

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: October 20, 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 - (CONSENT)

B-073/16	2272061 ONTARIO LTD.	1667 SUNNINGDALE BEND	2	Approved
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DEFERRED APPLICATIONS - (CONSENT)

B-002/16 TO B-005/16	ADINA DI BLASIO	2365 CAMILLA RD	7	Nov 10
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NEW APPLICATIONS - (MINOR VARIANCE)

A-419/16	SAYRA LTD	1020 JOHNSON'S LANE	2	Approved
A-420/16	PARMINDER & PARAMJEET GAIDHU	7145 SAINT BARBARA BLVD	11	Nov 24
A-421/16	ROBERT RAYMOND JOHN FLUNEY	1109 SENECA AVE	1	Approved 2yrs
A-422/16	PCC # 324	7015 TRANMERE DR	5	Approved
A-423/16	LUIS OLIVIERIA	4102 WOODINGTON DR	4	Approved
A-424/16	PRAISE CATHEDRAL CENTRE INC.	6785 MILLCREEK DR	9	Approved
A-425/16	2421845 ONTARIO INC	6020 WINSTON CHURCHILL BLVD	9	Approved
A-426/16	MAYSARAH ALAWSI	5043 GUILDWOOD WAY	5	Dec 1
A-427/16	1224 DUNDAS STREET PROPERTY INC	1224 DUNDAS ST E	1	Approved 5yrs

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-013/16 TO A-017/16	ADINA DI BLASIO	2365 CAMILLA RD	7	Nov 10
A-373/16	CARLOS NICOLAS	5654 WHITEHORN AVE	6	Nov 10
A-376/16	PAHAI KUO	5658 WHITEHORN AVE	6	Approved
A-383/16	STARLIGHT INVESTMENTS LTD	7 ELIZABETH ST N	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

2272061 ONTARIO LTD

on Thursday, October 20, 2016

2272061 Ontario Ltd. is the owner of 1667 Sunningdale Bend being Part of Lot 9, Registered Plan D-13, zoned R2-5, Residential. The applicant requests the consent of the Committee to the conveyance of an sanitary sewer easement, having a width of approximately 3.00m (9.84 ft.). The effect of the application is to create a new easement for sanitary sewer purposes, in favour of the lands to the southeast known as 892 Meadow Wood Road.

Mr. D. Welton, authorized agent, attended and presented the application to create an easement for sanitary sewer purposes. Mr. Welton indicated to Committee that previously the lot had been severed and that a sanitary sewer easement was provided via a private sewer connection on Sunningdale Bend. He indicated that since the severance, the Region of Peel had changed the requirements for a sanitary connection and now required that the sanitary connection be connected to a public sanitary sewer. Mr. Welton indicated that the new easement would realign the sewer to connect to the public sanitary sewer on Sunningdale Bend in favour of the lands located on 892 Meadow Wood Road.

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 (October 14, 2016),
City of Mississauga, Transportation and Works Department (October 13, 2016),
Region of Peel, Public Works, Development Services Division (October 14, 2016),
Credit Valley Conservation (October 19, 2016).

No other persons expressed any interest in the application.

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

The Committee, after considering the submissions put forward by Mr. Welton, 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. A letter shall be received from the Region of Peel, Public Works, Development Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 14, 2016.

3. A letter shall be received from the Credit Valley Conservation Authority indicating that satisfactory arrangements have been made with respect to their comments dated October 19, 2016.

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED

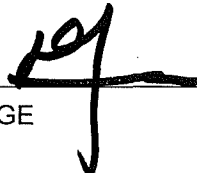
Application Approved, on conditions as stated.

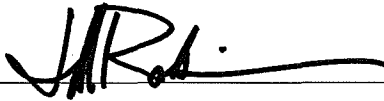
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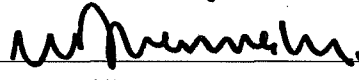
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 20, 2016**.


Date of mailing is October 31, 2016.

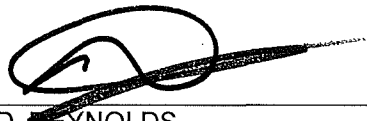

S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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 31, 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

SAYRA LTD.

on Thursday October 20, 2016

Sayra Ltd. is the owner of 1020 Johnson's Lane being Part of Lot 23, Concession 2, S.D.S., zoned C1-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a medical office within Unit A-3, proposing a total of 68 parking spaces for the site; whereas By-law 0225-2007, as amended, requires a minimum of 74 parking spaces in this instance.

Ms. A. Asayesh, property owner, attended and presented the application to reduce the parking requirements on the subject site. At the time of construction, she indicated that the property had a surplus of 17 spaces on site; however, the plaza had undergone a transition to medical uses which triggered the need for additional parking on site. Ms. Asayesh presented photos depicting the subject site and the parking situation. She presented pictures taken at different intervals during the regular weekday operation of the site and noted that there was ample parking throughout the times depicted. Ms. Asayesh advised Committee that the various medical uses were in operation at varying times of day and only attracted few patients due to the small size of their operations. She concluded by advising Committee that site functionality would not be impacted in any adverse way by the reduction in required parking.

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

The City of Mississauga Planning and Building Department commented as follows (October 14, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1-1 (Commercial)

Other Applications:

Certificate of Occupancy File: 16-2450

Comments

Zoning

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

Planning

The applicant submitted a letter of justification, dated October 12, 2016, in support of their request to reduce the provided parking on site, as well as site photos from 10am, 12pm, and 5pm documenting the parking demand on site. The requested reduction of six spaces is a relatively minor reduction and planning staff are of the opinion that the documentation the applicant provided adequately justifies the requested reduction. The plaza has multiple uses that have different peak operating times which help to alleviate the maximum parking demand and the photos provided support the applicant's position that there is adequate vacancy throughout the day.

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

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 419."

The City of Mississauga Community Services Department commented as follows (October 17, 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 g Park #137 - Birchwood Park abuts the applicant's property.
3. The existing adjacent parking lot at Birchwood Park is to be used for park visitors only."

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

"There is an 8m wide Regional sanitary sewer easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Asayesh 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. The applicant had demonstrated adequately that the reduction in parking is feasible for the further development of the property.



MISSISSAUGA

File: "A" 419/16
WARD 2

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

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

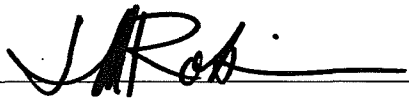
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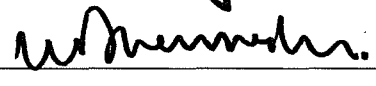
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Date of mailing is October 31, 2016.

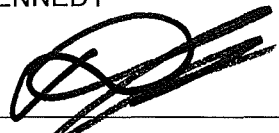

S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

ROBERT RAYMOND JOHN FLUNEY

on Thursday October 20, 2016

Robert Raymond John Fluney is the owner of 1109 Seneca Avenue being Part of Lot 13, Concession 2, South of Dundas Street, zoned E2-57, Employment. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an auto body repair garage and retail sales of used motor vehicles (maximum 6 vehicles) and to permit accessory outdoor storage (police pound) on the subject property, as previously approved pursuant to Committee of Adjustment File "A" 369/11; whereas By-law 0225-2007, as amended, does not permit these uses in an E2-57, Employment zone in this instance.

Mr. R. Fluney, owner of the subject property, attended and presented the application to permit the continued use of the auto body garage and the retail sales of used motor vehicles on the subject property. Mr. Fluney requested that the existing use be continued to be permitted on the property as it has been in operation for 30 years. He indicated that there were no proposed changes to the subject lands or use and they have been complying with the conditions imposed on the previous minor variance application. He was satisfied with moving forward with the previous conditions if the application is approved.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Business Employment, Special Site #4

Zoning By-law 0225-2007

Zoning: E2-57 (Employment)

Other Applications:

Certificate of Occupancy File: 06-1131

Comments

Zoning

N/A

Planning

The Planning and Building Department recognizes that the requested uses have been approved multiple times on a temporary basis throughout the past; however, the requested permissions should be addressed through an Official Plan Amendment and Rezoning application. The application was before the Committee previously in 2005 and subsequently appealed to the Ontario Municipal Board by the City of Mississauga. The City withdrew the appeal when the applicant agreed to the filing of an Official Plan Amendment and Rezoning Application (OZ/OPA). Through the comments provided throughout the OZ/OPA process many factors to address were identified including, but not limited to, storm water concerns associated with contamination and the requirement for a Phase 1 Environmental Site Assessment. The OZ/OPA applications became inactive and were eventually cancelled after a 2008 Minor Variance approval.

The Planning and Building Department cannot support the requested variances. The subject property is zoned E2-57, which does not permit any of the requested uses and specifically identifies 26 uses which are not permitted, including all motor vehicle related uses and both Outdoor Storage and accessory Outdoor Storage.

The Mississauga Official Plan also does not permit Motor Vehicle Sales or Outdoor Storage as per the specifically considered Special Site #4, which covers the subject property.

The requested variances do not maintain the general intent of either the Official Plan or the Zoning By-law. It is not minor in nature or desirable for the appropriate development of the lands to allow for multiple uses which are specifically prohibited from an area through a Minor Variance application. The applicant should reapply for an OZ/OPA and complete the process to ensure that the site is developed in a comprehensive manner beyond the level of depth that a Minor Variance application provides. Despite the length of time the uses have been operating on the property, the application must be considered as a new application and the Planning and Building Department is of the opinion that the application fails to meet all four tests for a Minor Variance.

Based on the preceding information, the Planning and Building Department recommends that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"Enclosed for Committee's easy reference are some photos which depict the subject property. We are also noting from our recent site inspection and as evident in the attached photos that the conditions previously imposed by the Committee under application 'A' 369/11 are being adhered to."

A letter of objection was submitted on behalf of the owners of the neighboring property at 1101 Seneca Avenue (Peel Standard Condominium Corporation #374) noting that the four tests under the Planning Act have not been met in this instance.

No other persons expressed any interest in the application.

Mr. Fluney advised Committee that an Official Plan and Zoning By-law amendment was submitted in 2005; however, it was made clear to him by Planning staff that the application could not be supported on a permanent basis and they advised him that the application could be supported on an interim basis with a minor variance. He advised that the application was never circulated by the Planning staff and the file was closed.

The Committee expressed concerns with the way that the Official Plan and Zoning By-law amendment application was dealt with by Planning and the nature of their comments from the previous application are very different from the current application.

Mr. G. Kirton, Planner for the City, indicated that the planners on file no longer worked with the City and that the application was abandoned due to inactivity. Previously, the City appealed the 2005 decision of the Committee to allow for the minor variance on the subject site to the Ontario Municipal Board (OMB); however, the appeal was withdrawn on the condition that the applicant applies for an Official Plan and Zoning By-law amendment. In the following years, the 2008 minor variance application was filed and the Committee approved the minor variance application for the auto body and auto sales uses as the Official Plan and Zoning By-law amendment applications were still an ongoing matter at the time. When the temporary approval expired, the variance application was applied for again in 2011: The Official Plan and Zoning By-law Amendment applications were abandoned by this time and the files were closed.

The Committee noted that currently the area was under significant residential redevelopment and intensification and that the current use of the subject property does not fit with the character of the surrounding area from a long term use perspective.

The Committee expressed concerns with the application being continually approved on an ongoing temporary basis and, in fairness, recommended to the applicant proceed with a longer term solution through discussions with the Planning Department and any subsequent Zoning By-law or Official Plan applications required or relocate the use to a location that is more suitable for its long term viability and operation.

The Committee, after considering the submissions put forward by Mr. R. Fluney and having reviewed the plans and comments from City staff, is satisfied that the request is desirable for the appropriate limited temporary use of the subject property. The Committee noted that the use has operated for many years without significant impact to area residents; however, the immediate area is in a significant transformation and the subject use based on its historical operation at this location is still appropriate for an additional limited period to allow for the business transition or exit from the site.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of two (2) years and is to expire and terminate on or before November 30, 2018, subject to the following conditions:

1. This decision is personal to "Robert Raymond John Fluney" and shall be in effect so long as the subject premises are owned or occupied by same.
2. There shall be no more than six (6) vehicles displayed at any one time for sales purposes and said vehicles shall be located in the areas as outlined on the site plan reviewed and approved by the Committee of Adjustment
3. There shall be a minimum of three (3) parking spaces provided at the front of the property designated for customer parking only.
4. Any derelict or "write-off" vehicles to be removed from the property shall be stored/parked behind the fence shown on the plan referenced in condition#2 located at the front of the building on the north side.
5. The applicant shall proceed in accordance with the plans reviewed by the Committee.

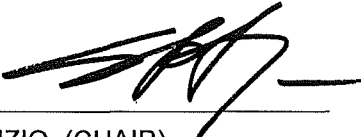

MOVED BY:	D. George	SECONDED BY:	P. Quinn	CARRIED
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Application Approved temporarily, on conditions as stated.

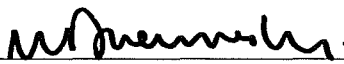
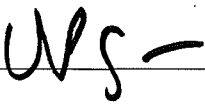
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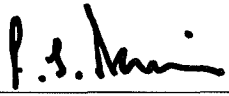
Date of mailing is October 31, 2016.


S. PATRIZIO (CHAIR)
D. GEORGE

DISSENTED
J. ROBINSON


D. KENNEDY
J. PAGE

DISSENTED
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

PEEL CONDOMINIUM CORPORATION #324

on Thursday October 20, 2016

Peel Condominium Corporation # 324 is the owner of 7015 Tranmere Drive, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the expansion of an existing travel agency within Unit 8, Peel Condominium Plan 324 providing a total of 85 parking spaces for all uses on the site; whereas By-law 0225-2007, as amended, requires a minimum of 119 parking spaces for all uses on site in this instance.

Mr. S. Perger, authorized agent, attended and presented the application to allow for reduced parking requirements on site triggered by the expansion of an existing travel agency. Mr. Perger presented a schedule of parking use adjacent to Derry Road showing 29 parking spaces in use, whereas 43 were provided on site. He also presented photos depicting the subject site during peak hours and the current parking situation and indicated to Committee that there was ample parking on site with many vacant spaces. He indicated that for the travel agency use, only two cars were being parked in front of the unit and most of the business was conducted on the internet. With regards to the comments in objection to the application, Mr. Perger indicated that it was due to tenants parking more than the allotted requirement of four cars in front of their businesses. He indicated that there was ample parking throughout the entire site to accommodate all the parking requirements of the businesses currently in operation.

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

The City of Mississauga Planning and Building Department commented as follows (October 14):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast Employment Area West
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2

Other Applications:

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit application under file 16-2420. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject property is located near Derry Rd and Bramalea Rd. The property has frontage and access on both Derry Rd and Tranmere Dr.

The application requests a reduction in parking spaces. A parking justification letter included in the application outlined the online nature of the business. The application indicated that only 15 out of 398 transactions for the month of August were walk-in customers, with the majority of transactions were completed over the phone, email, or online. Staff is satisfied with this justification. Based on the preceding, the Planning and Building Department has no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 422/16."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Perger and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The evidence presented supports the variance being requested.

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

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

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

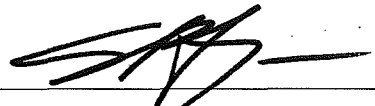
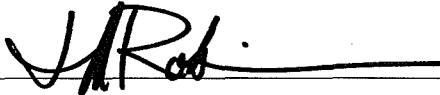
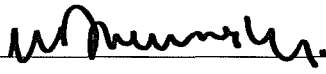
MOVED BY:	J. Robinson	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

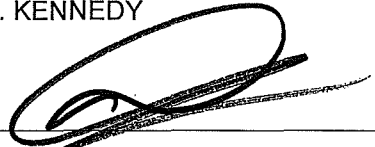
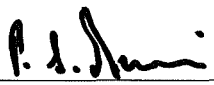
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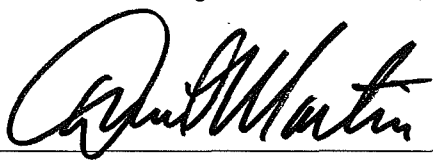
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S. PATRIZIO (CHAIR)
D. GEORGE
J. ROBINSON
D. KENNEDY

ABSENT

J. PAGE
D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

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COMMITTEE OF ADJUSTMENT

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

LUIS OLIVERIA

on Thursday October 20, 2016

Luis Oliveria is the owner of 4102 Woodington Drive being Part of Lot 64, Registered Plan M-256, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing accessory structure (shed) to remain and permit the construction of a rear covered porch proposing:

1. a maximum lot coverage of 42.48% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance; and,
2. a minimum rear yard of 0.33m (1.08 ft) to the accessory structure (shed); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 0.61m (2.00 ft) in this instance.

Mr. M. Marino, authorized agent, attended and presented the application to allow an accessory structure and a covered porch to remain in the rear yard of his client's property. Mr. Marino began by presenting a petition from the neighbours indicating their support for the application. He also advised Committee that staff had supported the variances as presented and that the application met the four tests of the Planning Act.

The Committee advised Mr. Marino that an additional variance was required for the height of the accessory structure in the rear yard. Planning Staff also recommended that variance #2 be amended.

Mr. Marino requested that the application be amended accordingly to Planning Staff's comments.

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

The City of Mississauga Planning and Building Department commented as follows (October 14, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: RM1

Other Applications:

Comments

Zoning

The Building Department is currently processing a building permit application under file 14-3575. Based on review of the information currently available for this application, it was apparent that the following additional variance is required:
a maximum height of 3.22 m (10.583 ft) to the peak of accessory structure (shed); whereas By-law 0225-2207, as amended, permits a maximum height of 3.0 m (9.84 ft) in this instance;

Variance #2 should be amended:
to permit a minimum rear yard setback of 0.33m (1.08 ft) to the accessory structure (shed); whereas By-law 0225-2007, as amended, permits a minimum rear yard setback of 0.61m (2.00 ft) in this instance.

We further note that based on review of the information currently available for this application, variance # 1, as requested is correct.

Planning

The subject property is located near Burnhamthorpe Rd and Central Parkway. The subdivision was developed in the late 1970s. The neighbourhood context is original semi-detached dwellings and detached dwellings with minor alterations and improvements.

The application proposes a new rear covered porch. A building permit for a new covered porch was applied for in 2014. The accessory structure is an existing condition.

Variance #1 requests relief for lot coverage. The new covered porch and the existing accessory structure contribute toward lot coverage. The proposed additional lot coverage does not impact the street as the new covered porch and existing shed are located in the rear. Accessory structures, such as sheds, are a common condition in this neighbourhood. Both the new porch and existing shed are not primary habitable living spaces. In our opinion, variance #1 is minor.

Variance #2 and #3 are to recognize the existing shed located in the rear yard. As stated previously, accessory structures such as sheds, are a common condition in this neighbourhood. The drawings indicate that the shed is 9.82 m² in area. The reduced setback and increased height are minimized by the small area of the structure. In our opinion, variances #2 and #3 are minor.

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

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"This department has no objections to the applicant's request to permit the existing accessory structure (shed) to remain and also permit the construction of the rear covered porch."

A petition was submitted by the applicant with 15 signatures in support of the variance application.

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 423/16

WARD 4

The Committee, after considering the submissions put forward by Mr. Marino 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 amended request to permit the existing accessory structure (shed) and the existing rear covered porch to remain on the subject property proposing:

1. a maximum lot coverage of 42.48% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance,
2. a minimum rear yard of 0.33m (1.08 ft.) to the accessory structure (shed); whereas By-law 0225-2007, as amended, permits a minimum rear yard of 0.61m (2.00 ft.) in this instance; and,
3. a maximum height of 3.22 m (10.58 ft.) for an accessory structure (shed); whereas By-law 0225-2007, as amended, permits a maximum accessory structure (shed) height of 3.00m (9.84 ft.) in this instance.



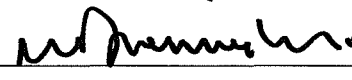
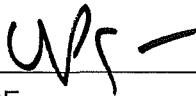
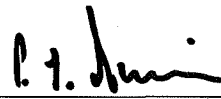
MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on October 27, 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 16, 2016**.

Date of mailing is October 31, 2016.


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

I certify this to be a true copy of the Committee's decision given on October 27, 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
PRAISE CATHEDRAL CENTRE INC.

on Thursday October 20, 2016

Praise Cathedral Centre Inc. is the owner of 6785 Millcreek Drive being Part of Lot 7, Registered Plan 981, zoned E2-29, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a place of religious assembly on the subject property proposing a total of 253 parking spaces, including 8 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a minimum of 269 parking spaces on site, including 8 parking spaces for persons with disabilities for a place of religious assembly in this instance.

Mr. W. Mogg, a member of the church, attended and presented the application to permit a place of religious assembly having less than the required amount of parking spaces on site. Mr. Mogg began by advising the Committee that the Church had approximately 1,000 members and have been in the community for 10 years. Mr. Mogg advised Committee that on any given Sunday approximately 800 members attended the Church for mass. He advised Committee that a building permit application was submitted in order to make interior alterations to create new meeting rooms for their youth programs. Mr. Mogg indicated that peak parking demand occurred on Sunday between the hours of 11:30am and 1:30pm while the rest of the week only incurred a parking demand of 30 cars. Steps have been taken by the church to provide parking attendants on Sundays as well as an agreement with GO Transit to utilize the Meadowvale GO parking lot for overflow parking. He indicated to Committee that the new spaces for youth programs would not impact parking in any way as it would serve only current members of the church.

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

The City of Mississauga Planning and Building Department commented as follows (October 14, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2-29

Other Applications:

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-744. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject property is located adjacent to Meadowvale GO station, at Millcreek Dr and Aquitaine Ave. The subject property operates as a place of religious assembly, and an accessory day care facility.

The application proposes reduction in required parking spaces. The proposal is to convert existing space into offices and meeting rooms for the congregation. It does not add additional worship space. In addition, the applicant provided a shared parking agreement with GO Transit to use Meadowvale GO station parking lot. The information submitted with the application satisfactory justifies the proposed minor variances.

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

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"Based on the information submitted with this application this department has no objections to the applicant's request to permit the place of religious assembly on the subject property."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Mogg 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. The Committee advised that the parking requirements of the By-law do not reflect the current demand exhibited by the church for the subject site.

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

MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved.

Dated at the City of Mississauga on October 27, 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 16, 2016**.

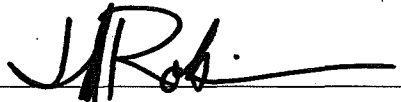
Date of mailing is October 31, 2016.



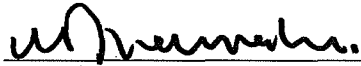
S. PATRIZIO (CHAIR)




D. GEORGE



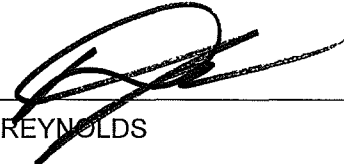
J. ROBINSON



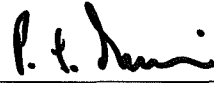
D. KENNEDY



J. PAGE




D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

2421845 ONTARIO INC.

on Thursday October 20, 2016

2421845 Ontario Inc. is the owner of 6020 Winston Churchill Boulevard being Block 185, Registered Plan M-347, zoned R3, Residential. The applicant requests the Committee to authorize the following minor variance to permit the establishment of a proposed day care centre on the subject property proposing:

1. to permit a landscape buffer width of 1.10m (3.60 ft); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76 ft) in this instance,
2. to permit an exterior side yard of 2.20m (7.21 ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68 ft) in this instance; and,
3. to permit a front yard of 2.20m (7.21 ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68 ft) in this instance.

Mr. W. Surdyka, authorized agent, attended and presented the application to permit the construction of a proposed day care centre. Mr. Surdyka indicated that another application was previously approved by the Committee for variances associated with the proposed day care centre. He advised that through the site plan approval process additional variances were identified and he is seeking approval for the new variances.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: R3

Other Applications:

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SP 14-164. 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 variance(s) or determine whether additional variance(s) will be required.

Planning

Previously application A 210/16 was approved at the Committee of Adjustment. The applicant has since revised and resubmitted the site plan application and provided more information to Zoning which has resulted in the identification of these variances. Staff has consulted and met with the applicant on October 13, 2016, and are satisfied with the current site plan application.

The subject site is a corner lot at Winston Churchill Blvd and Britannia Rd W. The site is currently vacant, and previously operated as a temporary new home sales centre. The lot was intended to be developed into a utility station, and as such requires variances for the current proposal. The neighbouring properties have reverse frontages creating an independent context for the subject site.

The applicant is proposing a new day care facility. The building has been located closer to the abutting streets in order to be situated away from neighbouring residential rear yards, and to serve as a buffer for the outdoor play area. As a result, variances seek reductions in side yard and landscape buffer depths. The proposed building is in a unique context with no comparable neighbours, and therefore would have minor impact. There is adequate area on the site and within the reduced landscape buffer areas to accommodate a reasonable amount of landscaping.

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 13, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/164. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (October 17, 2016):

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

This Department notes the following:

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

No other persons expressed any interest in the application.

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

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

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

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

MOVED BY:	J. Page	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

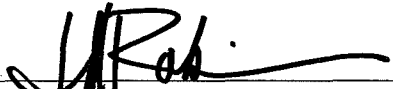
Dated at the City of Mississauga on October 27, 2016.

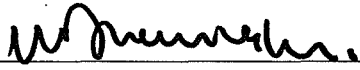
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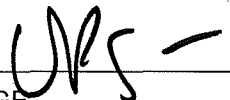
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S. PATRIZIO (CHAIR)

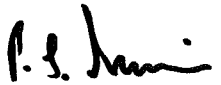

D. GEORGE


J. ROBINSON

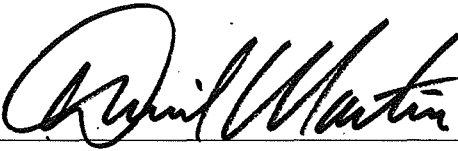

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

1224 DUNDAS STREET PROPERTY INC.

on Thursday October 20, 2016

1224 Dundas Street Property Inc. is the owner of 1224 Dundas Street East being Part of Lot 7, Concession 1, South of Dundas Street, zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the existing property as a Retail Centre providing parking for the Retail Centre at a parking rate of 2.54 spaces per 100.00m² (1076.42sq.ft.) of Gross Floor Area - Non- Residential providing 480 parking spaces on site; whereas By-law 0225-2007, as amended, requires parking to be provided for a Retail Centre at a rate of 5.4 spaces per 100.00m² (1076.42sq.ft.) of Gross Floor Area - Non- Residential, being 1019 parking spaces on site in this instance.

Mr. N. Papapetrou, authorized agent, attended and presented the application to allow the existing commercial retail plaza to remain having a lower parking rate than required. Mr. Papapetrou presented a site plan depicting the subject property and indicated that 484 parking spots were provided on site, 14 of which were parking for persons with disabilities. He indicated that the property has a mixture of various commercial uses and advised that in speaking with zoning staff that the plaza could be considered a retail centre with a blanket parking rate. He referred to the parking study that was prepared for the site and advised Committee that the parking study made it evident that the plaza could meet the current parking demands with a surplus of 19 stalls. As per planning staff comments, Mr. Papapetrou indicated that he was in agreement with allowing the variance to be approved for a temporary period of five (5) years in order to monitor the parking conditions on site.

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

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

"The Planning and Building Department is currently processing a Certificate of Occupancy application. Based on the information contained within our database the current parking situation on site would be as follows:

"1. To provide 480 spaces on site; whereas By-law 0225-2007, as amended required a total of 670 parking spaces in this instance.

2. To provide 14 Accessible parking spaces on site; whereas By-law 0225-2007, as amended requires a minimum of 16 Accessible parking spaces in this instance."

Planning

Notwithstanding the above, the applicant is proposing a different approach to the parking for the subject property. The applicant is seeking to establish a blanket rate for the site as a Retail Centre to allow for a flexibility of uses without having to return to Committee for every new tenant that requires a different parking rate. The classification of the property as a Retail Centre which requires parking at a rate of 5.4 spaces per 100.00 m² of Gross Floor Area (GFA) – Non-residential significantly raises the required parking to the 1019 spaces



MISSISSAUGA

File: "A" 427/16
WARD 1

that are indicated on the notice. The rise in the required number of spaces is primarily the result of currently existing uses with low parking rates now being considered at the 5.4 rate.

The applicant has provided a parking study, completed by GHD and dated September 14, 2016, in support of their proposed parking rate. The requested parking rate of 2.54 spaces per 100.00 m² GFA Non-residential represents the rate that could be provided within the space constraints of the site when you consider all vacant units at the Zoning By-law requirement of 5.4 for the Retail Centre.

The applicant's parking study satisfactorily justifies the requested reduction in the required rate of parking. The study indicates that across the entire site the peak parking for all existing uses is 88 spaces (rate of 0.74 spaces per 100.00 m²) and all vacant spaces is 373 spaces (By-law rate of 5.4 spaces per 100.00 m²), resulting in a total theoretical peak demand of 461 parking spaces.

Although the current parking study justifies the reduction in the rate of parking, the existing uses have a very low parking demand by common Retail Centre standards and through redevelopment and tenant change the parking requirements may increase. As the Dundas Connects project continues, the character of Dundas will experience changes and the parking landscape may need to be revisited. As a result, Planning staff are of the opinion that, should the Committee see merit in the application, a five year temporary approval would be appropriate to allow for an opportunity to re-evaluate the parking on site.

Additionally, the number of parking spaces required when applying the Retail Centre rate also required more accessible parking spaces to be provided. The requirement for accessible parking spaces would be 22 spaces rather than 16; the applicant is proposing to provide 14 spaces. The Department is of the opinion that the reduced number of accessible spaces is adequately justified, given that the number of accessible spaces remains proportional to the number of total spaces provided based on the peak parking demands, as identified in the parking study.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended, provided that the approval be granted on a temporary basis of five years.

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

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

No other persons expressed any interest in the application.

Mr. Papapetrou, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and after considering the submissions put forward by Mr. Papapetrou 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.

Accordingly, the Committee resolves to authorize and grant the amended request to authorize a minor variance to permit:

1. the existing property as a Retail Centre providing parking for the Retail Centre at a parking rate of 2.54 spaces per 100.00m² (1076.42sq.ft.) of Gross Floor Area – Non – Residential providing 480 parking spaces on site; whereas By-law 0225-2007, as amended, requires parking to be provided for a Retail Centre at a rate of 5.4 spaces per 100.00m² (1076.42sq.ft.) of Gross Floor Area – Non - Residential, being 1019 parking spaces in this instance; and,
2. a total of 14 parking spaces for persons with disabilities; whereas By-law 0225-2007, as amended, requires a total of 22 parking spaces for persons with disabilities in this instance.

This decision is valid for a temporary period of five (5) years and shall expire and/or terminate on or before November 30, 2021.

MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on October 27, 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 16, 2016**.

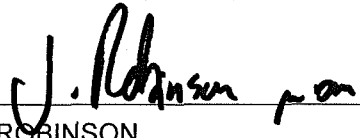
Date of mailing is October 31, 2016.



S. PATRIZIO (CHAIR)

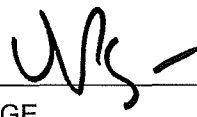


D. GEORGE



J. ROBINSON

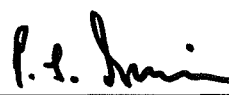
ABSENT
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

PAHAI KUO

on Thursday October 20, 2016

Pahai Kuo is the owner of 5658 Whitehorn Avenue being Lot 44, Registered Plan M-1135, zoned R4-7, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing a maximum driveway width of 6.63m (21.75ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

On September 15, 2016, Mr. N. Dell, authorized agent, attended and presented the application to permit the existing driveway to remain on the subject property. Mr. Dell presented an image of the property before the new driveway was paved. He indicated that the existing driveway slightly encroached onto the landscape buffer and that the driveway did not interfere with lot coverage on the site. Mr. Dell indicated that the wider driveway provided better access for a large vehicle designed to carry the owner's ailing mother.

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 application be refused.

Background

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: R4-7

Other Applications:

Comments

Zoning

We note that a building permit is not required in this instance. It should be noted that the variance(s), as requested, has been reviewed based on information provided, however a full zoning review has not been completed.



MISSISSAUGA

File: "A" 376/16

WARD 6

Based on information provided with this application, we are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Planning

The requested driveway width and configuration provides excessive hard surface and minimal opportunities for soft landscaping. The zoning by-law intends that the width of the driveway be limited to provide space for two vehicles to be parked side by side.

The Planning and Building Department recommends that the application be refused."

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

"This department is not supportive of the existing driveway as widened and would recommend that modifications be made which would discourage three vehicles from being parked side by side on the driveway. With regards to the widened driveway within the municipal boulevard area (area between sidewalk and curb) we would request that this area be re-instated with topsoil and sod.

In view of the above we would recommend that this application be deferred until such time that the applicant has provided a revised plan acceptable to both the Planning and Building and Transportation and Works Department staff which would specifically highlight the details of any modifications required to the existing driveway which could be supported by city staff.

This department is also advising that we are not supportive of the variance requesting a setback of 0.00M (00.00ft) from the driveway to the side property line as we feel the minimum 0.6M required setback could be achieved in this instance."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee indicated that the Planning & Building Department comments as well as Transportation & Works Department comments are unfavourable. Mr. Dell indicated that he wished to have the application deferred to work with Staff in order to address the concerns.

The Committee consented to the request and the application was deferred to October 20, 2016.

On October 20, 2016, Mr. N. Dell, authorized agent, attended and presented the application to permit the existing driveway to remain on the subject property. Mr. Dell presented photos depicting the driveway as well as a revised drawing of the driveway. He indicated that in speaking with Transportation & Works Staff an agreement was able to be reached to lessen the driveway width to 6.63m (21.75 ft.).

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

The City of Mississauga Planning and Building Department commented as follows (October 14, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: R4-7

Other Applications:

Comments

Zoning

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

Planning

The original application was heard at the September 15, 2016 hearing.

The application has been amended: the driveway width has been reduced, and the second variance for insufficient setback has been removed. The by-law intends that the width of the driveway be limited to provide space for two vehicles to be parked side by side. Sufficient landscaping and mature trees are present, and no other variances are requested. In our opinion, the application maintains the intent of the by-law.

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

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

"Further to our comments submitted for the September 15, 2016 hearing of this application we are advising that further to staff recommendations the applicant has provided a revised Site Plan which is in accordance with the Revised Notice of Public Hearing which reflects a proposed driveway width of 6.63 M. In view of the above this department has no objections to the applicant's request to permit a maximum driveway width of 6.63M which would reflect the revised Site Plan recently submitted."

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

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

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

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

1. The applicant is to proceed in accordance with the plan reviewed by the Committee.
2. The Committee of Adjustment Office shall be in receipt of the payment of the \$200.00 Deferral Fee.

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 27, 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 16, 2016**.

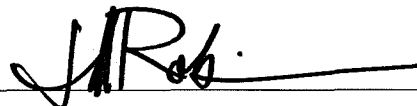
Date of mailing is October 31, 2016.



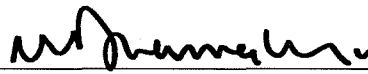
S. PATRIZIO (CHAIR)



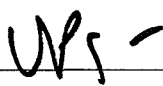
D. GEORGE



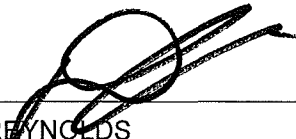
J. ROBINSON



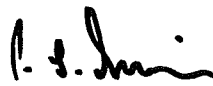
D. KENNEDY



J. PAGE

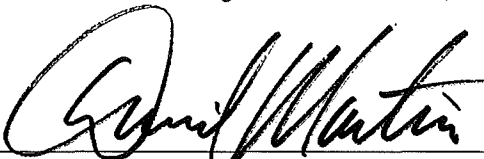


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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

STARLIGHT INVESTMENTS LTD.

on Thursday October 20, 2016

Starlight Investments Ltd. is the owner of 7 Elizabeth Street North being Lot 8 to 11, Registered Plan 300E, zoned RA2-6, Residential. The applicant requests the Committee to permit the conversion of storage space into 5 new residential units within the subject apartment building proposing:

1. a total of 75 parking spaces and 0 visitor parking spaces on site; whereas By-law 0225-2007, as amended, requires a total of 82 parking spaces on site and 1 visitor parking spaces in this instance,
2. a minimum driveway aisle width of 4.05m (13.28ft.); whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance,
3. 0 loading spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 1 loading space on site in this instance,
4. a landscape buffer width of 2.54m (8.33ft.) along Elizabeth Street North and 1.72m (5.64ft.) along High Street; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance; and,
5. a landscape buffer width of 0.00m (0.00ft.) along lands zoned C4, Commercial; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 3.00m (9.84ft.) in this instance.

Ms. J. Robinson declared a pecuniary interest in the application as the applicant is a client of her consulting planning firm. Ms. Robinson left the hearing room and did not participate in the proceedings in any manner.

On September 22, 2016, Mr. M. Rogers of John D. Rogers and Associates, authorized agent, attended the hearing and presented the application to convert existing storage within the apartment building to residential units and to normalize existing site conditions. Mr. Rogers presented a set of plans showing the overall layout of the site and explained to the Committee that storage space would be converted into living units. He expressed that his application triggered multiple minor variances. Mr. Rogers stated that he believed the residents were notified of the proposed changes and that a parking study was submitted supporting the changes to the site.

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

The City of Mississauga Planning and Building Department commented as follows (September 20, 2016):

"Recommendation



MISSISSAUGA

File: "A" 383/16
WARD 1

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

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA2-6

Other Applications:

Comments

Zoning

The Building Department is currently processing a Pre-Zoning Application under file 14-2468. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The local area context is a high density apartment area adjacent to Port Credit GO station. The subject site is a mid-century high density apartment building.

The proposal is to permit the conversion of storage space into five new residential units within the subject apartment building. No exterior or landscape changes are proposed.

The application requests variances to permit the reduction of required parking spaces and the existing driveway, loading, and landscape conditions.

For variance #1, a Parking Utilization Study was conducted by NexTrans Engineering. The study concluded that there was a surplus of 14 spaces at peak parking demand. Paid parking is available on the street, and can act as visitor parking. Staff has reviewed the study and can support its findings.

Variances #2 to #5 are the existing conditions. The apartment building has operated continuously for several decades. The variances requested are consistent with the character of the high density apartment neighbourhood. The minimum aisle width is a pinch point internal to the site. The surplus of spaces can act as a loading space. The reduced landscape buffer along Elizabeth St N and High St are located to the side and rear of the building, with the majority of street facing frontages exceeding the buffer width. The reduced landscape buffer along the adjacent commercial lands abuts a shared right of way that acts as a laneway condition providing access to the rears of Lakeshore Rd E.

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

The City of Mississauga Transportation and Works Department commented as follows (September 16, 2016):

"The department has no objections to the applicant's request for the conversion of storage space into 5 new residential units within the subject apartment building."



MISSISSAUGA

File: "A" 383/16
WARD 1

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

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

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

Mr. B. Park, resident of the subject building, attended and indicated to Committee that residents were not notified of the proposed changes to the building, and that the notice sign was not located properly. He then indicated the no effort was made by the applicant to have a meeting with the residents regarding the proposed changes. Mr. Park indicated to the Committee that there were parking problems on site and that there were no parking spaces for persons with disabilities.

No other persons expressed any interest in the application.

Mr. Rogers indicated that he wished to defer the application in order to address comments from residents and to hold a meeting in order to inform residents of the proposed changes.

The Committee consented to the request and the application was deferred to October 20, 2016.

On October 20, 2016, Mr. M. Rogers of John D. Rogers and Associates, authorized agent, attended the hearing and presented the application to convert existing storage within the apartment building to residential units and to normalize existing site conditions. He indicated to Committee that a meeting was held with the residents of the building on October 3, 2016 and many of the concerns were resolved and mostly regarded the operational procedures with respect to the movement of the lockers on site. He presented a site plan depicting the subject building and indicated that the only proposed changes to the building were internal. He displayed floor plans depicting the existing basement and the proposed floor plan depicting the new suites to be constructed. Mr. Rogers, upon seeing the comments put forward by staff, indicated to Committee that the Zoning By-law included a provision to allow for a visitor space to act as an accessible parking space in this instance and that a visitor parking spot located on the site would satisfy the By-law requirement. Mr. Rogers indicated that an existing parking space would be converted to act as both the visitor and disability parking space that were required in this instance. The Committee expressed concern with regards to the movement of storage lockers in the basement and Mr. Rogers advised that the lockers were being relocated to a room that formerly was used as a pool change room. He noted that the Landlord Tenant Act does not permit elimination of the locker rooms.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances #1 to 5, but recommends refusal of the additional variance for zero accessible parking spaces identified by Zoning.

Background

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA2-6

Other Applications:

Comments

Zoning

The Building Department is currently processing a rezoning application under file 14-2468. Based on review of the information currently available for this application, we advise that additional variance(s) is required.

0 accessible parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum one (1) accessible space on site in this instance.

We further note that based on review of the information currently available for this application, variance(s) # 1. 2. 3. 4. and 5. , as requested are correct.

Planning

The application was previously at the Committee of Adjustment on September 22, 2016.

The local area context is a high density apartment area adjacent to Port Credit GO station. The subject site is a mid-century high density apartment building.

Current parking garage rehabilitation work unrelated to this application began on 8 August 2016, and is scheduled to be complete by 8 December 2016. Temporary parking is provided at the Port Credit Arena.

The proposal is to permit the conversion of storage space into five new residential units within the subject apartment building. No exterior or landscape changes are proposed.

The application requests variances to permit the reduction of required parking spaces and the existing driveway, loading, and landscape conditions.

For variance #1, a Parking Utilization Study was conducted by NexTrans Engineering. The study concluded that there was a surplus of 14 spaces at peak parking demand. Paid parking is available on the street, and can act as visitor parking. Staff has reviewed the study and can support its findings.

Variances #2 to #5 are the existing conditions. The apartment building has operated continuously for several decades. The variances requested are consistent with the character of the high density apartment neighbourhood. The minimum aisle width is a pinch point internal to the site. The surplus of spaces can act as a loading space. The reduced landscape buffer along Elizabeth St N and High St are located to the side and rear of the building, with the majority of street facing frontages exceeding the buffer width. The reduced landscape buffer along the adjacent commercial lands abuts a shared right of way that acts as a laneway condition providing access to the rears of Lakeshore Rd E.

An additional variance for accessible parking was identified by zoning. Accessible parking for residential uses only applies to the total number of visitor parking spaces required. Providing zero spaces where one is required does not meet the intent of the bylaw.



MISSISSAUGA

File: "A" 383/16
WARD 1

Based on the preceding, the Planning and Building Department has no objection to the requested variances #1 to 5, but recommends refusal of the additional variance for zero accessible parking spaces identified by Zoning."

The City of Mississauga Transportation and Works Department commented as follows (October 13, 2016):

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

Ms. P. Block, a resident of the subject building and President of the Tenants Association, attended the hearing and expressed her concerns regarding the application. She advised Committee that she was concerned about the feasibility of the proposed basement apartments as well as the amount of parking that would be provided on site. She indicated that many of the tenants of the building were seniors and that not enough accessibility stalls have been provided and that parking had been an issue in the past. Ms. Block noted that the parking on site was too far away from the entrances to the building and that older tenants would have trouble getting to the entrance of the building. She also expressed concerns regarding the location of the recycling bins on the property noting that they were placed where the proposed visitor and accessibility parking spot was to be located.

The Committee advised Ms. Block that her comments would be addressed during the Building Permit process and that the comments made regarding the feasibility of the new units were outside of the purview of the Committee.

Ms. C. Hilborn, a resident of the subject building, attended the hearing and raised concerns regarding the parking study that was submitted with the application. Ms. Hilborn advised Committee that the parking study statistics were from 2014 and outdated and that since the parking study new tenants have moved in and taken up the excess number of spots that the study had found existed on site.

Committee expressed concern with the parking study as it presented outdated statistics as well as the fact that the data was taken on a weekend. Planning staff indicated that the scope of the parking study included the actual parking usage on the site and not the Zoning By-law parking requirements for the site. The study concluded that not every tenant rented a parking spot and that some rented more than others. The resulting amount of parking spots that were rented amounted to having a surplus of parking spaces on site.

Mr. Rogers indicated that the source of many resident concerns were due to the ongoing construction on the subject site. He advised Committee that currently the underground parking garage was being waterproofed and it was due to the construction that parking on site had been deficient. He indicated that the recycling area would be located in the southeast corner of the property on a concrete pad, and the current location was only temporary due to construction. With regards to the parking spot, Mr. Rogers advised Committee it would be relocated on the site and was an operational issue that was out of the scope of the Committee. Mr. Rogers indicated to Committee that since the building was built in the 1950's that it lacked a lot of accessibility features and so the ability to provide an accessibility friendly building from the location of the accessible parking spot could not be fully satisfied in this instance.

The Committee, after considering the submissions put forward by Mr. Rogers, Ms. Block, Ms. Hilborn and Mr. Park and having reviewed the plans provided, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that there is a need for affordable housing in the City and the property is located near the proposed Hurontario-LRT and Go Station. With these factor in mind the Committee noted they could support a reduction in required parking on site.

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

The Committee is of the opinion that the 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 Committee of Adjustment Office shall be in receipt of the payment of the \$200.00 Deferral Fee.

MOVED BY:	D. Reynolds	SECONDED BY:	D. George	CARRIED
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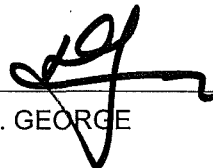
Application Approved, on the condition as stated.

Dated at the City of Mississauga on October 27, 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 16, 2016**.


Date of mailing is October 31, 2016.


S. PATRIZIO (CHAIR)

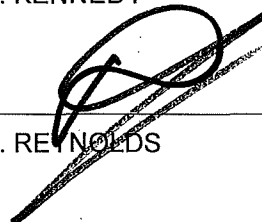

D. GEORGE

ABSENT

J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 27, 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.