

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: NOVEMBER 17, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-077/16	ROCKFAY DEVELOPMENT INC	36 CAYUGA AVE	1	Approved
B-078/16	MUHAMMAD ASIF	17 BEN MACHREE DR	1	Refused
A-462/16				Refused
A-463/16				Refused

NEW APPLICATIONS - (MINOR VARIANCE)

A-461/16	TONY RAPOSO	166 HARBORN TR	7	Jan. 19/17
A-464/16	SAMINA MASOOD	6122 DOUGUY BLVD	11	Jan. 19/17
A-465/16	PRASHANT SRIVASTAVA	5424 COLDSPRING WAY	9	Jan. 12/17
A-466/16	E. DEL MEDICO HOLDINGS INC	7300 KIMBEL ST	5	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-227/16	MARIA FINELLI	2222 DOULTON DR	8	Approved
A-371/16	KARL FAY INVESTMENTS LTD.	1484 HURONTARIO ST	1	Dec. 15
A-375/16	MICHELIS INVESTMENTS LTD.	3437 DERRY RD E	5	Jan. 12/17
A-442/16	DR. ADAM MOHAMMED	2380 SPEAKMAN DR	2	Approved

COMMITTEE OF ADJUSTMENT

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

ROCKRAY DEVELOPMENT INC.

on Thursday, November 17, 2016

Rockfay Development Inc. is the owner of 36 Cayuga Avenue being Lot 299, Registered Plan F-12, zoned RM7-5, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 7.63 m (25.03 ft.) and an area of approximately 290.52 m² (3,127.23 ft²). The effect of the application is to create a new lot for residential purposes.

Mr. R. Kossak, of New Age Design, authorized agent, attended and presented the application. Mr. Kossak advised that permission is being requested to sever the existing property and construct semi-detached dwellings. He further advised that a previous Consent application was approved by the Committee; however, the Decision lapsed. Mr. Kossak indicated that the lot sizes and proposed use is consistent with the Zoning By-law and Official Plan.

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 (November 11, 2016),
City of Mississauga, Transportation and Works Department (November 10, 2016),
City of Mississauga, Community Services Department (November 14, 2016),
Region of Peel, Public Works, Development Services Division (November 11, 2016),
Bell Canada (November 4, 2016).

No other persons expressed any interest in the application.

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

The Committee indicated that the condition regarding the easement identified by Bell Canada is to be incorporated into the draft conditions.

The Committee, after considering the submissions put forward by Mr. Kossak, 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 services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 10, 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 November 14, 2016.
6. A letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to their comments dated November 4, 2016.

MOVED BY: D. George

SECONDED BY: J. Robinson

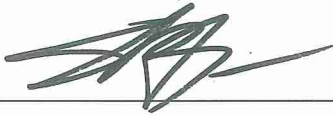
CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on November 24, 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 **DECEMBER 18, 2016**.

Date of mailing is November 28, 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 November 24, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **November 28, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

IN THE MATTER OF AN APPLICATION BY

MUHAMMAD ASIF

on Thursday, November 17, 2016

Muhammad Asif is the owner of 17 Ben Machree Drive being Part of Lots 7 and 8, Registered Plan F-22, zoned R15-2, Residential. The applicant requests the consent of the Committee to the creation of a new lot with a lot frontage of approximately 11.43m (37.50 ft.) and a lot area of approximately 557.43m² (6,000.12sq.ft.). The effect of the application is to create a new lot for residential purposes.

This property is also the subject of Minor Variance application files "A" 462/16 and "A" 463/16 and the matters will be considered concurrently.

Mr. M. Chauhan, authorized agent, attended and presented the application. Mr. Chauhan indicated that the existing lot has a depth of 48.76m (160.00ft.). He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing 22.86m (75.00ft.) lot into two lots. Mr. Chauhan indicated that since the lots will be slightly deficient in lot frontage, two corresponding Minor Variance applications have been submitted to allow a lot frontage of 11.43m (37.50ft.) whereas a minimum of 12.00m (39.37ft.) is required.

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 (November 11, 2016),
City of Mississauga, Transportation and Works Department (November 10, 2016),
City of Mississauga, Community Services Department (November 14, 2016),
Region of Peel, Public Works, Development Services Division (November 11, 2016)
Bell Canada (November 4, 2016),

An e-mail was received from K. and D. Connolly, residents at 22 Ben Machree Drive, expressing opposition to the application and noting their concerns that the proposed lots are too narrow to accommodate a dwelling that will be in character with the neighbourhood. They also expressed concerns regarding removal of mature trees.

An e-mail was received from M. Goodman, resident at 27 Ben Machree Drive, expressing opposition to the application and noting concerns that if the application is approved, it will set a precedence to sever other lots in the area. She indicated that the narrow lots are not in character with the neighbourhood.

An e-mail was received from R. Bernardo, resident at 63 Ben Machree Drive, expressing opposition to the application and noting that narrow lots are not in character with the neighbourhood.

An e-mail was received from J. Maxted, resident at 21 Ben Machree Drive, expressing opposition to the application. She noted that the lots should not be reduced in order to accommodate land and housing speculation. She indicated that the reduced lot frontages are not in character with the neighbourhood.

An e-mail was received from C. Mackie, on behalf of the Cranberry Cove Port Credit Ratepayers' Association expressing opposition to the application and noting that the existing lots on Ben Machree Drive are situated on lots with a width of 15.24m (50.00ft.) or greater. He indicated that narrow lots are not in character with the neighbourhood.

A letter was received from Y. Song, property owner at 8 Maple Avenue South, expressing opposition to the application and noting comments and concerns regarding loss of sunlight, privacy, views, spacing, openness, drainage, traffic and noise. The proposed development is not compatible with the existing development in the neighbourhood.

An e-mail was received from S. and G. Szentesi, property owners at 24 Ben Machree Drive, expressing objection to the application and noting that the proposed lot size is not in character with the area and will affect the streetscape. They noted that if the application is approved, it may set a precedent.

An e-mail was received from G. Menzie, property owner at 15 Maple Avenue South, expressing objection to the application and noting that if the application is approved, it will set a precedent which will ripple through the entire neighbourhood.

A letter was received from I. Marshall, property owner at 26 Ben Machree Drive, expressing objection to the application and noting his concerns that the proposed severance will erode the character and aesthetic of the neighbourhood and set a precedent for future intensification resulting in increased traffic and congestion.

Mr. C. Mackie, a representative of Cranberry Cove Port Credit Ratepayers' Association, attended and expressed objection to the application. Mr. Mackie indicated that the proposed lot frontages are not in character with the remainder of the neighbourhood noting that some of the lot frontages are in excess of 22.86m (75.00ft.). He advised that if the application is approved, it will set a precedent for similar severance applications and erode the parcel fabric of the neighbourhood. Mr. Mackie indicated that the application is de facto an attempt to rezone the property.

Mr. I. Marshall, property owner at 26 Ben Machree Drive, attended and expressed his objection to the application. He indicated that the By-law should be respected and if the application is approved, it will set a precedent for similar severance applications and the character of the neighbourhood will change.

No other persons expressed any interest in the application.

Mr. Chauhan advised that the proposed reduction in the lot frontage is minor. He indicated that the lot areas exceed the requirements of the By-law. Mr. Chauhan indicated that the dwellings to be constructed will meet the character of the neighbourhood. He advised that he believed that there are inconsistencies in the Planning Report with respect to the 120 m test noting that it appears that only one side of the street has been utilized. He noted that there is an apartment building, a triplex and three apartment dwellings in the neighbourhood.

Mr. Chauhan advised that there are two properties south of the subject property, 43 and 45 Ben Machree Drive, with similar lot frontages to what is being proposed. Mr. Chauhan indicated that if the application is approved, two new dwellings will be constructed in character with the neighbourhood. He indicated that the reduction in lot frontage will not be perceptible once the dwellings are constructed.

When asked, Mr. Chauhan 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. Chauhan, the comments received, and the recommended conditions, is not satisfied that the severance is appropriate for the proper and orderly development of the municipality. The Committee indicated that that existing lot fabric in the neighbourhood comprises lots that exceed the By-law minimum requirements. The Committee indicated that the proposed severance deviates from the lot patterning that exists in the neighbourhood.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, as amended, resolves to refuse to grant consent in that the lands are not suitable for the purposes for which it is to be subdivided and the dimensions of the lots are inadequate.

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED


Application Refused.

Dated at the City of Mississauga on November 24, 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 **DECEMBER 18, 2016**.


Date of mailing is November 28, 2016.



S. PATRIZIO (CHAIR)

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 24, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **November 28, 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

MUHAMMAD ASIF

on Thursday, November 17, 2016

Muhammad Asif is the owner of 17 Ben Machree Drive being Part of Lots 7 and 8, Registered Plan F-22, zoned R15-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a new lot (being the "retained" land of Consent Application "B" 78/16) proposing a lot frontage of 11.43m (37.50 ft.); whereas Bylaw 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37 ft.) in this instance.

Mr. M. Chauhan, authorized agent, attended and presented the application. Mr. Chauhan indicated that the existing lot has a depth of 48.76m (160.00ft.). He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing 22.86m (75.00ft.) lot into two lots. Mr. Chauhan indicated that since the lots will be slightly deficient in lot frontage, two corresponding Minor Variance applications have been submitted to allow a lot frontage of 11.43m (37.50ft.) whereas a minimum of 12.00m (39.37ft.) is required.

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

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

"Recommendation

The Planning and Building Department recommends that the Consent and associated Minor Variance applications be refused.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R15-2 (Residential)

Other Applications:

N/A

Comments

Zoning

Comments

Planning

The applicant is proposing to create a new lot for a total of two lots fronting onto Ben Machree Drive. The subject property is designated Residential Low Density I, which means that the policies found within section 16.1.2 of the Official Plan are applicable; the relevant policies are as follows:

"16.1.2.1 To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots created by land division or units or parcels of tied land (POTLs) created by condominium will generally represent the greater of:

a. The average frontage and area of residential lots, units or POTLs on both sides of the same street within 120 m of the subject property. In the case of corner development lots, units or POTLs on both streets within 120 m will be considered; or

b. the requirements of the Zoning By-law.

16.1.2.2 Notwithstanding 16.1.2.1, where the average lot frontage or lot area of residential lots determined pursuant to 16.1.2.1.a is less than the minimum requirements of the zoning by-law, consideration may be given to a minor variance."

Planning staff conducted a study of the lot frontage and lot area for the lands within 120 m (393.70 ft.) of the subject property. The apartment sites on the corner of Lakeshore Road West have been removed for the purpose of this analysis; the data is as follows:

	Lot Frontage	Lot Area
Average with 120m	18.81 m (61.71 ft.)	1043.79 m ² (11235.26 sq. ft.)
Proposed Lots	11.43 m (37.50 ft.)	557.43 m ² (6000.12 sq. ft.)

The proposed lots would be deficient compared to the average lot frontage and lot areas within the study area. Although there are some outliers included in the study area such as 11, 20, and 27 Ben Machree Drive, the proposed lots do not reflect the general character of the street. The proposed lots would be 3.81 m (12.5 ft.) less in frontage and 133.15 m² (1433.21 sq. ft.) less in lot area than the next smallest lots in the area, with many of the deficiencies being even larger.

Staff expanded the analysis to the larger neighbourhood to evaluate the context of the proposed lots more broadly. The lot pattern is relatively consistent throughout the neighbourhood with the smallest lots being approximately the same size as the smallest existing lots within the 120 m test study area. The City of Mississauga Official Plan consistently speaks to ensuring that infill development is compatible with the existing character of the neighbourhood and while new development need not mirror existing development, proposals should be generally consistent with the surrounding area. Planning staff are of the opinion that the proposed lots are too significant a deviation from the existing, relatively consistent, lot pattern of both the immediate and broader areas of the neighbourhood.

As a result, staff are of the opinion that the requested consent does not meet the criteria in Section 51(24) of the *Planning Act*. Subsequently, the requested minor variances for lot frontage reduction are not minor in nature or desirable as they facilitate the creation of lots which are too small to maintain character of the neighbourhood.

Based on the preceding information, Planning Staff recommend that the Consent and associated Minor Variance applications be refused."



MISSISSAUGA

File: "A" 462/16
WARD 1

The City of Mississauga Transportation and Works Department commented as follows (November 10, 2016):

"We are noting for information purpose that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 87/16."

The Region of Peel, Public Works, Development Services Division commented as follows (November 11, 2016):

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. 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. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

An e-mail was received from K. and D. Connolly, residents at 22 Ben Machree Drive, expressing opposition to the application and noting their concerns that the proposed lots are too narrow to accommodate a dwelling that will be in character with the neighbourhood. They also expressed concerns regarding removal of mature trees.

An e-mail was received from M. Goodman, resident at 27 Ben Machree Drive, expressing opposition to the application and noting concerns that if the application is approved, it will set a precedence to sever other lots in the area. She indicated that the narrow lots are not in character with the neighbourhood.

An e-mail was received from R. Bernardo, resident at 63 Ben Machree Drive, expressing opposition to the application and noting that narrow lots are not in character with the neighbourhood.

An e-mail was received from J. Maxted, resident at 21 Ben Machree Drive, expressing opposition to the application. She noted that the lots should not be reduced in order to accommodate land and housing speculation. She indicated that the reduced lot frontages are not in character with the neighbourhood.

An e-mail was received from C. Mackie, on behalf of the Cranberry Cove Port Credit Ratepayers' Association expressing opposition to the application and noting that the existing lots on Ben Machree Drive are situated on lots with a width of 15.24m (50.00ft.) or greater. He indicated that narrow lots are not in character with the neighbourhood.

A letter was received from Y. Song, property owner at 8 Maple Avenue South, expressing opposition to the application and noting comments and concerns regarding loss of sunlight, privacy, views, spacing, openness, drainage, traffic and noise. The proposed development is not compatible with the existing development in the neighbourhood.

An e-mail was received from S. and G. Szentesi, property owners at 24 Ben Machree Drive, expressing objection to the application and noting that the proposed lot size is not in character with the area and will affect the streetscape. They noted that if the application is approved, it may set a precedent.

An e-mail was received from G. Menzie, property owner at 15 Maple Avenue South, expressing objection to the application and noting that if the application is approved, it will set a precedent which will ripple through the entire neighbourhood.



MISSISSAUGA

File: "A" 462/16
WARD 1

A letter was received from I. Marshall, property owner at 26 Ben Machree Drive, expressing objection to the application and noting his concerns that the proposed severance will erode the character and aesthetic of the neighbourhood and set a precedent for future intensification resulting in increased traffic and congestion.

Mr. C. Mackie, a representative of Cranberry Cove Port Credit Ratepayers' Association, attended and expressed objection to the application. Mr. Mackie indicated that the proposed lot frontages are not in character with the remainder of the neighbourhood noting that some of the lot frontages are in excess of 22.86m (75.00ft.). He advised that if the application is approved, it will set a precedent for similar severance applications and erode the parcel fabric of the neighbourhood. Mr. Mackie indicated that the application is de facto an attempt to rezone the property.

Mr. I. Marshall, property owner at 26 Ben Machree Drive, attended and expressed his objection to the application. He indicated that the By-law should be respected and if the application is approved, it will set a precedent for similar severance applications and the character of the neighbourhood will change.

No other persons expressed any interest in the application.

Mr. Chauhan advised that the proposed reduction in the lot frontage is minor. He indicated that the lot areas exceed the requirements of the By-law. Mr. Chauhan indicated that the dwellings to be constructed will meet the character of the neighbourhood. He advised that he believed that there are inconsistencies in the Planning Report with respect to the 120 m test noting that it appears that only one side of the street has been utilized. He noted that there is an apartment building, a triplex and three apartment dwellings in the neighbourhood.

Mr. Chauhan advised that there are two properties south of the subject property, 43 and 45 Ben Machree Drive, with similar lot frontages to what is being proposed. Mr. Chauhan indicated that if the application is approved, two new dwellings will be constructed in character with the neighbourhood. He indicated that the reduction in lot frontage will not be perceptible once the dwellings are constructed.

The Committee, after considering the submissions put forward by Mr. Chauhan and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that that existing lot fabric in the neighbourhood is comprised with lot frontages that exceed the By-law minimum requirements. The Committee indicated that the proposed lot frontage deviates from the lot patterning that exists in the neighbourhood. They advised that the proposal is not in keeping with the Official Plan or the Zoning By-law.

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

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

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

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

Application Refused.

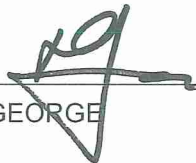
Dated at the City of Mississauga on November 24, 2016.

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 **DECEMBER 14, 2016**.

Date of mailing is November 28, 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 November 24, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MUHAMMAD ASIF

on Thursday, November 17, 2016

Muhammad Asif is the owner of 17 Ben Machree Drive being Part of Lots 7 and 8, Registered Plan F-22, zoned R15-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a new lot (being the "severed" land of Consent Application "B" 78/16) proposing a lot frontage of 11.43m (37.50 ft.); whereas Bylaw 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37 ft.) in this instance.

Mr. M. Chauhan, authorized agent, attended and presented the application. Mr. Chauhan indicated that the existing lot has a depth of 48.76m (160.00ft.). He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing 22.86m (75.00ft.) lot into two lots. Mr. Chauhan indicated that since the lots will be slightly deficient in lot frontage, two corresponding Minor Variance applications have been submitted to allow a lot frontage of 11.43m (37.50ft.) whereas a minimum of 12.00m (39.37ft.) is required.

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

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

"Recommendation

The Planning and Building Department recommends that the Consent and associated Minor Variance applications be refused.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R15-2 (Residential)

Other Applications:

N/A

Comments

Zoning

Comments

Planning

The applicant is proposing to create a new lot for a total of two lots fronting onto Ben Machree Drive. The subject property is designated Residential Low Density I, which means that the policies found within section 16.1.2 of the Official Plan are applicable; the relevant policies are as follows:

"16.1.2.1 To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots created by land division or units or parcels of tied land (POTLs) created by condominium will generally represent the greater of:

a. The average frontage and area of residential lots, units or POTLs on both sides of the same street within 120 m of the subject property. In the case of corner development lots, units or POTLs on both streets within 120 m will be considered; or

b. the requirements of the Zoning By-law.

16.1.2.2 Notwithstanding 16.1.2.1, where the average lot frontage or lot area of residential lots determined pursuant to 16.1.2.1.a is less than the minimum requirements of the zoning by-law, consideration may be given to a minor variance."

Planning staff conducted a study of the lot frontage and lot area for the lands within 120 m (393.70 ft.) of the subject property. The apartment sites on the corner of Lakeshore Road West have been removed for the purpose of this analysis; the data is as follows:

	Lot Frontage	Lot Area
Average with 120m	18.81 m (61.71 ft.)	1043.79 m ² (11235.26 sq. ft.)
Proposed Lots	11.43 m (37.50 ft.)	557.43 m ² (6000.12 sq. ft.)

The proposed lots would be deficient compared to the average lot frontage and lot areas within the study area. Although there are some outliers included in the study area such as 11, 20, and 27 Ben Machree Drive, the proposed lots do not reflect the general character of the street. The proposed lots would be 3.81 m (12.5 ft.) less in frontage and 133.15 m² (1433.21 sq. ft.) less in lot area than the next smallest lots in the area, with many of the deficiencies being even larger.

Staff expanded the analysis to the larger neighbourhood to evaluate the context of the proposed lots more broadly. The lot pattern is relatively consistent throughout the neighbourhood with the smallest lots being approximately the same size as the smallest existing lots within the 120 m test study area. The City of Mississauga Official Plan consistently speaks to ensuring that infill development is compatible with the existing character of the neighbourhood and while new development need not mirror existing development, proposals should be generally consistent with the surrounding area. Planning staff are of the opinion that the proposed lots are too significant a deviation from the existing, relatively consistent, lot pattern of both the immediate and broader areas of the neighbourhood.

As a result, staff are of the opinion that the requested consent does not meet the criteria in Section 51(24) of the *Planning Act*. Subsequently, the requested minor variances for lot frontage reduction are not minor in nature or desirable as they facilitate the creation of lots which are too small to maintain character of the neighbourhood.

Based on the preceding information, Planning Staff recommend that the Consent and associated Minor Variance applications be refused."



MISSISSAUGA

File: "A" 463/16
WARD 1

The City of Mississauga Transportation and Works Department commented as follows (November 10, 2016):

"We are noting for information purpose that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 87/16."

The Region of Peel, Public Works, Development Services Division commented as follows (November 11, 2016):

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. 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. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

An e-mail was received from K. and D. Connolly, residents at 22 Ben Machree Drive, expressing opposition to the application and noting their concerns that the proposed lots are too narrow to accommodate a dwelling that will be in character with the neighbourhood. They also expressed concerns regarding removal of mature trees.

An e-mail was received from M. Goodman, resident at 27 Ben Machree Drive, expressing opposition to the application and noting concerns that if the application is approved, it will set a precedence to sever other lots in the area. She indicated that the narrow lots are not in character with the neighbourhood.

An e-mail was received from R. Bernardo, resident at 63 Ben Machree Drive, expressing opposition to the application and noting that narrow lots are not in character with the neighbourhood.

An e-mail was received from J. Maxted, resident at 21 Ben Machree Drive, expressing opposition to the application. She noted that the lots should not be reduced in order to accommodate land and housing speculation. She indicated that the reduced lot frontages are not in character with the neighbourhood.

An e-mail was received from C. Mackie, on behalf of the Cranberry Cove Port Credit Ratepayers' Association expressing opposition to the application and noting that the existing lots on Ben Machree Drive are situated on lots with a width of 15.24m (50.00ft.) or greater. He indicated that narrow lots are not in character with the neighbourhood.

A letter was received from Y. Song, property owner at 8 Maple Avenue South, expressing opposition to the application and noting comments and concerns regarding loss of sunlight, privacy, views, spacing, openness, drainage, traffic and noise. The proposed development is not compatible with the existing development in the neighbourhood.

An e-mail was received from S. and G. Szentesi, property owners at 24 Ben Machree Drive, expressing objection to the application and noting that the proposed lot size is not in character with the area and will affect the streetscape. They noted that if the application is approved, it may set a precedent.

An e-mail was received from G. Menzie, property owner at 15 Maple Avenue South, expressing objection to the application and noting that if the application is approved, it will set a precedent which will ripple through the entire neighbourhood.

A letter was received from I. Marshall, property owner at 26 Ben Machree Drive, expressing objection to the application and noting his concerns that the proposed severance will erode the character and aesthetic of the neighbourhood and set a precedent for future intensification resulting in increased traffic and congestion.

Mr. C. Mackie, a representative of Cranberry Cove Port Credit Ratepayers' Association, attended and expressed objection to the application. Mr. Mackie indicated that the proposed lot frontages are not in character with the remainder of the neighbourhood noting that some of the lot frontages are in excess of 22.86m (75.00ft.). He advised that if the application is approved, it will set a precedent for similar severance applications and erode the parcel fabric of the neighbourhood. Mr. Mackie indicated that the application is de facto an attempt to rezone the property.

Mr. I. Marshall, property owner at 26 Ben Machree Drive, attended and expressed his objection to the application. He indicated that the By-law should be respected and if the application is approved, it will set a precedent for similar severance applications and the character of the neighbourhood will change.

No other persons expressed any interest in the application.

Mr. Chauhan advised that the proposed reduction in the lot frontage is minor. He indicated that the lot areas exceed the requirements of the By-law. Mr. Chauhan indicated that the dwellings to be constructed will meet the character of the neighbourhood. He advised that he believed that there are inconsistencies in the Planning Report with respect to the 120 m test noting that it appears that only one side of the street has been utilized. He noted that there is an apartment building, a triplex and three apartment dwellings in the neighbourhood.

Mr. Chauhan advised that there are two properties south of the subject property, 43 and 45 Ben Machree Drive, with similar lot frontages to what is being proposed. Mr. Chauhan indicated that if the application is approved, two new dwellings will be constructed in character with the neighbourhood. He indicated that the reduction in lot frontage will not be perceptible once the dwellings are constructed.

The Committee, after considering the submissions put forward by Mr. Chauhan and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that that existing lot fabric in the neighbourhood is comprised with lot frontages that exceed the By-law minimum requirements. The Committee indicated that the proposed lot frontage deviates from the lot patterning that exists in the neighbourhood. They advised that the proposal is not in keeping with the Official Plan or the Zoning By-law.

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

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

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

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

Application Refused,

Dated at the City of Mississauga on November 24, 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 **DECEMBER 14, 2016**.

Date of mailing is November 28, 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 November 24, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

E. DEL MEDICO HOLDINGS INC.

on Thursday, November 17, 2016

E. Del Medico Holdings Inc. is the owner of 7300 Kimbel Street being Block B and Part of Blocks K to M Registered Plan 875, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the existing industrial building to remain proposing:

1. an accessory outdoor storage area having a total gross floor area of approximately 696.69% (26,342.00m²) of the gross floor area - non residential of the building on site; whereas By-law 0225-2007, as amended, requires an accessory outdoor storage area to not exceed 10.00% (378.10m²) of the gross floor area - non residential of the building on site in this instance,
2. an outdoor storage area to be located closer to a street line than the building on site; whereas By-law 0225-2007, as amended, requires outdoor storage to not be located closer to a street line than any building or structure on site in this instance,
3. outdoor storage to be located in the front yard of the subject site; whereas By-law 0225-2007, as amended, does not permit outdoor storage to not be located within the front yard of the subject site in this instance; and,
4. a motor vehicle repair facility - commercial motor vehicle use on the subject lands; whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility - commercial motor vehicle use on site in this instance.

Mr. J. Kenny, authorized agent, attended and presented the application to permit a motor vehicle repair facility – commercial motor vehicle use. He advised that he has been advised that a truck terminal is a permitted use and variances # 1 to 3 are no longer required. He requested that the application be amended accordingly.

The Committee consented to the request.

Mr. Kenny indicated that there are many transportation services and motor vehicle repair uses in the area. He indicated that trucking and freight shipping uses were prevalent. Mr. Kenny presented an aerial photograph and advised that the area to be utilized for repairs abuts a tire and repair company and is buffered by vegetation. He indicated that the rear yard will be utilized for outdoor storage and parking. Mr. Kenny indicated that there will be minimal impact on the adjacent properties.

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

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

"Recommendation

The Planning and Building Department has no objection to variance #4, but the applicant may wish to defer the application in order to verify the need and/or accuracy of variances #1-3.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2

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 variances 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.

Planning

The subject site is located near Torbram Road and Derry Road East, in the Northeast Employment Area. Kimbel Street is characterized by large lots compared to the E2 zoning standards. The area has a variety of manufacturing and industrial buildings and uses.

The application seeks to permit a new commercial motor vehicle repair facility use within the subject property. The subject property is an existing truck terminal.

A new certificate of occupancy is required to confirm variances #1-3. In discussion with the applicant, it became apparent that variances #1-3 may not be required. Staff understands that the application will be amended to remove variances #1-3. A truck terminal is a permitted use in this instance, and outdoor storage is incidental to the use.

Variance #4 requests a commercial motor vehicle repair facility use. The proposed use will be located entirely within the existing building on site, no exterior changes are proposed. The site is located midblock within an area of manufacturing and industrial uses, as well as motor and transport facilities. The property is located within an industrial employment area with adjacent properties in the area also being designated as Business Employment. There are no residential areas or sensitive land uses adjacent to the subject property and in the opinion of Planning Staff there should be no additional impact on adjacent lands from the proposed variance. The Planning and Building Department is of the opinion that the requested variance #4 is minor in nature and maintains the general intent of the Official Plan and Zoning By-law.

The Planning and Building Department has no objection to variance #4, but the applicant may wish to defer the application in order to verify the need and/or accuracy of variances #1-3."

The City of Mississauga Transportation and Works Department commented as follows (November 10, 2016):

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

The Region of Peel, Public Works, Development Services Division commented as follows (November 11, 2016):

"Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit."

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing industrial building to remain proposing a motor vehicle repair facility - commercial motor vehicle use on the subject lands; whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility - commercial motor vehicle use on site in this instance.


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

Application Approved, as amended.

Dated at the City of Mississauga on November 24, 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 **DECEMBER 14, 2016**.


Date of mailing is November 28, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



D. KENNEDY

ABSENT
J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on November 24, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

MARIA FINELLI

on Thursday, November 17, 2016

Maria Finelli is the owner of 2222 Doulton Drive being Part of Lot 1, Plan 331, zoned R1-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a single family dwelling on a lot, being the "retained" lands of Consent applications "B" 62/15 and "B" 63/15, proposing a front yard of 26.00m (85.30ft.) to the dwelling and 24.13m (79.17ft.) to the covered porch; whereas By-law 0225-2007, as amended, requires a minimum front yard of 40.60m (133.20ft.) in this instance.

On June 2, 2016, Ms. A. Beaumont, of W.E. Oughtred & Associates, authorized agent, attended and requested that the application be deferred to address Staff comments.

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant to submit the required Site Plan Approval application.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I, Special Site #1

Zoning By-law 0225-2007

Zoning: R1-5 (Residential)

Other Applications:

Building Permit	File: Required
Site Plan Approval Application	File: Required

Comments

Zoning

Building Permit and Site Plan Approval applications are required and in the absence of a these applications 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. The applicant may wish to apply for the required permits or a Pre-zoning Review application and submit working drawings so that a detailed zoning review may be completed.

Planning

The subject property was divided into three lots as the result of consent applications 'B' 62/15 and 'B' 63/15. Although the consents have not yet been finalized, the applicant is seeking a minor variance to allow a reduction in the required front yard setback for one of the lots.

The subject lands fall within the Sheridan Neighbourhood Special Site #1 Policy area of the Official Plan. Among other provisions, this policy states that "... c. new development will be subject to site plan approval to ensure that site areas, building, landscaping and open space are all satisfactorily designed." While in principle the Department agrees that some reduction in the front yard setback requirement is reasonable given the relative size and proportions of the lot, we recommend that the application be deferred for a Site Plan Approval application to reach a satisfactory stage.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to submit the required Site Plan Approval application."

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

"Information submitted in the Notice of Public Hearing indicates that the applicant is proposing to construct a single family dwelling on a lot which has been identified as the "Retained" lands of Consent Applications 'B' 62 & 63/15. It should be acknowledged that to date none of the requested conditions identified in the Transportation and Works Department comments dated December 3, 2015 have been addressed."

The City of Mississauga Community Services Department, Culture Division commented as follows (May 20, 2016):

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

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation and protection measures.

The Heritage Permit application and review are pending. In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval for the variances."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (May 27, 2016):

"B-062/15 and B-063/16 Consent application condition has not been fulfilled. 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."

A letter was received from E. & J. Krop of 2365 Mississauga Road expressing opposition to the application. They indicated that they objected to the previous severance applications which the applicant at the time stated that no variances would be required. Mr. & Ms. Krop explained in detail that the application is not minor, not an appropriate form of development for the street and neighbourhood as defined in the Mississauga Official Plan and by no way does it meet the intent of the Zoning By-Law. They requested that the Committee refuse the application.

A letter was received from R. Bain of 1735 Blythe Road expressing opposition to the application. Mr. Bain indicated that the requested variance is half the distance of the required front yard setback which is not minor. He indicated that all the other homes on Doulton Drive respect the required front yard setback requirements and permitting the requested variance would be a material change to the existing and long established streetscape. Mr. Bain indicated that the Mississauga Official Plan states that "The quality of the existing neighbourhoods will be protected." Mr. Bain requested that the Committee refuse the application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to July 14, 2016.

On July 14, 2016, Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred briefly explained the history of the subject property which was recently created by way of severance and approved through a decision by the Ontario Municipal Board in 2015. Mr. Oughtred indicated that it was evident during the time the subject lot was being severed that a front yard setback variance was inevitable to allow for the proper development of the property. Mr. Oughtred indicated that a site plan application has been submitted to the Planning & Building Department. Mr. Oughtred also noted that a revised site plan was prepared and submitted to the Committee for review which increased the front yard setback from 19.00m (62.33ft.) to 26.00m (85.30ft.) to the front of the dwelling and 24.30m (79.72ft.) to the covered front porch.

Mr. Oughtred presented a map illustrating the properties along Doulton Drive including the subject property. He explained that the Official Plan policies seek to maintain the existing front yard setbacks along Doulton Drive. Mr. Oughtred highlighted the various setbacks which exist on Doulton Drive and in the immediate area beyond Doulton Drive. He noted that the setbacks vary from 12.00m (39.37ft.) to 24.00m (78.74ft.) and greater. Mr. Oughtred believed that given the very large spacing between the proposed dwelling and the neighbouring dwelling located at 2230 Doulton Drive that there would be no adverse impacts as a result of the large separation combined with the number of mature trees that separate the properties.

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

The City of Mississauga Planning and Building Department commented as follows (July 8, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I, Special Site #1

Zoning By-law 0225-2007

Zoning: R1-5 (Residential)

Other Applications:

Building Permit File: Required
Site Plan Approval Application File: Required

Comments

Zoning

N/A

Planning

The Planning and Building Department previously commented on this application for the June 2nd, 2016 Committee of Adjustment Hearing. Given that no new information is available, our previous comments remain applicable."

The City of Mississauga Transportation and Works Department commented as follows (July 7, 2016):

"Please refer to our comments submitted for the June 2, 2016 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department commented as follows (July 11, 2016):

"The subject property is listed under the Ontario Heritage Act as it forms part of the Mississauga Scenic Route Cultural Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation and protection measures.

In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval for the variances."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (July 8, 2016):

"We have no comments or objections to 'A'-227/16."

An email was received from M. Omar of 2360 Mississauga Road, expressing opposition to the application and requesting that the applicant comply with the Zoning By-law. Mr. Omar does not believe the requested variance to be minor.

Letters were received from N. E. Davidson of Ted Davidson (Consultants) Inc. expressing his professional planning opinion respecting the proposed front yard variance on behalf of J. Deighton of 2230 Doulton Drive. Mr. Davidson indicated that a 53.9% reduction in the front yard setback does not maintain the general intent and purpose of the Official Plan, does not maintain the general intent and purpose of the Zoning By-law; does not represent an appropriate redevelopment of the subject lands in keeping with the character of the surrounding area; and further, that such a substantial reduction in the required front yard is not "minor." Mr. Davidson continues to provide reasoning on his position and identifies concerns with shadowing, loss of privacy, overlook and loss of enjoyment. Mr. Davidson also explains that the proposed variance is not in keeping with the intent of the Doulton Drive Special Policy Area and other policies in the Official Plan that speak to maintaining the existing character of a neighbourhood. Mr. Davidson reiterated his same concerns with respect to the amended application.

A letter was received from R. K. Webb, of Davis Webb LLP Lawyers, representing E. Franceschini, property owner of 2230 Doulton Drive. Mr. Webb indicated that it was brought to his attention that the applicant would be requesting an amendment to their application to increase the front yard setback. Mr. Webb questioned whether or not the Committee can or should deal with an amendment with such short notice. Mr. Webb also noted that their review of the Planning Act did not find a provision that would enable the Committee to consider an amended application. Mr. Webb requested that the Committee deal with the application as originally filed and notified.

An email was received from J. Deighton of 2230 Doulton Drive, expressing opposition to the application. Ms. Deighton indicated that she retained the professional planning services of Ted Davidson Consultants Inc. to provide their expert planning opinion in respect of the subject application. Ms. Deighton shares the concerns and arguments presented by Ted Davidson Consultants Inc. and does not believe that the original or amended front yard setback variance is acceptable.

Ms. J. Deighton, resident of 2230 Doulton Drive, attended and expressed her concerns and objection to the application. Ms. Deighton was concerned that the intent of the Zoning By-law and Official Plan policies established to maintain the character of the neighbourhood were not being met by the application. She indicated that her privacy would be jeopardised by the construction of the new home on the subject property. Ms. Deighton read a letter expressing her concerns and detailing the policies of the Official Plan which were not being respected by the application.

No other persons expressed any interest in the application.

Mr. Oughtred upon hearing the comments of the Planning & Building Department and the Committee requested to proceed with the application. The Committee indicated that they were not comfortable proceeding to make a decision on the application without having received the Site Plan Application comments from the Planning & Building Department to give them comfort with the proposed siting of the dwelling on the subject property.

Mr. Oughtred requested that the application be deferred to allow additional time for the Planning and Building Department to provide their first round of comments on the Site Plan Application.

The Committee consented to the request and deferred the application to August 11, 2016.

On August 11, 2016, Mr. W. Oughtred, authorized agent, attended and requested that the application be deferred to allow the Site Plan Approval application to be reviewed and to obtain the comments.

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

The City of Mississauga Planning and Building Department commented as follows (August 10, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I, Special Site #1

Zoning By-law 0225-2007

Zoning: R1-5 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16/86
Building Permit File: Required

Comments

Zoning

Updated drawings have not been circulated through the Site Plan Approval Application process to date; therefore, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. The variance, as requested, has been reviewed based on the information provided; however, a full zoning review has not been completed.

Planning

The Planning and Building Department previously commented for the June 2, 2016 hearing that the application should be deferred until a Site Plan Approval application was submitted. A Site Plan Approval application has since been submitted; however, there has been a subsequent modification to the application proposing an increased front yard setback, and a review has not been completed for the current proposal. As a result, we continue to recommend that the application be deferred until a full review has been completed and the Site Plan Approval application has reached a satisfactory stage. A second-storey balcony is proposed on the west elevation that, combined with the reduction in front yard requirement will create an overlook condition to the adjacent dwelling. Staff have requested that this condition be removed through the Site Plan review.

The Department continues to maintain the position that some reduction in the required front yard setback is desirable for the appropriate development of the land, given its lot depth relative to others on Doulton Drive. Such a reduction would allow for a reasonable placement of the dwelling on the lot, while providing for a generous front yard condition and a reasonable rear yard.

The intent of the front-yard setback provision is to allow for some transition in building setback along a street in circumstances where there is a variety of building setbacks. The Zoning Administrator advises that were the property at the corner of Doulton Drive and Mississauga Road developed first, the by-law would either require a 12.00 m (39.37 ft.) front yard setback, or if deemed a side yard, a 7.50 m (24.61 ft.) exterior side yard setback. Under such front yard a scenario, an approximate 26 m (85.30 ft.) front yard would be permitted for the subject lands.



File: "A" 227/16
WARD 8

The Planning and Building Department recommends that the application be deferred until the Site Plan Approval application reaches a satisfactory stage."

The City of Mississauga Transportation and Works Department commented as follows (August 4, 2016):

"In our previous comments we had indicated that the information submitted in the Notice of Public Hearing indicated that the applicant was proposing to construct the dwelling on a lot identified as the "Retained" lands of Consent Applications 'B' 62 & 63/15. To date we are advising that the Transportation and Works Department has not issued its clearance for this Consent, however, the applicant has submitted a Preliminary Grading and Servicing Plan which is currently being reviewed. It should also be noted that recently a Site Plan Application, Reference SP-16/086 has been circulated and currently being reviewed by staff.

In view of the above we are advising that any Transportation and Works Department requirements for this property will be addressed through Consent 'B' 62 & 63/15, SP 16/086 and the Building Permit Process."

The City of Mississauga Community Services Department, Culture Division, commented as follows (August 2, 2016):

"The subject property is listed under the Ontario Heritage Act as it forms part of the Mississauga Scenic Route Cultural Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation and protection measures.

A Heritage Permit for demolition of existing structures has been approved for the property. Heritage Planning has no further concerns."

An e-mail was received from E. Crop, property owner at 2365 Mississauga Road, expressing E. and J. Crop's continued opposition to the application, attaching a copy of their original submission. In addition, they noted that they are concerned that the application will be considered before Council receives for its consideration a report of the current 'Review of the Mississauga Scenic Road Policies' which aims to protect the special character of the scenic road.

An e-mail was received from R. Bain & J. Snyder, property owners at 1735 Blythe Road, expressing opposition to the application and noting their concerns that the proposed development is not compatible with the area and does not maintain the intent of the Official Plan or the Special Policy Area. They indicated that the overall image for the entranceway to the Doulton Estates will be diminished if the application is approved.

E-mails were received from M. Omar, property owner at 2360 Mississauga Road, expressing opposition to the application and noting that the request is not minor. He requested that the By-laws be adhered to. He indicated that, as Mississauga Road has its own scenic beauty and heritage and cultural value, violation tolerance should be minimized.

A letter was received from T. Wong, property owner at 2225 Doulton Drive, expressing opposition to the application. He indicated that, as the proposed reduction in front yard does not meet the intent of the Official Plan or the Special Policy Area, the application should be refused. He noted that the policies are aimed at preserving the character of the area, including the substantial front yards, side yards and generous landscaping.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to September 29, 2016.

On September 29, 2016, Mr. W. Oughtred of W.E. Oughtred & Associates Inc., authorized agent attended and advised that the Site Plan Approval application has been submitted; however, they require additional time to review the application. Mr. Oughtred requested that the application be further deferred.

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 recommends that the application be deferred.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I, Special Site #1

Zoning By-law 0225-2007

Zoning: R1-5 (Residential)

Other Applications:

Site Plan Approval File: SPI 16-86
Building Permit File: Required

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application. However, the application was recently submitted and sufficient time has not been provided in order for a full review to be completed and therefore we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Planning

Previously the Department commented that the application should be deferred until an initial round of Site Plan Approval application comments had been received. Given that the first circulation of the Site Plan has not yet been completed, the Department recommends that the application be deferred again to allow for this review to take place."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"As we have previously indicated the subject lot can also be identified as the "Retained" lands of Consent Applications 'B' 62 & 63/15. Acknowledging that to date the Transportation and Works Department has not issued its clearance for this Consent, we are advising that we have been working with the applicant's agent and our conditions/requirements for the Consent Application are close to being addressed/finalized. It should also be noted that Site Plan Application SP-16/086 is also currently being reviewed by staff.



MISSISSAUGA

File: "A" 227/16
WARD 8

In view of the above we are advising that any Transportation and Works Department requirements for this property will be addressed through Consent 'B' 62 & 63/15, SP-16/086 and the Building Permit Process."

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

"B-15-062M and B-15-063M consent application conditions have not been fulfilled.

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 E. Krop, property owner and resident & J. Krop, resident at 2365 Mississauga Road, expressing their continued opposition to the application and noting their concerns. They further noted that the 19m front yard is not compatible with the existing houses in the immediate neighbourhood and is detrimental to the streetscape and character of the neighbourhood and inconsistent with the Provincial Policy Statement.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to November 17, 2016.

On November 17, 2016, Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and advised that the Site Plan Approval application has proceeded to the satisfactory stage.

Mr. Oughtred advised that the subject lot is one of three lots created through the approval of Consent applications "B" 62/15 and "B" 63/15. Mr. Oughtred advised that the Certificates have now been granted. He indicated that the first lot fronts on Mississauga Road, the second lot is the corner lot, and the third lot is the subject lot, which is the "retained" land.

Mr. Oughtred presented a site plan for the Committee's review and consideration. He advised that the properties are zoned R1-5 and where a detached dwelling is to be constructed adjacent to a lot with an existing dwelling, the minimum front yard shall be the distance equal to the front yard of the existing dwelling on the adjacent lot.

Mr. Oughtred advised that the front yard of the dwelling on the adjacent lot, at 2230 Doulton Drive, is 40.60m (133.20ft.).

Mr. Oughtred advised that the minimum front yard is 12.00m (39.37ft.) where there is no dwelling on the adjacent lot. He explained that if a dwelling was to be constructed on the corner lot first, the minimum required front yard would be 12.00m (39.37ft.) for the corner lot.

Mr. Oughtred advised that if a dwelling was to be constructed on the subject lot after the corner lot was developed, the minimum front yard would be the median between the front yard of the corner lot [12.00m (39.37ft.)] and the front yard of the adjacent lot (2230 Doulton Drive) [40.60m (133.20ft.)]. He indicated that the median is 26.00m (85.30ft.). Mr. Oughtred advised that the subject application has been submitted to request a reduction in the front yard of 26.00m (85.30ft.) to the dwelling, 23.54m (77.23ft.) to the front riser, and 24.13m (79.16ft.) to the covered porch. He noted that they originally proposed a front yard of 19.00m (62.33ft.) and have now increased the front yard to 26.00m (85.30ft.). Mr. Oughtred indicated that he believes that the generous front yard was intended to provide a transition area for the dwellings on the street.

Mr. Oughtred presented a preliminary landscape plan and advised that buffering could be provided for the adjacent neighbour by means of privacy screening and plantings. He noted that the distance from the property line to the neighbouring home is approximately 24.65m (80.87ft.).

Mr. Oughtred presented a sketch indicating the buildable area if the front yard was increased to 40.00m (131.23ft.) and advised that the amenity area in the rear yard would be undesirably reduced.

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

The City of Mississauga Planning and Building Department commented as follows (November 15, 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 through the Site Plan Approval application process.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I, Special Site #1

Zoning By-law 0225-2007

Zoning: R1-5 (Residential)

Other Applications:

Site Plan Approval File: SPI 16-86
Building Permit File: Required

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the application, we require more information to verify the accuracy of the requested variance and to determine whether any additional variances will be required. A number of items identified through the Site Plan review have been addressed by the applicant; however, we have not received an updated submission to verify the requests.

Planning

The application has been previously deferred on a number of occasions to allow for a review through the Site Plan Approval process. The application has now progressed to a satisfactory stage.

The general intent of the front yard setback provision is to provide adequate separation distance from dwellings to the street and provide for an appropriate relationship between the homes along the street. In this instance, the zoning for the street requires a 12.0 m (39.37 ft.) front yard setback, or if there are adjacent dwellings, a front yard setback equal to the average of the existing setbacks of adjacent dwellings. As the subject lot is adjacent to another vacant lot, the zoning requires that the subject property provide a 40.6 m (133.2 ft.) front yard setback, which is equivalent to the setback of the adjacent dwelling.



MISSISSAUGA

File: "A" 227/16
WARD 8

It is noted that if construction of the vacant lots on Doulton Drive were staged differently, a variance for front yard setback may not be necessary. If the vacant lot at the corner of Doulton Drive and Mississauga Road were to have developed first, a front yard setback of 12.0 m (39.37 ft.) would be required for that lot. Consequently, the subject property would require a front yard setback of the average of the two adjacent lots, being 26.3 m (83.2 ft). In our view, as there is a scenario where the zoning would accommodate the proposed setback, the intent of the by-law is not to achieve uniform front yard setbacks, but rather to achieve transitions in setback between dwellings along the street.

The subject property was created through Consent applications 'B' 62/15 and 'B' 63/15, which have been finalized. The subject lot is not as deep as the adjacent property on Doulton Drive from which the front yard requirement is derived. Providing a setback that acknowledges the differences in lot sizes and configurations is appropriate in this instance. The requested setback of 26.00 m (85.30 ft.) maintains a generous setback from the street and provides for reasonable front and rear yards on the lot. Although a dwelling could technically be constructed on the subject property without the need for a variance, it is desirable for the appropriate development of the land to site the dwelling in a more central position on the lot; this will allow for a better relationship among the dwellings to be constructed on the vacant lots.

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 through the Site Plan Approval application process."

The City of Mississauga Transportation and Works Department commented as follows (November 10, 2016):

"Further to our previous comments we are advising that this department has provided it's clearance for Consent Applications 'B' 62 & 63/15 on October 26, 2016 and in this regard we have no objections to the applicant's request. We are also noting that any Transportation and Works Department requirements for this property will be addressed through the Building Permit and Site Plan Approval Process."

The Region of Peel, Public Works, Development Services Division commented as follows (November 11, 2016):

"We have no comments or objections."

A letter was received from E. and J. Krop, property owners at 2365 Mississauga Road, expressing objection to the application and noting their comments. They indicated that an estate sized home constructed on the lot will likely result in loss of privacy, views, spacing and openness and the proposed development would be out of character with the neighbourhood. They indicated that the proposed front yard in no way adheres to the Zoning By-law requirements and is detrimental to the streetscape and character of the neighbourhood.

A letter was received from J. Snyder and R. Bain, property owners at 1735 Blythe Road, expressing opposition to the application and advising that the reduce front yard is not in character with the neighbourhood and does not maintain the City's policies nor the intent of the Zoning By-law.

Mr. R. Webb, of Davis Webb LLP, a representative of the Franceschini Estate, adjacent property owners, attended and presented a package for the Committee's review and consideration. He advised that the materials included a detailed opinion prepared by Mr. T. Davidson indicating the proposal fails all four tests of the Minor Variance under the Planning Act.

Mr. Webb advised that the application is not minor in nature. He referred the Committee to review excerpts from the DeGasperis case. Mr. Webb advised that the test of whether the application is "minor" or not is intended to encompass amount and importance. He indicated that the test fails on both accounts as the amount of the front yard reduction from 40.00m (131.23ft.) to 26.00m (85.30ft.) is a reduction of approximately 35.00%. He indicated that the amount is excessive and is not minor in importance.

Mr. Webb referred the Committee to examine the report prepared by Mr. Davidson noting the adverse impacts of the proposed reduction in the front yard including shadowing, loss of privacy, overlook and loss of enjoyment. He indicated that the request is not minor in importance or amount.

Mr. Webb indicated that the proposed development is not in keeping with the character of the neighbourhood and not desirable. He indicated that the variance should be examined as to how it affects the broad public interest as it relates to development of the lot.

Mr. Webb referred the Committee to review a sketch indicating the dwelling front yard setbacks for the houses on Doulton Drive. He indicated that the setbacks are consistent with the requirement. He indicated that there are some small variations but the setbacks are consistent. He indicated that to provide a substantially lesser front yard setback is not in character with the neighbourhood or community.

Mr. Webb referred the Committee to review a sketch illustrating the dwelling shifted back on the lot in compliance with the By-law requirements for the front yard. He indicated that the dwelling and proposed amenity areas can be accommodated on the lot without requiring any relief from the Zoning By-law.

Mr. Webb provided the Committee with a copy of a detailed opinion, dated July 12, 2016, prepared by Mr. T. Davidson, a Professional Planner, indicating that the variance regarding the requested reduced front yard should be refused as there is no valid planning rationale provided for the reduction and indicating that the application fails the four tests respecting minor variance applications as set out in the Planning Act. Mr. Webb indicated that the proposed front yard setback is a significant reduction and does not maintain the intent of the Zoning By-law, the intent of the Official Plan, is not in character with the neighbourhood, and is not minor in nature. Mr. Webb indicated that a second opinion was provided by Mr. T. Davidson, upon consideration of the front yard being increased from 19.00m (62.33ft.) to 26.00m (85.30ft.), and his opinion remains the same.

Mr. Webb also indicated that he has provided the Committee with a copy of the DeGasperis case and advised of the importance of providing a detailed analysis and opinion of the four tests and an explanation of the reasons why they are or are not met.

Mr. Webb advised that the Planning and Building Department report indicates that they have no objection to the requested variance. He indicated that there is no analysis of the four tests and it does not provide evidence required to arrive at the decision on the four tests. Mr. Webb indicated that the reduction in the front yard should be completed by a By-law amendment after a detailed analysis of the site and conditions. He advised that the application fails to satisfy the four tests and should be refused.

Mr. Webb indicated that the Davidson report provides information indicating the adverse impact on the neighbour including an invasion of privacy due to overlook and loss of landscaping. Mr. Webb indicated that the DeGasperis case indicates that the variance sought should be examined to determine whether or not, with respect to size and importance, which includes impact, it was minor.

Mr. Webb advised that he believes that the Zoning By-law has been mis-interpreted. He indicated that the Zoning Section has determined that the minimum front yard for the corner lot would be 12.00m (39.37ft.) if there was no dwelling on the subject lot. Mr. Webb advised that the minimum front yard should be 40.00m (131.23ft.) on the corner lot so that the houses line up as is intended by the Zoning By-law requirement. He indicated that the 40.00m (131.23ft.) setback is clearly what the intent of the By-law and the character of the area requires.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that, upon consultation with the Zoning Administrator, it was determined that a 12.00m (39.37ft.) front yard would be permitted if the corner lot was developed prior to the subject lot.

Mr. Webb indicated that the lots were created through Consent applications that were appealed to the Ontario Municipal Board. The Ontario Municipal Board indicated that the appropriateness of the building envelopes was not a determining factor when approving the Consent applications. The Ontario Municipal Board indicated that when and if variances are sought to the building envelope, the Appellant can participate and make submissions through that process. Mr. Webb indicated that this is the purpose that he is making submissions.

Mr. Webb indicated that the application fails the test of whether it is minor. He indicated that the Committee must consider firstly, the amount of the variance, and secondly, the importance of the request. Mr. Webb indicated that the amount is excessive. He indicated importance has not been considered noting if the setback is reduced, the character of the neighbourhood will not be maintained and this is undesirable. The houses that exist are consistent with the required 40.00m (131.23ft.) setback

Mr. T. Davidson, Planner, attended and indicated that the character of Doulton Drive must be preserved and protected and a generous front yard must be provided to meet the intent of the Official Plan and Special Policy Area. He indicated that the corner lot appears to front on Mississauga Road. Mr. Davidson indicated that if there was an existing dwelling constructed on the corner lot, the dwelling setback in existence when the By-law was passed must be respected. If the dwelling had a 40.00m (131.23ft.) front yard, the setback would have to be maintained. If the dwelling were demolished, the front yard would still require a minimum 40.00m (131.23ft.) setback to comply with the Zoning provisions. He indicated it is a technical matter. Mr. Davidson indicated that by approving the subject application, the corner lot will now require a minimum setback of 26.00m (85.30ft.), necessitating a further variance application. Mr. Davidson indicated that the building envelopes should have been considered when the Consents were considered and granted by the Ontario Municipal Board; however, they were not. He indicated that the character of the area is categorized by the consistent setback of the front yard.

Mr. Kirton, indicated that the Zoning Section has interpreted that the dwelling setback to Doulton Drive will be the same whether the property fronts on Mississauga Road or Doulton Drive. The average setback will still apply.

No other persons expressed any interest in the application.

Mr. Oughtred advised that his interpretation, which was verified by the Zoning Section, is that, if the front yard is determined to be on Mississauga Road, the exterior side yard will be on Doulton Drive and a minimum exterior side yard setback of 7.50m (24.60ft.) would be required. If so, he believes that the median setback would be taken between 7.50m (24.60ft.) and 40.00m (131.23ft.) for the house on the adjoining lot.

Mr. Oughtred indicated that the Zoning Examiner has requested that the variance be reworded to express the porch as an encroachment rather than indicate a setback from the front property line to a porch. He indicated that the porch is located in the same position; it is just a rewording of the request.

The Committee consented to the request.

The Committee, after considering the submissions put forward by Mr. Oughtred 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 there is no evidence of impact and in their opinion, it is more appropriate to situate the dwelling in the centre of the lot rather than further back on the lot as a larger amenity area may be provided. The intent of the front yard is to ensure that sufficient landscape area is provided in the front yard and not that there is a uniform front yard setback but rather a transition between the dwellings. The Committee indicated that the 26.00m (85.30ft.) setback is minor and is proportional to the lot in this instance. The Committee indicated that they were not persuaded that there would be any impacts on privacy due to the reduction in the front yard. The Committee indicated that the front yard setbacks should be respected, not mirrored, and the 26.00m (85.30ft.) setback is generous and respectful.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a single family dwelling on a lot, being the "retained" lands of Consent applications "B" 62/15 and "B" 63/15, proposing:

1. a front yard of 26.00m (85.30ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 40.60m (133.20ft.) in this instance; and,
2. a porch encroachment of 17.06m (55.97ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24ft.) in this instance.

This application is approved as presented subject to the following condition:

1. The applicant shall submit all outstanding deferral fees to the Committee of Adjustment office. All non-certified funds shall be cleared by the respective financial institution prior to this decision being in effect.

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



File: "A" 227/16
WARD 8

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on November 24, 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 **DECEMBER 14, 2016**.

Date of mailing is November 28, 2016.


S. PATRIZIO (CHAIR)


D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on November 24, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

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

IN THE MATTER OF AN APPLICATION BY

DR. ADAM MOHAMMED

on Thursday, November 17, 2016

Dr. Adam Mohammed is the owner of 2380 Speakman Drive being Part of Lot 33 Concession 1 South of Dundas Street, zoned E2-5, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of an education and training facility (seminary) on the subject property providing a total of 81 parking spaces on site including 3 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a total of 139 parking spaces on site including 5 parking spaces for persons with disabilities in this instance.

On November 3, 2016, Mr. N. Dell, authorized agent, attended and requested that the application be deferred to allow the submitted parking utilization study to be reviewed.

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 recommends that the application be deferred to allow time for the review of the Parking Utilization Study.

Background

Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-5 (Employment)

Other Applications:

Building Permit File: 16-810

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 variance or determine whether additional variances will be required. Additional information has been requested related to the Gross Floor Area – Non-Residential calculations as well as the currently available parking supply.

Planning

The Planning and Building Department has recently received a Parking Utilization Study from the applicant, prepared by Beacon Planning Services; however, the study was not submitted in sufficient time to be reviewed prior to the hearing. As a result, we recommend that the application be deferred to allow sufficient time for staff to appropriately evaluate the results of the Parking Utilization Study."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 442/16."

The Region of Peel, Public Works, Development Services Division commented as follows (October 28, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to November 17, 2016.

On November 17, 2016, Mr. N. Dell, authorized agent, attended and advised that the parking study has been reviewed. He advised that he requested that the application be amended to also include a reduction in the aisle width.

The Committee consented to the request.

Mr. Dell advised that the main floor of the building will be utilized for the instruction in the spiritual sciences and Islamic art and religious, with emphasis on Sufism, a mystical dimension of Islam. Mr. Dell indicated that up to 20 participants would occupy the premises. He advised that the second floor of the building would remain unoccupied but is classed as office use for the purposes calculating parking under the Zoning By-law.

Mr. Dell indicated that since the facility is not currently operating, a similar "proxy" site has been utilized for the Study. Mr. Dell indicated that the parking study satisfactorily justifies the requested reduction in parking.

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

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

Recommendation

The Planning and Building Department has no objection to the requested Minor Variance application; however, the applicant may wish to defer the application to submit updated information through the Building Permit application process to verify the accuracy of the requested variance.

Background

Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-5 (Employment)

Other Applications:

Building Permit File: 16-810

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 variance or determine whether additional variances will be required.

Some additional information has been requested to verify the Gross Floor Area (GFA) Non-Residential to ensure that the parking space numbers requested are correct.

Planning

The Planning and Building Department have reviewed a parking study prepared by Beacon Planning Services, dated September 30, 2016, and find that it satisfactorily justifies the requested reduction in parking.

The parking study provided data related to a proxy site in North York that operates in a similar fashion. Although not an identical use, as an operational seminary does not currently exist within the immediate area, staff is of the opinion that the chosen site closely resembles the proposed use enough to be adequate for the purposes of assessing the parking requirements.

Based on the data provided from the proxy site and applied to the subject property, the 81 spaces provided on site would represent approximately double the required peak demand.

Based on the preceding information, the Department is of the opinion that the general intent of the Zoning By-law is maintained and has no objection to the requested variance.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of an education and training facility (seminary) on the subject property providing



MISSISSAUGA

File: "A" 442/16
WARD 2

1. a total of 81 parking spaces on site including 3 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a total of 139 parking spaces on site including 5 parking spaces for persons with disabilities in this instance; and,
2. an aisle width of 6.84m (22.44ft.); whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (22.96ft.) in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on November 24, 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 **DECEMBER 14, 2016**.

Date of mailing is November 28, 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 November 24, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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