

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: OCTOBER 13, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (MINOR VARIANCE)

A-410/16	DOMENIC RUSCIO	6932 SECOND LINE WEST	11	Approved
A-411/16	RIPPAN & RACHNA CHOWDARY	7166 SAINT BARBARA BLVD	11	Nov. 24
A-412/16	CHARANJIT & PARMINDAR LEHAL	7189 SAINT BARBARA BLVD	11	Nov. 24
A-413/16	JOHN & BILLIE ANG	7149 SAINT BARBARA BLVD	11	Nov. 24
A-414/16	FERNANDO FERREIRA	2651 ALTADENA CRT	2	Approved
A-415/16	DAVID MALLOZZI	6847 GRACEFIELD DR	10	Approved
A-417/16	DIANA RICCIO-BOZZO	137 BRIARHILL DR	1	Approved
A-418/16	FATIMA & MOHAMMED HARB	1447 BEEMER AVE	8	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-163/16	ISIS & RAMZY GUIRGUIS	5217 ADOBE CRT	10	Withdrawn
A-337/16	DR. CAMERON GELDER & TRACY GELDER	1273 MONA RD	1	Approved
A-366/16	HAMED ABDULLAH & AYSHEA RAFIK	6853 LISGAR DR	10	Nov. 10
A-371/16	KARL FAY INVESTMENTS LTD.	1484 HURONTARIO ST	1	Nov. 17
A-378/16	ANTON ZURAN LOPES	676 SUMMER PARK CRES	7	Approved

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

DOMENIC RUSCIO

on Thursday, October 13, 2016

Domenic Ruscio is the owner of 6932 Second Line West being Part of Lot 10, Concession 3, W.H.S., zoned R2-10, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a sunroom addition with a flat roof in the rear yard; whereas By-law 0225-2007, as amended, does not permit a flat roof to be constructed in this instance.

Mr. D. Ruscio, property owner, attended and presented the application to permit the construction of a sunroom addition at the rear of the subject dwelling. Mr. Ruscio presented an elevation plan for the Committee's review and consideration and advised that permission is being requested to construct a flat roof.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-10

Other Applications:

Building Permit application: BP 9ALT 16/2114

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-2114. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject site is located south of the Meadowvale Village Heritage Conservation District, on Second Line West, near Old Derry Rd W. The subject property is a one storey dwelling on a very large and deep lot. Second Line West has a variety of lot sizes, setbacks, dwelling heights and styles.

The proposed sunroom is located in the rear of the dwelling. It is a secondary mass that is subordinate to the principal massing of the dwelling. It is proposed for a portion of the rear, not the entire width of the dwelling. The lot is very large and has significant mature landscaping that will shield the addition. In our opinion, the variance requested in this instance maintains the general intent of the zoning by-law.

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

The City of Mississauga Transportation and Works Department commented as follows (October 6, 2016):

"This department has no objections to the applicant's request to permit the construction of a sunroom addition with a flat roof in the rear yard. We are also noting from our site inspection that the proposed addition will not impact on the existing drainage pattern for this property."

The Region of Peel, Public Works, Development Services Division commented as follows (October 7, 2016):

"We have no comments or objections."

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that the variance is required as the exception zone provision does not allow a flat roof to be constructed.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Ruscio and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that they are in agreement with the Planning and Building Department comments.

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

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

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

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

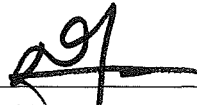
Dated at the City of Mississauga on October 20, 2016.

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 9, 2016**.

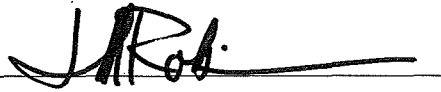
Date of mailing is October 24, 2016.



S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



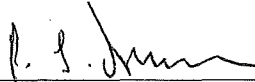
D. KENNEDY

ABSENT

J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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

FERNANDO FERREIRA

on Thursday, October 13, 2016

Fernando Ferreira is the owner of 2651 Altadena Court being Part of Lot 93, Registered Plan 815, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 6.13m (20.00ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.02ft.) in this instance.

Mr. F. Ferreira, property owner, attended and presented the application to permit the existing driveway to remain as constructed. He advised that they hired a contractor to re-construct the driveway and porch stairs as they were in need of repair.

Mr. Ferreira indicated that the original driveway accommodated three cars in a single row. He indicated that the contractor suggested that they enlarge the driveway to allow two cars to be parked side-by-side and they agreed with this proposal and commenced construction.

Upon completion of the construction, they were advised that the driveway exceeds the maximum permitted driveway width. Mr. Ferreira presented photographs of the newly constructed driveway and indicated that it would be costly and difficult to re-design the driveway and porch stairs to comply with the Zoning By-law requirements. He indicated that there is still sufficient landscaping provided on the property.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (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 variances.

Planning

The applicant is proposing that the existing driveway be permitted to remain with an additional 0.97 m (2.98 ft.) in width beyond what the Zoning By-law permits. A standard parking stall is 2.60 m (8.53 ft.) in width and as a result the Zoning By-law permission of 5.20 m (17.02 ft.) in width is intended to be able to accommodate two spaces for vehicles side by side. Although wider than the Zoning By-law maximum, the applicant's proposal would not allow for more than two vehicles parked side by side, and thereby maintains the general intent of the Zoning By-law. The restricted width of the driveway is also intended to protect the landscaped area given that there is no minimum landscaped area provision in the RM1 zone category. The applicant's proposal still allows for just over 30% of the front yard to be dedicated to grass and landscaped areas; we are of the opinion that this generally maintains the intent of the Zoning By-law. Further, the driveway is narrower at the lot line and increases towards the requested 6.13 m (20.00 ft.) at the front of the home.

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

The City of Mississauga Transportation and Works Department commented as follows (October 6, 2016):

"Enclosed for Committee's easy reference is a photo which depicts the driveway as widened."

The Region of Peel, Public Works, Development Services Division commented as follows (October 7, 2016):

"We have no comments or objections.

A letter was received from C. Shevlen, property owner at 2649 Altadena Court, expressing support for the application.

A letter was received from C. Muir, property owner at 2662 Altadena Court, expressing objection to the application and noting her concerns with respect to the reduction in the landscaping on the property and its negative visual impact on the street and the character of the neighbourhood. She advised that the driveway was widened to accommodate additional tenants in the building and the modifications were done without prior approval by the City.

A letter was received from J. Gomes-Beuto, property owner at 2652 Altadena Court, expressing support for the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Ferreira and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that they agree with the comments stated in the Planning and Building Department's report. They indicated that the driveway width tapers towards the street and sufficient landscaping is provided.

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

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

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


MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved.

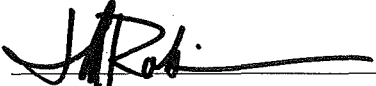
Dated at the City of Mississauga on October 20, 2016.

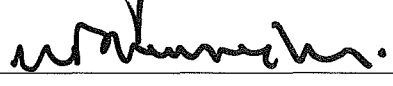
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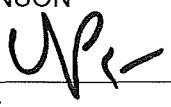
Date of mailing is October 24, 2016.


S. PATRIZIO (CHAIR)

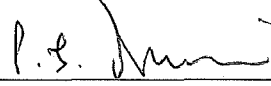

D. GEORGE


J. ROBINSON

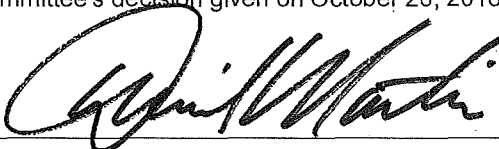

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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

DAVID MALLOZZI

on Thursday, October 13, 2016

David Mallozzi is the owner of 6847 Gracefield Drive being Lot 32, Registered Plan M-1052, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the installation of a pool in the rear yard proposing a setback of 1.50m (5.00ft) from the G1, Greenbelt Zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft) from the pool to a G1, Greenbelt Zone in this instance.

Mr. D. Mallozzi, property owner, attended and presented the application to permit the installation of a pool on the subject property proposing a reduced setback to the G1, Greenbelt zone. Mr. Mallozzi advised that he has contacted the Halton Region Conservation Authority and obtained their approval. He presented a copy of the approved plan for the Committee's review and consideration.

Mr. Mallozzi advised that a neighbouring property owner has constructed a pool on the same street. He presented a photograph for the Committee's review. Mr. Mallozzi advised that there have been no neighbour concerns and the Ward Councillor has indicated that she is not opposed to the request.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

Comments

Zoning

The Building Department is currently processing a pool enclosure application under file POOL 16-122. Based on review of the information currently available for this application, the variance, as requested is correct.

Planning

The subject property is located near Derry Rd W and Lisgar Dr. The variance requests a reduced rear yard setback from a greenbelt zone to permit the installation of a pool.

The property does not directly abut a natural area. There is a paved trail situated between the property and the watercourse. Many of the properties backing on to the greenbelt lands in the area also have backyard pools. In our opinion, there will not be an increased impact due to the reduced setback in this instance.

This Department relies on the expertise of the conservation authority regarding appropriate setbacks to natural hazards and features. Halton Region Conservation has issued a permit that was included with the application. In our opinion, the variance is minor in nature.

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

The City of Mississauga Transportation and Works Department commented as follows (October 6, 2016):

"Based on the information submitted with this application, in particular the letter dated August 23, 2016 from Conservation Halton, this department has no objections to the applicant's request."

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

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

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

1. Two (2) Norway Maple trees – good condition.

Should the application be approved, this Department wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of \$1,800.00 for the above noted trees.
2. The applicant shall provide framed tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. City of Mississauga Park #334 – Lisgar Meadow Brook abuts the rear yard of the applicant property.



MISSISSAUGA

File: "A" 415/16
WARD 10

- 2. Construction access from the City Park and rear yard of the property is not permitted.
- 3. Stockpiling of materials and/or excavated soil in the adjacent City Park is not permitted.
- 4. Drainage of pool water on to the adjacent City Park is not permitted.
- 5. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West.

The Region of Peel, Public Works, Development Services Division commented as follows (October 7, 2016):

"We have no comments or objections."

A memorandum was received from Ward Councillor McFadden indicating she has not received any inquiries or comments from neighbouring property owners or the community and therefore, she is not opposed to the relief being requested.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Mallozzi and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. They indicated that the regulation requiring an increased setback to the Greenbelt zone was introduced to ensure that conservation matters would be addressed. They noted that the Halton Region Conservation has given their approval and consequently, the Committee has no objection to the 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 requested variance is minor in nature in this instance.

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

- 1. The applicant shall provide tree protection securities in the amount of \$1,800.00 for the above noted trees.
- 2. The applicant shall provide framed tree hoarding to the satisfaction of City of Mississauga Forestry Staff.

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

Dated at the City of Mississauga on October 20, 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 9, 2016**.


Date of mailing is October 24, 2016.


S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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

DIANA RICCIO-BOZZO

on Thursday, October 13, 2016

Diana Riccio-Bozzo is the owner of 137 Briarhill Drive being Lot 101, Plan 409, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. an underground garage having a garage floor area of 225.00m² (2421.95sq.ft.), whereas By-law 0225-0227, as amended, permits a maximum garage floor area of 75.00m² (807.31sq.ft.) in this instance;
2. a Gross Floor Area - Infill Residential of 775.00m² (8342.30sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 629.06m² (6771.36sq.ft.) in this instance;
3. a second driveway on the lot, whereas By-law 0225-2007, as amended, permits a maximum of one driveway per lot in this instance;
4. a second garage on the lot; whereas By-law 0225-2007, as amended, permits a maximum of one garage per lot in this instance; and,
5. an outdoor fireplace having a height of 6.82m (22.37ft.); whereas By-law 0225-2007, as amended, permit a maximum height of 3.00m (9.84ft.) for an accessory building and structure in this instance.

Mr. B. Hicks, a representative of the property owner, attended and presented the application. Mr. Hicks advised that the design of the dwelling has been modified and he indicated that variance requests # 3 and # 4 are no longer required. He requested that the application be amended accordingly.

The Committee consented to the request.

Mr. Hicks indicated that the proposed fireplace is considered to be an accessory structure, and is subject to maximum permitted height of 3.00m (9.84ft.). He indicated that accessory structures are typically free-standing structures. Mr. Hicks indicated that the proposed fireplace has a height of 7.93m (26.01ft.) and is not freestanding but is incorporated into the porch (conservatory). Mr. Hicks indicated that if the fireplace was attached to the dwelling, rather than the porch, no variance would be required. He requested that the application be amended to reflect a height of 7.93m (26.01ft.)



Mr. Hicks presented plans for the Committee's review and consideration. He advised that originally, a second entrance was proposed to the underground garage. Upon consultation, a modified proposal was introduced to eliminate the second garage entrance and to allow access to the underground garage via an elevator in the existing single car garage. Mr. Hicks explained that below grade areas are typically not included in the gross floor area calculation; however, because the area is being utilized for a garage, the area is included in the calculation of gross floor area. Subsequently, variances are required for the garage floor area and the increased Gross Floor Area – Infill Residential.

Mr. Hicks indicated that they have re-calculated the floor area of the garage and requested that the application be amended to reflect a floor area of 220.00m² (2,368.13sq.ft.). He indicated that the underground garage is not visible and the entrance to the garage is obtained through a single car garage door so it will not impact the streetscape.

Mr. Hicks advised that the underground garage is included in the Gross Floor Area – Infill Residential calculation as there is no provision in the By-law to allow the area to be deducted because it is below grade. Mr. Hicks indicated that the garage is not visible from the street. He advised that the overall area utilized and visible from the street for garage use is reduced and, therefore, is in keeping with the By-law requirements. Mr. Hicks indicated that the proposed dwelling has been reduced in size and is below the maximum permitted lot coverage. Mr. Hicks requested that the application be amended to allow a Gross Floor Area – Infill Residential of 770.00m² (8,288.48sq.ft.)

The Committee consented to the requests and reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 7, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-79

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 the following changes should be made to the requested variances:

1. a garage floor area of 214.53 m² (2309.18 sq. ft.), whereas By-law 0225-0227, as amended, permits a maximum garage floor area of 75.00 m² (807.29sq.ft.) in this instance;
3. Not Required
4. Not Required
5. an outdoor fireplace having a height of 7.93 m (26.02 ft.); whereas By-law 0225-2007, as amended, permit a maximum height of 3.00 m (9.84 ft.) for an accessory building and structure in this instance.

Planning

The applicant is requested two variances related to the garage Gross Floor Area (GFA) and the overall GFA, as well as a height variance for an outdoor fireplace. The subject property has an infill zoning regulation, which means that the GFA of the garage is counted towards overall total GFA. In this instance, the majority of the garage is located below ground and accessed from a hydraulic lift through the single door garage entrance. The intent of the maximum permitted GFA for both the garage and the overall home are intended to limit the potential imposing massing impacts of the dwelling and the visual dominance of the garage structure on site. Given that the garage is located almost wholly below ground, the intent of both of these provisions is maintained. Infill zoning regulations do not count basement GFA towards the overall total, which means that if the garage area were habitable space in the basement instead then the dwelling would comply with the Zoning By-law requirements.

With regards to the height of the accessory fireplace, the 3.00 m (9.84 ft.) height restriction is aimed primarily at preventing large traditional accessory structures such as sheds and cabanas; the impact of the increased height of the fireplace has a much less significant impact. The fireplace is located in a position where it blends into the architectural design of the dwelling and is appropriately proportioned. The Department is of the opinion that the request is minor in nature.

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 (October 6, 2016):

"This department cannot support applicant's request to permit a second driveway to be located on this property until such time that Site Plan Application SP-16/079 currently being reviewed by the City is recirculated to our Traffic Section for their review/comments on the second access. The Site Plan currently being reviewed by staff does not show the second driveway and we must ensure that any requested variances are also reflected in the Site Plan being processed. Typically this department is not supportive of second driveways on residential properties as we do not see the rationale for having two driveways.

In view of the above we would suggest that this application be deferred in order that a Site Plan is recirculated to city staff (in particular our Traffic Section) for review/approval of the second driveway."

The Region of Peel, Public Works, Development Services Division commented as follows (October 7, 2016):

"We have no comments or objections."

An e-mail was received from Y. and E. Kwlicien, of 151 Glenview Drive, expressing objection to the application and noting their concerns with respect to the size of the dwelling and environmental issues.

An e-mail was received from W. and G. Hadley, residents at 119 Glenview Drive, expressing objection to the application and noting their concerns with respect to the size of the dwelling, size of the underground garage, second driveway, streetscape, privacy, and the change in the character of the neighbourhood.

Mr. G. Fisher, Director of the Credit Reserve Association, and Mr. B. Holtham, of 1539 Weaver Avenue, attended and advised that the Credit Reserve Association has received many comments from neighbours with respect to the subject application as well as other new builds and renovations that are seeking relief from the provisions of the Zoning By-law.

Mr. Fisher and Mr. Holtham advised that five variances were requested with respect to the original application and the application has now been modified to eliminate the second driveway and ramp, reduce the floor area of the garage and dwelling, and allow the outdoor fireplace to be contained within the rear covered porch/conservatory and included in the lot coverage figure. They indicated that they communicated with their members to advise them of the amended application. Mr. Fisher and Mr. Holtham advised that the Credit Reserve Association does not object to the amended application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Hicks, Mr. Fisher and Mr. Holtham and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the location of the underground garage is accessed through the existing garage and will not be visible from the street. The increased size of the garage will not adversely impact any of the adjoining properties.

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

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

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

1. an underground garage having a garage floor area of 220.00m² (2,368.13sq.ft.), whereas By-law 0225-0227, as amended, permits a maximum garage floor area of 75.00m² (807.31sq.ft.) in this instance;
2. a Gross Floor Area - Infill Residential of 770.00m² (8,288.48sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 629.06m² (6,771.36sq.ft.) in this instance;
3. an outdoor fireplace having a height of 7.93m (26.01ft.); whereas By-law 0225-2007, as amended, permit a maximum height of 3.00m (9.84ft.) for an accessory building and structure in this instance.

This decision subject to the following condition:

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

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

File: "A" 417/16
WARD 1

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 20, 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 9, 2016**.

Date of mailing is October 24, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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

FATIMA & MOHAMMED HARB

on Thursday, October 13, 2016

Fatima & Mohammed Harb are the owners of 1447 Beemer Avenue being Lot 129, Plan 697, zoned R1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a circular driveway having a combined width of the two points of access of 9.48m (31.10ft.); whereas By-law 0225-2007, as amended, permits a circular driveway to have a maximum combined width of the two points of access of 8.50m (27.88ft.) in this instance.

Ms. D. Harb, authorized agent, attended and presented the application to permit the existing circular driveway to remain on the subject property. She advised that the driveway is presently constructed with gravel and if the Committee sees merit in the application, the driveway will be paved. She presented plans for the Committee's review and consideration and advised that the two points of access exceed the maximum permitted combined width of the two points of access.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance, as amended; however, the applicant may wish to defer the application to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. A full zoning review has not been completed; however, in reviewing the variance as outlined in this application, it appears that the variance should be amended as follows:

"1. to permit a combined width of the two points of access of a circular driveway of 9.48 m (31.10 ft.); whereas By-law 2225-2007, as amended, permits a maximum combined width of the two points of access of a circular driveway of 8.50 m (27.89 ft.)."

Notwithstanding the above, the plans provided with the application are unclear and the request cannot be verified and we cannot determine whether any additional variances may be required.

Planning

The applicant is requesting an increase in the permitted combined width of access points for the circular driveway. The intention of the limitation is to ensure that there remains adequate landscaped area as well a proportionate width of access to the frontage of the lot on which it is located. The lot line on which the access points are located is approximately 40.00 m (131.23 ft.) which allows for a sufficient balance between access and landscaped area. Further, the driveway is narrower than the permitted width across much of the rest of the driveway which helps in mitigating potential visual impacts. The Department is of the opinion that the intent of the Zoning By-law is maintained and the variance is minor in nature.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, as amended; however, the applicant may wish to defer the application to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 6, 2016):

"From the enclosed photos and our site inspection of this property we note that the owner has commenced construction of the second access to this property, however, there is currently no curb cut. As we are uncertain if the owner has had any discussions or made an application with our Traffic Section for the new curb cut to accommodate a circular driveway, we would recommend that the applicant provide confirmation to the Committee that new access has been reviewed/approved by our Traffic Section. If the owner has not obtained the required access approval we would request that this application be deferred in order to allow the owner to submit the required details to our Traffic Section to determine if we can support the proposal."

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

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

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

1. Three (3) Spruce Maple trees – good condition.



MISSISSAUGA

File: "A" 418/16
WARD 8

Should the application be approved, this Department wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of \$4,500.00 for the above noted trees.

In addition, this Department notes the following:

1. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

The Region of Peel, Public Works, Development Services Division commented as follows (October 7, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

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

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

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

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

1. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 11, 2016. (re: tree protection securities)

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

File: "A" 418/16
WARD 8


Application Approved, on condition as stated.

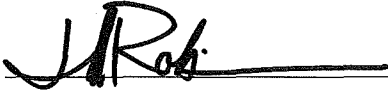
Dated at the City of Mississauga on October 20, 2016.

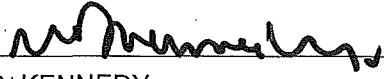
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 9, 2016**.

Date of mailing is October 24, 2016.


S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

DR. CAMERON GELDER & TRACY GELDER

on Thursday, October 13, 2016

Dr. Cameron Gelder & Tracy Gelder are the owners of 1273 Mona Road being Lot 87 and Part of Lot 86, Plan 323, zoned R3-3, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an accessory structure (cabana) proposing:

1. an accessory structure (cabana) having a floor area of 35.00m² (376.73sq.ft.); whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. an accessory structure with a height of 3.04m (9.97ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m for an accessory structure in this instance.

On September 22, 2016, Mr. N. Dell, authorized agent, attended presented the application briefly to the Committee and advised that he was just recently retained. The Committee noted concerns about the size and location of the structure in the rear yard due to the location of the existing dwelling.

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

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

Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-3 (Residential)

Other Applications:

Building Permit File: 9ALT 15-8482

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 as follows:

1. an accessory structure (gazebo) having an occupied area of 45.89 m² (493.97 sq. ft.); whereas By-law 0225-2007, as amended, permits an accessory structure (gazebo) with a maximum area occupied of 10 m² (107.64 sq. ft.) in this instance;

Further, the following variance should be added:

4. a gazebo with 53% of the total perimeter enclosed by walls, lattice, doors and/or windows; whereas By-law 0225-2007, as amended, permits a maximum percentage of the total perimeter permitted to be enclosed by walls, lattice, doors and/or windows, to be 50% in this instance;

Planning

The subject property is a relatively large lot with significant tree cover and other vegetation in the rear yard and the size of the subject lot allows for a larger than permitted accessory structure to be accommodated; however, the current proposed Gross Floor Area (GFA) and height are beyond what is appropriate for the Mineola Neighbourhood specifically.

Official Plan policy 16.18.1.1 (j) in the Mineola Neighbourhood section of the Plan states that "large accessory structures will be discouraged...". Much of the Mineola Neighbourhood is characterized by either very modestly sized accessory structures or, in many cases, no accessory structures at all; the intent of the Official Plan policy is to maintain this character in the area.

The combination of gazebo area and the attached pergola area allow for a continuous accessory structure area of 60.01 m² (645.94 sq. ft.). We are of the opinion that the excessive GFA combined with the requested height increase to 3.96 m (12.99 ft.) is not in keeping with the general intent of the Official Plan or Zoning By-law and is not appropriate in this instance.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the proposal to address the excessive size of the accessory structure.

The City of Mississauga Transportation and Works Department commented as follows (August 11, 2016):

This department would have no objections to the applicant's request to construct an accessory structure (cabana) and pergola provided that the structures be constructed such that there is no drainage impact on the adjacent properties.

A letter was received, signed by D. & A. Struthers, property owners at 1272 Vesta Drive, J. & A. McMurray, property owners at 1261 Mona Road, and D. Chiborak, property owner at 1266 Vesta Drive, expressing opposition to the application and noting their concerns with respect to the reduction in landscaping and the size of the accessory structures. They requested that the applicant construct in accordance with the Zoning By-law.

No other persons expressed any interest in the application.

After hearing the comments from the Committee and City staff, Mr. Dell requested that the application be deferred to address the concerns raised.

The Committee consented to the request and deferred the application to September 22, 2016.

On September 22, 2016 Mr. N. Dell, authorized agent and Dr. C. Gelder, property owner, attended and presented various plans showing the overall lot and location of the proposed cabana. Mr. Dell indicated that the cabana was reduced in size since the last meeting date. He indicated the cabana only covered 2% of the total lot and was minor in nature. The Committee requested to review a drawing with proposed furniture and layout the inside of the cabana. Mr. Gelder indicated that that drawing was not produced for this meeting.

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

The City of Mississauga Planning and Building Department commented as follows (September 15, 2016):

"Recommendation

The Planning and Building Department has no objection to requested variances #2 and #3; however, we recommend that variance #1 be refused. Further, the most recent plans have not been circulated through the Building Permit process so we are unable to verify the accuracy of the variances, as requested through the updated Minor Variance application.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-3 (Residential)

Other Applications:

Building Permit File: BP 9ALT 15-8482

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 as follows:

1. an accessory structure (gazebo) having an occupied area of 45.89 m² (493.97 sq.ft.); whereas By-law 0225-2007, as amended, permits an accessory structure (gazebo) with a maximum area occupied of 10 m² (107.64 sq.ft.) in this instance;

Further, the following variance should be added:

4. a gazebo with 53% of the total perimeter enclosed by walls, lattice, doors and/or windows; whereas By-law 0225-2007, as amended, permits a maximum percentage of the total perimeter permitted to be enclosed by walls, lattice, doors and/or windows, to be 50% in this instance;

Planning

Notwithstanding the above, the applicant has submitted an updated request through the minor variance application and the Department comments will reflect the appropriateness of the amended request.

The amended height request of 0.04 m (0.13 ft.) beyond what the Zoning By-law permits is a negligible difference and will not have any noticeable impacts. This request maintains the intent of the accessory structure height provisions of the Zoning By-law and is minor in nature.

Variance #2 requests an increase in the Gross Floor Area (GFA) of the pergola of 4.12 m² (44.35 sq. ft.) beyond what the Zoning By-law permits. A pergola does not have as significant of a massing impact as a traditional accessory structure and the requested GFA is proportional to the lot and location in which it is proposed. The intent of the GFA restrictions on accessory structures is that the structures maintain an appropriate relationship to the lot and dwelling; Planning staff is of the opinion that the intent of the Zoning By-law is maintained.

Although the GFA of the cabana has been reduced since the previous application, the Department is of the opinion that the structure still represents too large an increase in GFA. Although the lot is a relatively large lot, the dwelling is sited in a way that compresses the rear yard slightly and does not allow for as much room for outdoor amenity area. The oversized cabana in conjunction with the pergola would create a large combined accessory structure that would be contrary to the intent of the Mineola Neighbourhood section of the Official Plan.

Official Plan policy 16.18.1.1 (j) in the Mineola Neighbourhood section of the Official Plan states that "large accessory structures will be discouraged..." Much of the Mineola neighbourhood is characterized by either very modestly sized accessory structures or no accessory structures at all. The intent of the Official Plan policy is to generally maintain this character; the Department is of the opinion that the proposed accessory structure does not maintain this intent.

Based on the preceding information, the Planning and Building Department has no objection to requested variances #2 and #3; however, we recommend that variance #1 be refused. Further, the most recent plans have not been circulated through the Building Permit process so we are unable to verify the accuracy of the variances, as requested through the updated Minor Variance application."

The City of Mississauga Transportation and Works Department commented as follows (September 15, 2016):

"Please refer to our comment submitted for the August 18, 2016 hearing of this application as those comments are still applicable."

A letter was received, signed by D. & A. Struthers, property owners at 1272 Vesta Drive, J. & A. McMurray, property owners at 1261 Mona Road, and D. Chiborak, property owner at 1266 Vesta Drive, expressing opposition to the application and noting their concerns with respect to the reduction in landscaping and the size of the accessory structures. They requested that the applicant construct in accordance with the Zoning By-law.

An e-mail was received from D. Struthers, property owner at 1272 Vesta Drive, expressing opposition to the application and indicating that the size and location of the cabana structure will impact on the sight lines and indicating that the cabana should be situated on the city street side.

A letter was received from J. Kimmel, owner of 1262 Mona Road, indicating his support for the application.

Mr. J. McMurray, property owner at 1261 Mona Road attended and indicated that he backs onto the applicant's property. He advised that the new plans did little to address his concerns and that the size of the house, cabana, and pergola resulted in a solid wall along the back of his property. He requested that the Zoning By-law should be upheld in this instance.

No other persons expressed any interest in the application.

Mr. Dell indicated to Committee that the applicant received support from many residents in the area and that the cabana caused no significant issues regarding continuous built form.

The Committee expressed their concerns with the continuous built form along the interior lot line of the house and indicated that screening should be provided in order to address the neighbour's comments.

Mr. Dell, upon hearing the comments of the Committee and the neighbour, requested that the application be deferred to address the concerns.

The Committee consented to the request and the application was deferred to October 13, 2016.

On October 13, 2016, Mr. N. Dell, authorized agent, and Dr. C. Gelder, co-owner of the property, attended. Mr. Dell advised that the plans have been amended to reduce the floor area of the gazebo and noted that the pergola has been removed. Mr. Dell requested that the application be amended to allow a gazebo with a floor area of 35.06m² (377.39sq.ft.). He also requested that the application be amended to allow the gazebo to have 53% of the total perimeter enclosed by walls, lattice, doors and/or windows; whereas By-law 0225-2007, as amended, permits a maximum percentage 50%. Mr. Dell further advised that relief is required to permit a height of 3.04m (9.97ft.) for the fireplace as the height slightly exceeds 3.00m (9.84ft.). Mr. Dell indicated that vegetation has been introduced to provide screening.

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

The City of Mississauga Planning and Building Department commented as follows (October 12, 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 their Building Permit application to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-3 (Residential)

Other Applications:

Building Permit File: BP 9ALT 15-8482

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application; however, the Building Permit contains outdated drawings that are significantly different than the most recent drawings submitted to the Committee. 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 was previously before the Committee multiple times, most recently at the September 22, 2016 hearing. Through multiple redesigns of the proposed accessory structure, the applicant has been able to reduce the Gross Floor Area (GFA) and height to an appropriate level. The applicant has further reduced the GFA of the cabana and has removed the pergola, which was previously connected to the cabana, as well as oversized. The removal of the pergola and the reduction in GFA of the cabana help to reduce the consistent line of structure that was present along the side property line in previous proposals. The subject property is a large lot that can reasonably accommodate an accessory structure that is beyond the 10.00 m² (107.64 sq. ft.) that the Zoning By-law permits while being appropriately proportional. The current proposal allows for adequate separation distance between the dwelling and the accessory structure and is keeping to an appropriate GFA relative to the lot and the dwelling. As a result, the intent of the Zoning By-law is maintained in permitting accessory structures that are compatible with the lot on which they are located and the surrounding neighbourhood.

The most recent proposal maintains the relatively minor height increase of 0.04 m (0.13 ft.) and remains no concern to the Department.

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 their Building Permit application to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 6, 2016):

"Please refer to our comments submitted for the August 18, 2016 hearing of this application as those comments are still applicable."

An e-mail was received from D. Struthers, with an attachment letter of objection signed by the property owners at 1261 Mona Road, 1266 Vesta Drive and 1272 Vesta Drive.

No other persons expressed any interest in the application.

Mr. Kirton, Planner with the City of Mississauga, attended and requested clarification as to whether a gazebo or a cabana is being requested. He noted that if a cabana is being requested, no relief would be required for the percentage of total perimeter enclosed by walls, lattice, doors and/or windows.

Mr. Dell clarified that relief is being requested for a gazebo and requested that the application be amended accordingly.

The Committee consented to the requests and, after considering the submissions put forward by Mr. Dell and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that screening is to be provided to address the neighbour's concerns. The pergola is no longer being constructed.



MISSISSAUGA

File: "A" 337/16
WARD 1

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an accessory structure (gazebo) proposing:

1. an accessory structure (gazebo) having a floor area of 35.06m² (377.39sq.ft.); whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum floor area of 10.00m² (107.64sq.ft.) in this instance;
2. an accessory structure with a height of 3.04m (9.97ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m for an accessory structure in this instance; and,
3. a gazebo with 53% of the total perimeter enclosed by walls, lattice, doors and/or windows; whereas By-law 0225-2007, as amended, permits a maximum percentage of the total perimeter permitted to be enclosed by walls, lattice, doors and/or windows, to be 50% in this instance

This decision is subject to the following condition:

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

MOVED BY:	J. Page	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 20, 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 9, 2016**.

Date of mailing is October 24, 2016.



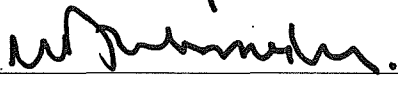
S. PATRIZIO (CHAIR)



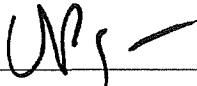
D. GEORGE



J. ROBINSON

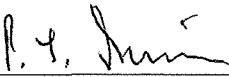


D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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

ANTON ZURAN LOPES

on Thursday, October 13, 2016

Anton Zuran Lopes is the owner of 676 Summer Park Crescent being Part of Lot 79, Registered Plan M-1293, zoned RM5-20. The applicant requests the Committee to authorize a minor variance to permit:

1. the existing driveway to remain having a driveway width of 5.21m (17.09ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance; and,
2. to allow the parking space inside the garage to remain having a rectangular area measured from the inside face of walls of 3.10m x 5.89m (10.17ft. x 19.33ft.); whereas By-law 0225-2007, as amended, requires a minimum a rectangular area measured from the inside face of walls of 2.75m x 6.00m (9.02ft. x 19.68ft.) in this instance.

On September 15, 2016, Mr. D. Allan, authorized agent, attended and advised that he originally applied for relief with respect to the setback of the basement entrance stairwell to the rear property line. He requested that the application be withdrawn as he has been advised by the Zoning Section that a variance is not required for the rear yard setback to the basement entrance in this instance.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that although a variance is not required for the rear yard setback to the basement entrance, clarification is required as to the actual width of the driveway. The total number of parking spaces provided for the property must be verified to determine compliance with the Zoning By-law. He explained that if the driveway width is more than 5.20m (17.06ft.), then a variance will be required for excessive driveway width.

Mr. Kirton indicated that if the driveway width is less than 5.20m (17.06ft.), then the total number of parking spaces required and provided must be determined. The parking space provided within the garage must meet the minimum requirements under the Zoning By-law in order to include it in the parking calculation.

Mr. Kirton advised that the applicant must provide the actual driveway measurement to determine if any further variances are required.

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

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

"Recommendation

The Planning and Building Department recommends that the applicant either defer the application to verify the driveway and parking compliance, or withdraw the application if the requirements are met.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-20 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building Permit application we are unable to determine whether any additional variances may be required. A variance may be required to reduce the number of parking spaces from three to two; however, we cannot confirm based on the information provided with the application.

Notwithstanding the above, the variance which was applied for is not required as per Section 4.1.5.8 of the Zoning By-law.

Planning

The Department would not support the reduction of parking from three required spaces to two spaces if the variance were necessary. It appears that two vehicles are parked in the driveway and if the garage is able to accommodate a space then the variances should not be necessary; however, we cannot confirm the width of the driveway based on the plans provided and whether or not it is legal and/or accommodates two legal parking spaces.

Based on the preceding information, the Planning and Building Department recommends that the applicant either defer the application to verify the driveway and parking compliance, or withdraw the application if the requirements are met."

The City of Mississauga Transportation and Works Department commented as follows (September 6, 2016):

"Enclosed are some photos which depict the area where the basement entrance stairwell is being proposed in the rear yard."

The Region of Peel, Public Works, Development Services Division commented as follows (September 9, 2016):

"We have no comments or objections.

A letter was received from M. Di Nunzio, property owner at 682 Summer Park Crescent, expressing concerns with respect to the purpose of the basement entrance, parking, number of occupants, privacy, length of construction time, noise, and whether there will be any changes in the grading that may impact her property.

No other persons expressed any interest in the application.

Mr. Allan, upon hearing the comments of the Planner and the Committee, requested that the application be deferred to allow him an opportunity to provide the requested information.

The Committee consented to the request and the application was deferred to October 13, 2016.

On October 13, 2016, Mr. D. Allan, authorized agent, attended and advised that he has provided the additional information that was requested by the Planning and Building Department and advised that the variance requests have been amended. Mr. Allan indicated that the driveway width slightly exceeds the maximum permitted driveway width. He also indicated that the length of the parking space within the garage does not comply with the minimum rectangular area dimensions.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 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.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-20 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

A Building Permit application is required and in the absence of a Building permit application we are unable to confirm the accuracy of the requested variances or determine whether any additional variances will be required.

Planning

The applicant is requested two variances related to their garage and driveway. The Planning and Building Department is of the opinion that both requests are minor in nature and relatively small deviations from what the Zoning By-law permits. An additional 0.01 m (0.03 ft.) will not change the appearance or functionality of the driveway and a deficiency in the depth of the garage of 0.11 m (0.36 ft.) should still be sufficient for the garage to be function as intended.

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."

The City of Mississauga Transportation and Works Department commented as follows (Date):

The City of Mississauga Community Services Department commented as follows (October 6, 2016):

"Please refer to our comments submitted for the September 15, 2016 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Allan and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the parking space within the garage is sufficiently sized to accommodate a motor vehicle. The increase in the driveway width is slight and will not adversely impact the neighbours.

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

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

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


MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved.

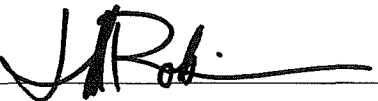
Dated at the City of Mississauga on October 20, 2016.

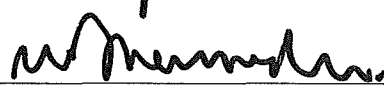
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 9, 2016**.

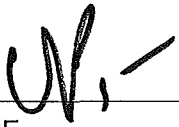
Date of mailing is October 24, 2016.


S. PATRIZIO (CHAIR)

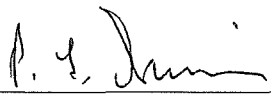

D. GEORGE


J. ROBINSON

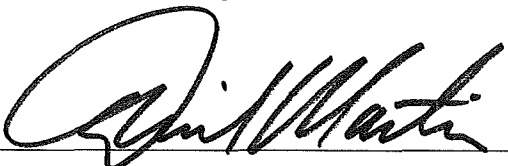

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 20, 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.