

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: October 6, 2016 AT 1:30 P.M.

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

| File | Name of Applicant | Location of Land | Ward | Disposition |
|------|-------------------|------------------|------|-------------|
|------|-------------------|------------------|------|-------------|

NEW APPLICATIONS- (CONSENT)

| | | | | |
|---|-------------------------------|-------------------|---|----------|
| B-067/16 | WOODCHESTER INVESTMENTS LTD. | 2458 DUNDAS ST W | 2 | Approved |
| B-068/16 B-069/16 | ERINWOOD SHOPPING CENTRE INC. | 2400 DUNDAS ST W | 2 | Approved |
| B-070/16 B-071/16 B-072/16 A-405/16 TO A-407/16 | ANN MARIE DULCIE SAWH | 1623 CORMACK CRES | 1 | Nov. 10 |

DEFERRED APPLICATIONS- (CONSENT)

| | | | | |
|----------------------|------------------|----------------------|---|-----------|
| B-053/15 B-054/15 | JADE ESTATES INC | 915 NORTH SERVICE RD | 1 | Withdrawn |
|----------------------|------------------|----------------------|---|-----------|

NEW APPLICATIONS - (MINOR VARIANCE)

| | | | | |
|----------|-----------------------------|------------------------|---|----------|
| A-397/16 | J. W. INVESTMENT | 896 BURNHAMTHORPE RD W | 6 | Oct 27 |
| A-398/16 | 1666426 ONTARIO INC | 914 BURNHAMTHORPE RD W | 6 | Oct 27 |
| A-400/16 | MICHAEL & FRANCES FULLAN | 2412 THORN LODGE DR | 2 | Approved |
| A-401/16 | THINNOX HOLDING CORPORATION | 755 LAKESHORE RD E | 1 | Nov. 10 |
| A-402/16 | DESMOND PIERRE | 992 SILVER BIRCH TR | 2 | Refused |
| A-403/16 | JOHN HEINEMAN | 96 EAGLEWOOD BLVD | 1 | Approved |
| A-404/16 | QUEENSWAY NOODLES LTD | 3485 SEMENYK CRT | 6 | Approved |
| A-408/16 | AMY GIANSANTE | 1099 MEREDITH AVE | 1 | Approved |
| A-409/16 | DAVID BARRINGTON | 6976 HISTORIC TR | 1 | Approved |

DEFERRED APPLICATIONS - (VARIANCE)

| | | | | |
|----------|-------------------------------------|--------------------|---|----------|
| A-318/16 | LINDA PINIZZOTTO | 297 LAKESHORE RD E | 1 | Approved |
| A-340/16 | MISSISSAUGA MUSLIM COMMUNITY CENTRE | 2505 DIXIE RD | 1 | Dec 08 |
| A-351/16 | MARIA MUCCI | 1486 TROTWOOD AVE | 1 | Approved |



COMMITTEE OF ADJUSTMENT

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

- and -

IN THE MATTER OF AN APPLICATION BY

WOODCHESTER INVESTMENTS INC.

on Thursday, October 6, 2016

Woodchester Investments Ltd. is the owner of 2458 Dundas Street West being Part of Lots 33 and 34, Concession 1, SDS, zoned C3-21, Commercial. The applicant requests the consent of the Committee to the establishment of easements for parking, signs, driveways and walkways on the subject property. The effect of the application is to create a new easements for parking, signs, driveways and walkways in favour of the adjacent lands to the east.

Ms. C. Jandu authorized agent, attended and presented the application to create reciprocal easements on the subject site and consent for a long term lease. Ms. Jandu advised Committee that she represents both owners of the property and requested that all three consent applications "B" 067/16 – "B" 069/16 be heard concurrently. The Committee was satisfied with the request. Ms. Jandu presented a site plan for the Committee's review and consideration indicating that approval is being requested to create reciprocal access easements. She advised Committee that the property operates as a single site under two different ownerships and has been in operation since the eighties. Ms. Jandu advised Committee that the access easements requested were technical in nature and that Consent is also being requested for a long term lease over 21 years for the Wendy's restaurant on the property. Ms. Jandu indicated that the Wendy's on site would not be altered and that the applications would allow for the continued operation of the subject property.

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

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 30, 2016),
City of Mississauga, Transportation and Works Department (September 29, 2016),
Pell Region, Public Works, Development Services Section (September 30, 2016)
Bell Canada (September 20, 2016),

No other persons expressed any interest in the application.

When asked, Ms. Jandu indicated that she had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Ms. Jandu, 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.



MISSISSAUGA

File: "B" 67/16
WARD 2

- 2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.

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

Application Approved, on conditions as stated.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 6, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 6, 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 **October 17, 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

ERINWOOD SHOPPING CENTRE INC

on Thursday, October 6, 2016

Erinwood Shopping Centre Inc. is the owner of 2458 Dundas Street West being Part of Lots 33 and 34, Concession 1, SDS, zoned C3-21, Commercial. The applicant requests the consent of the Committee to the establishment of easements for parking, signs, driveways and walkways on the subject property. The effect of the application is to create a new easements for parking, signs, driveways and walkways in favour of the adjacent lands to the east.

Ms. C. Jandu authorized agent, attended and presented the application to create reciprocal easements on the subject site and consent for a long term lease. Ms. Jandu advised Committee that she represents both owners of the property and requested that all three consent applications "B" 067/16 – "B" 069/16 be heard concurrently. The Committee was satisfied with the request. Ms. Jandu presented a site plan for the Committee's review and consideration indicating that approval is being requested to create reciprocal access easements. She advised Committee that the property operates as a single site under two different ownerships and has been in operation since the eighties. Ms. Jandu advised Committee that the access easements requested were technical in nature and that Consent is also being requested for a long term lease over 21 years for the Wendy's restaurant on the property. Ms. Jandu indicated that the Wendy's on site would not be altered and that the applications would allow for the continued operation of the subject property.

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

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 30, 2016),
City of Mississauga, Transportation and Works Department (September 29, 2016),
Pell Region, Public Works, Development Services Section (September 30, 2016),
Bell Canada (September 20, 2016),

No other persons expressed any interest in the application.

When asked, Ms. Jandu indicated that she had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Ms. Jandu, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.

MOVED BY: P. Quinn

SECONDED BY: D. George

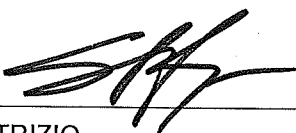
CARRIED

Application Approved, on conditions as stated.


Dated at the City of Mississauga on October 13, 2016.

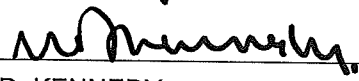
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 6, 2016**.

Date of mailing is October 17, 2016.



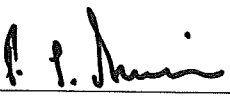
S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

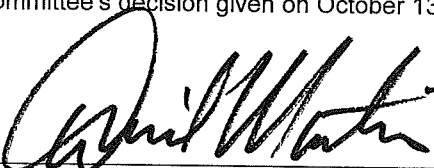
D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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 **October 17, 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
ERINWOOD SHOPPING CENTRE INC.

on Thursday, October 6, 2016

Erinwood Shopping Centre Inc. is the owner of 2400 Dundas Street West being Part of Lots 33 and 34 Concession 1, SDS, zoned C3-21, Commercial. The applicant requests the consent of the Committee to permit a long term lease in excess of 21 years for a portion of the subject lands. The effect of the application is to permit a long term lease for commercial purposes for Wendy's Restaurants of Canada Inc.

Ms. C. Jandu authorized agent, attended and presented the application to create reciprocal easements on the subject site and consent for a long term lease. Ms. Jandu advised Committee that she represents both owners of the property and requested that all three consent applications "B" 067/16 – "B" 069/16 be heard concurrently. The Committee was satisfied with the request. Ms. Jandu presented a site plan for the Committee's review and consideration indicating that approval is being requested to create reciprocal access easements. She advised Committee that the property operates as a single site under two different ownerships and has been in operation since the eighties. Ms. Jandu advised Committee that the access easements requested were technical in nature and that Consent is also being requested for a long term lease over 21 years for the Wendy's restaurant on the property. Ms. Jandu indicated that the Wendy's on site would not be altered and that the applications would allow for the continued operation of the subject property.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 30, 2016),
City of Mississauga, Transportation and Works Department (September 29, 2016),
Pell Region, Public Works, Development Services Section (September 30, 2016),
Bell Canada (September 20, 2016),

No other persons expressed any interest in the application.

When asked, Ms. Jandu indicated that she had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Ms. Jandu, 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.



MISSISSAUGA

File: "B" 69/16
WARD 2

2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 30, 2016.

MOVED BY: P. Quinn

SECONDED BY: D. George

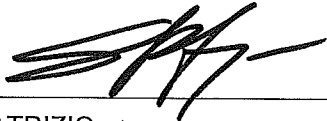
CARRIED

Application Approved, on conditions as stated.

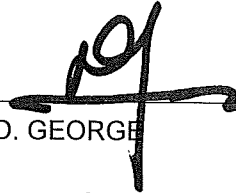
Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 6, 2016**.

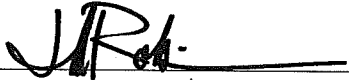
Date of mailing is October 17, 2016.



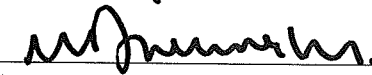
S. PATRIZIO



D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



J. PAGE

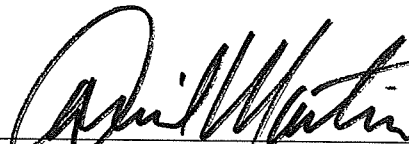


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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 **October 17, 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

MICHAEL & FRANCES FULLAN

on Thursday, October 6, 2016

Michael & Frances Fullan are the owners of 2412 Thorn Lodge Drive being Lot 10, Registered Plan 469, zoned R1-34, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway and walkways to remain proposing:

1. a driveway width of 10.02m (32.87ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 7.49m (24.57ft.) in this instance,
2. a combined driveway access width of 8.81m (28.90ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway combined access width of 8.50m (27.88ft.) in this instance; and,
3. two (2) walkway width attachments to a driveway of 1.96m (6.43ft.) and 3.14m (10.30ft.); whereas y-law 0225-2007, as amended, permits one (1) walkway attachment to a driveway having a width of 1.50m (4.92ft.) in this instance.

Ms. L. Rujenko, authorized agent, attended and presented the application to allow for the existing walkway and driveway to remain in the front yard of the property. She indicated that the required variances were not identified until after the final building permit inspection and that the variances were required prior to final sign off of the building permit. Ms. Rujenko presented a site plan displaying the house on the property and the various areas that required variances. Ms. Rujenko advised committee that the attached walkway tapered down in width as it extended out from the driveway to the home and that all the variances are minor in nature for the existing dwelling as it has been in existence for three years.

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

The City of Mississauga Planning and Building Department commented as follows (September 30, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-34 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. A full zoning review has not been completed and as a result we are unable to verify the accuracy of the requested variances or determine whether any additional variances will be required.

Planning

The applicant is requesting three variances related to the driveway and walkway attachments in the front yard of the subject property. The requested width of access points is a relatively small increase of 0.31 m (1.02 ft.) beyond what the Zoning By-law permits. The department is of the opinion that the increased width of access points is minor and will not create noticeable visual impacts on the streetscape.

The requested increase in overall width is located at the point on the driveway where the two access points merge and is not a consistent width increase along any other portion of the driveway. The larger area of hard surfaced area is well screened by mature vegetation in the front yard between the two access points. The increased width should not create a significant change in the front yard condition and adequate landscaped area is still provided on site.

The applicant is proposing two walkway connections on one side of the driveway and although both are beyond the permitted width, the larger one narrows and the other one is adjacent to the home and in a location where any impacts are minimized. The proposed walkways are proportional to the driveway, home and lot and do not create a significant impact of additional hard surfaced area or allow for additional parking.

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

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

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

The Credit Valley Conservation commented as follows (September 21, 2016):

"The requested minor variance related to the driveway and walkway does not impact the Authority's interests. As such, CVC has no concerns and no objection to the approval of this minor variance by the Committee at this time."

Mr. F. Frisina, property owner of 2393 Thorn Lodge Drive, attended and indicated that he lived across the street from the applicant and that he had no objections to the proposed minor variance.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Rojenko and having reviewed the plans and comments received from City staff and the neighbour, is satisfied that the request is desirable for the appropriate further development of the subject property.



MISSISSAUGA

File: "A" 400/16
WARD 2

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

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

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

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

| | | | | |
|-----------|-------------|--------------|-------------|---------|
| MOVED BY: | S. Patrizio | SECONDED BY: | R. Reynolds | CARRIED |
|-----------|-------------|--------------|-------------|---------|



MISSISSAUGA

File: "A" 400/16
WARD 2

Application Approved, on condition as stated.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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

DESMOND PIERRE

on Thursday, October 6, 2016

Desmond Pierre is the owner of 992 Silver Birch Trail being Lot 17, Registered Plan M-846, zoned R4-24, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a width of 10.50m (34.44ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. D. Pierre, owner of the subject property, attended and presented the application to allow the existing driveway to remain having a width of 10.50m (34.44ft.). He advised that they park 4 cars in the driveway.

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

The City of Mississauga Planning and Building Department commented as follows (September 30, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R4-24 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. A full zoning review has not been completed and based on the information provided with this application, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. It is unclear whether there is sufficient soft landscaped area provided in the front yard.

Planning

The subject property appears to have a frontage of larger than 18.00 m (59.06 ft.) and as a result the Zoning By-law permits a maximum driveway width of 10.50 m (34.45 ft.) for the first 6.00 m (19.69 ft.) in front of the garage. The existing driveway is almost wholly compliant with the Zoning By-law provisions, with the exception of a small sliver that extends beyond the 6.00 m (19.69 ft.) mark on the northerly side of the property. Although the requested variance appears to be significant, the area on site which it actually represents is relatively small. The increase in permitted driveway width for the small portion of the driveway that is beyond 6.00 m (19.69 ft.) from the driveway will not have a significant visual impact beyond what the Zoning By-law permits as of a right.

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

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

"Enclosed for Committee's easy reference are some photos which depict the existing driveway."

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

"I have re-visited the property at 992 Silver Birch Trail and taken some photos which depict how the 4 vehicles are currently being parked on this property. I acknowledge that the zoning by-law may permit the proposed driveway width as a right, however it is also evident that there may be access related concerns with the ingress and egress vehicular movements from this property as it is a corner lot with a municipal sidewalk across the frontage. It should also be noted that there is a 2 car garage on this property however the applicant has indicated in the information submitted with this application that the one car is parked inside the garage is rarely driven and the other space is not functional because of a "Cement bathroom foundation". Perhaps some consideration should be made towards making at least one of the parking spaces inside the garage functional in order that one of the vehicles currently being parked on the existing driveway/front lawn can be removed."

Mr. J. Wang and Ms. R. Fang, owners of 908 Silver Birch Trail, submitted a letter of objection regarding the application noting concerns with the amount of cars that are parked on the driveway at any given time.

A letter was received from Mr. M. Callen indicating his support of the application.

A letter was received from Mr. T. Nturlias indicating his support of the application.

A letter was submitted from Mr. M. Swalwell, a representative of the Owenwood Rate Payers Association indicating their concerns with the application regarding the excessive driveway width.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Pierre and having reviewed the plans and comments received from City staff and the area neighbours, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the driveway in this configuration with parking of 4 vehicles side by side is not appropriate or with in the intent of the Official Plan or Zoning by-law. The Committee noted that the by-law requirements are in place to restrict this specific type of driveway configuration.



MISSISSAUGA

File: "A" 402/16
WARD 2

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.

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| MOVED BY: | D. George | SECONDED BY: | J. Page | CARRIED |
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Application Refused.

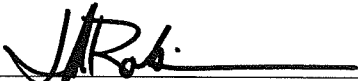
Dated at the City of Mississauga on October 13, 2016.


THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)



D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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

JOHN HEINEMAN

on Thursday, October 6, 2016

John Heineman is the owner of 96 Eaglewood Boulevard being Lot 156, Registered Plan C-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. a total gross floor area - infill residential of 325.00m² (3,498.38sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 307.24m² (3,307.21sq.ft.) in this instance,
2. an exterior side yard of 4.43m (14.53ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. a height to the underside of eaves of 6.54m (21.45ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance,
4. a front yard to the proposed porch of 3.36m (11.02ft.); whereas By-law 0225-2007, as amended, permits a porch having a front yard of 4.40m (14.43ft.) in this instance; and,
5. an existing lot frontage of 15.50m (50.85ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft.) in this instance.

Mr. J. DeBrun, authorized agent, attended and presented the application to permit reduced setbacks and increased gross floor area to the proposed dwelling and reduced lot size. Mr. DeBrun presented a site plan to the Committee the required variances. He advised Committee that the variances were required due to the undersized lot. He also indicated that he wished to amend variance #4 to reflect the encroachment of the porch on the exterior side yard and not the front yard as was requested in the notice.

The Committee was satisfied to amend the application, as requested.

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

The City of Mississauga Planning and Building Department commented as follows (October 5, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated drawings through the Site Plan Approval process to ensure that all variances have been accurately identified, particularly any variances related to the proposed porch in the exterior side yard.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16/53

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. There has not been an updated resubmission of the Site Plan since May 30, 2016.

Planning

The applicant is proposing to construct a new two storey dwelling on the subject property. The lot is a corner lot with a deficient frontage of 15.50 m (50.85 ft.) as requested in variance #5.

The applicant is requesting four additional variances dealing with the construction of the dwelling. The proposed increase in Gross Floor Area (GFA) of 17.76 m² (191.17 sq. ft.) beyond what the Zoning By-law permits is a relatively minor increase in overall GFA relative to the permitted dwelling size of 307.24 m² (3307.21 sq. ft.). The additional GFA should not increase the massing of the dwelling a significant amount to the point where it negatively impacts the character of the neighbourhood or imposes on the streetscape.

The requested reduction in the required exterior side yard of 1.57 m (16.90 ft.) is consistent with the setbacks provided on other corner lots within the immediate area. The corner lots in this neighbourhood are generally the same size as the interior lots and the additional required exterior side yard setback make developing within the building envelope challenging when the lot is already undersized. The dwelling will still be adequately separated and should not impose on the street.

The height to the underside of the eaves is measured from the average grade on the property, which in this case is slightly lower than the finished grade of both sides of the dwelling that front onto the adjacent streets. The appearance of the dwelling from the street would be that of one which would comply with the eave height regulations. Further, the requested increase of 0.14 m (0.46 ft.) is relatively minor and would have no noticeable negative impacts.

With regards to requested variance #4, although more information is required to verify the accuracy of the variance through the Site Plan Approval application, it appears that the request is incorrect. The frontage of a corner lot is considered to be the shorter of the two sides of the lot and as a result the proposed porch is in the exterior side yard rather than the front yard. Based on the plans submitted with the Committee of Adjustment application it is unclear what the correct value for the exterior side yard setback should be and the applicant may wish to defer the application to verify the request.



MISSISSAUGA

File: "A" 403/16
WARD 1

Based on the preceding information, the Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated drawings through the Site Plan Approval process to ensure that all variances have been accurately identified, particularly any variances related to the proposed porch in the exterior side yard."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/053. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. J. DeBrun and having reviewed the plans and comments received from City staff, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the subject corner lot is a smaller lot and the dwelling has been design in character with the neighbourhood and also trying to have regard for the setback requirements in the by-law.

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

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

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

1. a total gross floor area - infill residential of 325.00m² (3,498.38sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 307.24m² (3,307.21sq.ft.) in this instance,
2. an exterior side yard of 4.43m (14.53ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. a height to the underside of eaves of 6.54m (21.45ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the undrside of eaves of 6.40m (20.99ft.) in this instance,
4. an exterior side yard to the proposed porch, inclusive of stairs, of 3.36m (11.02ft.); whereas By-law 0225-2007, as amended, permits a porch, inclusive of stairs, having a exterior side yard of 4.40m (14.43ft.) in this instance; and,
5. an existing lot frontage of 15.50m (50.85ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (63.97ft.) in this instance.

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

File: "A" 403/16
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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

QUEENSWAY NOODLES LTD.

on Thursday, October 6, 2016

Queensway Noodles Ltd. is the owner of 3485 Semenyk Court being Block 1, Registered Plan M-904, zoned E2-16, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a food manufacturing, retail use and restaurant use on the subject property proposing a total of 35 parking spaces on site for all uses; whereas By-law 0225-2007; as amended, makes no provisions for a retail use on site and requires a total of 137 parking spaces on site for the manufacturing use, restaurant use and retail use in this instance.

Mr. S. O'Reilly, authorized agent, attended and presented the application to permit the establishment of a restaurant use with accessory retail sales within the subject building on the subject property. Mr. O'Reilly indicated that Queensway Noodles Ltd. are the owners of the building next door and is currently operating as a food manufacturing unit with ancillary restaurant and retail food sales. He advised that the owners propose to move their takeout restaurant and retail sales functions into the subject building thereby expanding the manufacturing operation in the neighboring building. Mr. O'Reilly presented a floor plan of the subject building and indicated that the proposed layout of the subject building would be similar to the current operation in the neighboring building. He indicated that the parking variance was required due to the By-law including the entire building in calculating the required parking for a restaurant; however, Mr. O'Reilly indicated that the restaurant use only comprised of a small portion of the total gross floor area and therefore extra parking would not be needed in this instance. He noted a parking study has been submitted and was supported by Planning staff.

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

The City of Mississauga Planning and Building Department commented as follows (October 5, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, subject to the condition and as amended, but the applicant may wish to defer the application in order to submit a certificate of occupancy application to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-16

Other Applications:

Site Plan application: SP 16-92

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SP 16-92. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

An additional variance for accessible parking spaces is required.

A total of 2 (two) accessible parking space be provided on site; whereas Bylaw 0225-2007, as amended, requires 6 (six) accessible parking spaces to be provided on site in this instance.

Planning

The subject site is located at the corner of Semenyk Crt and Central Parkway W, near Erindale Station Rd and Burnhamthorpe Rd W. Semenyk Crt is a small street of uniform lots and buildings with a variety of industrial and business employment uses.

The applicant's current operation is located in a facility directly adjacent to this property. They are expanding their business. The application proposes that the current location at 3475 Semenyk Court be used exclusively for food preparation and that the current restaurant, catering, and office functions be relocated to the subject site.

In employment zones, accessory retail is permitted up to 20% of the total gross floor area of a facility, however it is required to be located within the same unit as the principal use. In this instance, it is not viewed as accessory retail since it is located on an adjacent lot. In the opinion of the Planning and Building Department the retail use functions similarly to an accessory to the principal manufacturing business, and is therefore maintains the general intent of the zoning by-law and is minor in nature.

In addition, a parking study was submitted and reviewed by staff. A survey of parking at the existing location was completed over five business days. The restaurant is not open on the weekends. The study satisfactorily justifies the reduction in parking. Staff recommends the following condition:

That the space allocated to restaurant and retail/wholesale uses be restricted to a maximum of 300 square metres.

As Zoning has stated above, an additional variance for accessible parking is required. The reduction in accessible parking spaces is consistent with the rate of reduction for overall parking. In our opinion, the variance is considered minor.

Based on the preceding, the Planning and Building Department has no objection to the application, subject to the condition and as amended, but the applicant may wish to defer



MISSISSAUGA

File: "A" 404/16
WARD 6

the application in order to submit a certificate of occupancy application to verify the accuracy of the requested variances."

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

"Based on the information submitted with this application, in particular the Parking Utilization Study prepared by Beacon Planning Services dated August 30, 2016, this department has no objections to the applicant's request."

A letter was received from Mr. J. Giglio, property owner at 3464 Semenyk Court, indicating his support for the application.

A letter was received from A. Menecola of Mencor Developments, property owners at 3465 Semenyk Court, indicating their support for the application.

No other persons expressed any interest in the application.

The Committee advised the applicant that Planning Staff identified a variance for (6) six accessibility parking stalls on site whereas the applicant provided (2) two.

Mr. O'Reilly, having heard the Planning and Building Department and Committee's comments requested the application be amended to request a reduction in parking spaces for persons with disabilities in accordance with their recommendations.

The Committee consented to the requested amendment and, after considering the submissions put forward by Mr. O'Reilly and having reviewed the plans and comments received from City staff and adjacent property owners in support of the application, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the existing restaurant and retail located on the adjacent property has operated with minimal parking issues and the proposed new location will actually provide more parking than the existing site. They also advised that the parking study was supported by Planning staff.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit;

1. the establishment of a food manufacturing, retail use and restaurant use on the subject property; whereas By-law 0225-2007; as amended, makes no provisions for a retail use in this instance,
2. a total of thirty five (35) parking spaces on site for all uses; whereas By-law 0225-2007; as amended, requires a total of 137 parking spaces on site for the manufacturing use, restaurant use and retail use in this instance; and,
3. two (2) parking spaces for persons with disabilities to be provided on site; whereas By-law 0225-2007, as amended, requires six (6) parking spaces for persons with disabilities on site in this instance.

This decision is subject to the following condition:

1. The proposed restaurant and retail/wholesale use shall be restricted to a maximum of 300.00m² (3229.27sq.ft.).

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| MOVED BY: | S. Patrizio | SECONDED BY: | J. Page | CARRIED |
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MISSISSAUGA

File: "A" 404/16
WARD 6

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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

AMY GIANSANTE

on Thursday, October 6, 2016

Amy Giansante is the owner of 1099 Meredith Avenue being Lot 29, Registered Plan D-19, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. a side yard of 0.55m (1.80ft.) to existing first storey and proposed second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance,
2. a front yard to the existing first storey and proposed second storey of 5.78m (18.96ft.); whereas By-law 0225-2007, as amended; requires a minimum front yard of 6.00m (19.68ft.) in this instance; and,
3. a front porch encroachment of 3.55m (11.64ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24ft.) into the required front yard in this instance.

Mr. R. Foote, authorized agent, attended and presented the application to permit the construction of a second storey addition to the existing dwelling. Mr. Foote presented a site plan for the Committee's review and noted that the existing building footprint was being maintained; however, the proposed second storey addition triggered the need for variances. He indicated that the reasoning for the second storey addition was due to the house being damaged by fire.

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

The City of Mississauga Planning and Building Department commented as follows (September 30, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: 16-2340

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 the following variance should be amended:

"2) a front yard to the existing first storey and proposed second storey of 5.78 m (18.96 ft.); whereas By-law 0225-2007, as amended requires a minimum front yard of 7.5 m (24.61 ft.) in this instance."

Planning

The applicant is proposing to construct a second storey addition on top of the existing building footprint, which would match the currently existing setbacks. Requested variances #1 and #2, as amended, represent existing conditions to the first storey of the dwelling. The existing dwelling is a modest sized bungalow, which is characteristic of the neighbourhood along with modest two storey and split storey dwellings.

Maintaining the existing front yard setback to the second storey should not create any additional massing impacts on the streetscape; there are two existing mature trees in the front yard which help to screen the dwelling and will mitigate any visual impacts of a second storey located closer to the street.

The existing interior side yard setback, although relatively small at 0.55 m (1.80 ft.), does not result in a significant appearance of massing from a streetscape perspective as a result of the general dwelling orientation along the street. Many of the dwellings provide a small side yard on one side with a generous side yard and driveway on the other side which adds additional separation distance between the dwellings and mitigates the impacts of the reduced side yard. The larger side yard setback on the other side easily provides for access to the rear yard. The Planning and Building Department is of the opinion that maintaining the existing first storey reduced setback to the second storey is appropriate and would not negatively impact neighbouring properties.

Regarding variance #3, the existing covered porch is to be removed and replaced on the existing foundation. The permissible encroachment of the front porch is measured from the required setback rather than the main wall of the dwelling. Given that the existing front wall of the dwelling is non-compliant with the current Zoning By-law regulations, the porch encroachment variance will appear to be larger than the actual porch located on site. The proposed porch is proportional to the dwelling and modest in size. The Department is of the opinion that the intent of the Zoning By-law is maintained in this instance.

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

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

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

No other persons expressed any interest in the application.

Mr. Foote, after hearing the comments of the Planning Department and the Committee requested the application be amended in accordance with their recommendations.



The Committee consented to the requested amendment and, after considering the submissions put forward by Mr. Foote and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the modest addition is on the existing footprint of the dwelling and there are other homes in the neighbourhood with similar setbacks as being requested in the subject application.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition to the existing dwelling proposing:

1. a side yard of 0.55m (1.80ft.) to the existing first storey and proposed second storey; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance,
2. a front yard to the existing first storey and proposed second storey of 5.78m (18.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60ft.) in this instance; and,
3. a front porch encroachment of 3.55m (11.64ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (5.24ft.) into the required front yard in this instance.


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|-----------|----------|--------------|-------------|---------|
| MOVED BY: | P. Quinn | SECONDED BY: | S. Patrizio | CARRIED |
|-----------|----------|--------------|-------------|---------|

Application Approved, as amended.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.



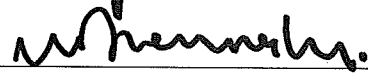
S. PATRIZIO



D. GEORGE



J. ROBINSON (CHAIR)



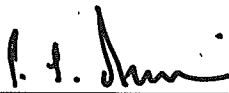
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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.



MISSISSAUGA

File: "A" 409/16
WARD 11

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

DAVID BARRINGTON

on Thursday, October 6, 2016

David Barrington is the owner of 6976 Historic Trail being Lot 1, Registered Plan M-1259, zoned R8, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. a 3.75m (12.30ft.) setback to lands zoned G2, Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum 5.00m (16.40ft.) setback to lands zoned G2, Greenbelt in this instance,
2. a combined width of side yards of 6.40m (20.99ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.65m (21.81ft.) in this instance; and,
3. an existing shed located in the side yard having a side yard of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) in this instance.

Ms. S. Barrington, owner of the subject lands, attended and presented the application to permit the construction of a second storey addition to the existing dwelling and well as to permit existing shed located on the side yard of her property. Ms. Barrington advised the Committee of the variances she requested and noted that she believes they are minor in nature. With respect to the shed in her side yard, Ms. Barrington advised that her neighbor has a similar shed in their side yard and that no complaints have been made in respect to her shed.

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

The City of Mississauga Planning and Building Department commented as follows (October 5, 2016):

"Recommendation

The Planning and Building Department has no objection to variances #1 and #2, as amended, and recommends that variance #3 be refused. Further, the applicant may wish to defer the application in order to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007



Zoning: R8

Other Applications:

Comments

Zoning

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

Variance #2 should be amended:

a combined width of side yard of 6.40m (20.99ft.); whereas by-law 0225-2007, as amended, requires a combined width of side yard of 9.58m (31.43ft.).

Planning

The subject site is located near Old Derry Rd W and 2nd Line W, south of the Meadowvale Village Heritage Conservation District. The subject property is a double lot directly adjacent to greenbelt lands and single detached dwellings. It is the only one storey dwelling located on the street of two storey dwellings.

The proposal is for a second storey addition to be located in one portion of the rear. It will be located behind the garage and above an existing ground floor level room. The addition will not be visible from the street; new windows and doors face the side and rear.

The application requests reduced setback to greenbelt lands, reduced width of combined sideyards, and for an accessory structure located at the lot line.

Variance #1 seeks to reduce the required setback to greenbelt lands. The proposed addition is located on the existing footprint and the reduced setback is an existing condition. This Department relies on the expertise of the Credit Valley Conservation Authority's regarding appropriate setbacks to natural hazards and features. In this instance, CVC has issued a permit that was included with the application. In our opinion, the variance is minor in nature.

Variance #2 seeks to reduce the minimum combined side yard width. The proposed addition is a second floor addition which requires increased combined side yard width. In this instance, the front elevation remains unchanged. The addition is only visible from the rear and side of the dwelling. The overall height of a one storey dwelling is visible from the street. In our opinion, the general intent of the zoning by-law is maintained.

Variance #3 seeks to allow an existing shed to remain with no setback from the side property line. The lot is sufficiently large that the accessory structure could be relocated. We are unable to support variance as providing no setback does not maintain the intent of the zoning by-law.

Based on the preceding, the Planning and Building Department has no objection to variances #1 and #2, as amended, and recommends that variance #3 be refused. Further, the applicant may wish to defer the application in order to verify the accuracy of the requested variances."

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

"This department has no objections to the applicant's request to permit the construction of a second storey addition to the existing dwelling and also to permit the existing shed located in the side yard to remain."

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

"The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advise as follows:

Should the application be approved, this Department notes the following:

1. The Community Services Department has no objection to the application.
2. City of Mississauga greenbelt abuts the side yard of the applicant's property.
3. Construction access from the greenbelt and side yard of the property is not permitted.
4. Stockpiling of construction materials in the adjacent greenbelt is not permitted."

The Credit Valley Conservation commented as follows (October 3, 2016):

"The proposed structure is setback adequately from the adjacent floodplain associated with the Credit River. As such, CVC has no objection to the approval of this application by the Committee at this time.

Be advised, a permit from CVC is required for the works as proposed."

Ms. Barrington, after hearing the comments of the Committee and Planning staff, requested the application be amended in accordance with their recommendations.

No other persons expressed any interest in the application.

The Committee consented to the requested amendment and, after considering the submissions put forward by Ms. Barrington and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the proposed addition is screened from the street and there will be no impact the streetscape in this instance. They further noted that the modest shed in the side yard is appropriate in this instance and is similar to the neighbour which is also located in the side yard. They noted access to the rear yard could be achieved from the opposite side of the dwelling.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request permit the construction of a second storey addition to the existing dwelling proposing

1. a 3.75m (12.30ft.) setback to lands zoned G2, Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum 5.00m (16.40ft.) setback to lands zoned G2, Greenbelt in this instance,



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WARD 11

- 2. a combined width of side yards of 6.40m (20.99 ft.); whereas By-law 0225-2007, as amended, requires a combined width of side yards of 9.58 m (31.43 ft.) in this instance; and,
- 3. an existing shed located in the side yard having a side yard of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) in this instance.


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

Application Approved, as amended.


Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.



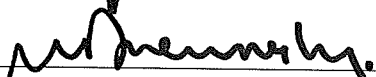
 S. PATRIZIO



 D. GEORGE



 J. ROBINSON (CHAIR)




 D. KENNEDY



 J. PAGE



 D. REYNOLDS



 P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 2016.



 DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

LINDA PINIZZOTTO

on Thursday, October 6, 2016

Linda Pinizzotto is the owner of 297 Lakeshore Road East being Part of Lot 138, Registered Plan H-21, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a Real Estate Office on the subject property proposing to provide:

1. one (1) parking space on site; whereas By-law 0225-2007, as amended, requires twelve (12) parking spaces to be provided on site in this instance,
2. no driveway aisle on site; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance.

On August 4, 2016, Mr. W.E Oughtred, a representative of the property owner, attended and advised that they are requesting relief from the parking requirements to allow a boutique real estate office to operate from the ground floor of the subject property. He indicated that the building was built in the 50's and has been occupied by a retail or service use in the past. Mr. Oughtred indicated that there were also 4 residential apartments on the second floor rear of the building. He indicated that it was a very small real estate office with an I.T and interior design consultant. He indicated that due to its small size the variance was appropriate and suggested that a one year period of temporary approval so that the office can open and parking study can be done as well as the PIL application. His client is awaiting the minor variance in order to begin office operations.

Committee expressed a concern and suggested that a parking study be done before moving forward with the application.

Mr. Oughtred, upon hearing the comments from the Committee and the Planning and Building Department, requested that the application be deferred to allow him an opportunity to prepare a Parking Study for review by the Policy Section.

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

The City of Mississauga Planning and Building Department commented as follows (August 3, 2016):

"Recommendation

The Planning and Building Department recommends that the application either be deferred to allow the applicant time to complete a satisfactory Parking Utilization Study which may justify the reduction in required parking, or that the applicant withdraw the request for parking reduction and proceed with a Payment-in-lieu of parking application to cover the deficiency.

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:

Certificate of Occupancy File: 16-1309

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy application and based on the review of the information currently available, the variances are correct, as requested.

Planning

The City of Mississauga Payment-In-Lieu (PIL) of parking programs applies to the subject property and given the absence of justification for the requested reduction in required parking spaces, the application should be deferred to allow the applicant to proceed with one of the following options:

1. Apply for a PIL application for City's Council's consideration for the entire parking deficiency. Through the PIL application process the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study to justify the requested reduction in the number of parking spaces required, or to justify a reduction in the spaces required to be addressed through PIL.

Based on the preceding information, The Planning and Building Department recommends that the application either be deferred to allow the applicant time to complete a satisfactory Parking Utilization Study which may justify the reduction in required parking, or that the applicant withdraw the request for parking reduction and proceed with a Payment-in-lieu of parking application to cover the deficiency."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 318/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 22, 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 October 6, 2016.

On October 6, 2016, Mr. Wm. Oughtred of W. E. Oughtred & Associates, authorized agent, attended and presented the application to allow for a real estate office use on the subject lands. Mr. Oughtred advised that since the previous hearing a parking study was completed for the subject property and indicated that one (1) parking space would be provided on site and three through the Payment in Lieu (PIL) process. He requested that the application be



MISSISSAUGA

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WARD 1

amended in accordance with Planning staff recommendations to include PIL for three parking spaces. Mr. Oughtred indicated that he would still require variance #2 as he requested in the application.

The Committee was satisfied with amending the application as requested by Mr. Oughtred.

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

The City of Mississauga Planning and Building Department commented as follows (October 5, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, as amended, conditional upon the applicant completing a PIL application to provide for three parking spaces.

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:

Certificate of Occupancy File: 16-1309

Comments

Zoning

The Planning and Building Department is currently processing a Certificate of Occupancy permit application and based on a review of the information currently available, the variances should be amended as follows:

"to provide a total of four (4) parking spaces (one on site and three spaces through PIL) for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 12 parking spaces on site in this instance."

Planning

The applicant previously deferred the application at the August 4, 2016 Committee of Adjustment hearing in order to address the parking deficiency. The applicant has retained Beacon Planning Services to conduct a parking survey of the subject property and surrounding area. The corporate policy for the Payment-in-lieu (PIL) of parking program allows for the grandfathering of previous parking deficiencies to new uses and developments. Previously the subject property was able to provide one parking space whereas nine were required; therefore, a variance for a reduction of eight parking spaces is supported by the Corporate Policy. However, there would be three remaining spaces that must be accounted for through PIL, as recommended by the parking survey conducted by Beacon Planning Services.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances conditional upon the applicant completing a PIL application to provide for three parking spaces."

The City of Mississauga Transportation and Works Department commented as follows (September 30, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 318/16."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received from City staff, is satisfied that the amended request is desirable for the appropriate development and use of the subject property. The Committee noted that a satisfactory parking study was received and supported by Planning staffs and the shortfall could be achieved through the Payment in Lieu process.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a Real Estate Office on the subject property proposing to provide:

1. a total of four (4) parking spaces (one parking space (1) on site and three (3) parking spaces through PIL) for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of twelve (12) parking spaces on site in this instance; and,
2. no driveway aisle on site; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) on site in this instance.

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



MISSISSAUGA

File: "A" 318/16
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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 MUCCI

on Thursday October 6, 2016

Maria Mucci is the owner of 1486 Trotwood Avenue being Part of Lot 266, Registered Plan F-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a driveway width of 6.25m (20.51ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance,
2. a combined side yard width of 2.46m (8.07ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% of the lot frontage, which is 3.80m (12.47ft.) in this instance,
3. a flat roof building height of 7.98m (26.81ft.) to the top of the parapet; whereas By-law 0225-2007, as amended, permits a maximum flat roof building height of 7.50m (24.60ft.) in this instance,
4. a northerly interior side yard of 1.17m (3.84ft.) and a southerly interior side yard of 1.29m (4.23ft.) to the first and second storey; whereas By-law 0225-2007, as amended, requires an interior side yard of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance,
5. a gross floor area - infill residential of 358.69m² (3860.91ft.²); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 326.74m² (3517.00ft.²) in this instance,
6. a window well encroachment of 0.30m (0.98ft.) into the north side yard of 1.17m (3.84ft.); whereas By-law 0225-2007, as amended, permits a window well encroachment of 0.61m (2.00ft.) into a required side yard provided that the required yard is 1.20m (3.93ft.) in this instance; and,
7. an interior side yard of 0.33m (1.08ft.) to the side entrance stairs and landing; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. R. Grittani, authorized agent, attended and requested the application be deferred to allow for additional discussions with City staff with respect to their comments. Mr. Grittani noted that they have had several submissions of the plans through the site plan process.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval Application File: 16-061

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available, an additional variance is required and variance #3 should be amended as follows:

"3. a flat roof building height of 7.98 m (26.8 ft.) to the top of a flat roof over architectural feature; whereas By-law 0225-2007, as amended, permits a maximum flat roof building height of 7.50 m (24.60 ft.) in this instance."

Further, the following additional variance will be required:

"8. An air conditioning unit to be located in the front yard; whereas By-law 0225-2007, as amended, does not permit an air conditioning unit to be located in the front yard."

Planning

The Planning and Building Department is of the opinion that the applicant's proposal currently represents overdevelopment of the lot and should be redesigned to reduce the size of the dwelling. The combination of the requested increase in permitted Gross Floor Area (GFA), as well as a reduction in the required side yard setbacks on both sides represents overdevelopment of the lot.

Trotwood Avenue is primarily made up of bungalow and split storey dwellings; however, there has been some redevelopment within the neighbourhood recently as well. Staff have looked at other variances which have been granted for new builds on the street and within the neighbourhood and found that there have been some variances granted for GFA increases and side yard setback reductions which are similar to the applicant's request; however, there has not been a scenario where they have been granted together on the same application.

The Planning and Building Department has no objection to the remaining variances; however we recommend that the application be deferred for the applicant to address the concerns related to the GFA and side yard setback reductions."

The City of Mississauga Transportation and Works Department commented as follows (August 25, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/61. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to October 6, 2016.

On October 6, 2016, Mr. R. Grittani, authorized agent, attended and presented the application for a proposed two storey dwelling and presented a rendering drawing of the proposed home and advised that the current home on the property has been in existence for 50 years and that the proposed home would not alter any existing grading on site. Mr. Grittani advised Committee that the proposed home will fit in better with the surrounding community as he has made revisions to the design to reflect comments from staff through the site plan application process.

He presented a site plan of the property with the proposed variances highlighted in red and advised Committee that the gross floor area of the dwelling had been reduced and that the flat roof height variance was only needed for the parapet on top of the building. Mr. Grittani indicated that driveway complied with the Zoning By-law at the street line; however, the driveway width gradually increased in order to match up with the proposed garage door width. He further requested that variance request #4 be amended in order to clarify the variance required to the proposed second storey. Mr. Grittani concluded by indicating that all comments from staff have been satisfactorily addressed and that the variances requested were minor in nature.

The City of Mississauga Planning and Building Department commented as follows (October 5, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Building Permit File: 16-061

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, the variances are correct as requested; however, the applicant has made modifications to their Minor Variance application that have not been reviewed through the Site Plan Approval process and as a result the applicant may wish to defer the application to ensure that all variances have been accurately identified.

Planning

The applicant was previously before the Committee at the August 25, 2016 hearing where they requested a deferral to modify their proposal. The most recent updated variances were submitted to staff on October 4, 2016. Although the updated plans have not been reviewed through the Site Plan Approval process, staff comments will be reflective of the applicant's most up to date request.

The applicant is proposing additions to both the first and second storey along with façade improvements. The proposed interior side yard setbacks are an existing condition that the applicant is proposing to maintain through the second storey. Many of the dwellings along this portion of Trotwood, including recently developed properties, have limited separation distance between dwellings with consistently narrow side yard setbacks. The applicant's proposal to maintain the existing setback throughout the second storey should generally maintain the character of the area and not cause significant impact on the adjacent properties. Further, the applicant has increased the setback for a portion of the new construction since the previous hearing, which has helped reduce the Gross Floor Area (GFA) and provide increased separation distance from the adjacent dwelling.

The requested reduction of the side yard setback to the existing side entrance does not create significant additional massing on the side of the dwelling and adequate access to the rear yard is maintained on the opposite side.

The applicant has reduced the GFA of the dwelling through modifications to the rear of the dwelling since the previous hearing. The current request of 19.46 m² (209.47 sq. ft.) over what the Zoning By-law permits is a relatively minor increase relative to the size of the dwelling. There are no open to below areas that exaggerate the massing and the appearance of the dwelling should be generally characteristic of what the Zoning By-law permits.

Regarding variance #3, the applicant is requesting an additional 0.48 m (1.57 ft.) of dwelling height to a flat roof beyond what the Zoning By-law permits. The grade change on the property creates a situation where the average grade is lower than the finished grade. The appearance of the dwelling from the street would be of one that complies with the Zoning By-law height provisions. Further, the property has significant mature vegetation across the front and side yards that help to screen the dwelling from the street, further mitigating any potential impacts on the streetscape.

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

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

"Please be advised that we have no objections to the revised plans and notice recirculated on September 22, 2016, and are advising that our previous comments submitted for the August 25, 2016 hearing are still applicable."

No other persons expressed any interest in the application.

The Committee consented to the requested amendment and, after considering the submissions put forward by Mr. Grittani and having reviewed the plans and comments received from City staff, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee advised that the building mass is appropriate and in character with other homes in the neighborhood in this instance.

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



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

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

1. a driveway width of 6.25m (20.51ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance,
2. a combined side yard width of 2.46m (8.07ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% of the lot frontage, which is 3.80m (12.47ft.) in this instance,
3. a flat roof building height of 7.98m (26.81ft.) to the top of the parapet; whereas By-law 0225-2007, as amended, permits a maximum flat roof building height of 7.50m (24.60ft.) in this instance,
4. a northerly interior side yard of 1.17m (3.84ft.) and a southerly interior side yard of 1.29m (4.23ft.) to the first and second storey; whereas By-law 0225-2007, as amended, requires an interior side yard of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance,
5. a gross floor area - infill residential of 358.69m² (3860.91ft.²); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 326.74m² (3517.00ft.²) in this instance,
6. a window well encroachment of 0.30m (0.98ft.) into the north side yard of 1.17m (3.84ft.); whereas By-law 0225-2007, as amended, permits a window well encroachment of 0.61m (2.00ft.) into a required side yard provided that the required yard is 1.20m (3.93ft.) in this instance; and,
7. an interior side yard of 0.33m (1.08ft.) to the side entrance stairs and landing; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

The decision is subject to the following condition:

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

| | | | | |
|-----------|-------------|--------------|-------------|---------|
| MOVED BY: | S. Patrizio | SECONDED BY: | R. Reynolds | CARRIED |
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MISSISSAUGA

File: "A" 351/16
WARD 1

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 13, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 2, 2016**.

Date of mailing is October 17, 2016.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 13, 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.