

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: OCTOBER 27, 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-074/16	MAKKAH HOLDINGS INC	0 MOULIN ROUGE CRES	6	Approved
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NEW APPLICATIONS - (MINOR VARIANCE)

A-428/16	MICHAEL HORNICK	40 PARK ST W	1	Approved
A-429/16	LEO & MARIA PIERRO	1050 OLD DERRY RD	11	Jan. 19
A-430/16	RUPINDER VIRK	96 SURBRAY GROV	7	Approved
A-431/16	ASAMBARAM GHANI & JULAIKA NATHER	3533 JOAN DR	7	Dec. 1
A-432/16	JUAN & MERCEDES CRUZ	1604 KENMUIR AVE	1	Approved
A-433/16	EDWARD SOWA	142 MINEOLA RD E	1	Approved
A-434/16	JUOZAS SIRVINSKAS	93 FOXHUNT CRT	1	Nov. 24
A-435/16	MORGUARD CORPORATION/ACKTION CAPITAL CORPORATION	2251 NORTH SHERIDAN WAY	2	Refused
A-436/16	HABITAT FOR HUMANITY HALTON- MISSISSAUGA	3136 VICTORY CRES	5	Approved
A-437/16	RAHUL KUMAR DUA	1019 STRATHY AVE	1	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-380/16	SYEDN IKHLAQ JAFRI	648 KOZEL CRT	4	Approved
A-397/16	J. W. INVESTMENT	896 BURNHAMTHORPE RD W	6	Approved
A-398/16	1666426 ONTARIO INC	914 BURNHAMTHORPE RD W	6	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

MAKKAH HOLDINGS INC.

on Thursday, October 27, 2016

Makkah Holdings Inc. is the owner of 0 Moulin Rouge Crescent being Block 127, Registered Plan M-1034, zoned RM5-3, Residential. The applicant requests the consent of the Committee to the conveyance of an easement for storm sewer purposes in favour of the owner of the lands to the west, municipally known as 1005 Eglinton Avenue West.

Ms. A. Sciberras, of Macaulay Shiomi Howson Ltd., authorized agent, attended and presented the application. She presented a site plan for the Committee's review and consideration and advised that a zoning amendment and site plan approval application has been submitted for the construction of a private elementary school at 935 Eglinton Avenue West. Ms. Sciberras indicated that through the review process, it was determined that a private storm sewer easement is required on the subject site to allow access for the future connection of storm services by the property owner on the adjacent lands known as 1005 Eglinton Avenue West, should they choose to develop their property. Ms. Sciberras advised that the location of the easement has been reviewed by technical staff and the location has been found to be acceptable.

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 21, 2016),
City of Mississauga, Transportation and Works Department (October 20, 2016),
Region of Peel, Public Works, Development Services Division (October 21, 2016)

Mr. Z. An, property owner at 5030 Moulin Rouge Crescent, attended and advised that he and his neighbour at 5028 Moulin Rouge Crescent have concerns with respect to drainage and how it will affect them.

No other persons expressed any interest in the application.

The Secretary-Treasurer indicated that the property currently has surface drainage and the intent of the application is to create an easement and install a pipe to allow the water to drain underground.

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

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



File: "B" 74/16
WARD 6

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 26, 2016.

MOVED BY: P. Quinn

SECONDED BY: J. Robinson

CARRIED

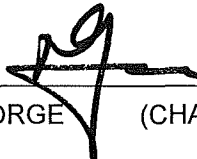
Application Approved, on conditions as stated.

Dated at the City of Mississauga on November 3, 2016.

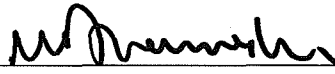
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Date of mailing is November 7, 2016.


S. PATRIZIO

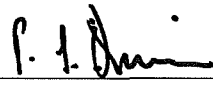

D. GEORGE (CHAIR)


J. ROBINSON

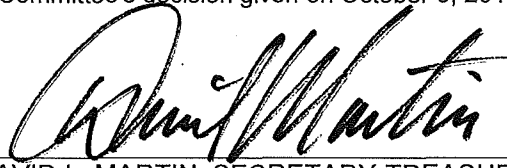

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on October 6, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **November 7, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

MICHAEL HORNICK

on Thursday, October 27, 2016

Michael Hornick is the owner of 40 Park Street West being Part Gore, Plan 300-W, zoned RA1-36, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition, re-construction and renovation of the second floor of the existing dwelling, and to allow the existing shed to remain proposing:

1. a side yard of 0.73m (2.39ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the dwelling in this instance;
2. an exterior side yard of 1.30m (4.26ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance;
3. an eave encroachment of 3.76m (12.30ft.) into the exterior side yard; whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (1.47 ft.) in this instance;
4. a side yard of 0.52m (1.70ft.) to an accessory structure; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to an accessory in this instance; and,
5. a front yard of 4.06m (13.32ft.) for an accessory structure; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance.

Mr. M. Hornick, property owner, attended and presented the application. He advised that the existing pyramidal roof is to be removed, the floor plate of the second floor is to be extended to increase the head room, and a flat roof installed above the new walls. Mr. Hornick indicated that the height of the dwelling is being raised; however the overall height of the dwelling will not be increased above the height of the original pyramidal roof.

Mr. Hornick advised that an addition is to be constructed at the front of the dwelling. He indicated that the lot is triangular and the lot line that abuts Front Street is considered to be the front property line. Mr. Hornick advised that the addition is slightly deficient with respect to the minimum front yard. He indicated that there is an existing accessory structure located in the front yard and relief is being requested for the structure to remain on the subject property. Mr. Hornick indicated that as the lot is irregular in shape, variances are being requested.

Mr. Hornick indicated that he has spoken with the neighbours and they have no objection to the application.

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

The City of Mississauga Planning and Building Department commented as follows (October 21, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RA1-36 (Residential)

Other Applications:

Pre-Zoning Review Application File: 16-5871

Comments

Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application and based on the review of the information currently available, we advise that the variances should be amended as follows:

"1. an interior side yard of 0.737 m (2.48 ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20 m (3.93 ft.) in this instance

2. an exterior side yard of 1.30 m (4.26 ft.) to the dwelling and 1.092 m (3.58 ft.) to an existing 1st floor (oriel) window; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.5 m (14.76 ft.) in this instance

3. a roof projection of 3.76 m (12.34 ft.) into the exterior side yard; whereas By-law 0225-2007, as amended, permits a maximum roof projection of 0.45 m (1.48 ft.) in this instance

4. an interior side yard of 0.52 m (1.70 ft.) to an existing accessory structure; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20 m (3.93 ft.) in this instance and

5. a front yard of 4.06 m (13.32 ft.) to an existing accessory structure; whereas By-law 0225-2007, as amended, requires the greater of 6.0 m (19.68 ft.) or the same distance to the street as the front wall of the dwelling on the same lot."

Additionally, based on the review of the information currently available, the following additional variances are required:

"6. a front yard of 5.842 m (19.67 ft.) to the addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.0 m (19.68 ft.) in this instance

7. an exterior side yard of 1.372 m (4.5 ft.) to the second storey balcony; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 3.5 m (11.48 ft.) in this instance



MISSISSAUGA

File: "A" 428/16
WARD 1

8. a roof projection of 0.87 m (2.85 ft.) into the interior side yard; whereas By-law 0225-2007, as amended, permits a maximum roof projection of 0.45 m (1.48 ft.) in this instance"

Planning

The applicant is proposing to reconstruct the existing second storey of the dwelling on the same footprint as currently exists. The reconstruction would raise the height of the dwelling, in compliance with the Zoning By-law regulations, and also provide a full second storey for the dwelling. A small first storey addition facing the intersection of Park Street West and Front Street is also proposed.

The property is very irregular in shape which creates multiple pinch points that relate to a number of the requested variances for the existing dwelling, the first storey addition, and the second storey addition. Although multiple variances have been requested, it is the opinion of the Department that each one is minor in nature and the four tests are met. The footprint of the dwelling is relatively small and the second storey addition is proposed to be modest in height and should not impact the neighbouring properties. The neighbouring properties are both developed with semi-detached dwelling that are oriented away from the subject property and, in the case of the adjacent dwellings on Park Street West, are also situated further away from the subject property.

The reduced front yard setback represents a new condition. The requested setback is only required to one corner of the single storey structure and the rest of the addition either improves upon the request or complies with the Zoning By-law requirements. Further, as a result of the irregular lot shape, all other portions of the lot line are significantly further away from the proposed addition than the point at which the setback is measured.

Although the Department would not normally support accessory structures in the front yard, in this instance the structure is relatively small in size and height and almost entirely screened from the neighbouring property and the street by the fence and the vegetation on site. The Department is of the opinion that there is no negative impact associated with the structure and 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 20, 2016):

"This department has no objections to the applicant's request to permit the construction of an addition, reconstruction and renovation of the second floor of the existing dwelling and to allow for the existing shed to remain. We are also noting that any Transportation and Works Department concerns/requirements for this property will be addressed through the Building Permit process."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Hornick, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He noted that the neighbour is aware of the balcony and has no objection to the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Hornick 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 balcony faces Front Street and a park and there will be no



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WARD 1

adverse impact to the neighbour. They indicated that the requested variances are minor in this instance noting that the lot shape is irregular.

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 addition, re-construction and renovation of the second floor of the existing dwelling, and to allow the existing shed to remain proposing:

1. a side yard of 0.737m (2.48ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) to the dwelling in this instance;
2. an exterior side yard of 1.30m (4.26ft.) to the dwelling and 1.092m (3.58ft.) to an existing first floor (oriel) window; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance;
3. a roof projection of 3.76m (12.30ft.) into the exterior side yard; whereas By-law 0225-2007, as amended, permits a maximum roof projection of 0.45m (1.47 ft.) in this instance;
4. an interior side yard of 0.52m (1.70ft.) to an existing accessory structure; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (3.93ft.) in this instance;
5. a front yard of 4.06m (13.32ft.) to an existing accessory structure; whereas By-law 0225-2007, as amended, requires the greater of 6.00m (19.68ft.) or the same distance to the street as the front wall of the dwelling on the same lot;
6. a front yard of 5.842m (19.67ft.) to the addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance;
7. an exterior side yard of 1.372m (4.50ft.) to the second storey balcony; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 3.50m (11.48ft.) in this instance; and,
8. a roof projection of 0.87m (2.85ft.) into the interior side yard; whereas By-law 0225-2007, as amended, permits a maximum roof projection of 0.45m (1.48ft.) 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:	S. Patrizio	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on November 3, 2016.

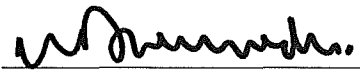
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Date of mailing is November 7, 2016.



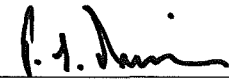
S. PATRIZIO

D. GEORGE (CHAIR)

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 November 3, 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

RUPINDER VIRK

on Thursday, October 27, 2016

Rupinder Virk is the owner of 96 Surbray Grove being Part of Lot 21, Registered Plan 941, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition in the rear yard proposing a setback of 21.20m (69.55ft.) to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of all dwellings to a railway right-of-way of 30.00m (98.42ft.) in this instance.

Mr. B. Bhatti, a representative of the property owner, attended and presented the application. He advised that the dwelling and the addition existed when the current property owner purchased the property. Mr. B. Bhatti advised that they were later informed that no permit was obtained for the one storey addition. He indicated that they have applied for the building permit and it is being withheld as the addition is located too close to the railway tracks. Mr. B. Bhatti advised that they have contacted the railway and they have no objection to the application. He presented a petition, signed by neighbouring property owners/residents, indicating no objection to the application.

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

The City of Mississauga Planning and Building Department commented as follows (October 21, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Other Applications:

Building Permit File: 14-3027

Comments

Zoning

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

Planning

The applicant is proposing to build an addition to the rear of their dwelling within the required setback to the railway right-of-way. All of the homes along this stretch of Surbray Grove are located within the required setback and although the applicant's proposal is worsening the condition, they are in receipt of confirmation from CP Rail indicating no objection to the application. The intent of the Zoning By-law provisions is to implement the standards of the railway industry and as a result the Department is of the opinion that this intent is met.

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 20, 2016):

"We are noting that any Transportation and Works Department concerns/requirements for the one storey addition in the rear yard will be addressed through the Building Permit process. Acknowledging that on our site inspection we were unable to access the rear yard it appears that the addition already exists."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

The Canadian Pacific Railway (J. Tomei), commented as follows (September 28, 2016):

"I have reviewed plans provided to CP by Ms. Virk regarding the property at 96 Surbray Grove in the City of Mississauga with respect to the Minor Variance application. CP notes that both the house and extension are not in compliance with CP's required setback. The original house was built prior to circulation and commenting by the railway which allowed the first reduced setback to occur and it appears that the extension was subsequently built to create a further reduction to that setback. At this point CP has confirmation with the owner that they acknowledge the non-conforming setback and that future owners will also be made aware of the situation prior to purchasing.

CP will not be objecting to the above noted minor variance."

A petition was received, signed by approximately 14 neighbours/residents, indicating they have no objection to the application.

A letter was received from A. Bento, property owner at 72 Surbray Grove, indicating no objection to the request.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. B. Bhatti 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 By-law requirement for the minimum setback was imposed to ensure that the concerns of the railway were addressed. The railway has no objection to the application.



MISSISSAUGA

File: "A" 430/16

WARD 7

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:	J. Page	CARRIED
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Application Approved.

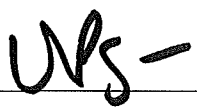
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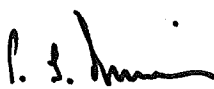
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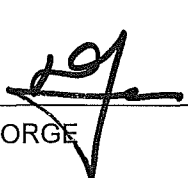
Date of mailing is November 7, 2016.

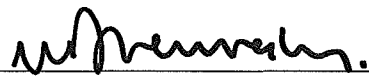

S. PATRIZIO


J. ROBINSON


J. PAGE

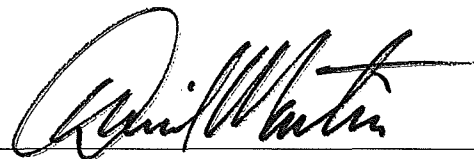

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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

JUAN & MERCEDES CRUZ

on Thursday, October 27, 2016

Juan & Mercedes Cruz are the owners of 1604 Kenmuir Avenue being Part of Lot 304, Plan F-20, zoned R3-1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling proposing:

1. a lot coverage of 35.95% 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 Gross Floor Area - Infill Residential of 411.00m² (4,424.11sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 365.62m² (3,935.62sq.ft.) in this instance; and,
3. a height of 6.70m (21.98ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) to the underside of the eaves in this instance.

Mr. P. Pimentel, of Pedro Pimentel Architect Inc., authorized agent, attended and presented the application to permit the construction of a replacement dwelling on the subject property. Mr. Pimentel presented plans for the Committee's review and consideration and advised that a slight increase to the lot coverage is required noting that a covered porch is located at the rear of the dwelling. He explained that the second floor has been situated further back from the main front wall to reduce the massing effect.

Mr. Pimentel indicated that the height of the eaves exceeds the By-law requirements due to the varying grading on the lot. He advised that the location of the non-complying height is located on the second storey portion of the dwelling which is located further back from the street.

Mr. Pimentel indicated that his client has requested that a larger dwelling be constructed to meet the growing needs of their family. He advised that the proposed dwelling includes a bedroom on the main floor. Mr. Pimentel indicated that the massing of the structure is reduced as the second storey is located further back from the street.

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

The City of Mississauga Planning and Building Department commented as follows (October 21, 2016):

Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval Application File: 16-48

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, the variances are correct as requested.

Planning

The increase in lot coverage of 0.95% is a result of the single storey covered outdoor patio in the rear yard. The coverage associated with the main portion of the dwelling is under what the Zoning By-law permits. The additional coverage increase is a relatively small request should not create a situation where the lot appears to be overdeveloped.

The requested increase in permitted Gross Floor Area (GFA) is mitigated by the design of the dwelling; the second storey is only a partial storey with the majority of it located near the rear of the dwelling to draw the massing away from the street. The requested increase is not inflated by open to below areas within the dwelling. The Department is of the opinion that the general intent of the Zoning By-law is maintained and any potential impacts of the increased GFA are mitigated by the design of the dwelling.

With regards to the increase in the height to the eaves, the request is relatively small at 0.30 m (0.98 ft.) and is mostly accounted for by the grade changes across the property.

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

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/48. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

A petition was received, signed by the residents/property owners at 1499, 1508, 1599, and 1601 Kenmuir Avenue, expressing support for the application.

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 432/16
WARD 1

The Committee, after considering the submissions put forward by Mr. Pimentel 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 second storey is located at the rear of the dwelling and draws the massing away from the street. They further indicated that the requested increase in the height to the eaves is required as a result of the change in grading and it is only for a portion of the dwelling.

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

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

Accordingly, the Committee resolves to authorize and grant the 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 November 3, 2016.

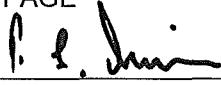
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 23, 2016**.

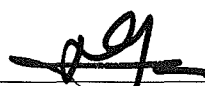
Date of mailing is November 7, 2016.



S. PATRIZIO

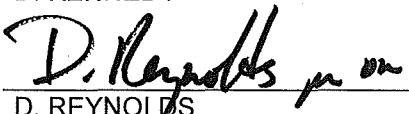

J. ROBINSON


J. PAGE

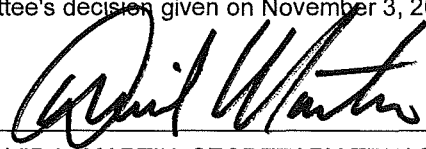

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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

EDWARD SOWA

on Thursday, October 27, 2016

Edward Sowa is the owner of 142 Mineola Road East being Part of Lot 1, Range 1, Credit Indian Reserve and Lot 51, Plan 453, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the rear of the existing dwelling and the re-construction of an existing wall proposing an exterior side yard of 1.91m (6.26ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Ms. D. Kowiazio-Sitko, authorized agent, attended and presented the application. She advised that a building permit was issued for the construction of an addition to the rear of the dwelling. The construction started and the contractor discovered that the garage wall and floor joists were unstable. The garage wall facing Crossfield Bend was removed due to structural instability. The floor joists were also removed and replaced with new materials. A stop work order was issued and the structure was deemed to be a new dwelling as the structure was no longer considered to be an addition. Ms. Kowiazio-Sitko indicated that a building permit application was submitted for a new dwelling and is being withheld as relief is required for a reduced exterior side yard. She noted that the exterior side yard is unchanged. The new wall was constructed utilizing the same setback as the original structure.

Ms. Kowiazio-Sitko indicated that the property owner has discussed the application with the neighbour, Ms. Marshall, and she no longer objects to the application. Ms. Kowiazio-Sitko presented a letter for the Committee's review and consideration.

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

The City of Mississauga Planning and Building Department commented as follows (October 24, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Building Permit File: 16-3475

Comments

Zoning

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

Planning

The applicant is proposing to reconstruct the existing dwelling in the same location and to the same size that currently exists. Through a previous Building Permit application for a rear yard addition there was some question to the integrity of parts of the dwelling. The applicant has received an engineering report indicating the structural instability of parts of the existing dwelling that should be replaced. The engineering report would be sufficient to allow the dwelling to be rebuilt without the need for variances under section 2.1.1.4 of the Zoning By-law (Repair to a Safe Condition); however, the applicant has chosen to apply to the Committee to legalize the existing deficiency.

The exterior side yard setback deficiency is required to the garage wall on the west side of the property. The garage is a single storey in height, relatively short in length, and does not represent considerable massing near the property line. Further, there is significant mature vegetation along the lot line along Crossfield Bend which almost completely screens the garage. The reconstruction of the existing condition should not have any negative impacts on adjacent properties of the streetscape.

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 20, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/051. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

A letter was received from Ms. E. Marshall, property owner at 164 Mineola Road East, expressing opposition to the application and noting her concerns with respect to safety and drainage.

A letter was received from Ms. E. Marshall, property owner at 164 Mineola Road East, indicating that, after further discussion with the property owner clarifying the application, she advised that assuming the renovation and addition proceeds within the specifications of the Official Plan and its implementing Zoning By-law, she has no objection to the proposal as explained to her.

A letter was received from V. Khamesra, resident at 131 Mineola Road East, expressing no objection to the application.

A letter was received from A. Cavassini, property owner at 1311 Crossfield Bend, expressing no objection to the application.

A letter was received from R. Minkhorst, property owner at 1315 Crossfield Bend, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Kowiazio-Sitko and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee concurred with the Planning and Building Department recommendations and noted that the neighbours have 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.

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

File: "A" 433/16
WARD 1

Application Approved.

Dated at the City of Mississauga on November 3, 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 23, 2016**.

Date of mailing is November 7, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 November 3, 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

MORGUARD CORPORATION/ACKTION CAPITAL CORPORATION

on Thursday, October 27, 2016

Morguard Corporation/Acktion Capital Corporation is the owner of 2251 North Sheridan Way being Part of Lot 32, Concession 1, South of Dundas Street, zoned E2-7, Employment (E2-5 under amending By-law 97-2016). The applicant requests the Committee to authorize a minor variance to permit a temporary parking lot, on lands zoned E2-5, for the purposes of accommodating inventory for an auto dealership, proposing a surface treatment of 15cm (5.90inches) compacted crusher run limestone; whereas By-law 0225-2007, as amended, does not permit a parking lot use and requires a 15cm (5.90inches) stable surface of asphalt, concrete, pervious materials or other hard-surfaced materials in this instance.

Mr. J. Levac, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit a temporary parking lot on the subject property. He indicated that the property is located within the Sheridan Research Park which was used primarily for research type uses. Mr. Levac indicated that, although the property has direct highway exposures, his client has had difficulty in finding a tenant to lease the property due to the restrictive zoning. Mr. Levac advised that a new Official Plan Policy was implemented to allow a broader range of uses. He indicated that the new Official Plan Policy and Zoning By-law were passed in May, 2016; however, the Zoning By-law has been appealed.

Mr. Levac advised that the current zoning is E2-7 and the E2 parent policies permit a 'parking lot' which means a parking area or parking structure on a lot or portion thereof, where motor vehicles less than or equal to 3,000kg in weight are parked on a temporary basis for a period of not more than 14 days and a fee may or may not be charged. The weight distinction ensures that trucks are not included in the definition.

Mr. Levac advised that Morguard Corporation owns Meadowvale Ford and wishes to park their vehicles on the property. Mr. Levac provided a letter for the Committee's review and consideration and advised that the parking lot will accommodate approximately 200 vehicles and monthly sales are between 140 – 150 vehicles. The letter advised that nine to ten trips per day will be made to the lot and the vehicles will be turned over on a regular basis. Mr. Levac indicated that there is a graveled area that has been cleared to allow for the parking of motor vehicles. Mr. Levac indicated that the parking lot is not visible from the Queen Elizabeth Way (QEW).

Mr. Levac advised that a new By-law has been passed and a 'parking lot' is not permitted under the E2-5 permitted uses. Mr. Levac indicated that relief is being requested to allow the property to be utilized for the temporary parking of vehicles.

Mr. Levac indicated that relief is being requested to allow the cars to be stored for short periods of time while they get shuttled to the dealership. Mr. Levac explained that his client wishes to utilize the property for a period of three years for short term parking. He indicated that the area is screened from the QEW and, if the Committee sees merit in the application, it will allow his client to utilize the property while they search for a new tenant. Mr. Levac indicated that they did not appeal the new Zoning By-law amendment as they believed it would create further delays. Mr. Levac indicated that the new By-law has reduced the restrictions that were previously in place on the property and they believe it will be less challenging to find a new tenant. He advised that the gravel parking surface is preferable as, if the area is paved, it is likely that the pavement will ultimately be torn up to place a new building on the property to suit the new tenant's needs.

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

The City of Mississauga Planning and Building Department commented as follows (October 24, 2016):

Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-5 – Under Appeal (Employment)
E2-6 – In Force (Employment)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

A Certificate of Occupancy application is required. In the absence of a Certificate of Occupancy application we are unable to confirm the accuracy of the requested variances. However, in reviewing the variances as outlined in this application, the variances should be amended as follows:

"1. to permit a temporary outdoor storage use on lands zoned E2-5; whereas By-law 225-2007, as amended, does not permit this use;

2. to permit a surface treatment of 15cm of compacted crusher run limestone; whereas By-law 225-2007, as amended, requires a minimum of 15cm stable surface of asphalt, concrete, pervious materials or other hard-surfaced materials in this instance."

The applicant has submitted their application with the use stated as a temporary parking lot. While the proposed use could potentially be considered under multiple definitions in the Zoning By-law, staff is of the opinion that outdoor storage most appropriately resembles what is proposed on site.

Planning

Sheridan Park Corporate Centre has specific Official Plan policies geared towards promoting the area as a science and technology related hub with an emphasis on the campus like environment and limited supporting uses. Section 15.5.2.3 (b) of the Character Area policies of the Official Plan state that "operations must be carried out within enclosed buildings and structures". The applicant's proposal with no buildings on site, does not support the long term goals of Sheridan Park, nor support the character of the area. Allowing outdoor storage as a primary use, even on a temporary basis, does not maintain the general intent of the Official Plan.

The exception zoning restricts the permitted uses to a narrow scope that is intended to support the goal of a science, technology, education, and research oriented uses in the Corporate Centre. Further, the exception zoning clearly indicates that Science and technology facilities should be located within an enclosed building. Planning staff are of the opinion that outdoor storage as a primary use on the subject property does not maintain the general intent of the Zoning By-law.

The proposed use of the subject property is not desirable for the appropriate development of the lands. Sheridan Park Corporate Centre is a highly unique and specialized area within the city and the granting of alternative uses, even on a temporary basis, serves to undermine the character of the area. The mass storage of vehicles across the site is not a desirable condition and is not good planning for Sheridan Park.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variances do not meet the four tests for a minor variance and that the application should be refused.

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"Enclosed for Committee's information are some photos which depict the existing parking lot as constructed. We have reviewed our files and it is our understanding that an Erosion and Sediment Control Permit was issued for this property in December 2015, however this permit has now expired. Transportation and Works Department staff have also reviewed the as constructed Grading Plan (DWG C101) submitted with the application and are advising that prior to our approval of the existing gravel parking area, a Stormwater Management Report must first be reviewed/approved by staff. The Stormwater Management Report is to show how the applicant will control the post development flow to the predevelopment level.

In view of the above and should Committee see merit in the applicant's request we would suggest that a condition of approval be that satisfactory arrangements be made with the Transportation and Works Department with regards to the approval of a Stormwater Management Report and an Erosion and Sediment Control Permit for the subject property."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the Zoning Section has determined that the proposed use is considered to be 'outdoor storage'. Mr. Kirton indicated that a Zoning Certificate of Occupancy is required. He indicated that the vehicles are un-licensed and therefore the vehicles are stored rather than parked. Mr. Kirton indicated that parking lots typically service the buildings on the lot. In this proposal, the fleet of vehicles being stored is considered to be 'outdoor storage'.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the outdoor storage or parking of vehicles is not appropriate in this area noting that tenants should be secured for uses such as science, technology, education, and research.

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

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

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


MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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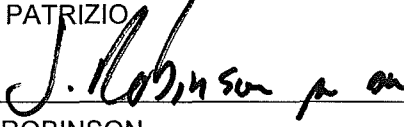
Application Refused.

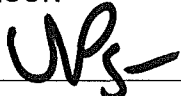
Dated at the City of Mississauga on November 3, 2016.

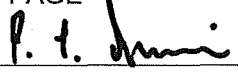
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 23, 2016**.


Date of mailing is November 7, 2016.

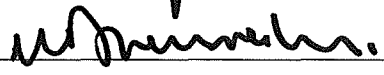

S. PATRIZIO


J. ROBINSON


J. PAGE

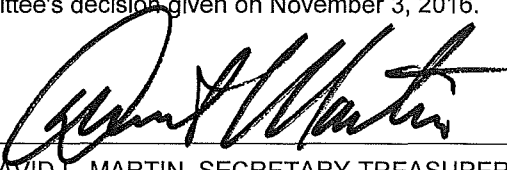

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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

HABITAT FOR HUMANITY HALTON-MISSISSAUGA

on Thursday, October 27, 2016

Habitat for Humanity Halton-Mississauga is the owner of 3136 Victory Crescent being Part of Lot 11, Concession 7, EHS, zoned R4-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of four (4) semi-detached dwellings on the subject property in compliance with the RM1 zoning provisions; whereas By-law 0225-2007, as amended, only permits a detached dwelling in this instance.

Ms. J. Payne, authorized agent, attended and presented the application. Ms. Payne requested that the application be amended to allow the property to be developed in compliance with the RM2 zone provisions.

Ms. Payne indicated that the Habitat for Humanity's goal is to provide affordable housing, noting that approximately 90% of the materials utilized to construct dwellings are donated and approximately 90% of the work is completed by volunteers.

Ms. Payne advised that the subject property was previously occupied by a fire hall noting that it has been boarded up for approximately 20 years. Ms. Payne advised that they wish to construct four (4) semi-detached dwellings with four basement apartments on the subject property. She presented an excerpt from the Zoning By-law illustrating the RM2 zone provisions and concept plans for the Committee's review and consideration and advised that the lots will comply with the RM2 zone provisions for lot area and frontage.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-1

Other Applications:

Comments

Zoning

We note that building permit applications are required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required.

We also advise that the applicant is proposing to change the zoning requirements to that of RM1. The proposed development will not meet the RM1 standards with respect to lot area and lot frontages. Through discussion with staff, the applicant has indicated that RM2 is more appropriate.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed.

As no severances are proposed at this time and four dwellings on one lot is not the intended outcome, we recommend that the variance be expressed as follows:

"To permit development of the subject land in accordance of the RM2 standards; whereas By-law 0225-2007, as amended only permits a detached dwelling in this instance."

Planning

The subject site is located at the corner of Victory Crescent and Merritt Avenue in the Malton Neighbourhood. It is a former fire station.

The application is proposing the construction of four semi-detached dwellings on the property. The applicant has indicated the intent to apply for consent applications if the minor variance application is approved.

The lot is a relatively large, rectangular shaped, corner property. The immediate context is semi-detached dwellings to the south and west, and detached dwellings to the north and east. The current zoning permits detached dwellings. The lot is designated Low Density II in the Official Plan and permits detached, semi-detached, duplex, triplex, street townhouses, and other forms of low-rise dwellings with individual frontages. In our view, redevelopment of the site for semi-detached dwellings is compatible with the surrounding context and, with the exception of the Airport Noise policies, would otherwise comply with Mississauga's Official Plan.

The site is located within the Airport Operating Area. The Official Plan policies of the Airport Operating Area do not permit increases to the number of dwelling units beyond the existing zoning. Some redevelopment and/or infill is permitted by the Official Plan provided it does not significantly increase the number of dwelling units within the neighbourhood, and where the property is located below the 35 noise exposure projection (NEF) contour. The subject site is located above the 35 NEF contour. Accordingly, staff is unable to support the variance application as it does not comply with these Official Plan policies.

In 2015 and 2016, the City undertook "My Malton", a policy review for the Malton Area. Among the action items emanating from this process was the need to review the Airport Noise policies of Mississauga's and the Region of Peel's Official Plans and their effect on redevelopment in Malton. The potential amendments to the City's Official Plan are expected before Council in the next few months, however, a Regional OPA will also be required and potentially Ministry approval.

The proposed RM2 Zone provisions would permit semi-detached dwellings on lots with 6.8m (22.3 ft.) of frontage for interior lots and 9.8m (32 ft.) of frontage for corner lots. From the site plan supplied with the application, it appears that these requirements are met, however the applicant should confirm these figures.

A fulsome Zoning review has not been conducted for this application, however it was noted that the exterior side yard setback for the corner lot is 3.0m whereas the RM2 Zone provisions require 4.5m. The applicant may seek to add this additional variance, if acceptable to the Committee.

Based on the preceding, the Planning and Building Department is unable to support the application at this time and recommends that it be refused."

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"Acknowledging that this department has no objections to the applicant's request to permit the construction of four (4) semi-detached dwellings on the subject property it is our understanding that should this variance be approved the applicant will then pursue Consent Applications in order that the lots can be created. We are also noting for the applicant's information that through a future Consent Application a number of Transportation and Works Department conditions/requirements related to detailed grading and drainage, servicing, access, acoustical, Phase 1 Environmental Site Assessment (ESA) to indicate possibility of any soil contamination, etc. will be addressed."

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"Installation of new services and an upgrade of your existing service(s) will be required. Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

"Servicing approvals will not be given until parcels are severed."

A letter was received from Ward Councillor Parish providing background information with respect to the parcel. She advised that the property was previously an old fire station site. The property is located on a property with semi-detached dwellings beside it on Merritt Avenue. She advised that the City donated the property to Habitat who will utilize donated labour to remove the fire station and to build two semi-detached homes on Merritt Avenue with safe, comfortable basement apartments – thereby housing eight households. She further advised that Habitat will ensure the homes remain affordable in perpetuity. Councillor Parish indicated that the community has expressed great enthusiasm at various community meetings to volunteer and participate in the build.

An e-mail was received from S. Stoker, property owner and resident at 3059 Churchill Avenue, expressing his opposition to the application and noting his concerns with respect to noise, traffic flow and parking. He indicated that these issues will adversely affect the peace, safety and general health of the residents and create increases in density on an area already stressed.

A letter was received from L. Baynton, resident at 7171 Reindeer Drive, expressing an interest in the application.

A letter was received from M. Nowicki, Manager, Aerodrome Planning, Greater Toronto Airports Authority, expressing comments with respect to the application.

"The subject property is located within the Toronto Pearson International Airport Operating Area and within the 35-40 NEF/NEP of the composite contour map for Toronto Pearson. Noise contours are produced to encourage compatible land use planning in the vicinity of airports. The Airport Operating Area (AOA) establishes the boundary of areas that are subject to high levels of aircraft noise. The official plans of both City of Mississauga and Region of Peel have incorporated aircraft noise policies to define restrictions on sensitive land use development within the AOA, aimed at minimizing community annoyance and protecting the operational integrity of the Airport. Sensitive land uses include residences, day care centres, public and private schools and health care facilities. This definition of sensitive land uses is consistent with the Provincial Policy Statement (Ministry of Municipal Affairs and Housing) and is more broadly addressed in TP1247 - Land Use in the Vicinity of Airports (Transport Canada). Accordingly, the Greater Toronto Airports Authority (GTAA) discourages the development of sensitive land uses within the AOA.

It should be noted that the City has recently been undertaking a review of the aforementioned Aircraft Noise policies in the form of a draft Official Plan Amendment, with input from the GTAA. Until such time as the proposed policies receive formal approval, the GTAA would prefer to withhold comment on noise-sensitive development proposals affected by the current Official Plan policies.

However, if the Committee of Adjustment proceeds to grant the requested variance, the GTAA requests, as a condition of approval, the completion of a noise impact study from a qualified noise engineer certifying that the design drawings submitted for the proposed residential dwellings are in compliance with all applicable Ministry of the Environment (MOE) noise guidelines (Publication NPC-300). In addition, the GTAA requests an acoustical certification from a qualified noise engineer that the proposed dwellings are in compliance with all applicable MOE noise guidelines and the noise study referred to above. Furthermore, the GTAA requires a tripartite Aircraft Noise Warning Agreement, as per the attached draft, between the GTAA, the City of Mississauga and the property owner.

Should the City of Mississauga's Committee of Adjustment proceed with the authorization of a minor variance to permit four semi-detached dwellings on the subject property, it should only do so once it has been established that the conditions stated in the previous paragraph will be met (as the result of a detailed noise analysis being undertaken and acoustic design features being incorporated into the building components)."

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that the application should proceed through the re-zoning process. He noted that an Official Plan Amendment would be required.

Mr. H. Lynch, Supervisor of Development and Design, Planning and Building Department, attended and advised that the Planning and Building Department is not raising the issue with respect to density and the construction of semi-detached dwellings on the property as the foremost issue is the noise issue. Mr. Lynch indicated that there are stringent policies with respect to the 35NEF contour. He explained that Malton is an older area and most of the area was constructed prior to the implementation of the policies. Mr. Lynch indicated that the Provincial, City and Regional policies do not allow any new residential units to be constructed. Mr. Lynch indicated that the Aircraft Noise policies are currently being reviewed and conclusions have not yet been reached. He advised that once the policy is finalized, Regional Official Plan amendments and Ministry Approval may be required.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Payne, Mr. Lynch, Mr. Ruggiero, the Greater Toronto Airports Authority, and having reviewed the documentation, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the property is zoned Residential and is located close to the 35 noise exposure projection (NEF) contour. They indicated that there are existing semi-detached dwellings located on the adjacent lands. The Committee advised that the location of the property is within the boundaries of an existing Residential neighbourhood and the approval of the application will not expand the use into an area that was not previously designated Residential. The Committee indicated that the intent of the Official Plan and the Zoning By-law is to mitigate noise from the airport and ensure that livable space is provided. The Committee indicated that the proposal is appropriate if the development of the properties and dwellings is in compliance with the noise guidelines of the Ministry of the Environment and the noise study.

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 development of the subject land in accordance of the RM2 standards; whereas By-law 0225-2007, as amended only permits a detached dwelling in this instance.

This decision is approved as presented subject to the following conditions:

1. Prior to building permit issuance, a qualified noise engineer shall certify that the residential dwelling plans are in compliance with the completed noise impact study and in compliance with all applicable Ministry of the Environment (MOE) noise guidelines (Publication NPC-300).
2. Prior to building permit issuance, an acoustical consultant shall certify that the residential dwelling plans are in compliance with the completed noise impact study and in compliance with all applicable Ministry of the Environment (MOE) noise guidelines (Publication NPC-300).
3. Prior to building permit issuance, a letter shall be received from the GTAA indicating that satisfactory arrangements have been made with respect to the execution of the Aircraft Noise Warning Agreement.

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


File: "A" 436/16
WARD 5

Application Approved, as amended, on conditions as stated.


Dated at the City of Mississauga on November 3, 2016.

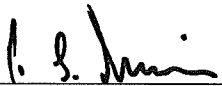
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 23, 2016**.

Date of mailing is November 7, 2016.

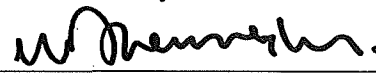

S. PATRIZIO


J. ROBINSON


J. PAGE

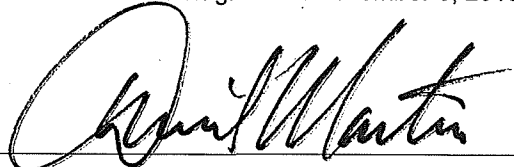

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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

RAHUL KUMAR DUA

on Thursday, October 27, 2016

Rahul Kumar Dua is the owner of 1019 Strathy Avenue being Part of Lots 72 and 73, Plan E-21, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition and a detached two car garage on the subject property proposing:

1. an exterior side yard of 0.86m (2.82ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,
2. an exterior side yard of 4.50m (14.76ft.) to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Mr. M. Bradley, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application to permit the construction of a second storey addition and renovation to the existing dwelling as well as a detached two car garage. Mr. Bradley presented plans for the Committee's review and consideration. He indicated that they are willing to push the garage further back on the lot and requested that the application be amended to permit an exterior side yard of 5.20m (17.06ft.) so that the Transportation and Works Department concerns may be addressed. Mr. Bradley indicated that the proposed development of the lot is in character with the neighbourhood.

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

The City of Mississauga Planning and Building Department commented as follows (October 24, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: 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 information provided, or determine whether additional variances may be required.

Based on the applicant's request, an additional variance may be required for parking as two spaces are required for the dwelling and one is required for the second unit. However, we understand that the applicant will be requesting an amendment to their application to locate the garage 5.2 m (17.06 ft.) from the exterior side lot line, which would allow for the additional required parking to be provided.

Planning

Although the applicant has not provided elevations for their proposed second storey addition, they have indicated on their site plan that the extent of the addition will not increase beyond the current footprint of the dwelling. Further, the applicant is aware of the new height restrictions for single detached dwellings within Lakeview.

The requested exterior side yard setback reduction would facilitate a second storey addition on the same footprint as the existing dwelling, which is currently deficient in the required setback. Although the requested reduction appears to be significant, the boulevard adjacent to the exterior side yard between the lot and Ella Avenue is very generous and unlikely to be narrowed or altered in the future. As a result, there is significant separation between the dwelling and the street and the reduced setback does not cause an imposing situation on the neighbourhood or street. Other dwellings along Ella Road are sited similarly close to the road and the applicant's request would generally maintain the character of the neighbourhood.

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

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

Should Committee see merit in the applicant's request we would recommend that Variance 2 be amended to reflect at least a 5.2M setback to the detached garage. As Committee is aware this department typically does not support any reduction of less than 5.2M measured from the municipal right-of-way to the face of the garage in order that parking for a vehicle can be accommodated within the limits of the property.

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (October 24, 2016):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

Site Characteristics:

Based on the available floodplain mapping, the subject property is adjacent to the Regulatory Floodplain associated with Serson Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition and a detached two car garage on the subject property proposing:

1. an exterior side yard of 0.86m (2.82ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,
2. an exterior side yard of 4.50m (14.76ft.) to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Comments:

The requested minor variance related to the exterior side yard setbacks does not impact the Authority's interests. As such, CVC has no concerns and **no objection** to the approval of this minor variance by the Committee at this time.

However, the applicants are to note that the garage and the existing dwelling may be located within the Regulatory Floodplain associated with Serson Creek. As such, CVC would require the applicants to do a topographic survey on the subject property to confirm whether the existing dwelling and the proposed garage are located within the Regulatory Floodplain. If these structures are located within the Regulatory Floodplain, floodproofing works would be required for the construction of the structures. Furthermore, if the existing dwelling or the entrance of the secondary dwelling unit is located within the Regulatory Floodplain, CVC staff will not support the approval of the secondary dwelling unit.

Depending on the extent of the Regulatory Floodplain confirmed by the topographic survey, a CVC permit may be required for the secondary dwelling unit, the proposed addition and the detached garage."

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition and a detached two car garage on the subject property proposing:

1. an exterior side yard of 0.86m (2.82ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,

2. an exterior side yard of 5.20m (17.06ft.) to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance


MOVED BY:	D. Reynolds	SECONDED BY:	S. Patrizio	CARRIED
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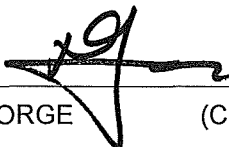
Application Approved, as amended.

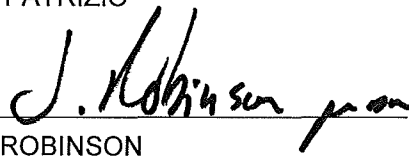
Dated at the City of Mississauga on November 3, 2016.

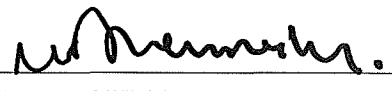
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Date of mailing is November 7, 2016.


S. PATRIZIO

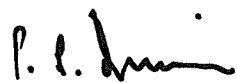

D. GEORGE (CHAIR)


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 November 3, 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

SYEDN IKHLAQ JAFRI

on Thursday, October 27, 2016

Syedn Ikhlq Jafri is the owner of 648 Kozel Court being Part of Lot 10, Registered Plan A-24, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new 2 storey detached dwelling on the subject property proposing:

1. a total lot coverage of 40.37% 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 rear yard of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

On September 22, 2016, Mr. K. Isaac, authorized agent, attended and presented a site plan. He indicated the rear yard setback was required for the proposed single family dwelling. Mr. Isaac then presented a site plan of the neighboring property and indicated that he applied for and received a similar minor variance.

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 variance #1, but recommends variance #2 be refused. However, the applicant may wish to defer the application in order to ensure the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3

Other Applications

Comments

Zoning

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

Planning

The subject site is located near Rathburn Rd and Cawthra Rd. Kozel Court was developed in the early 2000s, and then extended further in 2010. There are three different residential zones on Kozel Court. A majority of the properties with existing dwellings on Kozel Court have similarly sized lots and are zoned either 'R4' or 'R4-62'. These zones permit maximum lot coverage of 40% of the lot area.

The application proposes a new two storey detached dwelling on an irregularly shaped pie lot. The application requests additional lot coverage and a reduced rear yard.

The requested variance for lot coverage is consistent with the prevailing development of the street. In our opinion, variance #1 is minor.

Regarding variance #2, the intent of the rear yard is to provide separation, privacy, light, greenspace, and soft landscaping between dwellings. This proposal limits opportunities for greenspace and soft landscaping, and impacts separation and privacy. A 7.50m rear yard is the minimum requirement throughout the majority of residential zones in Mississauga. The reduced yard proposed is for the entire rear of the dwelling and not for a pinch point. In our opinion, it is not a desirable condition, nor is it considered minor.

Based on the preceding information, the Planning and Building Department has no objection to variance #1, but recommends variance #2 be refused. However, the applicant may wish to defer the application in order to ensure the accuracy of the requested variances."

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

"We are noting for information purposed that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

No other persons expressed any interest in the application.

Based on comments received from Planning & Building regarding the massing of the house to the rear yard, the Committee indicated that Mr. Isaac may wish to defer to address comments.

Mr. Isaac then indicated that he wished to defer the application in order to redesign and break up the massing to the rear of the proposed building in order to address comments received from Staff.

The Committee consented to the request and deferred the application to October 27, 2016.



MISSISSAUGA

File: "A" 380/16

WARD 4

On October 27, 2016, Mr. K. Isaac, authorized agent, attended and advised that the plans have been revised to increase the rear yard setback and reduce the lot coverage. He advised that 60% of the rear wall has been reduced to provide a 6.50m (21.32ft.) setback.

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

The City of Mississauga Planning and Building Department commented as follows (October 21, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, but applicant may choose to defer the application to submit a building permit application to ensure all variances have been captured.

Background

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3

Other Applications:

Building Permit Application Required

Comments

Zoning

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

Planning

The application was originally heard on September 22, 2016. The applicant chose to defer the application in order to meet with Staff to address comments. The applicant revised plans and met with Staff on October 7, 2016.

The subject site is located near Rathburn Rd and Cawthra Rd. Kozel Court was developed in the early 2000s, and then extended further in 2010. There are three different residential zones on Kozel Court. A majority of the properties with existing dwellings on Kozel Court have similarly sized lots and are zoned either 'R4' or 'R4-62.' These zones permit a maximum lot coverage of 40% of the lot area.

The application proposes a new two storey detached dwelling on an irregularly shaped pie lot. The application requests lot coverage relief and a reduced rear yard.

The amended proposal has modified the rear elevation, resulting in reduced lot coverage and an increased rear yard. The proposed rear elevation no longer requests 6.30m across the entire width of the dwelling, instead the application proposes 6.50m across approximately two thirds of the dwellings and 7.50m rear yard across the remainder.

The pie shaped lot extends to 25.38m (83.27 ft) at the widest point in the rear. The attached drawings indicate a maximum dwelling width of 15.11m (49.58 ft), of which one third of the dwelling has 7.50m rear yard. The revised proposal provides sufficient backyard space for recreation and privacy, while being consistent with the prevailing development of the street. In our opinion, the variances are minor.

Based on the preceding, the Planning and Building Department has no objection to the application, but applicant may choose to defer the application to submit a building permit application to ensure all variances have been captured."

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

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

The Region of Peel, Public Works, Development Services Division commented as follows (October 21, 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 Mr. Isaac 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:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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MISSISSAUGA


File: "A" 380/16
WARD 4

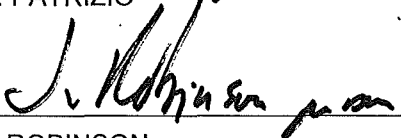
Application Approved.

Dated at the City of Mississauga on November 3, 2016.

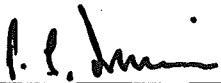
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Date of mailing is November 7, 2016.

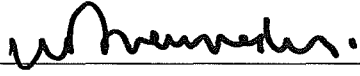

S. PATRIZIO


J. ROBINSON


J. PAGE

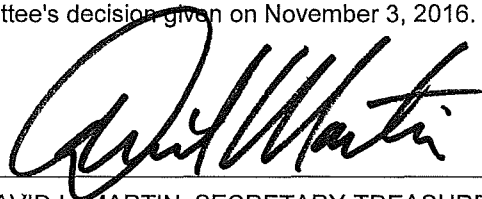

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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
J.W. INVESTMENT

on Thursday, October 27, 2016

J. W. Investment is the owner of 896 Burnhamthorpe Road West being Part of Lot 22, Concession 1, N.D.S., zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit six (6) existing parking spaces on the west side of the subject building having an insufficient driveway aisle width of 1.00m (3.28ft.) on site; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) wholly on site in this instance.

On October 6, 2016, Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and requested that the application be deferred to provide further information to the Planning and Building Department before proceeding with the application.

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

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

Recommendation

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

Background

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1

Other Applications:

Comments

Zoning

We note that a building permit is not required in this instance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variances as outlined in this application, it was apparent that the additional information is required in order to confirm the accuracy of the requested variance.

Planning

The application should be viewed in conjunction with the adjacent property and application 'A' 398/16, 914 Burnhamthorpe Rd W.

It is our understanding that the applicant is requesting a deferral for both applications in order to provide more information to staff.

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

The City of Mississauga Transportation and Works Department commented as follows (October 3, 2016):

"Should Committee see merit in the request we would suggest that the conditions of approval which have been clearly identified by the applicant on Page 3 of the August 25, 2016 letter submitted with this application be considered for inclusion in the decision. It should also be noted that from our site inspection that there are currently 3 garbage bins utilizing the area where the 6 offsite parking located at 896 Burnhamthorpe Road West are being proposed and assume they will be relocated."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to October 27, 2016.

On October 27, 2016, Mr. W. Oughtred, authorized agent, attended and presented the application. Mr. Oughtred advised that a concurrent application has been submitted for the adjoining site located at 914 Burnhamthorpe Road West. Mr. Oughtred advised that the first floor the building is utilized for medical use and the second floor is utilized for office use. He advised that the adjoining property was previously before the Committee in 2011 with a different parking configuration.

Mr. Oughtred presented plans for the Committee's review and consideration and advised that six parking spaces are proposed on the west side of the building. They will be accessed via an off-site aisle located on the property known as 914 Burnhamthorpe Road West. Mr. Oughtred advised that permission is being requested to allow the off-site aisle with a driveway aisle width of 1.00m (3.28ft.).

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

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

"Recommendation

The Planning and Building Department has no objection to the application, but the applicant may wish to defer the application to receive comments from the pre-zoning review application to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1

Other Applications:

Comments

Zoning

We note that a building permit is not required in this instance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance(s) as outlined in this application, it was apparent that the additional information is required in order to confirm the accuracy of the requested variance.

A pre-zoning review was submitted on October 25, 2016, but has not been reviewed by staff.

Planning

The application should be viewed in conjunction with the adjacent property and application A 398/16, 914 Burnhamthorpe Rd W.

The subject site is located on Burnhamthorpe Rd W, west of Wolfedale Rd. The property is zoned General Commercial, and has a variety of commercial tenants.

The application requests an insufficient aisle width. No changes are proposed to the site. The aisle width is shared with the neighbouring property at 914 Burnhamthorpe Rd W. At the narrowest point, and combined with the neighbouring property, the aisle width is 4.63m, however it widens toward the rear. At the rear are six parking spaces that are surplus to the site. The subject aisle and six parking spaces were not part of the original parking configuration for the commercial plaza. The aisle does not provide access to the required parking spaces. In our opinion, the requested variance is minor in nature.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may wish to defer the application to receive comments from the pre-zoning review application to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"Please refer to our comments submitted for the October 6, 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. Oughtred and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

1. The Committee shall be in receipt of the payment for all outstanding deferral fees.


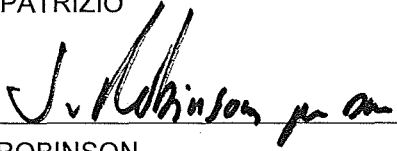

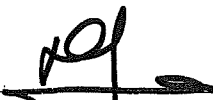
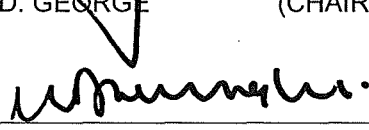
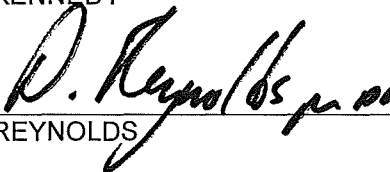
MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved, on condition as stated.

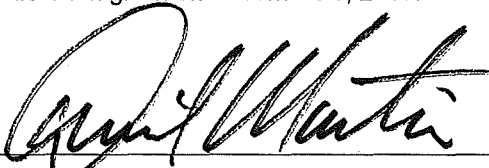
Dated at the City of Mississauga on November 3, 2016.

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 23, 2016**.

Date of mailing is November 7, 2016.


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

I certify this to be a true copy of the Committee's decision given on November 3, 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

1666426 ONTARIO INC.

on Thursday, October 27, 2016

1666426 Ontario Inc. is the owner of 914 Burnhamthorpe Road West being Part of Lot 22, Concession 1, NDS, zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a medical office on the subject property proposing:

1. parking to be provided at the office rate of 3.2 parking spaces per 100.00m² (1076.42sq.ft) gross floor area providing a total of 32 spaces (14 spaces on site, 18 parking spaces off site) for all uses on site in this instance,
2. no loading spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of one (1) loading space on site in this instance,
3. to provide six (6) parking spaces off-site at 896 Burnhamthorpe Road West and twelve (12) parking spaces off-site at 1000 Burnhamthorpe Road West; whereas By-law 0225-2007, as amended, requires all parking spaces to be wholly located on the subject property in this instance,
4. one (1) parking space for persons with disabilities; whereas By-law 0225-2007, as amended, requires a minimum of two (2) parking space for persons with disabilities on site in this instance,
5. a driveway aisle width of 3.63m (11.90ft.) to access parking spaces at 896 Burnhamthorpe Road West; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance; and,
6. a landscape buffer of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) along the front property line and 1.50m (4.92ft.) along the side and rear property lines in this instance.

On October 6, 2016, Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and requested that the application be deferred to provide further information to the Planning and Building Department before proceeding with the application.

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

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

Recommendation

The Planning and Building Department recommends that the application be deferred in order to verify the surplus offsite parking spaces located at 1000 Burnhamthorpe Rd W.

Background

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-13

Other Applications:

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit applications under files 11-4596 and 11-4597. 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

The application should be viewed in conjunction with the adjacent property and application 'A' 397/16, 896 Burnhamthorpe Rd W.

It is our understanding that the applicant is requesting a deferral for both applications in order to provide more information to staff.

The application proposes off-site parking arrangements at 896 Burnhamthorpe Rd W, and 1000 Burnhamthorpe Rd W. In order for these arrangements to be considered, information is required to verify that surplus parking is available on the aforementioned sites.

The Planning and Building Department recommends that the application be deferred in order to verify the surplus offsite parking spaces located at 1000 Burnhamthorpe Rd W."

The City of Mississauga Transportation and Works Department commented as follows (October 3, 2016):

"Should Committee see merit in the request we would suggest that the conditions of approval which have been clearly identified by the applicant on Page 3 of the August 25, 2016 letter submitted with this application be considered for inclusion in the decision. It should also be noted that from our site inspection that there are currently 3 garbage bins utilizing the area where the 6 offsite parking located at 896 Burnhamthorpe Road West are being proposed and assume they will be relocated."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to October 27, 2016.

On October 27, 2016, Mr. W. Oughtred, of W.E. Oughtred & Associates, authorized agent, attended and presented the application. Mr. Oughtred advised that a concurrent application has been submitted to allow parking to be provided off site on the adjacent lands at 896 Burnhamthorpe Road West. He explained that another application was previously considered by the Committee in 2011 and was refused. Mr. Oughtred indicated that the proposal included a different layout for parking.



MISSISSAUGA

File: "A" 398/16
WARD 6

Mr. Oughtred advised that a physiotherapy rehabilitation clinic wishes to obtain approval to operate their business at the subject property; however, they are unable to obtain approval as there is a shortfall in the number of available parking spaces. Mr. Oughtred indicated that the property owner has entered into agreements to provide six (6) parking spaces off-site on the abutting property at 896 Burnhamthorpe Road West and providing 12 parking spaces off-site on the abutting property at 1000 Burnhamthorpe Road West for staff parking. Mr. Oughtred advised that a Parking Utilization study was completed in November, 2010 and updated in 2011 and it concluded that the existing parking was sufficient to accommodate the peak parking demand generated by the existing uses. The study concluded that the sufficiency of parking was dependant on the staff of the rehabilitation clinic and the office using the parking spaces located behind the building and on the adjoining property so that the front parking area is available for patients and clients of the two businesses.

Mr. Oughtred advised that a new layout has been prepared to provide 14 parking spaces on site noting that these parking spaces are intended to be utilized for the patients and clients of the businesses. Mr. Oughtred presented a site plan for the Committee's review and consideration.

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

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

"Recommendation

The Planning and Building Department has no objection to the application, subject to the conditions, but the applicant may wish to defer the application to receive comments from the pre-zoning review application to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1

Other Applications:

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit applications under files 11-4596 and 11-4597. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

The variances should be amended as follows:

Variance #1

parking to be provided at the office rate of 3.2 parking spaces per 100m² (1076.42sqft) gross floor area non-residential providing a total of 32 spaces, 18 of which are to be provided off-site, whereas By-law 225-2007 as amended requires a total of 47 spaces and requires all parking to be provided wholly on site

Variance #2 is not required.

Variance #3 is not required.

Variance #4 appears accurate based on info provided.

Variance #5 is not required.

Variance #6 appears accurate based on info provided.

A pre-zoning review was submitted on October 25, 2016, but has not been reviewed by staff.

Planning

The application should be viewed in conjunction with the adjacent property and application A 397/16, 896 Burnhamthorpe Rd W.

The subject site is located on Burnhamthorpe Rd W, west of Wolfedale Rd. The property is zoned General Commercial. A physiotherapy clinic and a paralegal office occupy the building.

The building was previously used for retail uses, with a furniture store on the ground floor and a bridal shop on the second floor. As of 2008 a paralegal service (Highway Law) has been operating on the second floor, along with a fitness centre which is occasionally used by clients of the physiotherapy clinic; the ground floor is being used exclusively by the physiotherapy clinic (Natural Touch Rehabilitation Centre).

Available parking on-site is provided by 14 spaces in the front of the building; there are also 6 spaces currently being used off-site accessed through a shared aisle, adjacent to the subject site at 896 Burnhamthorpe Road West.

Application A 199/11 was the most recent Committee of Adjustment file on the subject property, which sought a reduction in parking. The application was refused.

Since then, the application has been improved to include 18 spaces offsite and no tandem parking spaces. Six offsite spaces will be provided at 896 Burnhamthorpe Rd W, and 12 spaces at 1000 Burnhamthorpe Rd W for the exclusive use by staff of Natural Rehabilitation Clinic.

A parking survey for the site was conducted by Beacon Planning during 3 days of two separate weeks, in the month of September 2010, between 9:00am and 6:00pm. The observed parking demand was collected during the noted hours at 15 minute intervals, to determine the peak parking demand. It was observed that during the week, the peak demand was 23 vehicles.

City Staff can support the findings of the Parking Utilization Study from 2010 and 2011, as well as the letter prepared by W.E Oughtred and Associates dated August 25, 2016. The on-site existing supply of 14 parking spaces, along with the 6 off-site parking spaces at 896 Burnhamthorpe Road West are sufficient for clients of the existing physiotherapy clinic and the office uses within the subject building. Furthermore, should Legal Services be satisfied with the off-site parking agreement at 1000 Burnhamthorpe Road West for 12 parking spaces to be exclusively used for staff of Natural Touch, then those 12 spaces would be appropriate to address previous parking deficiencies on-site for staff parking.

Staff recommend the following conditions:

1. That approval be granted for the period of time as set out in the off-site parking agreements, once completed, between the applicant and the owners of 896 Burnhamthorpe Road West and 1000 Burnhamthorpe Road West;

2. That the agreement for off-site parking between Natural Touch Rehabilitation Clinic at 914 Burnhamthorpe Road West Inc. and 1658586 Ontario Inc. (operating as Yuan Ming Supermarket) at 1000 Burnhamthorpe Road West be completed in a format acceptable to Legal Services, City of Mississauga for 12 off-site parking spaces for the exclusive use of the staff of the 'Natural Touch Rehabilitation Clinic' and a copy of the executed agreement shall be filed with the Committee of Adjustment in this instance.
3. That the applicant enter into an agreement for off-site parking with the owner at 896 Burnhamthorpe Road West be completed in a format acceptable to Legal Services, City of Mississauga, for 6 off-site parking spaces for the exclusive use of clients and staff of 914 Burnhamthorpe Road West and a copy of the executed agreement shall be filed with the Committee of Adjustment in this instance.

The Planning and Building Department has no objection to the application, subject to the conditions, but the applicant may wish to defer the application to receive comments from the pre-zoning review application to verify the accuracy of the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (October 20, 2016):

"Please refer to our comments submitted for the October 6, 2016 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee indicated that consideration should be given to installing a physical barrier close to the sidewalk for safety reasons.

Mr. Oughtred, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to amend variance request 1, withdraw variance requests numbered 2 and 3, and he requested that variance number 5 remain. He indicated that he will give consideration to the Committee's request to install the curbs; however, noted that it may not be possible due to snow plowing requirements.

The Committee consented to the requests.

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

The Committee 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 to request permit the operation of a medical office on the subject property proposing:

1. parking to be provided at the office rate of 3.2 parking spaces per 100.00m² (1076.42sq.ft.) gross floor area non-residential providing a total of 32 spaces, 18 of which are to be provided off-site; whereas By-law 0225-2007, as amended, requires a total of 47 spaces and requires all parking to be provided wholly on site;
2. one (1) parking space for persons with disabilities; whereas By-law 0225-2007, as amended, requires a minimum of two (2) parking spaces for persons with disabilities on site in this instance,



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File: "A" 398/16

WARD 6

3. a driveway aisle width of 3.63m (11.90ft.) to access parking spaces at 896 Burnhamthorpe Road West; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance; and,
4. a landscape buffer of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) along the front property line and 1.50m (4.92ft.) along the side and rear property lines in this instance.

This decision is approved for a temporary period of two (2) years to terminate and expire on November 30, 2018 subject to the following conditions:

1. The Committee shall be in receipt of the payment of all outstanding deferral fees.
2. That approval be granted for the period of time as set out in the off-site parking agreements, once completed, between the applicant and the owners of 896 Burnhamthorpe Road West and 1000 Burnhamthorpe Road West;
3. That the agreement for off-site parking between Natural Touch Rehabilitation Clinic at 914 Burnhamthorpe Road West and 1658586 Ontario Inc. (operating as Yuan Ming Supermarket) at 1000 Burnhamthorpe Road West be completed in a format acceptable to Legal Services, City of Mississauga for 12 off-site parking spaces for the exclusive use of the staff of the 'Natural Touch Rehabilitation Clinic' and a copy of the executed agreement shall be filed with the Committee of Adjustment in this instance.
4. That the applicant enter into an agreement for off-site parking with the owner at 896 Burnhamthorpe Road West be completed in a format acceptable to Legal Services, City of Mississauga, for 6 off-site parking spaces for the exclusive use of clients and staff of 914 Burnhamthorpe Road West and a copy of the executed agreement shall be filed with the Committee of Adjustment in this instance.

MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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File: "A" 398/16
WARD 6

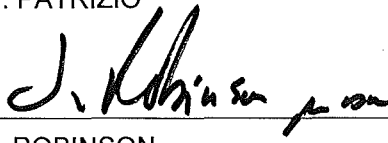
Application Approved, as amended, on conditions as stated.

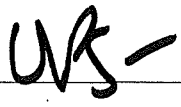
Dated at the City of Mississauga on November 3, 2016.

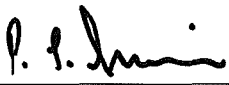
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **NOVEMBER 23, 2016**.

Date of mailing is November 7, 2016.

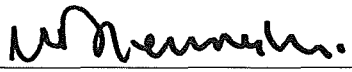

S. PATRIZIO


J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 3, 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.