine cones and needles from falling on the vehicles, they constructed a canopy structure. He indicated that the Zoning By-law interpretation is that the canopy structure is considered to be a "carport" and must meet a minimum parking space size to comply with the By-law requirements. Mr. Lee advised that the parking space length below the canopy should be at least 6.00m (19.68ft.). He indicated that they do not require the canopy structure to be this length and are willing to reduce the length of the existing carport to 2.58m (8.46ft.).

Mr. Lee advised that for the detached garage and carport to be modified and remain, a variance is required to allow an increase in lot coverage to 43.50% of the lot area.

Mr. Lee indicated that they are requesting that the driveway be widened to a width of 6.91m (22.67ft.). He advised that the property owners are truckers and want to be able to stop their trucks in front of the house prior to leaving on their journey. The existing driveway width is too narrow. He indicated that the existing driveway setback to the side property line does not comply with the By-law requirement. He indicated that they are willing to meet the By-law requirement for the new portion of the driveway in front of the garage and carport.

Mr. Lee indicated that the amount of soft landscaping exceeds the minimum area required by the By-law. They are proposing 47.50% soft landscaping whereas the By-law requires a minimum of 40.00% soft landscaping.

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

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

"Recommendation

The Planning and Building Department has no objection to requested variance #2; however, we recommend that variances #1, #3, #4, and #5 be refused.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 (Residential)

Other Applications:

Pre-Zoning Review Application File: PREAPP 15-8510

Comments

Zoning

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

"5. an insufficient rectangular carport area (measured from the inside face of walls/columns (width x length)) of 2.75m x 2.58m (9.12ft x 8.46ft.); whereas By-law 0225-2007, as amended, requires a rectangular area (measured from the inside face of walls/columns (width x length)) of 2.75m x 6.0m (9.02ft x 19.68ft.) in this instance."

The remaining variances are correct, as requested.

Planning

Although the coverage has been slightly reduced, our comments from the previous hearing remain applicable with regards to overdevelopment and coverage of the lot. The dwelling is one of the larger dwellings in the neighbourhood and has already been granted a coverage variance of 38.20% to facilitate the construction of a covered porch on site. A further increase to 43.50% is excessive, in our opinion, and would create negative massing impacts on the neighbourhood and represents overdevelopment of the lot. The Department may support a slight further increase in coverage to allow the garage structure; however, we cannot support the additional carport structure as it drives the lot coverage too high. As a result we do not support variances #1, #3, or #5 as currently requested.

Variances #2 and #4 relate to the proposed driveway. We have no objection to variance #2 as it recognizes an existing condition that is screened by a fence and should not impact the neighbours. However, we do not support the requested width increase in variance #4. There is already significant hard surfaced area along the side of the dwelling and the further increase in width in the front of the dwelling is not necessary.



MISSISSAUGA

File: "A" 166/16
WARD 1

Based on the preceding information, the Planning and Building Department has no objection to requested variance #2; however, we recommend that variances #1, #3, #4, and #5 be refused."

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

"Further to our comments submitted for the April 28, 2016 Hearing we have reviewed the revised Site Plan (DWG C1), Proposed Garage and Carport Plan (DWG A1) recirculated by the Committee and also re-inspected the property. From the enclosed recent photos it is quite evident that the entire frontage consists of a hard surface material and some modifications will be required. The revised Site Plan indicates that a significant portion of the front yard will be replaced with grass/ landscaped area which we support. This department would also have no objections to the Committee approving a driveway width which would allow 2 vehicles to be parked side by side on this property.

With regards to the existing garage and carport (canopy structure) we are noting that these structures are currently equipped with an eave through and the downspouts are directed towards the rear yard. On our site inspection a representative of the homeowner indicated that they are intending to make some minor modifications to some of the downspout locations which will re-direct some of the drainage onto the subject lands and alleviate some of the drainage being directed onto the abutting properties. In view of the above we would have no objections to the applicant's request provided that a significant portion of the front yard be re-instated with a landscape/sodded area and some minor modifications be made to some of the existing downspout locations."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the parking of trucks on the property is not permitted under the Zoning By-law. He further indicated that the amount of hard surface area that presently exists is excessive and the grass areas should be re-instated. He noted that inter-locked areas are not considered to be soft landscaped areas.

Mr. Lee, 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.

The Committee indicated that they are unable to approve the application as requested. They indicated that the requested increase in lot coverage is excessive and the related variances for the carport cannot be approved. The Committee indicated that the requested increase in driveway width is excessive and noted that many vehicles can be accommodated in the existing driveway. They advised that the parking of trucks in the driveway is not permitted by the Zoning By-law and a further increase in the driveway width may facilitate the parking of additional vehicles which is not desirable.

The Committee, after considering the submissions put forward by Mr. Lee and having reviewed the plans, is satisfied that the request # 2, to reduce the setback of the driveway to the side property line, 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 a portion of the requested variance, to reduce the setback to the side property line, is minor in nature in this instance.



MISSISSAUGA

File: "A" 166/16
WARD 1

Accordingly, the Committee resolves to authorize and grant a portion of the amended request to allow a reduced setback of 0.31m (1.01ft.) from the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) in this instance.

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

Application Approved, as amended, in part.

Dated at the City of Mississauga on May 26, 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 15, 2016**.

Date of mailing is May 30, 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 26, 2016.

DINA MELFI, ACTING SECRETARY-TREASURER

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

NOTES:

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