

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: NOVEMBER 3, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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**DEFERRED APPLICATIONS - (CONSENT)**

B-061/16	2209449 ONTARIO INC	455 GIBRALTAR DR	5	Jan. 19
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**NEW APPLICATIONS - (MINOR VARIANCE)**

A-438/16	CONESTOGA COLD STORAGE	2660 MEADOWPINE BLVD	9	Approved
A-439/16	DIXIE CROSSING INC.	5101 DIXIE RD	5	Approved
A-440/16	ERIN MILLS HIGHRISE (PHASE 1) CORPORATION	4635 METCALFE AVE	8	Approved 5 yrs
A-441/16	PAT & MARY COLASANTI	6889 GOLDEN HILLS WAY	11	Approved
A-442/16	DR. ADAM MOHAMMED	2380 SPEAKMAN DR	2	Nov 17
A-443/16	MIKHAIL TCHKHARTICHVILI	35 KING ST E	7	Approved 5 yrs
A-444/16	SEEMA & RANJIT KUMAR	1771 HINDHEAD RD	2	Dec 15
A-445/16	INNA KOVALIV	377 NIAR AVE	1	Approved
A-446/16 A-447/16	CENTREVILLE HOMES (NINTH LINE) INC	5869 OSPREY BLVD	10	Approved

**DEFERRED APPLICATIONS - (MINOR VARIANCE)**

A-399/16	HARMAN INVESTMENTS LTD	651 BEACH ST	1	Refused
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## 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

CONESTOGA COLD STORAGE

on Thursday November 3, 2016

Conestoga Cold Storage is the owner of 2660 Meadowpine Boulevard being Blocks 10, 11 and 14-19 inclusive on Registered Plan M-936, zoned E2, E2-19 and E2-1 Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing industrial building proposing at total of 152 parking spaces on site including 3 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a minimum of 271 parking spaces to be provided on site including 8 parking spaces for persons with disabilities in this instance.

Mr. R. Karges, authorized agent, attended and presented the application to permit the expansion of the current cold storage facility and to receive parking relief on the subject property. Mr. Karges presented a site plan depicting the proposed high rise freezer addition. He indicated to the Committee that the parking provided on site was sufficient for the number of employees that worked during their busiest shifts, being the day and afternoon shifts. Mr. Karges advised that the freezers required minimal human input as the freezers had automated cranes that placed products into shelves. Due to the automated aspect of the operation only 100 parking stalls were in use on the property and many employees car-pooled or took transit to work. He indicated that 20 new parking stalls would be provided with the construction of the freezer addition bringing the total to 152 parking stalls on site. Mr. Karges concluded by indicating that the new freezer facility would only require 5 or 6 employees to operate and the 152 parking spaces provided on site would meet their needs.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre  
Designation: Business Employment

#### Zoning By-law 0225-2007

Zoning: E2, E2-19, E2-1

**Other Applications:**

BP 16-2400

**Comments**

**Zoning**

The Building Department is currently processing a building permit application under file BP 16-2400. Based on review of the information currently available for this building permit, the variances, as requested are correct.

**Planning**

The subject site is located on Meadowpine Boulevard at Winston Churchill Boulevard, between Highways 401 and 407. Conestoga Cold Storage operates a large fully automated warehouse facility on site.

Previous Minor Variance Applications 'A' 318/15, 'A' 311/09, and 'A' 145/98 requested parking space reductions and were approved.

The subject application proposes the construction of an addition to the existing building and an additional 20 parking spaces, including one accessible space, but requests a reduction in overall parking spaces.

A parking letter of justification was provided by the applicant. As the parking reduction is greater than 10%, typically a Parking Utilization Study would be required, however as was the case for 'A' 318/15, staff accept the applicant's letter to be sufficient in this instance.

The letter indicates the facility utilizes automated equipment, which requires very few staff in relation to the size of the building. The proposed expansion only requires an additional five to six employees per shifts. In our opinion, the reduction in overall parking spaces is minor.

Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/87. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Ministry of Transportation (MTO) commented as follows (October 27, 2016):

"Please note that this ministry is currently conducting its' review of this development. Comments will be forwarded to the appropriate City representative."

No other persons expressed any interest in the application.

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

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

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

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

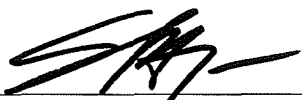
MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
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Application Approved.

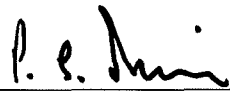
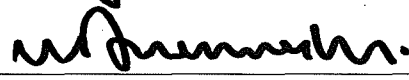
Dated at the City of Mississauga on November 10, 2016.

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 **NOVEMBER 30, 2016**.

Date of mailing is November 14, 2016.

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

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

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

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

I certify this to be a true copy of the Committee's decision given on November 10, 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

**DIXIE CROSSING INC.**

on Thursday November 3, 2016

Dixie Crossing Inc. is the owner of 5101 Dixie Road being Part of Lot 1, Concession 4, East of Hurontario Street, zoned C3-1 Commercial. The applicant requests the Committee to authorize a minor variance to permit the creation of two outdoor patios ancillary to the existing restaurant known as "Nando's Peri Peri Chicken" on the subject property; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use on the subject property in this instance.

Mr. J. Edmunds, authorized agent, attended and presented the application to permit outdoor patios adjacent to the front and side of the existing restaurant on the subject property. Mr. Edmunds presented a site plan depicting the location of the proposed patios and indicated to Committee that the restaurant opened in the summer of 2016. He advised the Committee that during the site plan approval process the patios were not included on the plan. He noted that outdoor patios were not a permitted use on the subject property.

Mr. Edmunds advised the Committee that currently the existing sidewalk was barren and open and establishing an outdoor patio on the sidewalk would make the space along Dixie Road livelier and the patio would take advantage of sun exposure in the warmer months. He also advised that the current existing sidewalk would be preserved and that no additional parking spots would be taken up as a result of the proposed outdoor patio. Mr. Edmunds advised the Committee that the patio would be enclosed to meet the requirements of the Alcohol and Gaming Commission. He concluded by stating that the outdoor patio would have space for 24 persons and that it would not cause the building to exceed the occupant limit.

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

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

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area (West)  
Designation: Mixed Use

**Zoning By-law 0225-2007**

**Zoning:** C3-1

**Other Applications:**

**Comments**

**Zoning**

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

It is unclear which unit the patios will be accessory to. The unit number should be identified in the variance decision.

**Planning**

The subject site is located on Dixie Road, north of Eglinton Avenue East, in the Northeast Employment Character Area. The area has a variety of general commercial uses. The site contains a recently built commercial plaza that has many restaurant tenants.

The application requests two outdoor patios associated with one of the restaurants on site. In total 24 seats are proposed; eight seats in one patio, and 16 at the other. The patios will be located on concrete landscaped area on private property, set back from the street, entirely within the commercial plaza.

There are no residential or sensitive land uses near the site.

Previously, 'A' 448/15, requested an outdoor patio within the same plaza for a different restaurant tenant. The application was approved.

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

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"No other persons expressed any interest in the application."

The Committee, after considering the submissions put forward by Mr. Edmunds 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 conditions:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.
2. The outdoor patio shall be enclosed as per the requirements of the Alcohol and Gaming Commission.

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

Dated at the City of Mississauga on November 10, 2016.

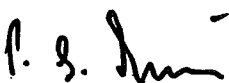
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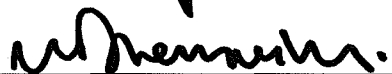
  
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S. PATRIZIO/ (CHAIR)

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

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

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

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

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

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

I certify this to be a true copy of the Committee's decision given on November 10, 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

ERIN MILLS HIGHRISE (PHASE 1) CORPORATION

on Thursday November 3, 2016

Erin Mills Highrise (Phase 1) Corporation is the owner of 4635 Metcalfe Avenue being Part of Lot 12, Registrar's Compiled Plan 1003, zoned RA5-34, Residential. The applicant requests Committee to authorize a minor variance to continue permit a temporary sales office use on the subject property as previously approved pursuant to Committee of Adjustment File 'A' 361/11; whereas By-law 0225-2007, as amended, only permits a temporary sales trailer where they are incidental to construction that will occur on the same lot as the temporary sales trailer and a sales office in this instance.

Mr. F. Gasbarre, authorized agent, attended and presented the application to permit the continuation of a temporary sales office on the subject site. Mr. Gasbarre displayed a site plan and indicated to the Committee that the temporary sales office has existed on-site for four years and requested a continuation of the previous variance approved by Committee in 2011.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Central Erin Mills Major Node

Designation: Residential High Density

#### Zoning By-law 0225-2007

Zoning: RA5-34 (Residential)

#### Other Applications:

Building Permit File: 12-1065

#### Comments

#### Zoning

N/A



### Planning

The applicant is requesting a continuation of approval for the use of the existing sales office in the existing location on the subject property. The applicant has used the existing sales office for previous phases of development on adjacent properties and proposes to continue to use it in the same way. The most recent approval was granted under file 'A' 361/11; the Planning and Building Department has no objection to the continued use of the sales office on a continued temporary basis."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"This department has no objections to the applicant's request to continue to permit the temporary sales office on the subject property as previously approved under 'A' 361/11."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Gasbarre 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 for a temporary period of five (5) years and shall expire and terminate on or before November 30, 2021.

MOVED BY:	D. George	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved.

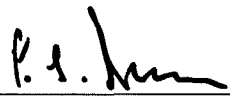
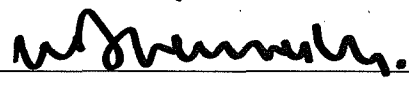
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Date of mailing is November 14, 2016.

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

ABSENT

  
\_\_\_\_\_  
J. ROBINSON  
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J. PAGE  
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P. QUINN  
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D. GEORGE  
\_\_\_\_\_  
D. KENNEDY

ABSENT

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

I certify this to be a true copy of the Committee's decision given on November 10, 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

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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

PAT & MARY COLISANTI

on Thursday November 3, 2016

Pat & Mary Colasanti are the owners of 6889 Golden Hills Way being Lot 87, Registered Plan M-1484, zoned G2-1, Greenbelt and R10, Residential. The applicants request the Committee to authorize a minor variance to permit the existing accessory structure (shed) to remain in the rear yard of the subject property proposing:

1. a height of 3.48m (11.41ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance; and,
2. a floor area of 13.00m<sup>2</sup> (139.93sq.ft.) for the accessory structure; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m<sup>2</sup> (107.64sq.ft.) for an accessory structure in this instance.

Mr. P. Colisanti, property owner, attended and presented the application to permit the existing shed to remain on the subject property. He presented a site plan and indicated that the existing shed had remained on the property since 2014 and advised the Committee that when the pool was installed in 2015, the building inspector flagged the shed due to its size.

Mr. Colisanti presented a petition from surrounding neighbors in support of the application. He presented photos depicting the current shed and advised Committee that his property backed onto a municipal park that was well treed.

Mr. Colisanti presented a Credit Valley Conservation Authority permit for his pool and the pool equipment as well as his grading deposit receipt from the City and stated that the City and Conservation Authority had no issues with the shed. He concluded by stating that the variance was minor and that the shed was not an eyesore to his surrounding neighbours.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: LDII, G

#### Zoning By-law 0225-2007

**Zoning:** R10, G2-1

**Other Applications:**

**Comments**

**Zoning**

The Building Department is currently processing a building permit application under file BP9 ALT 15-8407. Based on review of the information currently available for this building permit, the variances, as requested are correct.

**Planning**

The subject site is located near McLaughlin Rd and Derry Rd. The context is detached dwellings in a subdivision dating from 2004.

The application requests relief to the zoning by-law for height and floor area of an accessory structure.

The lot backs on to greenbelt lands. Immediately to the north is a park, and to the south is a detached dwelling. The shed is located on the north side of the lot, adjacent to the park. The size of the lot is large in comparison to the surrounding area. The lot is also deep, 56.49m (185.33ft.), compared to the requirements of the R10 zone.

Lot coverage of 40% is permitted in this instance. Although this figure was not provided, based on unverified staff calculation, the lot coverage is below 40%.

In our opinion, the additional height and size of the shed are minor and fit within the scale of the lot, and the location helps mitigate any impact.

Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"This department has no objections to the applicant's request to permit the existing accessory structure (shed) to remain in the rear yard. From our site inspection of this property we are also noting that the shed has been constructed in a location which does not impact on the approved drainage pattern for this property."

A petition was received from the property owner with the signatures of the property owners at 6886 Golden Hills Way, 6881 Golden Hills Way, 6877 Golden Hills Way and 493 Krotone Court in support of the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Colisanti 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. Kennedy	SECONDED BY:	P. Quinn	CARRIED
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Application Approved.

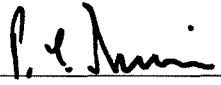

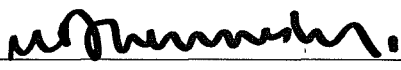
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Date of mailing is November 14, 2016.

  
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S. PATRIZIO (CHAIR)

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

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

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

I certify this to be a true copy of the Committee's decision given on November 10, 2016.

  
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DINA MELFI, ACTING SECRETARY-TREASURER

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

**NOTES:**

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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

MIKHAIL TCHKHARTICHVILI

on Thursday November 3, 2016

Mikhail Tchkhartichvili is the owner of 35 King Street East being Part of Lots 14, 15 and 16, Concession 1, N.D.S, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an outdoor patio ancillary to an existing restaurant within Unit #14 of the subject property, as previously approved pursuant to Committee of Adjustment File 'A' 251/12; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use on the subject property in this instance.

Mr. V. Stasieczek, authorized agent, attended and presented the application to allow the existing patio adjacent to a restaurant to remain on the subject property. Mr. Stasieczek presented a floor plan as well as an overall site plan for the existing patio. He indicated to Committee that the patio was built three years ago and that when it was inspected the Building Inspector noted that it was built above the required Ontario Building Code controls. Mr. Stasieczek indicated that before the patio existed, the space was barren and filled up with garbage and that when persons came out to smoke they could wander around the area without an enclosure. He advised Committee that the patio only operated in the warmer months. Mr. Stasieczek concluded by submitting letters of support from other tenants of the property.

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

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

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Downtown Cooksville  
Designation: Mixed Use

#### Zoning By-law 0225-2007

Zoning: C4 (Commercial)

#### Other Applications:

Certificate of Occupancy File: 12-303

## Comments

### Zoning

N/A

### Planning

The applicant is seeking an extension of previous approvals for an outdoor patio on the subject property, which has been most recently approved under file 'A' 251/12. The patio is relatively small in Gross Floor Area (GFA) and we are not aware of any concerns related to its operation. Nearby residential uses are high density apartment sites which will not be impacted by the patio use. Based on the preceding information, the Planning and Building Department has no objection to the continued use of the ancillary outdoor patio use on the subject property."

The City of Mississauga Transportation and Works Department commented as follows (October 27, 2016):

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

A letter was received from G. and A. Colfia, property owners at 75 King Street East expressing concerns with respect to noise, especially in the evening.

A letter was received from M. Tchkhartichvili, property owner of the plaza at 2560 Sheppard Avenue, expressing no objection to the application.

A letter was received from T. Pructinicki, business owner at 75 King Street East, expressing no objection to the application.

A letter was received from W. Jarostan, business owner at 75 King Street East, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the noise coming from the patio.

Mr. Stasieczek advised the Committee that the complaint was due to the European Soccer Championship held in the summer and that the complaint was a one-time occurrence. The patio did not play music and operated according to the conditions of the previous minor variance approval.

The Committee, after considering the submissions put forward by Mr. V. Stasieczek 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 for a temporary period of five (5) years to expire and terminate on or before November 30, 2021, 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 fenced and contain a maximum of sixteen (16) seats.
3. The patio hours of operation shall be restricted to 11:00am to 11:00 pm daily.

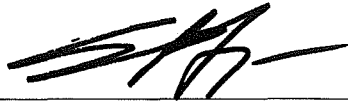
MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
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Application Approved, temporarily, on conditions as stated.

Dated at the City of Mississauga on November 10, 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 **NOVEMBER 30, 2016**.

Date of mailing is November 14, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

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 November 10, 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.





MISSISSAUGA

File: "A" 445/16  
WARD 1

## 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

INNA KOVALIV

on Thursday November 3, 2016

Inna Kovaliv is the owner of 377 Niar Avenue being Lot 77, Registered Plan 337, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit a the construction of a proposed two storey detached dwelling on the subject property proposing a maximum gross floor area – infill residential of 355.57m<sup>2</sup> (3827.32 sq.ft); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 337.08m<sup>2</sup> (3628.29 sq. ft.) in this instance.

Mr. O. Stoyanovski, authorized agent, attended and presented the application to allow a proposed dwelling to exceed the maximum gross floor area permitted by the By-law. Prior to the current owner purchasing the property a building permit was issued for the proposed detached dwelling, however due to the new owner having 4 children, extra space was needed in the home. He presented a floor plan for the review of the Committee and advised that the proposed dwelling would remain the same as approved through the previous building permit, however, an empty space on the second floor was to be built out to the edge of the building footprint in order to create another room. He indicated that the extra space accounted for approximately 15.50m<sup>2</sup> of extra gross floor area and that there were no other proposed changes to the home as approved by the Building Department. Mr. Stoyanovski advised the Committee that the proposed roof complied with the By-law in this instance and that no additional variances were required for the changes other than the gross floor area.

Mr. Greg Kirton, Planner with the City of Mississauga, attended and advised the Committee that the previous building permit had been approved and the current building permit would have to be revised if the variance were to be approved.

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

The City of Mississauga Planning and Building Department commented as follows (October 28, 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 the required Building Permit to verify the accuracy of the requested variance and to determine whether any additional variances will be required.

### **Background**

#### **Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning:** R3-1 (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 variance, or determine whether additional variances may be required.

**Planning**

The applicant is proposing a new two storey dwelling on the subject property and is requesting an additional 18.49 m<sup>2</sup> (199.02 sq. ft.) of Gross Floor Area (GFA) beyond what the Zoning By-law permits. The proposed dwelling appears to comply with all other Zoning By-law provisions. The majority of the immediate neighbourhood is comprised of a mix of older single storey and two storey dwellings; however, there has been some redevelopment recently along Nair Avenue.

The applicant's request is slightly exaggerated by a relatively small open to below area in front of the stairs near the front entrance way; however, the proposal still generally maintains the intent of the Zoning By-law. The two storey dwelling is below the allowable height and designed to be sensitive to the neighbourhood context. The rear of the dwelling does not protrude significantly into the rear yard as to cause impact to the adjacent neighbours; on one side the rear wall of the neighbouring dwelling and the proposed dwelling are roughly equal and on the opposite side the proposed dwelling would be adjacent to a garage structure. The additional GFA is a relatively minor increase compared to what is permitted as of right on the subject property and the Department is of the opinion that there would not be a significant negative impact on the neighbourhood as a result of this variance being granted.

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 apply for the required Building Permit to verify the accuracy of the requested variance and to determine whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/126. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter of objection was received from Ms. M. Srocynaka, owner of 372 Nair Avenue, expressing her concerns about the preservation of trees and flooding in the area.

A letter of objection was received from Ms. J. MacBrien, owner of 371 Nair Avenue, expressing her concern about the size of the proposed home and the flooding in the area.

No other persons expressed any interest in the application.

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



## MISSISSAUGA

File: "A" 445/16  
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. Kennedy	CARRIED
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Application Approved, on the condition as stated.

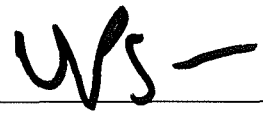
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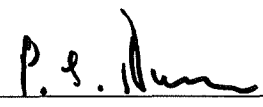
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 30, 2016**.

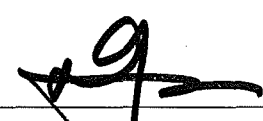
Date of mailing is November 14, 2016.

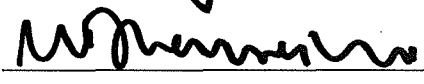
  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE

  
P. QUINN

  
D. GEORGE

  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 10, 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

CENTREVILLE HOMES (NINTH LINE) INC.

on Thursday November 3, 2016

Centreville Homes (Ninth Line) Inc. is the owner of 5869 Osprey Boulevard being Part of Lot 6, Concession 10, NS, zoned R1 and R7-25, 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:

1. a minimum interior side yard of 0.62m (2.03 ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 2.00m (6.56 ft) in this instance,
2. a driveway setback of 0.15 m (0.49 ft) to an interior side lot line; whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60 m (1.96 ft) to an interior side lot line in this instance; and,
3. a maximum encroachment of a balcony of 1.28 m (4.19 ft.) into a required rear yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of a balcony of 1.00 m (3.28 ft.) into a required rear yard in this instance.

Mr. J. Levac, authorized agent, attended and presented the application to permit the construction of a detached dwelling on the subject lot. Mr. Levac advised Committee that the site had gone through rezoning and draft plan of subdivision approval and the lots had not yet been registered on title. He noted that application 'A' 446/16 was for Lot #1 on the draft plan of subdivision.

Due to the flooding issues on site the City required each lot to go through the Site Plan Approval process and during the process, multiple variances were necessary for the subject property due to the entry feature and large daylight triangle that was directly adjacent to the site. With regards to the variances, he displayed various plans depicting the proposed home on Lot# 1 and stated that the entry feature caused a pinch point at the driveway entrance and that the side yard setback requirement could not be met. Mr. Levac advised Committee that the entry feature would mask any potential massing issues with respect to the side yard.

Mr. Levac advised that when the Zoning By-law was enacted on the subject property, there was a rear yard setback requirement from the buffer zone adjacent to the site. As a result of the reduced rear yard, the proposed balcony encroached into the rear yard and a variance was required. Mr. Levac also advised the Committee that the balcony encroachment would be a common feature with all the dwellings in the subdivision and so the encroachment was minor in this instance. He indicated that all balconies would have sufficient screening to minimize any overlook issues on the neighbouring properties.

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

The City of Mississauga Planning and Building Department commented as follows (November 1, 2016):

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Lisgar Neighbourhood  
Designation: LDII, G

**Zoning By-law 0225-2007**

**Zoning:** R10, G2-1

**Other Applications:**

**Comments**

**Zoning**

The Building Department is currently processing a site plan approval application under file 15/89. Based on review of the information currently available for this application, the variances, as requested are correct.

**Planning**

The subject site is located on Osprey Boulevard, at Ninth Line north of Britannia Road West. site is part of a new seven lot development. The subject lot is a corner property flanking Ninth Line.

The application proposes a new detached dwelling, requesting a variance for side yard, driveway setback, and balcony encroachment.

Variance #1 is for a minimum interior side yard reduction. The subject lot is a corner, and has a city owned site triangle with an entry feature located at the intersection of Ninth Line and Osprey Boulevard. The triangle creates an irregularly shaped lot. The requested variance is only for a pinch point created by the site triangle, and not for the entire length of the dwelling. The site triangle will be landscaped and provide the impression of sufficient space. In our opinion, the variance is minor.

Variance #2 is for a driveway setback reduction. Similar to above, the site triangle creates challenges when siting a dwelling. The reduced driveway setback is only for a small portion of the site, and only where the driveway meets the street. In our opinion, the variance is minor.

Variance #3 is for a balcony encroachment. The entire seven-lot development has primary living spaces, like kitchens and living rooms, located on the level above the garage. The balcony is located off the kitchen, in the centre of the property. The surrounding houses will have balconies on this level. The overlook conditions are minimized due to the common condition of the balconies. In our opinion, the variance is minor.

Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/189. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (October 28, 2016):

1. "Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. J. 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:	P. Quinn	SECONDED BY:	D. George	CARRIED
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Application Approved.

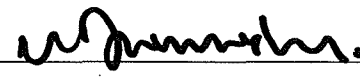
Dated at the City of Mississauga on November 10, 2016.

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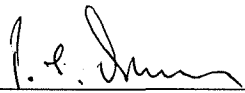
Date of mailing is November 14, 2016.

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

ABSENT  
\_\_\_\_\_  
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 November 10, 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

CENTREVILLE HOMES (NINTH LINE)

on Thursday November 3, 2016

Centreville Homes (Ninth Line) Inc. is the owner of 5877 Osprey Boulevard being Part of Lot 6 Concession 10, NS, zoned R1 and R7-25, 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 maximum encroachment of a balcony of 1.83 m (6.00 ft.) into the required rear yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of a balcony of 1.00 m (3.28 ft.) into a required rear yard in this instance.

Mr. J. Levac, authorized agent, attended and presented the application to permit the construction of a detached dwelling on the subject lot. Mr. Levac advised Committee that the site had gone through rezoning and draft plan of subdivision approval and the lots had not yet been registered on title. He noted that application 'A' 447/16 was for Lot #3 on the draft plan of subdivision. He advised Committee that all the lots within the small subdivision had to go through the Site Plan Approval process as there were flooding issues on site. Mr. Levac advised the Committee that the balcony encroachment would be a common feature with all the dwellings in the subdivision noting that the balcony would have sufficient screening to mitigate overlook issues with neighbours. He indicated that the requested encroachment was minor in this instance.

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

The City of Mississauga Planning and Building Department commented as follows (November 1, 2016):

### Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: LDII, G

#### Zoning By-law 0225-2007

Zoning: R10, G2-1

Other Applications:

### Comments



## **Zoning**

The Building Department is currently processing a site plan approval application under file 15/89. Based on review of the information currently available for this application, the variances, as requested are correct.

## **Planning**

The subject site is located on Osprey Boulevard, at Ninth Line north of Britannia Road West. site is part of a new seven lot development. The subject lot rectangular in shape. It is adjacent to existing residential dwellings.

The application proposes a new detached dwelling, requesting a variance for a balcony encroachment into the required setback.

The entire seven-lot development has primary living spaces, like kitchens and living rooms, located on the level above the garage. The balcony is located off the kitchen. The surrounding houses will have balconies on this level.

The applicant submitted revised drawings to Staff indicating a 1.83m (6.00ft) privacy screen to be located on the balcony side adjacent to the existing dwellings.

The proposed dwelling is shallower than the adjacent existing dwelling.

Potential overlook conditions are minimized due to the dwelling design and the privacy screening. In our opinion, the variance is minor.

Based on the preceding, the Planning and Building Department has no objection to the application.

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/189. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (October 28, 2016):

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

No other persons expressed any interest in the application.

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

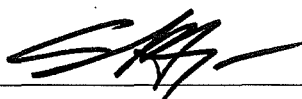
MOVED BY:	P. Quinn	SECONDED BY:	D. George	CARRIED
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Application Approved.

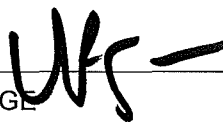
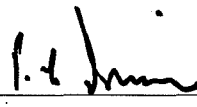
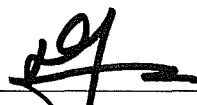
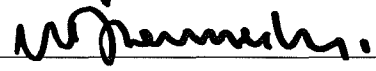
Dated at the City of Mississauga on November 10, 2016.

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Date of mailing is November 14, 2016.

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

ABSENT

  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
J. PAGE  
\_\_\_\_\_  
P. QUINN  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
D. KENNEDY

ABSENT

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

I certify this to be a true copy of the Committee's decision given on November 10, 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

HARMAN INVESTMENTS LTD.

on Thursday November 3, 2016

Harman Investments Ltd is the owner of 651 Beach Street being Part of Lot 92 & 93 and Lot 95, Registered Plan A-26, zoned R3-75, 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. a total lot coverage of 39.61% 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. two floors of balconies over the proposed garage having a floor area of 26.37m<sup>2</sup> (283.85sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a balcony above a garage of 10.00m<sup>2</sup> (1076.42 sq.ft.) in this instance,
3. a front yard to the dwelling of 4.16m (13.64ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
4. a front yard to the stairs of 2.94m (9.64ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35ft.) in this instance,
5. a front yard to the front face of the garage of 5.20m (17.06ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) to the front garage face in this instance,
6. a dwelling height of 10.50m (34.44ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance; and,
7. a height to the underside of eaves of 8.92m (29.26ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance.

On September 29, 2016, Mr. M. Galea, of Axiis Architects and Mr. G. Bagga, son of the property owners, attended and presented a set of plans of the proposed three storey dwelling for the Committee's review and consideration. Mr. Galea indicated that a bungalow currently exists on the lot adjacent to the subject property and advised that they have sited the proposed dwelling further away from the bungalow to reduce the impact. Mr. Galea advised that they are seeking relief with respect to the front yard setback. He indicated that many of the other houses on the street have reduced front yard setbacks. Mr. Galea indicated that the reduction in the front yard setback is in character with the neighbourhood. Mr. Galea explained that the proposed dwelling has two floors of balconies above the garage to take advantage of the lakefront view. He indicated that a variance is being requested to increase the lot coverage to accommodate the covered porch in the front yard, the elevator, and the garage.

Mr. Galea advised that many of the neighbours have expressed support for the application.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

#### **"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated drawings through the Building Permit process to ensure that all variances are accurately identified.

#### **Background**

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

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

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

**Zoning:** R3-75 (Residential)

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

Building Permit File: 15-7253

#### **Comments**

##### **Zoning**

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

The drawings submitted with the Committee of Adjustment application are completely different than the most recent Building Permit drawings. Since the dwelling appears to have been completely redesigned we are unable to confirm the accuracy of the variances without an updated Building Permit submission.

##### **Planning**

Variances #3, #4, and #5 are all related to front yard setbacks from various parts of the dwelling. The decrease in front yard setback is consistent with the recently built home to the west as well as other existing dwellings on the street. The requested variances for front yard setback reductions maintain the intent of the Zoning By-law in keeping a consistent line of built form along the street. There is a generous city boulevard section along Beach street which helps to provide further separation distance from the street as well. The reduced front yard setback does not impact the ability to provide the required parking for the dwellings as two spaces can be accommodated within the garage.

The request for an increase in lot coverage of 4.76% in variance #1 is relatively minor in nature. The dwelling is designed in a way that minimizes the massing on certain parts of the lot. The broken up structure and the limited heights on certain parts of the dwelling help to minimize the potential impacts that could be felt from the increase 4.76% in lot coverage. The Department is of the opinion that the general intent of the Zoning By-law is maintain in ensuring that a dwelling is proportional to the lot.

The second requested variance seeks to permit additional balcony space above the garage. The applicant is proposing a tiered balcony arrangement at the front of the dwelling above the garage structure. Although the increase in permitted Gross Floor Area (GFA) of



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the balconies appears to be significant at 25.85 m<sup>2</sup> (278.25 sq. ft.) beyond what the Zoning By-law permits, there is no significant overlook or privacy issues that are apparent and there are no dwellings across the street. The balcony locations allows for a view of the lake without impeding the privacy of the neighbours or imposing on the street.

Notwithstanding the above comments, the Planning and Building Department would make the applicant aware of the pending Zoning By-law changes related to dwelling heights. The proposed Zoning By-law amendment to reduce the height of sloped roofs to 9.50 m (31.17 ft.) will be before Council for consideration on September 28, 2016. The applicants proposed design complies with the height provisions of the current Zoning By-law, but would not comply with the amendments if they were to get adopted. If adopted, it would not be possible for the applicant to obtain a Building Permit prior to the proposed Zoning By-law amendment coming into effect; as a result, they may be required to redesign their dwelling regardless of the Committee's decision on the current application.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated drawings through the Building Permit process to ensure that all variances are accurately identified."

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

"This department has no objections to the applicant's request and are noting that any Transportation and Works Department requirements for the proposed new detached dwelling will be addressed through the Building Permit Process."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (September 23, 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 the Lake Ontario Shoreline Hazard. 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. a total lot coverage of 39.76% of the total 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. two floors of balconies over the proposed garage having a floor area of 35.85m<sup>2</sup> (385.89 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a balcony above a garage of 10.00m<sup>2</sup> (10076.42 sq.ft.) in this instance,



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3. a front yard to the dwelling of 4.10m (13.45ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
4. a front yard to the stairs of 3.02m (9.90ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35ft.) in this instance; and,
5. a front yard to the front face of the garage of 5.19m (17.02ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) to the front garage face in this instance.

### Comments:

The proposed dwelling is setback adequately from the Lake Ontario Shoreline Hazard. As such, CVC has no concerns and **no objection** to the approval of this application by the Committee at this time.

The applicants are to note that, upon necessary approvals being obtained, provide the final Site Plan drawing directly for CVC's permitting. The current proposal located is outside of the CVC Regulated Area and would not require a CVC permit."

Letters were received from the property owners/residents at 651 Beach Street, 659 Beach Street, 848 Goodwin Road, 849 Aviation Road, 852 Beach Street, 855 Aviation Road, and 863 Aviation Road expressing no objection to the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that if the Minor Variance is granted, the applicant may have to adjust the height of the dwelling to meet the new requirements.

Mr. T. Pettingill, property owner at 653 Beach Street, attended and advised that he was unsure as to the size of the two balconies. He expressed concerns with respect to the loss of sunshine on his property in the afternoon.

Ms. M. McCallister, tenant at 653 Beach Street, attended and expressed her concerns with respect to the loss of sunshine.

No other persons expressed any interest in the application.

Mr. Galea presented shadow diagrams indicating the existing and proposed extent of the shadows on the adjacent properties. He explained that if the dwelling was located further back on the lot, the loss of sunshine would be increased for the adjacent lots.

Mr. Galea indicated that he was aware of the recently passed By-law 193-2016 regulating the height of new dwellings. Mr. Galea indicated that he has prepared plans that reduce the height of the dwelling to meet the new regulations.

The Committee advised that they prefer that the plans be reviewed by staff prior to considering the application. They further advised that if they were to approve the application, they would likely make the approval conditional on the plans that they reviewed.

Mr. Galea requested that the application be deferred to allow staff an opportunity to review the revised plans.

The Committee consented to the request and the application was deferred to November 3, 2016.

On November 3, 2016, Mr. M Galea of Axiis Architects, authorized agent, attended and presented the application for a proposed three storey dwelling on the subject property. He indicated that the proposed dwelling was a multi-generational home and that the applicant had parents with extenuating circumstances that would be moving in and advised Committee that the size of the home was due to its multi-generational character. Mr. Galea presented a map featuring the surrounding home and he noted that the gross floor area was reduced to match that of one of the neighbouring homes. He advised Committee that the previous deferral was due to a proposed By-law that has since passed with regards to roof heights in the subject area and that the overall proposal was subsequently scaled



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down. He indicated that the original balcony proposal had been scaled down in order to better meet the intent of the Zoning By-law. He advised Committee that part of the reason for passing the new By-Law was to minimize existing overlook conditions to neighbours across the street, however in this instance the property faced Lake Ontario and so the applicant wished that the balcony be included in the proposal to take advantage of the view. He presented a site plan and advised Committee that the balcony on the second floor was reduced to minimize overlook conditions and that the property owner that the balcony overlooked had submitted a letter expressing support for the application. He indicated that the balcony facilitated the movement of the family to the third floor sitting area. Mr. Galea advised Committee that in keeping with the context of the neighbourhood the front yard setback was matched with the neighbouring homes to better fit with the context of the neighbourhood. Mr. Galea indicated that the height variance request was for 10.50m (34.44ft.) where the amended By-law requires 9.50m (31.16ft.) to the peak of the roof in this instance. Mr. Galea indicated that the original proposal before the passing of the By-law was 11.39m (37.36ft.) to the peak of the roof. He advised Committee that a letter of non-objection had been given by Councillor Tovey regarding the application and advised that due to flooding the concerns in the area, the Ward Councillor advised them that the home should be raised in order to mitigate any flooding issues on site. He presented rendering drawings of the proposed dwelling illustrating the height of the dwelling the suggestion of the Councillor.

Mr. Galea indicated that a letter had been provided to Committee with regards to Councillor Tovey's comments.

The Committee noted that the letter received from Councillor Tovey did not echo the recommendations to increase the height of the finished floor noted in Mr. Galea's submission.

Mr. Galea presented a map illustrating various property owners that were in support of the application. He noted an effort was made to speak with the neighbour that did not support the application; however, no response was given after he had reached out 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 (October 28, 2016):

### **"Recommendation**

The Planning and Building Department has no objection to variances #1 - #5; however, we recommend that variances #6 and #7 be refused. Further, the applicant may wish to defer the application to submit updated drawings through the Building Permit process to verify the accuracy of the requested variances.

### **Background**

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

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

Zoning: R3-75 (Residential)

#### **Other Applications:**

Building Permit File: 15-7253

## Comments

### Zoning

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

### Planning

The Planning and Building Department previously commented on variances #1 through #5 for the September 29, 2016 Committee of Adjustment hearing. These variances have remained generally the same and the Department continues to have no objection to these requests. Our previous comments are attached for the Committee's reference.

With regards to variances #6 and #7, the applicant is proposing heights to the top of the dwelling and to the eaves that exceed a newly implemented amendment to the Zoning By-law. Although the applicant initiated their variance process prior to the passage of the Zoning By-law amendment, the applicant was made aware, as noted in the previous comments, that although their plans met the previous Zoning By-law regulations, the plans would not meet the new regulations once the Zoning By-law amendment was adopted.

The additional height requests of 1.00 m (3.28 ft.) to the peak of the roof and 2.83 m (9.28 ft.) to the height of the eaves are excessive and not keeping with the intent of the new Zoning By-law. The height reductions are consistent with Infill Zoning Regulations across other parts of Ward 1 and the City of Mississauga as a whole. The intent of the By-law is to limit the height of large walls adjacent to neighbours in infill development settings and the overall massing of dwellings, to better maintain the character of the neighbourhood.

The Planning and Building Department is of the opinion that the requested variances related to dwelling height and eave height do not maintain the general intent of the Zoning By-law and are not minor in nature. As a result, we recommend that variances #6 and #7 be refused. Variances #1 - #5 remain of no concern to the Department."

The City of Mississauga Transportation and Works Department commented as follows (October 26, 2016):

"Please refer to our comments submitted for the September 22, 2016 hearing of this application as those comments are still applicable."

Letters were received from the property owners/residents at 645 Beach Street, 659 and 849 Aviation Road, expressing no objection to the application.

A letter was received from Councillor Tovey indicating no objections to the application.

Mr. J. Hilton, a representative of the property owner at 653 Beach Street, attended and indicated that the applicant had not provided a valid reason why the balcony on the second floor was needed and indicated that there was no reason for it to be much larger than was permitted in the By-law. He indicated that the size of the balcony would create a noise issue if people congregated on it. He further suggested that the home be moved back from the front lot line in order to mitigate any overlook issues that the balcony may create. He also expressed concern how a Councillor that championed the recent By-law amendment for dwelling heights in the area could have expressed his approval of the proposed dwelling that did not meet the heights of the recently amended By-law. He indicated to Committee that he wished that the application be refused.

Mr. G. Kirton, Planner with the City of Mississauga, advised the Committee that the proposed third floor balcony was located over the garage and that the additional gross floor area requested was for the walkway up to the third floor from the second storey balcony and some of the percentage of the coverage variance was for the balcony located on the side of the proposed home.



Ms. S. Nemani, property owner of 848 Goodwin Road, attended and expressed her concern that the applicant had a fence that encroached into her property and requested that a condition be placed on the decision to remove the fence from her property.

The Committee advised Ms. Nemani that if the application were approved that the applicant would have to build to the drawing approved and that her request was outside of the purview of the Committee and was a civil matter between property owners.

No other persons expressed any interest in the application.

Mr. Galea responded to the comments from neighbours and advised Committee that that if the home were to be moved back there would be issues with shadow impact on the neighbouring properties. He presented a plan from the previously approved building permit depicting the building footprint and advised that the new proposal had less of an impact to neighbouring properties both. Mr. Galea addressed the balcony issue noting it made sense to have the balcony facing the lake and would have less impact than if it was located in the rear yard. He further noted that the new proposal had a smaller balcony than a dwelling they have already received a permit for. He advised Committee that the height for the third floor was needed and was intended to be for elderly parents in need of care that will be potentially residing with them in the future.

The Committee noted that the Conservation Authority did not express any issue in regards to flooding on site and the comments made by Mr. Galea did not justify the reason for the excessive height of the building and that most of the concerns for the application was due to the height.

Mr. Galea responded and indicated that the neighbouring building had a home that was 10.80m to the peak and indicated that the proposal was consistent with the surrounding homes in the area and that the increased floor elevation height was a suggestion provided during a meeting with the Ward Councillor.

The Committee expressed concern with the massing of the building. They indicated that that the By-law was changed in the area in response to resident concerns due to large homes being built in the area. Council did have the opportunity to change the by-law to not include various applications that were in process, but did not. The Committee was not persuaded that, in this instance, it was appropriate to exceed a bylaw requirement for height, especially when the by-law was just recently passed. They noted that the overall height and eave height create a significant mass adjacent to the abutting home to the east.

The Committee, after considering the submissions put forward by Mr. M. Galea and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
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Application Refused.

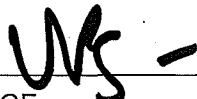

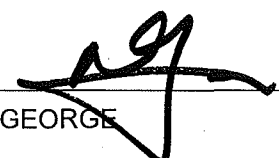
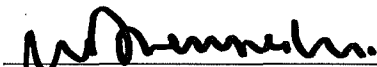
Dated at the City of Mississauga on November 10, 2016.

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 **NOVEMBER 30, 2016**.

Date of mailing is November 14, 2016.

  
S. PATRIZIO (CHAIR)

ABSENT  
J. ROBINSON

  
J. PAGE  
P. QUINN  
D. GEORGE  
D. KENNEDY

ABSENT  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 10, 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.