

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: September 8, 2016 AT 1:30 P.M.

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

| File | Name of Applicant | Location of Land | Ward | Disposition |
|--|---|------------------------|------|-------------|
| <u>NEW APPLICATIONS - (CONSENT)</u> | | | | |
| B-058/16 | KASRA KABILIRAVI | 6053 LEESIDE CRES | 9 | Refused |
| B-059/16 A-360/16 A-361/16 | DANIEL CHANG MEDICINE PROFESSIONAL CORPORATION | 1338 BROADMOOR AVE | 1 | Refused |
| B-060/16 | GPM (11) GP INC. | 1222 – 1238 AIMCO BLVD | 5 | Approved |
| B-061/16 | 2209449 ONTARIO INC | 455 GIBRALTAR DR | 5 | Nov 3 |

NEW APPLICATIONS - (MINOR VARIANCE)

| | | | | |
|----------|--|-----------------------|----|----------|
| A-357/16 | TIEN, DUNG DUONG | 1167 MINEOLA GDNS | 1 | Sept 29 |
| A-358/16 | WILLIAM ELBIM | 703 BYNGMOUNT AVE | 1 | Approved |
| A-359/16 | SHANNON & ADRIAN BUBALO | 1011 OLD DERRY RD | 11 | Approved |
| A-362/16 | KRZYSZTOF SYBIDLO | 1281 NORTHAVEN DR | 1 | Sept 29 |
| A-363/16 | WHITEROCK SUSSEX CENTRE MISSISSAUGA INC | 50 BURNHAMTHORPE RD W | 7 | Approved |
| A-364/16 | KOLBE DARIUSZ | 3383 TALLMAST CRES | 8 | Approved |
| A-365/16 | 2398722 ONTARIO INC. | 44 & 46 QUEEN ST S | 11 | Approved |
| A-366/16 | HAMED ABDULLAH & AYSHEA RAFIK | 6853 LISGAR DR | 10 | Oct 13 |

DEFERRED APPLICATIONS - (MINOR VARIANCE)

| | | | | |
|----------|---------------|----------------|---|---------|
| A-260/16 | SHARON BOGART | 918 GOODWIN RD | 1 | Refused |
|----------|---------------|----------------|---|---------|

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

Kasra Kabiliravi

on Thursday, September 8, 2016

Kasra Kabiliravi is the owner of 6053 Leaside Crescent being Lot 51, Registered Plan M-1004, zoned R5, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 9.85m (32.32ft.) and an area of approximately 396.46m² (4267.46ft.²). The effect of the application is to create a new residential lot for a new single detached dwelling.

Mr. K. Kabiliravi, the property owner, attended and presented the application to convey a parcel of land for the creation of a new residential lot. Mr. Kabiliravi advised that his lot is extra wide and can accommodate a new lot in compliance with the current by-law requirements. He presented a sketch site plan outlining the proposed lot configuration and the location of a proposed new dwelling.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 6, 2016),
City of Mississauga, Transportation and Works Department (September 1, 2016),
City of Mississauga, Community Services Department, Park Planning (September 6, 2016),
Region of Peel, Public Works, Development Services Division (September 2, 2016),
Bell Canada (September 6, 2016),

A letter was received from Ward Councillor Saito expressing her concerns with the request. She noted concerns based on City staff comments and having visited the location.

A letter was received from Charis and Murray Hubley, property owners at 6057 Leaside Crescent, noting their objections to the application.

A letter was received from Lidia and Cezary Soltysiak, property owners at 6074 Leaside Crescent, noting their objections to the application.

A letter was received from Marion Tan, property owner at 6070 Leaside Crescent, noting concerns with the application.

A letter was received from Zheng Chang and Winnie Zhan, property owners at 6040 Leaside Crescent, noting their objections to the application.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Kabiliravi consented to the imposition of the proposed conditions.



MISSISSAUGA

File: "B" 058/16
WARD 9

The Committee, after considering the submissions put forward by Mr. Kabiliravi, the comments received and the recommended conditions, is not satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee noted that through the staff comments it was noted that additional land was required for road widening purposes and additional setbacks were needed for the new acoustical measures to be undertaken at the new property limit. The Committee noted that based on this condition alone required by the Region of Peel would significantly reduce the proposed lot to the effect it could not adequately accommodate a dwelling in character with the neighbourhood.

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

MOVED BY: P. Quinn

SECONDED BY: J. Robinson

CARRIED




File: "B" 058/16
WARD 9

Application Refused.


Dated at the City of Mississauga on September 15, 2016.

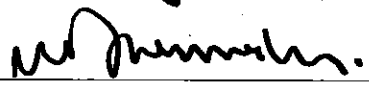
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 9, 2016**.

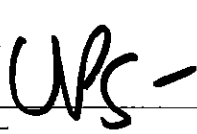
Date of mailing is September 19, 2016.


S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 15, 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 **September 19, 2017**.

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



File: "B" 59/16
WARD 1

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

Daniel Chang Medicine Professional Corporation

on Thursday, September 8, 2016

Daniel Chang Medicine Professional Corporation is the owner of 1338 Broadmoor Avenue being Part of Lot 3, Registered Plan 404, zoned R1-2, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 27.41m (89.93ft.) and an area of approximately 835.10m² (8988.94ft.²). The effect of the application is to create a new residential lot for a new single detached dwelling.

Mr. J. Levac of Glen Schnarr and Associates, authorized agent, attended and presented the application to permit the division of the subject property into two parcels of land. Mr. Levac indicated that the proposed severed and retained parcels are generally in conformance with the lot frontage and area contained in the zoning by-law; however, they do need slight relief for lot frontage for both lots and a slight reduction in lot area for the retained lands. Mr. Levac advised that the proposed corner lot is in compliance with the required lot area but due to a zoning interpretation of lot frontage, Mineola Road West is deemed to be the lot frontage. He advised that the proposed dwelling on the lot would face Broadmoor Avenue and this frontage would be the functional lot frontage and entrance to the property. He advised that the lot line adjacent to Broadmoor Avenue complies with the lot frontage in the by-law if that lot line were deemed to be the front lot line. He further noted that the retained lands require relief for lot frontage of approximately 3.50m (11.48ft.) and lot area by approximately 40.00m² (430.57 sq.ft.). He advised that the lots are still significant in size and his client has provided concept plans for dwelling to be constructed on proposed severed and retained lands in compliance with the zoning by-law requirements. Mr. Levac noted that they had also prepared a concept plan noting the size of a single home that could be constructed on the lands in comparison to the subject proposal and advised that the two dwelling concept was more in keeping with the homes in the neighbourhood.

Mr. Levac advised that he had undertaken a study of all lots within 120.00m (393.70ft.) of the subject property as contemplated on the Official Plan policies and based on his findings, the average lot frontage was approximately 19.56m (64.17ft.) and average lot area was 967.88m² (10,418.51sq.ft.). He noted that the proposed lots exceed the average lot frontage study and are slightly under the lots area study. Mr. Levac indicated that the location of the property is in a transition area where there are large lots to the north on Broadmoor and smaller lots along Mineola Road West and on the southern portion of Broadmoor Avenue. He further advised that the Provincial Policy Statement (PPS) encourages intensification within neighbourhoods and the subject application meets the provincial guidelines or directives. The City's Official Plan policies implement the PPS and the current policies are being considered and they are having regard for those policies as it relates to this neighbourhood. Mr. Levac presented concept site plans and elevations for the Committee's review and consideration.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 7, 2016),
City of Mississauga, Transportation and Works Department (September 1, 2016),
City of Mississauga, Community Services Department, Park Planning (September 6, 2016),



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WARD 1

Region of Peel, Public Works, Development Services Division (September 2, 2016),
Bell Canada (August 22, 2016)

A letter was received from Ward Councillor Tovey noting his support for the residents opposition to the requests before the Committee.

A letter was received from the Credit Reserve Association noting their objections to the applications.

A letter was received from Mr. J. Keyser, property owner at 1392 Elaine Trail advising of his objections to the applications.

A petition of objection was received signed by approximately sixty four (64) property owners or residents advising of their objections to the applications.

A letter was received from Mr. R. Nedelkow, property owner at 1361 Goldthorpe Road advising of his objections to the applications.

A letter was received from Ms. D. Neuhaus, property owner at 250 Mineola Road West advising of her objections to the applications.

A letter was received from Mr. T. Carlisle, property owner at 225 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Laser, property owners at 1573 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. F. Cianciolo & Ms. A. MacIntosh, property owners at 1417 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. R. Richards & Ms. D. Platt, property owners at 1461 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. Landry, property owners at 1458 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Laidlaw, property owners at 1454 Lochlin Trail advising of their objections to the applications.

A letter was received from Mr. & Mrs. Miranda, property owners at 1398 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Ms. J. Rooney, property owner at 1405 Broadmoor Avenue advising of her objections to the applications.

A letter was received from Mr. W. Konopka, property owner at 110 Pinewood Trail Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. J. Filteau, property owner at 132 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Pervan, property owners at 225 Maplewood Road advising of their objections to the applications.

A letter was received from Ms. J. Kis, property owner at 147 Pinewood Trail advising of her objections to the applications.

A letter was received from Ms. J. Anderson, property owner at 1399 Broadmoor Avenue advising of her objections to the applications.



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WARD 1

A letter was received from Ms. J. Greenhill, property owner at 1436 Broadmoor Avenue advising of her objections to the applications.

A letter was received from Mr. J. Gwiazda, property owner at 119 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. M. Kis, property owner at 129 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Fleury, property owners at 1397 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. G. Vertkas, property owner at 1400 Lochlin Trail advising of his objections to the applications.

A letter was received from Mrs. P. Keyser, property owner at 1392 Elaine Trail advising of her objections to the applications.

A letter was received from Mr. & Mrs. Gibson, property owners at 1482 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. S. Henderson, property owner at 1405 Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. & Mrs. Dowdling, property owners at 1444 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. S. Sparrow, property owner at 1374 Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. & Mrs. Young, property owners at 303 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. L. Dedda & Ms. S. Dei-Rocini, property owners at 287 Willa Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. DiCresce, property owners at 1435 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. A. Szocs, property owner at 1361 Lochlin Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Cottreau, property owners at 1370 Lochlin Trail advising of their objections to the applications.

A letter was received from Mr. G. Peltier, property owner at 240 Mineola Road East advising of his objections to the applications.

A letter was received from Mr. P. Johnston & Ms. D. Noel, property owners at 243 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. & Mrs. Lewis, property owners at 1319 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. D. Watson, property owner at 1399 Lochlin Trail advising of his objections to the applications.

A letter was received from Mr. B. Holtham, property owner at 1539 Weaver Avenue advising of his objections to the applications.



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A letter was received from Mrs. R. Flumerfelt, an area property owner advising of her objections to the applications.

A letter was received from Mr. & Mrs. Quirk, property owners at 1416 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Kidd, property owners at 216 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. & Mrs. Anderson, property owners at 1595 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Maxwell, property owners at 1383 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. R. Quartarone & Ms. L. Bostjancic, property owners at 201 Maplewood Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. Chang, property owners at 219 Mineola Road West advising of their objections to the applications.

A letter was received from Mr. & Mrs. Houghton, property owners at 1553 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Porter, property owners at 1392 Lochlin Trail advising of their objections to the applications.

Mr. D. Watson, property owner at 1399 Lochlin Trail, attended and expressed his objections and presented a number of aerial photos which highlighted the character of the area being unique large lots north of Mineola Road East in an urban forest setting. Mr. Watson noted and questioned the number of trees being retained as most were not on the property but located within the City boulevard.

Mr. B. Richards, property owner at 1461 Goldthorpe Road, attended and expressed his objections noting that the north side of Mineola Road East is a distinct neighbourhood and the surrounding properties to the south should not be included in the comparison. He requested that the Committee deny the request to maintain the character of the lots north of Mineola Road East

Mr. P. Johnston, property owner at 243 Mineola Road East, attended and expressed his objections to the application noting his concern that the applicants had not contacted the area neighbours to discuss their application.

No other persons expressed any interest in the application.

The Committee asked Mr. Levac if he had reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Levac advised he had reviewed the draft conditions and consented to the imposition of the proposed conditions, should the application be approved.

Mr. Levac advised that the City & Region's Official Plan have been revised to incorporate the Provincial Policy Statement requirements. The subject application is not significantly large in terms of intensification. He further noted that intensification is permissive in any neighbourhood as set out in the policies of the Official Plan. Mr. Levac advised that it was his professional opinion that the application meets the criteria set out in Section 51(24) for the consent application and meets the four tests as set out in Section 45(1) of the Planning Act for the minor variance requests.



MISSISSAUGA

File: "B" 59/16
WARD 1

The Committee, after considering the submissions put forward by Mr. Levac, Mr. Watson, Mr. Richards and Mr. Johnston, the comments received from City staff, Ward Councillor and submissions from the area property owners and residents and having reviewed the recommended conditions, is not satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee is not satisfied that the conveyance is appropriate for the development of the retained and severed lands. The Committee noted that the lands north of Mineola Road East are a unique neighbourhood with a unique character of large spacious lots. The lands to the south along Mineola Road East and the south portion of Broadmoor Avenue are of a different character, shape and size. Although the Ontario Municipal Board has provided some guidance on what the scope of a neighbourhood that should be reviewed when studying matters such as the 120m test in the City's Official Plan, in this instance the lands north of Mineola Road East are very unique and have a specific character that should not be influenced by the lots to the south. The division of the subject property would have the new dwelling situated on the lands in a more compressed manner than what is on the lands to the north. Rear yard would be minimal in size which is not characteristic with the properties on Broadmoor Avenue.

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

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



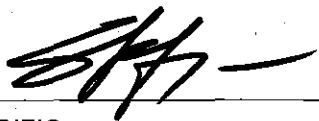
File: "B" 59/16
WARD 1


Application Refused.

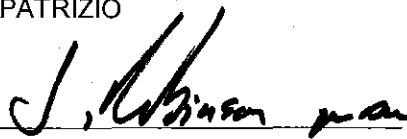
Dated at the City of Mississauga on September 15, 2016.

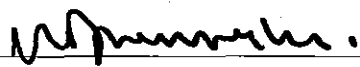
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 9, 2016**.


Date of mailing is September 19, 2016.


S. PATRIZIO

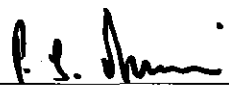

D. GEORGE (CHAIR)


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 September 15, 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 **September 19, 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

Daniel Chang Medicine Professional Corporation

on Thursday September 8, 2016

Daniel Chang Medicine Professional Corporation is the owner of 1338 Broadmoor Avenue being Part of Lot 3, Registered Plan 404, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "severed lands" of Consent Application 'B' 059/16 proposing a lot frontage of 27.40m (89.89ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (98.43ft.) in an R1-2 Residential zone in this instance.

Mr. J. Levac of Glen Schnarr and Associates, authorized agent, attended and presented the application to permit the division of the subject property into two parcels of land. Mr. Levac indicated that the proposed severed and retained parcels are generally in conformance with the lot frontage and area contained in the zoning by-law; however, they do need slight relief for lot frontage for both lots and a slight reduction in lot area for the retained lands. Mr. Levac advised that the proposed corner lot is in compliance with the required lot area but due to a zoning interpretation of lot frontage, Mineola Road West is deemed to be the lot frontage. He advised that the proposed dwelling on the lot would face Broadmoor Avenue and this frontage would be the functional lot frontage and entrance to the property. He advised that the lot line adjacent to Broadmoor Avenue complies with the lot frontage in the by-law if that lot line were deemed to be the front lot line. He further noted that the retained lands require relief for lot frontage of approximately 3.50m (11.48ft.) and lot area by approximately 40.00m² (430.57 sq.ft.). He advised that the lots are still significant in size and his client has provided concept plans for dwelling to be constructed on proposed severed and retained lands in compliance with the zoning by-law requirements. Mr. Levac noted that they had also prepared a concept plan noting the size of a single home that could be constructed on the lands in comparison to the subject proposal and advised that the two dwelling concept was more in keeping with the homes in the neighbourhood.

Mr. Levac advised that he had undertaken a study of all lots within 120.00m (393.70ft.) of the subject property as contemplated on the Official Plan policies and based on his findings, the average lot frontage was approximately 19.56m (64.17ft.) and average lot area was 967.88m² (10,418.51sq.ft.). He noted that the proposed lots exceed the average lot frontage study and are slightly under the lots area study. Mr. Levac indicated that the location of the property is in a transition area where there are large lots to the north on Broadmoor and smaller lots along Mineola Road West and on the southern portion of Broadmoor Avenue. He further advised that the Provincial Policy Statement (PPS) encourages intensification within neighbourhoods and the subject application meets the provincial guidelines or directives. The City's Official Plan policies implement the PPS and the current policies are being considered and they are having regard for those policies as it relates to this neighbourhood. Mr. Levac presented concept site plans and elevations for the Committee's review and consideration.



MISSISSAUGA

File: "A" 360/16
WARD 1

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

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

"Recommendation

The Planning and Building Department has no objection to the Consent application and associated Minor Variances.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required for the creation of the lot but will be required, along with Site Plan Approval, prior to any construction taking place. The applicant has included elevations and a site plan with the variance applications; however, in the absence of a Building Permit application a full zoning review has not been completed and we are unable to determine whether any additional variances will be required.

Planning

The applicant is proposing to create a new lot for residential development on the corner of Broadmoor Avenue and Mineola Road East. The Planning and Building Department conducted an analysis of all the lots within 120 m fronting onto Broadmoor Avenue and Mineola Road East as per Official Plan policy 16.1.2.1 and 16.1.2.2, which states that:

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

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

or

b. the requirements of the Zoning By-law.

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

Through the analysis, the proposed lots exceed the average lot frontage but are deficient in average lot area. The average lot frontage and lot area within 120 m was calculated to be as follows:



MISSISSAUGA

File: "A" 360/16
WARD 1

| | Average | Retained | Severed |
|--------------|--|---|--|
| Lot Frontage | 21.85 m (71.69 ft.) | 26.04 m (85.43 ft.) | 27.40 m (89.90 ft.) |
| Lot Area | 1047.48 m ² (11274.98 sq. ft.) | 710.7 m ² (7649.91 sq. ft.) | 835.10 m ² (8988.94 sq. ft.) |

The lands to the south of Mineola Road East have a different zoning than the lands to the north of Mineola Road and could be viewed as a distinct character area, given its streetscape and lot pattern differences. However, zoning classifications permit single detached dwellings in a low density residential setting. Recent Ontario Municipal Board decisions in the City of Mississauga have commented that neighbourhood character should be viewed in a broad scope, and should consider all single detached dwellings in the area.

In addition to the 120 m test, other Official Plan policies must be considered when evaluating the applications. The Mineola Neighbourhood policies of the Official Plan speak to tree preservation and environmental protection. In addition, the Official Plan policies related to Culture in Section 7 direct that Cultural Landscapes should be protected and considered. Mineola is listed as a cultural landscape that is part of the City's Heritage Register. The Mineola Cultural Landscape section focuses heavily on environmental sustainability, tree cover, site protection, and sensitive development. The applicant has submitted an arborist's report with an inventory of the trees on the property and in the municipal boulevard adjacent to the property. The report outlines the plans for protection during the proposed development and indicates that 25 of 27 mature trees will be maintained.

Section 7.2.3 of the Mississauga Official Plan states that "When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies." Both the Provincial Policy Statement (PPS 2014) and the Regional Official Plan have numerous policies that speak to intensification and making efficient use of existing infrastructure and servicing.

The lot frontage of each lot exceeds the average within the 120 m study area and would allow for development that would be consistent with the streetscape. Further, the frontage for the corner lot is deemed to be along Mineola Road East since it is the shorter lot line, but the proposal is to orient the dwelling towards Broadmoor, which has a 30.65 m (100.56 ft.) long lot line, exceeding what the Zoning By-law would require for frontage in the R1-2 zone.

Although the lot area does not meet the average of the lots within the immediate area, the proposal would still create lots that could be developed with appropriate sized dwellings for the neighbourhood. The applicant has provided concept plans showing the possible extent of the building footprint while maintaining all Zoning By-law standards related to setbacks, lot coverage, etc. Many of the larger lots within the area that contribute to the larger average lot area have large rear yard spaces which do not change the character of the streetscape; the applicant is maintaining consistent lot frontages, which is more important from a visual streetscape perspective in this instance.

The creation of a new lot within a settlement area that is compatible with the character of the surrounding area is consistent with the goals of the higher level planning framework within the Province of Ontario.

Staff is of the opinion that the arborists report adequately addresses the Official Plan policies relevant to tree protection and the natural landscape of Mineola.

Based on the preceding information, the Planning and Building Department is of the opinion that the proposed consent application and associated minor variance applications meet the criteria of Section 51(24) of the *Planning Act* and the four tests for a minor variance. As a result, we have no objection to the requested consent or minor variances."

The City of Mississauga Transportation and Works Department commented as follows (September 1, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 59/16."

A letter was received from Ward Councillor Tovey noting his support for the residents opposition to the requests before the Committee.

A letter was received from the Credit Reserve Association noting their objections to the applications.

A letter was received from Mr. J. Keyser, property owner at 1392 Elaine Trail advising of his objections to the applications.

A petition of objection was received signed by approximately sixty four (64) property owners or residents advising of their objections to the applications.

A letter was received from Mr. R. Nedelkow, property owner at 1361 Goldthorpe Road advising of his objections to the applications.

A letter was received from Ms. D. Neuhaus, property owner at 250 Mineola Road West advising of her objections to the applications.

A letter was received from Mr. T. Carlisle, property owner at 225 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Laser, property owners at 1573 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. F. Cianciolo & Ms. A. MacIntosh, property owners at 1417 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. R. Richards & Ms. D. Platt, property owners at 1461 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. Landry, property owners at 1458 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Laidlaw, property owners at 1454 Lochlin Trail advising of their objections to the applications.

A letter was received from Mr. & Mrs. Miranda, property owners at 1398 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Ms. J. Rooney, property owner at 1405 Broadmoor Avenue advising of her objections to the applications.

A letter was received from Mr. W. Konopka, property owner at 110 Pinewood Trail Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. J. Filteau, property owner at 132 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Pervan, property owners at 225 Maplewood Road advising of their objections to the applications.

A letter was received from Ms. J. Kis, property owner at 147 Pinewood Trail advising of her objections to the applications.



A letter was received from Ms. J. Anderson, property owner at 1399 Broadmoor Avenue advising of her objections to the applications.

A letter was received from Ms. J. Greenhill, property owner at 1436 Broadmoor Avenue advising of her objections to the applications.

A letter was received from Mr. J. Gwiazda, property owner at 119 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. M. Kis, property owner at 129 Pinewood Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Fleury, property owners at 1397 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. G. Vertkas, property owner at 1400 Lochlin Trail advising of his objections to the applications.

A letter was received from Mrs. P. Keyser, property owner at 1392 Elaine Trail advising of her objections to the applications.

A letter was received from Mr. & Mrs. Gibson, property owners at 1482 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. S. Henderson, property owner at 1405 Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. & Mrs. Dowdling, property owners at 1444 Goldthorpe Road advising of their objections to the applications.

A letter was received from Mr. S. Sparrow, property owner at 1374 Broadmoor Avenue advising of his objections to the applications.

A letter was received from Mr. & Mrs. Young, property owners at 303 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. L. Dedda & Ms. S. Dei-Rocini, property owners at 287 Willa Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. DiCresce, property owners at 1435 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. A. Szocs, property owner at 1361 Lochlin Trail advising of his objections to the applications.

A letter was received from Mr. & Mrs. Cottureau, property owners at 1370 Lochlin Trail advising of their objections to the applications.

A letter was received from Mr. G. Peltier, property owner at 240 Mineola Road East advising of his objections to the applications.

A letter was received from Mr. P. Johnston & Ms. D. Noel, property owners at 243 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. & Mrs. Lewis, property owners at 1319 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. D. Watson, property owner at 1399 Lochlin Trail advising of his objections to the applications.



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A letter was received from Mr. B. Holtham, property owner at 1539 Weaver Avenue advising of his objections to the applications.

A letter was received from Ms. R. Flumerfelt, an area property owner advising of her objections to the applications.

A letter was received from Mr. & Mrs. Quirk, property owners at 1416 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Kidd, property owners at 216 Mineola Road East advising of their objections to the applications.

A letter was received from Mr. & Mrs. Anderson, property owners at 1595 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Maxwell, property owners at 1383 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. R. Quartarone & Ms. L. Bostjancic, property owners at 201 Maplewood Road advising of their objections to the applications.

A letter was received from Mr. & Mrs. Chang, property owners at 219 Mineola Road West advising of their objections to the applications.

A letter was received from Mr. & Mrs. Houghton, property owners at 1553 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Porter, property owners at 1392 Lochlin Trail advising of their objections to the applications.

Mr. D. Watson, property owner at 1399 Lochlin Trail, attended and expressed his objections and presented a number of aerial photos which highlighted the character of the area being unique large lots north of Mineola Road East in an urban forest setting. Mr. Watson noted and questioned the number of trees being retained as most were not on the property but located within the City boulevard.

Mr. B. Richards, property owner at 1461 Goldthorpe Road, attended and expressed his objections noting that the north side of Mineola Road East is a distinct neighbourhood and the surrounding properties to the south should not be included in the comparison. He requested that the Committee deny the request to maintain the character of the lots north of Mineola Road East

Mr. P. Johnston, property owner at 243 Mineola Road East, attended and expressed his objections to the application noting his concern that the applicants had not contacted the area neighbours to discuss their application.

No other persons expressed any interest in the application.

Mr. Levac advised that the City & Region's Official Plan have been revised to incorporate the Provincial Policy Statement requirements. The subject application is not a significantly large in terms of intensification. He further noted that intensification is permissive in any neighbourhood as set out in the policies of the Official Plan. Mr. Levac advised that the application meets the criteria set out in Section 51(24) for the consent application and meets the four tests as set out in Section 45(1) of the Planning Act for the minor variance requests.

The Committee after considering the submissions put forward by Mr. Levac, Mr. Watson, Mr. Richards and Mr. Johnston, the comments received from City staff, Ward Councillor and submissions from the area property owners and residents; and having reviewed the recommended conditions, is not satisfied that the request is desirable for the appropriate development of the subject property. The Committee noted that the lands north of Mineola



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Road East are a unique neighbourhood with a unique character of large spacious lots. The lands to the south along Mineola Road East and the south portion of Broadmoor Avenue are of a different character, shape and size. Although the Ontario Municipal Board has provided some guidance on what the scope of a neighbourhood that should be reviewed when studying matters such as the 120m test in the City's Official Plan, in this instance the lands north of Mineola Road East are very unique and have a specific character that should not be influenced by the lots to the south. The division of the subject property and the requested minor variance relief requested would have new dwellings situated on the lands in a more compressed manner than what is on the lands to the north. Rear yards would be minimal in size which is not characteristic with the properties on Broadmoor Avenue.

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

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

Accordingly, the Committee resolves to deny the request.

MOVED BY: P. Quinn

SECONDED BY: S. Patrizio

CARRIED



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WARD 1

Application Refused.

Dated at the City of Mississauga on September 15, 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 **OCTOBER 5, 2016**.

Date of mailing is September 19, 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 September 15, 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

Daniel Chang Medicine Professional Corporation

on Thursday September 8, 2016

Daniel Chang Medicine Professional Corporation is the owner of 1338 Broadmoor Avenue being Part of Lot 3, Registered Plan 404, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the "retained lands" of Consent Application 'B' 059/16 proposing:

1. a lot frontage of 26.04m (85.43ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (98.43ft.) in an R1-2 Residential zone in this instance; and,
2. a lot area of 710.00m² (7642.3764ft.²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 750.00m² (8072.93ft.²) in an R1-2 Residential zone in this instance.

Mr. J. Levac of Glen Schnarr and Associates, authorized agent, attended and presented the application to permit the division of the subject property into two parcels of land. Mr. Levac indicated that the proposed severed and retained parcels are generally in conformance with the lot frontage and area contained in the zoning by-law; however, they do need slight relief for lot frontage for both lots and a slight reduction in lot area for the retained lands. Mr. Levac advised that the proposed corner lot is in compliance with the required lot area but due to a zoning interpretation of lot frontage, Mineola Road West is deemed to be the lot frontage. He advised that the proposed dwelling on the lot would face Broadmoor Avenue and this frontage would be the functional lot frontage and entrance to the property. He advised that the lot line adjacent to Broadmoor Avenue complies with the lot frontage in the by-law if that lot line were deemed to be the front lot line. He further noted that the retained lands require relief for lot frontage of approximately 3.50m (11.48ft.) and lot area by approximately 40.00m² (430.57 sq.ft.). He advised that the lots are still significant in size and his client has provided concept plans for dwelling to be constructed on proposed severed and retained lands in compliance with the zoning by-law requirements. Mr. Levac noted that they had also prepared a concept plan noting the size of a single home that could be constructed on the lands in comparison to the subject proposal and advised that the two dwelling concept was more in keeping with the homes in the neighbourhood.

Mr. Levac advised that he had undertaken a study of all lots within 120.00m (393.70ft.) of the subject property as contemplated on the Official Plan policies and based on his findings, the average lot frontage was approximately 19.56m (64.17ft.) and average lot area was 967.88m² (10,418.51sq.ft.). He noted that the proposed lots exceed the average lot frontage study and are slightly under the lots area study. Mr. Levac indicated that the location of the property is in a transition area where there are large lots to the north on Broadmoor and smaller lots along Mineola Road West and on the southern portion of Broadmoor Avenue. He further advised that the Provincial Policy Statement (PPS)



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encourages intensification within neighbourhoods and the subject application meets the provincial guidelines or directives. The City's Official Plan polices implement the PPS and the current policies are being considered and they are having regard for those policies as it relates to this neighbourhood. Mr. Levac presented concept site plans and elevations 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 (September 7, 2016):

"Recommendation

The Planning and Building Department has no objection to the Consent application and associated Minor Variances.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required for the creation of the lot but will be required, along with Site Plan Approval, prior to any construction taking place. The applicant has included elevations and a site plan with the variance applications; however, in the absence of a Building Permit application a full zoning review has not been completed and we are unable to determine whether any additional variances will be required.

Planning

The applicant is proposing to create a new lot for residential development on the corner of Broadmoor Avenue and Mineola Road East. The Planning and Building Department conducted an analysis of all the lots within 120 m fronting onto Broadmoor Avenue and Mineola Road East as per Official Plan policy 16.1.2.1 and 16.1.2.2, which states that:

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

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

or

b. the requirements of the Zoning By-law.



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

Through the analysis, the proposed lots exceed the average lot frontage but are deficient in average lot area. The average lot frontage and lot area within 120 m was calculated to be as follows:

| | Average | Retained | Severed |
|--------------|--|---|--|
| Lot Frontage | 21.85 m (71.69 ft.) | 26.04 m (85.43 ft.) | 27.40 m (89.90 ft.) |
| Lot Area | 1047.48 m ² (11274.98 sq. ft.) | 710.7 m ² (7649.91 sq. ft.) | 835.10 m ² (8988.94 sq. ft.) |

The lands to the south of Mineola Road East have a different zoning than the lands to the north of Mineola Road and could be viewed as a distinct character area, given its streetscape and lot pattern differences. However, zoning classifications permit single detached dwellings in a low density residential setting. Recent Ontario Municipal Board decisions in the City of Mississauga have commented that neighbourhood character should be viewed in a broad scope, and should consider all single detached dwellings in the area.

In addition to the 120 m test, other Official Plan policies must be considered when evaluating the applications. The Mineola Neighbourhood policies of the Official Plan speak to tree preservation and environmental protection. In addition, the Official Plan policies related to Culture in Section 7 direct that Cultural Landscapes should be protected and considered. Mineola is listed as a cultural landscape that is part of the City's Heritage Register. The Mineola Cultural Landscape section focuses heavily on environmental sustainability, tree cover, site protection, and sensitive development. The applicant has submitted an arborist's report with an inventory of the trees on the property and in the municipal boulevard adjacent to the property. The report outlines the plans for protection during the proposed development and indicates that 25 of 27 mature trees will be maintained.

Section 7.2.3 of the Mississauga Official Plan states that "When making planning decisions, Mississauga will ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies." Both the Provincial Policy Statement (PPS 2014) and the Regional Official Plan have numerous policies that speak to intensification and making efficient use of existing infrastructure and servicing.

The lot frontage of each lot exceeds the average within the 120 m study area and would allow for development that would be consistent with the streetscape. Further, the frontage for the corner lot is deemed to be along Mineola Road East since it is the shorter lot line, but the proposal is to orient the dwelling towards Broadmoor, which has a 30.65 m (100.56 ft.) long lot line, exceeding what the Zoning By-law would require for frontage in the R1-2 zone.

Although the lot area does not meet the average of the lots within the immediate area, the proposal would still create lots that could be developed with appropriate sized dwellings for the neighbourhood. The applicant has provided concept plans showing the possible extent of the building footprint while maintaining all Zoning By-law standards related to setbacks, lot coverage, etc. Many of the larger lots within the area that contribute to the larger average lot area have large rear yard spaces which do not change the character of the streetscape; the applicant is maintaining consistent lot frontages, which is more important from a visual streetscape perspective in this instance.

The creation of a new lot within a settlement area that is compatible with the character of the surrounding area is consistent with the goals of the higher level planning framework within the Province of Ontario.

Staff is of the opinion that the arborists report adequately addresses the Official Plan policies relevant to tree protection and the natural landscape of Mineola.



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Based on the preceding information, the Planning and Building Department is of the opinion that the proposed consent application and associated minor variance applications meet the criteria of Section 51(24) of the *Planning Act* and the four tests for a minor variance. As a result, we have no objection to the requested consent or minor variances."

The City of Mississauga Transportation and Works Department commented as follows (September 1, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 59/16."

A letter was received from Ward Councillor Tovey noting his support for the residents opposition to the requests before the Committee.

A letter was received from the Credit Reserve Association noting their objections to the applications.

A letter was received from Mr. J. Keyser, property owner at 1392 Elaine Trail advising of his objections to the applications.

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A letter was received from Mr. W. Konopka, property owner at 110 Pinewood Trail Broadmoor Avenue advising of his objections to the applications.

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A letter was received from Mr. & Mrs. Pervan, property owners at 225 Maplewood Road advising of their objections to the applications.

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A letter was received from Mr. P. Johnston & Ms. D. Noel, property owners at 243 Mineola Road East advising of their objections to the applications.

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A letter was received from Mr. & Mrs. Maxwell, property owners at 1383 Broadmoor Avenue advising of their objections to the applications.

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A letter was received from Mr. & Mrs. Chang, property owners at 219 Mineola Road West advising of their objections to the applications.

A letter was received from Mr. & Mrs. Houghton, property owners at 1553 Broadmoor Avenue advising of their objections to the applications.

A letter was received from Mr. & Mrs. Porter, property owners at 1392 Lochlin Trail advising of their objections to the applications.

Mr. D. Watson, property owner at 1399 Lochlin Trail, attended and expressed his objections and presented a number of aerial photos which highlighted the character of the area being unique large lots north of Mineola Road East in an urban forest setting. Mr. Watson noted and questioned the number of trees being retained as most were not on the property but located within the City boulevard.

Mr. B. Richards, property owner at 1461 Goldthorpe Road, attended and expressed his objections noting that the north side of Mineola Road East is a distinct neighbourhood and the surrounding properties to the south should not be included in the comparison. He requested that the Committee deny the request to maintain the character of the lots north of Mineola Road East

Mr. P. Johnston, property owner at 243 Mineola Road East, attended and expressed his objections to the application noting his concern that the applicants had not contacted the area neighbours to discuss their application.

No other persons expressed any interest in the application.

Mr. Levac advised that the City & Region's Official Plan have been revised to incorporate the Provincial Policy Statement requirements. The subject application is not a significantly large in terms of intensification. He further noted that intensification is permissive in any neighbourhood as set out in the policies of the Official Plan. Mr. Levac advised that the application meets the criteria set out in Section 51(24) for the consent application and meets the four tests as set out in Section 45(1) of the Planning Act for the minor variance requests.



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The Committee after considering the submissions put forward by Mr. Levac, Mr. Watson, Mr. Richards and Mr. Johnston, the comments received from City staff, Ward Councillor and submissions from the area property owners and residents; and having reviewed the recommended conditions, is not satisfied that the request is desirable for the appropriate development of the subject property. The Committee noted that the lands north of Mineola Road East are a unique neighbourhood with a unique character of large spacious lots. The lands to the south along Mineola Road East and the south portion of Broadmoor Avenue are of a different character, shape and size. Although the Ontario Municipal Board has provided some guidance on what the scope of a neighbourhood that should be reviewed when studying matters such as the 120m test in the City's Official Plan, in this instance the lands north of Mineola Road East are very unique and have a specific character that should not be influenced by the lots to the south. The division of the subject property and the requested minor variance relief requested would have new dwellings situated on the lands in a more compressed manner than what is on the lands to the north. Rear yards would be minimal in size which is not characteristic with the properties on Broadmoor Avenue.

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

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

Accordingly, the Committee resolves to deny the request.

MOVED BY: P. Quinn

SECONDED BY: S. Patrizio

CARRIED




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WARD 1

Application Refused.


Dated at the City of Mississauga on September 15, 2016.

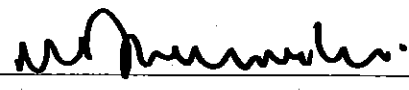
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 5, 2016**.

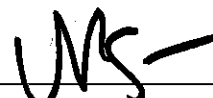
Date of mailing is September 19, 2016.

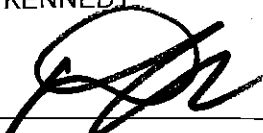

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

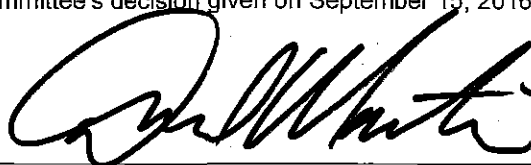

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 15, 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 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

GPM (11) GP INC.

on Thursday September 8, 2016

GPM (11) GP INC. is the owner of 1222 Aimco Boulevard being Part of Lot 1, Concession 3, EHS, zoned E2-19, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land together with reciprocal access easements having a frontage of approximately 30.48m (100.00ft.) and an area of approximately 3255.00m² (35036.53ft.²). The effect of the application is to create a new lot for employment purposes.

Mr. Adam Grossi, of KLM Partners INC., authorized agent, attended and presented the application. Mr. Grossi presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. Mr. Grossi indicated that the request would provide flexibility in leasing the property to potential clients as well as flexibility in the case that the owner wished to sell the property. He further explained that no site alterations would take place. Mr. Grossi indicated that the lot sizes and proposed uses are consistent with the Zoning By-law and Official Plan.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 2, 2016),
City of Mississauga, Transportation and Works Department (September 1, 2016),
Bell Canada (August 31, 2016).

No other persons expressed any interest in the application.

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

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

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

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



File: "B" 060/16
WARD 5

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; **or 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 September 1, 2016.
4. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" land and "retained" land complies with the provisions of the Zoning By-law with respect to, among other things, lot frontage and lot area, setbacks to existing structures etc., or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ('A' 360 & 361/16)
5. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 2, 2016.

MOVED BY: P. Quinn

SECONDED BY: J. Robinson

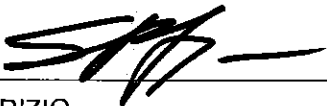
CARRIED

Application Approved.

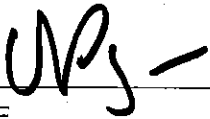
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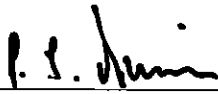
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 9, 2016**.

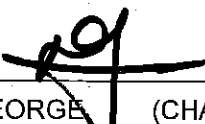
Date of mailing is September 19, 2016.

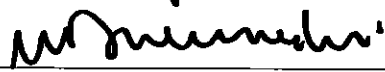

S. PATRIZIO

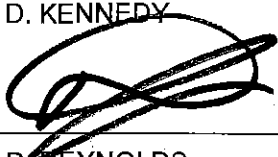

J. ROBINSON


J. PAGE

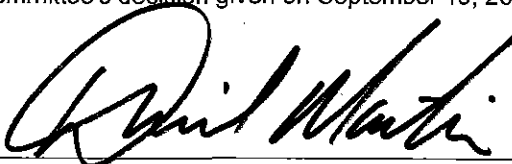

P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 15, 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 **September 19, 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 FROM

WILLIAM ELBIM

on Thursday September 8, 2016

William Elbim is the owner of 703 Fromngmount Avenue being Part of Lot 17, Registered Plan A-26, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new three (3) storey dwelling proposing:

1. an exterior side yard of 1.14m (3.74ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft) in this instance,
2. a lot area of 377.70m² (4065.53ft²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00m² (7750.02ft²) in this instance; and,
3. a lot frontage of 10.10m (6.28ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (12.12ft) in this instance.

Mr. M. Galea of Axis Architects, authorized agent, attended and presented an application to the Committee indicating that the application was previously approved from the Committee; however, during the building permit process there was a change in plans which resulted in the applicant having to come back for an additional variance and because the dwelling elevations have changed.

Mr. Galea advised the Committee that his client wished to make some changes to the exterior of the building and the bay window was too large to be considered a bay window. He further advised that the front yard setback was also not compliant with the Zoning By-law. In order to comply the building was set back further from the front lot line the bay window was reduced to comply with the by-law. Mr. Galea then advised the Committee that the exterior side yard setback variance was needed of 1.14m (3.74 ft) whereas a minimum exterior side yard setback of 6.00m (19.68 ft) was required. Mr. Galea indicated that a number of other aesthetic changes were applied to the building and indicated that the configuration of the second and third floors was slightly changed.

Mr. Galea submitted letters of support on behalf of residents of the neighborhood and presented revised plans and elevations for their 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 (September 2, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: 16-2280

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, variance #1 is correct as requested and variances #2 and #3 are not required.

Planning

The applicant was previously before the Committee on March 10, 2016 with a very similar proposal which was supported from staff and approved from the Committee. Approval of the application was granted subject to the drawings which were provided at the previous hearing; however, upon review of the drawings through the Building Permit process, there was an error which required the applicant to return to the Committee for either an additional variance or a modification of the plans. The applicant has chosen to seek modification to the plans to meet the requirements of the Zoning By-law.

The applicant's proposal remains generally the same as previously approved, with the exception of a modification to the window well, a slight wall adjustment at the rear of the dwelling which does not affect setback distances, and some façade element changes. The requested variance for exterior side yard setback is identical to what was previously approved on March 10, 2016.

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

The City of Mississauga Transportation and Works Department commented as follows (September 2, 2016):

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

A letter of support was received from M. McDonald, property owner at 771 Montbeck Crescent.

A letter of support was received from R. Naemsch, property owner at 751 Montbeck Crescent.

A letter of support was received from M. Bialas, property owner at 685 Montbeck Crescent.

A letter of support was received from P. Silvia, property owner at 909 Goodwin Road.

A letter of support was received from M. Naemsch, property owner at 749 Montbeck Crescent.



MISSISSAUGA

File: "A" 358/16
WARD 1

A letter of support was received from L. Clements, property owner at 584 Montbeck Crescent.

A letter of support was received from E. Sydney, property owner at 662 Byngmount Avenue.

A letter of support was received from D. Rotella, property owner at 719 Byngmount Avenue.

A letter of support was received from A. Gesummaria, property owner at 586 Curzon Avenue.

A letter of support was received from C. Gesummaria, property owner at 602 Curzon Avenue.

A letter of support was received from G. Gesummaria, property owner at 722 Lakeshore Road East.

A letter of support was received from 2398832 Ontario Inc, property owner at 699 Byngmount Avenue.

A letter of support was received from C. B. Han, property owner at 740 Lakeshore Road East.

A letter of support was received from 1468821 Ontario Ltd. , property owner at 724-734 Lakeshore Road East.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward from Mr. Galea 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 From-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.


| | | | | |
|-----------|---------|--------------|-------------|---------|
| MOVED BY: | J. Page | SECONDED BY: | D. Reynolds | CARRIED |
|-----------|---------|--------------|-------------|---------|

Application Approved.

Dated at the City of Mississauga on September 15, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD FROM 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 OCTOBER 5, 2016.

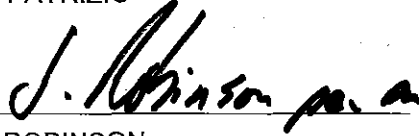
Date of mailing is September 19, 2016.




S. PATRIZIO



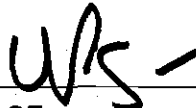
D. GEORGE (CHAIR)



J. ROBINSON




D. KENNEDY



J. PAGE

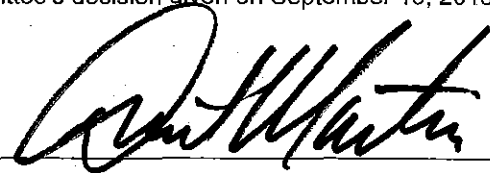


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 15, 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

SHANNON & ADRIAN BUBALO

on Thursday September 8, 2016

Shannon & Adrian Bubalo are the owners of 1011 Old Derry Road being Lot 3, Registered Plan TOR-5, zoned R1-32, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a deck in the rear yard of the subject property proposing a lot coverage of 31.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.

Mrs. S. Bubalo, the property owner, attended and presented the application to permit the construction of a deck in the rear yard of the subject property. Mrs. Bubalo advised the Committee that the grading in her back yard was unsafe for her children so additional lot coverage was requested for the deck in the back yard to accommodate a safe recreational area for the family.

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

The City of Mississauga Planning and Building Department commented as follows (September 2, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, as per the submitted site plan and associated Heritage Permit, but the applicant may choose to defer the application to submit a building permit to ensure all pertinent information has been submitted and all variances have been identified.

Background

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R1-32

Other Applications:

Heritage Permit HPA 16/27

Building Permit is required

Zoning



MISSISSAUGA

File: "A" 359/16
WARD 11

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 within the Meadowvale Village Heritage Conservation District. The associated Heritage Conservation Plan requires that any construction, development, or property alteration that might adversely affect a listed or designated cultural heritage resource will be required to submit a Heritage Impact Statement, prepared to the satisfaction of the City.

The application proposes increased lot coverage due to an addition to the rear deck. The deck will be above 0.60m, and is therefore considered part of lot coverage. If the deck were at grade, a variance would not be required. The topography of the subject site requires a deck that is 0.60m above grade.

The applicant has received a Heritage Permit, HPA 16/27, for the plans submitted to the Committee of Adjustment. The Heritage Permit plans comments include "installation of vinyl lined steel walled in-ground pool, decks, armour stone retaining wall, privacy fencing, as per attached plans."

The plans have not changed; those submitted with the minor variance application are the same as those that were approved under the Heritage Permit. Should any additional changes occur, a revised Heritage Permit will be necessary.

The Planning and Building Department has no objection to the application, as per the submitted site plan and associated Heritage Permit, but the applicant may choose to defer the application to submit a building permit to ensure all pertinent information has been submitted and all variances have been identified."

The City of Mississauga Transportation and Works Department commented as follows (September 8, 2016):

"The department has no objections to the applicants request to permit construction of the deck in the rear yard."

The City of Mississauga, Community Services Department commented as follows (September 9, 2016):

"The subject property is designated under Part V of the Ontario Heritage Act as part of the Meadowvale Village Heritage Conservation District.

The Meadowvale Heritage District Plan required a heritage permit for alterations.

Comments:

Zoning department comments have indicated that an application for building permit is required and there is not sufficient information in the drawings and variance application submitted at this time. A Heritage Permit was issued in July 19, 2016 for work in relation to the installation of a pool, however given the zoning departments comments regarding the need for a building permit and detailed plans, Heritage Planning cannot determine if the permit issued captures the proposal in full that will be included in the building permit application or if a revised Heritage Permit is required. It is recommended that the variance application be deferred to allow the applicant to submit the required information for the City's review and Heritage to make a well informed recommendation."

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 359/16
WARD 11

The Committee, after considering the submissions put forward by Mrs. Bubalo and having reviewed the plans and comments received, 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.

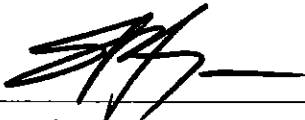
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| MOVED BY: | J. Page | SECONDED BY: | S. Patrizio | CARRIED |
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Application Approved.


Dated at the City of Mississauga on September 15, 2016.

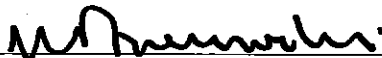
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Date of mailing is September 19, 2016.


S. PATRIZIO

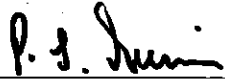

D. GEORGE (CHAIR)


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 September 15, 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
WHITEROCK SUSSEX CENTRE MISSISSAUGA INC.

on Thursday September 8, 2016

Whiterock Sussex Centre Mississauga Inc. is the owner of 50 Burnhamthorpe Road West being Part of Block 17, Registered Plan M-492, zoned H-CC2(2), City Centre. The applicant requests the Committee to authorize a minor variance to permit the establishment of a take-out restaurant within Suite 319 of the development at the subject property proposing:

1. relief from Interim Control By-law 0046-2011, as amended; whereas Interim Control By-law 0046-2011, as amended, does not permit an expansion to the uses and structures that existed on the property on March 9, 2011, unless such repair or renovation is undertaken within the building or structure and does not have the effect of changing the use or increasing the Gross Floor Area in this instance; and,
2. a total of 1533 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 1772 parking spaces for all uses on site in this instance.

Ms. A. Metford, authorized agent, attended and presented a floor plan to the Committee and advised that relief was needed from an Interim Control By-law which stated that a change of use is not permitted on the subject lands. She indicated that the intended change was to permit a sushi take out restaurant with no seating. Ms. Metford further advised that no new parking would be required as it was anticipated that only patrons from inside the building would be using the proposed take-out restaurant.

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

The City of Mississauga Planning and Building Department commented as follows (September 2, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC2(2) (City Centre)

Other Applications:

Certificate of Occupancy File: 16-1463

Comments

Zoning

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

Planning

With respect to variance #1, the Interim Control By-law 0046-2011 was intended to restrict new standalone development in the downtown core temporarily while new policy was put in place. Since the Interim Control By-law is currently related to an Ontario Municipal Board appeal, the provisions remain in place. The proposed construction for the restaurant use is contained wholly within the existing building and does not undermine the intent of the Interim Control By-law. There are multiple other restaurants within this building and the Planning and Building Department is of the opinion that the request maintains the intent of the By-law and is minor in nature.

The requested relief in parking appears significant, but the majority of the deficiency is a result of previous applications which have been satisfactorily justified. The establishment of the new take-out restaurant of approximately 40 m² (430.56 sq. ft.) would only require an additional two parking spaces, which represents a small fraction of the overall parking. The restaurant is located on the third floor of the building and will most likely cater to only people working within the building or immediate area and would be unlikely draw visitors driving to the location, which further justifies the reduction in parking.

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 (September 8, 2016):

"The Department has no objections, comments or requirements with respect to this file."

The Region of Peel, Public Works, Development Services Division commented as follows (September 2, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Metford and having reviewed the plans, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee noted that the proposed take out restaurant is contained within the building and would most likely not draw patrons from outside the building to this location.

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.

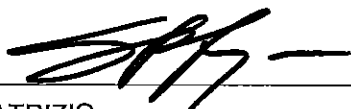

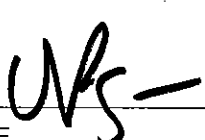

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| MOVED BY: | P. Quinn | SECONDED BY: | S. Patrizio | CARRIED |
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Application Approved.

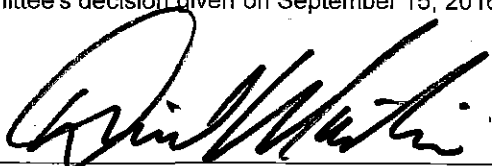
Dated at the City of Mississauga on September 15, 2016.

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Date of mailing is September 19, 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 September 15, 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

KOLBE DARIUSZ

on Thursday September 8, 2016

Kolbe Dariusz is the owner of 3383 Tallmast Crescent being part of Lot 271, Registered Plan 938, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an attached garage in the exterior side yard of the subject property proposing an exterior side yard of 2.46m (8.07ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

Ms. M. Dariusz, daughter of the property owners, attended and presented a site plan to the Committee and advised that relief from the By-law was required for a side yard setback for a proposed garage.

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

The City of Mississauga Planning and Building Department commented as follows (September 2, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Other Applications:

Building Permit File: 08-1411

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 proposed garage structure is modest in scale at 26.00 m² (279.86 sq. ft.) Gross Floor Area (GFA) and has generous setbacks from the front and rear property lines. The requested reduction in side yard setback should not have a negative impact on the streetscape on Tallmast Crescent or on Windjammer Road. There is a mature tree, some small landscaping, and a fence along the Windjammer Road lot line which help to screen the proposed garage structure. Further, there is increased separation distance from the street from a wide City boulevard and sidewalk. The construction of a garage in this location would not be imposing on the streetscape and would not have a negative impact on the neighbourhood. The intent of the Zoning By-law in maintaining an appropriate separation from the street and maintaining the streetscape is met.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variance is minor in nature and we have no objection to the request."

The City of Mississauga Transportation and Works Department commented as follows (September 8, 2016):

"The department has no objections to the applicant's request to permit the construction of an attached garage. We also note from our site inspection of this property and from our review of the Site Plan Submitted that there should be no grading and drainage issues as this is a corner property and any drainage will be directed towards the roadway."

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

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

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

1. One (1) Norway Maple tree – good condition;
2. Three (3) Locust trees – good condition; and
3. One (1) Hackberry tree – good condition.

Should the application be approved, this Department wishes to impose the following conditions, as the property is not subject to the Site Plan Control process:

1. The applicant shall provide tree protection securities in the amount of \$1,000.00 for the above noted Norway Maple tree.
2. The applicant shall provide tree hoarding to the Norway Maple tree satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection

In addition, this Department notes the following:

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

The Region of Peel, Public Works, Development Services Division commented as follows (September 2, 2016):

"Regional Planning Staff have reviewed the applications listed on the September 8, 2016 Committee of Adjustment Agenda. We have no comments or objections to the application."

No other persons expressed any interest in the application.

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



MISSISSAUGA

File: "A" 364/16
WARD 8

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

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

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

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

Application Approved.

Dated at the City of Mississauga on September 15, 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 **OCTOBER 5, 2016**.

Date of mailing is September 19, 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 September 15, 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

2398722 ONTARIO INC.

on Thursday September 8, 2016

2398722 Ontario Inc. is the owner of 44 Queen Street South being Part of Lot 4, Str 4, zoned C4-39, Commercial. The applicant requests the Committee to authorize a minor variance to permit the construction of a three (3) storey office building on the subject property proposing a landscape buffer width of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance.

Mr. W. Oughtred, of W.E Oughtred & Associates Inc., authorized agent, attended and presented the application advising he was seeking a minor variance for the landscape buffer on a portion of the subject site. He advised the committee that the landscape setback gradually increased from the driveway entrance to the parking area and that the landscape buffer for the parking area complied with the Zoning By-law. Mr. Oughtred indicated that a minor variance was required for the driveway portion of the site only. Mr. Oughtred advised the Committee that the application was in the process of completing site plan approval and that a parking variance would be required; however, he indicated his client would be pursuing a PIL Application for payment in lieu of parking with Council.

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

The City of Mississauga Planning and Building Department commented as follows (September 2, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance application, but recommends the application be deferred for the parking reduction to be justified.

Background

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-39

Other Applications:

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SP 15-108 W11. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. a landscape buffer width of 0.0m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance
2. to provide sixteen (16) parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of twenty (20) parking spaces in this instance.

Planning

The application is to permit a new three storey medical office building within the Streetsville Community Node. The subject property is located Queen St S at Henry St. The current lot is vacant.

The subject area consists of mainstreet commercial and medium density residential in designated heritage dwellings. Setbacks and landscape buffers are inconsistent due to the historic nature of the area.

The application requests relief to the minimum landscape buffer. The proposed landscape buffer will be 0.00m at the street, and will widen to 4.50m toward the rear. A reduced landscape buffer is required to accommodate the required 7.50m drive aisle. In light of the urban main street context, this arrangement is acceptable to allow for building mass at the street, while accommodating for landscape opportunities within the site.

Zoning has identified that the need for additional parking spaces. It is our opinion that the parking should be justified. The subject property is located within the City's Payment-in-Lieu (PIL) of parking program. The applicant can provide a satisfactory parking utilization study to justify the reduced number of spaces, or apply for a PIL application.

The Planning and Building Department has no objection to the requested variance application, but recommends the application be deferred for the parking reduction to be justified."

The City of Mississauga Transportation and Works Department commented as follows (September 1, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/108. 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 (September 2, 2016):

"We have no objection to the minor variance. Associated file SP-15-108M is under 46 Queen Street South Address. Please ensure that the correct municipal address is shown on any drawings that are submitted to Region of Peel for review and Approval."

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.



MISSISSAUGA

File: "A" 365/16
WARD 11

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.

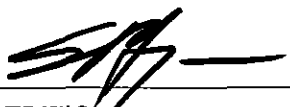
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| MOVED BY: | D. Reynolds | SECONDED BY: | S. Patrizio | CARRIED |
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Application Approved.

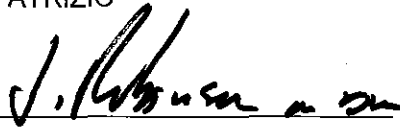
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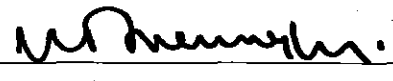
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 5, 2016**.

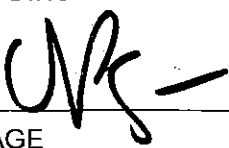
Date of mailing is September 19, 2016.

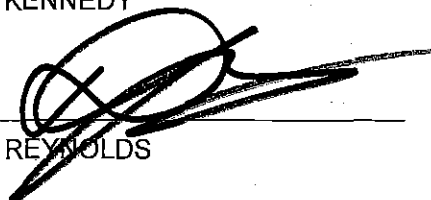

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

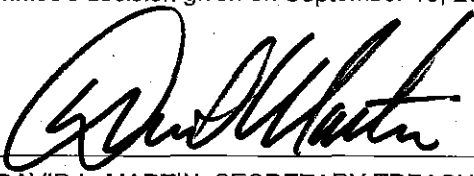

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 15, 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

Sharon Bogart

on Thursday September 8, 2016

Sharon Bogart is the owner of 918 Goodwin Road being Part of Lot 41, Registered Plan A-26, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a building height of 8.48m (27.82ft.); whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (24.61ft.) in this instance; and,
2. a lot coverage of 36.92% 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.

On June 23, 2016, Mr. J. Benczkowski authorized agent, attended and presented the application to permit the construction of a new two storey dwelling. Mr. Benczkowski presented plans for the Committee's review and consideration and requested that the application be amended to remove minor variance requests # 2 and # 3 (reduced front and side yard setbacks to the buttresses) and also requested to reduce the building height from 11.76m (38.58ft.) to 11.53m (37.82ft.).

Mr. Benczkowski advised that they are seeking an increase in the lot coverage from 35.00% of the lot area to 36.92% of the lot area, which results in an area of approximately 92.90m² (100.00sq.ft.). He indicated that the actual height of the dwelling to the livable space is 8.79m (28.83ft.). He indicated that the increased height request relates to the centre of the dwelling, above the livable area which contains an elevator machine room and utility room. Mr. Benczkowski advised that when viewing the dwelling from the street, it will not be noticeable.

Mr. Benczkowski advised that the character of the neighbourhood is changing. He presented photographs of houses in the neighbourhood and indicated that the proposed dwelling is in character with those that have been recently constructed. Mr. Benczkowski indicated that the proposed dwelling is essentially a two storey home. The elevator equipment is located above the two storey portion. He indicated that the roof is approximately 1.20m (3.93ft.) above the permitted height plus the elevator height.

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant to submit additional information through the Pre-Zoning Review



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File: "A" 260/16
WARD 1

application to verify the accuracy of the requested variances and to determine which 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:

Pre-Zoning Review Application File: 16-1221

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 more information is required to verify the accuracy of the requested variances or determine what additional variances will be required. However, it appears that variance #1 should be amended as follows:

"1. a front yard porch encroachment of 2.51 m (8.23ft.) inclusive of stairs; whereas By-law 0225-2007, as amended, requires a maximum porch encroachment into the required front yard of 1.6 m (5.25ft.) inclusive of stairs in this instance."

Further, it appears that multiple additional variances will be required for height to accessory structure, side yard setbacks, and setbacks to balconies. Additionally the average grade calculations must be confirmed to determine setbacks for the correct number of storeys as well as overall height calculations.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the Building Permit process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the Building Permit process in order to receive updated comments.

Planning

This Department has some concerns with the proposed application as relates to the height of the dwelling and to the side yard setbacks. Although additional information is required to verify the accuracy of many of the variances, it appears that additional variances will be required for setbacks to additional storeys, which could be of concern. The height of the dwelling, although measured to the top of the elevator enclosure on the plans, still exceeds the permitted 7.50 m (24.61 ft.) by somewhere in the range of 1.50 m (4.92 ft.) to the main roof of the structure.

The Planning and Building Department is of the opinion that the applicant should defer the application to verify all the variances which are required to allow for a comprehensive review of the application. The applicant should also consider a height reduction and ensure that side yard setbacks are appropriate for the lot size and neighbourhood character.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to submit additional information through the Pre-Zoning Review application to verify the accuracy of the requested variances and to determine which additional variances will be required."

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

"From our review of the site plan and elevation drawings submitted we note that the applicant is proposing a reverse grade driveway. The Transportation and Works Department, in particular the Development Construction Section strongly discourages and does not support reverse grade driveways. In view of the above we would suggest that this application be deferred and the applicant/owner redesign the proposed dwelling without a reverse grade driveway. Should the applicant/owner require additional information they should contact Tony Iacobucci at 905-615-3200 ext. 5129 to further discuss our concerns."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (June 16, 2016):

"Please be advised that service connection sizes shall be in compliance with the Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from P. Silva, property owner at 909 Goodwin Road, indicating no objection to the application.

A letter was received from R. Naemsch, property owner at 751 Montbeck Crescent indicating no objection to the application.

A letter was received from M. McDonald, property owner at 771 Montbeck Crescent indicating no objection to the application.

A letter was received from M. Bialas, property owner at 685 Montbeck Crescent, indicating no objection to the application.

A letter was received from P. Farrell, property owner at 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to the height and massing.

Letters were received from J. Danahy, property owner at 917 Goodwin Road, expressing opposition to the application and noting that the proposal will dominate over the streetscape with a style or architectural expression that is inappropriate for its context. Mr. Danahy indicated that the proposal is not in keeping with the Lakeview Area Plan policies. He further indicated that the onus should be on the proponent to demonstrate that the proposed variances are not in conflict with the planning policies.

Letters were received from A. Lloyd, property owner at 917 Goodwin Road, expressing opposition to the application and noting her comments with respect to the height and length of the building. She advised that the proposal does not meet the intent of the Lakeview Local Area Plan as it does not maintain the existing scale and character of the area.

A letter was received from J. Williams, property owner at 927 Aviation Road, expressing opposition to the height of the dwelling. In addition, she advised that the proposed dwelling will be taller, wider, and deeper than others in the neighbourhood and the overall impact on the neighbourhood and surrounding houses is compounded.

Letters were received from J. and M. Michailidis, property owners at 921 Goodwin Road, indicating they do not support the application.

Letters were received from S. Tremblay-Walt and J. Walt, property owners at 909 Goodwin Road indicating they do not support the application.

A letter was received from J. Lofaso, property owner at 929 Goodwin Road, expressing opposition to the application.



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WARD 1

A letter was received from C. Korneli-Fry, property owner at 900 Goodwin Road, expressing opposition to the application.

A letter was received from V. Westwood, property owner at 913 Aviation Road indicating she does not support the application.

A letter was received from C. Seres, property owner at 651 Montbeck Cres, indicating she does not support the application requests for height and side yards.

Letters were received from P. Butler, property owner at 913 Goodwin Road indicating she does not support the application and noting her concerns regarding the height and the buttresses blocking the sunlight to the patio.

A letter was received from J. Heald, property owner at 929 Goodwin Road indicating she does not support the application.

A letter was received from S. Dombey, property owner at 706 Montbeck Crescent, expressing objection to the application.

A letter was received from R. Devlin, property owner at 681 Byngmount Avenue, indicating she does not support the application.

A letter was received from D. Warren, property owner at 881 Goodwin Road, expressing objection to the application.

Letters were received from S. and A. Des Roches, property owners at 908 Goodwin Road, indicating they do not support the request.

A letter was received from B. Hauska, property owner at 712 Montbeck Crescent, indicating he does not support the application.

Letters were received from J. Kroll, and C. Panico, property owners at 914 Goodwin Road, expressing opposition to the application, and expressing comments and concerns regarding height, length, and massing and dwarfing the surrounding dwellings. They indicated that the proposed dwelling is not in keeping with the Lakeview Local Area Plan. They further indicated that a By-law was recently passed to limit the height to two storeys. They indicated that the proposed dwelling will not preserve and enhance the generous front, rear and side yard setbacks as required by the Lakeview Built Form Standards. They further advised that the windows and balcony and the possibility of a terrace on the roof of the dwelling creates overlook conditions.

A letter was received from E. Faultless, property owner at 921 Aviation Road, indicating he does not support the application.

No other persons expressed any interest in the application.

Mr. J. Kroll, property owner at 914 Goodwin Road, attended and expressed their opposition to the application. They advised that many of their neighbours do not support the application. Mr. Kroll presented an elevation sketch indicating the streetscape and advised that the proposed dwelling creates massing to the roofline. He indicated that they are concerned about the overall massing of the structure noting that the reduced setback covers a house length of 85 feet. He noted that his home is 55 feet long. Mr. Kroll indicated that he and his neighbours have concerns with respect to the height and massing. He indicated that the proposed dwelling does not suit the character of the neighbourhood. Mr. Kroll indicated that the fireplace is to be constructed two feet away from the property line and expressed concerns with respect to safety. Mr. Kroll indicated that the proposed dwelling is out of scale with the roof lines of the neighbouring homes and contextually insensitive to the community. He also expressed concerns that a roof terrace will be constructed which may infringe on their privacy.



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WARD 1

Mr. D. Ruffalo, property owner at 926 Goodwin Road, attended, and expressed his opposition to the application and noting his concerns with respect to height, overlook, view and massing. He indicated that the length of the dwelling will create a wall effect and impact the view from his property.

Mr. J. Danahy, property owner at 917 Goodwin Road, attended and advised that the applicant should use the standards developed by the City and design the buildings in accordance with the guidelines identified in the Lakeview Local Area Plan and, if he wishes to construct something that does not meet the regulations, that he demonstrate that the proposed variances are not in conflict with the planning policies. Mr. Danahy indicated that he is in favour of the application being deferred to allow the applicant an opportunity to address the concerns of the community.

The Committee expressed concerns with respect to the reverse grade driveway, the overall massing of the structure and the height. They noted that a By-law amendment was recently passed reducing the height of flat roof dwellings.

Mr. Benczkowski, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred.

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

On August 11, 2016, Mr. J. Benczkowski, authorized agent, attended and presented the application. He advised that they have modified the drawings to reduce the setback to the covered porch, eliminated the requested reduction to the stair and reduced the height of the dwelling. He indicated that the third floor elevator has been removed and a new decorative parapet has been added at the front central portion of the dwelling.

Mr. Benczkowski presented plans for the Committee's review and consideration and advised that he has attempted to contact the neighbours to obtain their feedback on the new design and advised that some of them will not communicate with him. Mr. Benczkowski advised that many of the residents support the new design.

Mr. Benczkowski advised that the neighbourhood is comprised of many different housing styles and types. He indicated that the proposed dwelling will suit the character of the neighbourhood. Mr. Benczkowski advised that the dwelling has been pushed further back from the street noting that the dwelling will be 9.00m (29.52ft.) to the porch and 7.50m (24.60ft.) to the buttresses. He indicated that this now complies with the Zoning By-law.

Mr. Benczkowski advised that he has spoken with the Transportation and Works Department regarding the reverse grade driveway and they no longer oppose the application.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Pre-Zoning Review Application File: 16-1221

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 more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. There appear to be some discrepancies between the most recent Site Plan that was provided and the requested variances, as well as missing pieces of key information.

Established grade calculations are required to determine whether the dwelling is considered to be a two storey or three storey dwelling. If the dwelling were determined to be a three storey dwelling then the setback requirements would change and additional variances would be required.

The exterior features associated with the fireplaces, as listed on the site plan, are currently not considered to be chimneys based on the information available. As a result the encroachment provisions of the Zoning By-law are not applicable and the setback to the main wall of the dwelling must be applied. The applicant has not provided an updated elevation that shows this side of the dwelling, which would help to make the correct determination on what zoning provisions are applicable.

Finally, the requested height of the dwelling is incorrectly measured as it is listed to the height of the main roofline of the dwelling and not to the parapet near the front of the dwelling.

Planning

The applicant has made some modifications to their proposal since the prior hearing on June 23, 2016. The two requested variances for dwelling height and lot coverage may be appropriate given the context of the neighbourhood; however, given the number of outstanding items, the likelihood of additional variances, and the discrepancies in the plans provided, we are of the opinion that the application should be deferred to allow the applicant to clearly outline their proposal and required variances."

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

"In our previous comments this department indicated that the Transportation and Works Department, in particular the Development Construction Section strongly discouraged and not supportive of reverse grade driveway and we suggested that the proposal be redesigned without a reverse grade driveway. On July 28, 2016 the Committee of Adjustment Office provided us with revised plans and also an amended Notice which is requesting only building height and lot coverage variances, although a reverse grade driveway is still being proposed.

In view of the above we are advising that we have no objections to the requested variances, however, the applicant/owner should be advised that satisfactory arrangements will have to be made with our Development Construction Section through the Building Permit/Grading Plan Review Process for any proposed reverse grade driveway. The applicant/owner should also be cognizant that modifications may be required to accommodate the reverse grade driveway or alternatively it will not be supported."



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WARD 1

The Region of Peel, Public Works, Development Services Division commented as follows (August 5, 2016):

"We have no comments or objections."

A letter was received from C. Panico and J. Kroll, residents at 914 Goodwin Road, expressing concerns about the discrepancy between the variance requests and the submitted drawings. They advised that the setbacks to the projections in the side yard are not indicated at the second level. They indicated that the height of the dwelling is not measured to the top of the decorative parapet. They further indicated that the west elevation, the side that will face them, is missing from the drawings. They requested that the application be deferred to allow the applicant to revise the drawings.

A letter was received from P. Butler, resident at 913 Goodwin Road, expressing concerns about the discrepancy between the variance requests and the drawings. She requested that the application be deferred to allow the drawings to be revised in order to have a clear understanding of the proposed development.

A letter was received from S. Des Roches, resident at 908 Goodwin Road, expressing concerns about the discrepancy between the variance requests and the drawings. She requested that the application be deferred to allow the drawings to be revised in order to have a clear understanding of the proposed development.

A letter was received from F. Gajtani, of 641 Goodwin Road, expressing opposition to the application noting concerns with respect to height noting that the proposed dwellings look more like condo dwellings than houses.

A letter was received from S. Tremblay-Walt and J. Walt, of 909 Goodwin Road, retracing their previous signed letters.

An e-mail was received from D. Ruffolo, resident at 918 Goodwin Road, expressing concerns about the discrepancy between the variance requests and the drawings. She requested that the application be deferred to allow the drawings to be revised in order to have a clear understanding of the proposed development.

Letters were received from J. Danahy, resident at 917 Goodwin Road, expressing comments with respect to the modifications to the drawings and indicating that they do not go far enough to meet any of the four tests of a minor variance. He further advised that the proposed design is incompatible with the Lakeview Built Form Standards and planning policies. He requested that the application be refused noting that no reasonable effort has been made to transition the proposed style and large mass with the surroundings.

Ms. A. Lloyd, property owner at 917 Goodwin Drive, attended and expressed her and her husband's objection to the application. She indicated that the proposed dwelling is too large and incompatible with the neighbourhood.

Mr. C. Panico, property owner at 914 Goodwin Road, attended and expressed his concerns with respect to the discrepancy between the variance requests and the drawings. He presented elevation plans and illustrated to the Committee the locations where there were inconsistencies. He indicated that the side yard setback is not indicated to the projections and the setback is shown as 2.00ft. and noting that the second floor setback is not shown and appears to be insufficient. He indicated that the elevation that abuts his home is missing from the package and wondered if any modifications are planned. Mr. Panico indicated that he was contacted by a representative of the agent and two plans were sent. After the initial consultation, communication was to be done via e-mail. He indicated that they have not received any further plans. Mr. Panico advised that the agent's representative advised that if they did not like the design, they could design a mansard roof.

Mr. G. Kirton, Planner with the City, advised that the "fireplace" projections are not fireplaces and are not permitted to project into the required side yard. He indicated that the projections do not comply with the By-law requirements.

Ms. D. Faultless, property owner at 921 Aviation Road, attended the original meeting. She indicated that she has not been kept advised until recently. The builder advised her that they could build a three storey dwelling with a mansard roof. She indicated that there would be more massing than what is currently proposed and appears to be caught in the middle.

No other persons expressed any interest in the application.

Mr. Benczkowski advised that they pushed the dwelling back so that the concerns of one neighbour could be addressed. He indicated that he is only before the Committee for relief with respect to height and lot coverage. Mr. Benczkowski indicated that they can deal with all other concerns once the Building Permit is reviewed.

The Committee requested that the applicant consider reducing the height of the second floor to reduce the height.

Mr. Benczkowski indicated that he is willing to reduce the height by a further 0.30m (1.00ft.) to address the concerns with respect to the height. He requested that the application be amended accordingly.

The Committee consented to the request.

He indicated that no relief has been requested for the side yard setback. If the fireplace obstructions are not permitted, he will simply remove them. If he has to alter the design, and it causes further non-compliance, he will be back before the Committee requesting approval.

The Committee further noted that the Transportation and Works Department have not approved a reverse grade driveway. They further noted that the first floor is quite high and wondered whether there were concerns with respect to setbacks.

The Secretary-Treasurer advised that he has had discussions with Transportation and Works Department staff and they have advised that if the grading is changed, it may affect the height of the dwelling and may impact the variance with respect to height.

Mr. Kirton read the definition of 'first storey' from the By-law. "First Storey means the storey of a building, structure or part thereof, that has its floor closest to the established grade and its ceiling more than 1.8m above the established grade." He indicated that the Zoning Examiner is waiting for established grade calculations to determine whether the side yard setbacks comply by floor level.

The Committee indicated that they often tie the approval of an application to the plans reviewed by them at the Hearing.

Mr. Benczkowski indicated that he does not object to the Committee imposing this condition as long as it is possible for the obstructions in the side yard to remain or be removed depending on what is determined to be acceptable under the Zoning By-law.

Mr. Kirton advised that if the plans are approved as presented, it may create a conflict as the plans still indicate a buttress in the side yard too close to the side property line. He also indicated that the height measurements must still be reviewed by the Zoning Examiner, especially with respect to the parapet feature.

The Committee indicated that there are discrepancies between the plans and the requests. The Committee advised that they wish the plans to accurately reflect what is proposed.

Mr. Benczkowski requested that the application be deferred to allow an opportunity for the plans to be re-designed and submitted for review. He noted that the neighbours will be given an opportunity to review the design, noting that communication with them has been difficult at times.



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The Committee consented to the request and the application was deferred to September 8, 2016.

On September 8, 2016, Mr. J. Benczkowski, authorized agent, attended and presented the application further advised that they have modified the drawings to bring the buttresses in line with the side yards of the dwelling and have slightly increased the height of the dwelling to 8.54m (28.01ft.) based on the established grade and requested the application be amended accordingly. He indicated that the third floor elevator has been removed as per their last revision and a new decorative parapet has been clarified that it is not included in the overall height calculation. He further noted that the fireplace bump out projections have been revised to comply with the by-law requirements. Mr. Benczkowski advised that the neighbourhood is comprised of many different housing styles and types. He indicated that the proposed dwelling will suit the character of the neighbourhood. Mr. Benczkowski presented plans for the Committee's review and consideration.

The Committee consented to amend the request for dwelling height and reviewed the information and plans submitted with the application.

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Pre-Zoning Review Application File: 16-1221

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. a building height of 8.75 m (28.71 ft.); whereas Bylaw 0225-2007, as amended permits a maximum building height of 7.50 m (24.6 ft.) in this instance."

Additionally, the following variance is required:

"3. an interior side yard of 1.22 m (4.00 ft.) to the proposed buttress (projecting support constructed against the wall); whereas By-law 0225-2007, as amended requires an interior side yard setback of 1.81m (5.94 ft.) in this instance"

Finally, we are unable to verify whether or not a variance may be required for the second storey balcony at the front of the dwelling. It is unclear whether or not it maintains the required side yard setback to the second storey of the dwelling.

Planning

Notwithstanding the above review comments, the authorized agent has confirmed that he will not be seeking further amendments to the proposed variances and will be proceeding on the basis of what was indicated in the notice, being a proposed dwelling height of 8.48 m (27.82 ft.) and proposed lot coverage of 36.92%.

The Lakeview Local Area Plan has policy related to the development of new single detached dwellings that encourages new housing to fit the scale and character of the area. The proposed flat roof dwelling is similar to other dwellings within the neighbourhood and is a part of the diverse character of dwellings within the Lakeview neighbourhood. The scale of the proposal is also consistent with similar built form in the neighbourhood. There is a recently constructed flat-roof dwelling immediately next door to the subject lands; its highest roof element is 9.5 m (31.17 ft.) high, and the height to its main second-storey element is 8.28 m (27.17 ft.).

We recognize that many of the other dwellings were built prior to the by-law amendment altering the permitted flat roof dwelling height. This amendment was intended to restrict very large flat roof dwellings that were permitted up to a height of 10.7 m (35.10 ft.), and could accommodate a three storey dwelling. The applicant's proposal is a two storey dwelling without the massing impact of the undesirable types of flat roof designs which triggered the by-law changes.

In light of both the immediate and general context, we are of the opinion that the proposed increase in height of 0.98 m (3.22 ft.) beyond what the Zoning By-law currently allows is not a significant increase, maintains the intent of the Zoning By-law, and will not undermine the general character of the Lakeview neighbourhood.

The second requested variance is to permit an additional 1.92% lot coverage beyond what the Zoning By-law permits. The additional coverage can be accounted for primarily through the covered porch at the front of the dwelling and covered decks at the rear. The massing impact of a covered porch or deck is less than that of a fully wall portion of the dwelling and the Department is of the opinion that the requested 1.92% increase in lot coverage, beyond the permitted 35%, is relatively minor and would not create undue massing impacts or overdevelopment of the site.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested variances are minor in nature and we have no objection to the application.

The City of Mississauga Transportation and Works Department commented as follows (September 1, 2016):

"In our previous comments this department indicated that the Transportation and Works Department, in particular the Development Construction Section strongly discouraged and not supportive of reverse grade driveway and we suggested that the proposal be redesigned without a reverse grade driveway. On July 28, 2016 the Committee of Adjustment Office provided us with revised plans and also an amended Notice which is requesting only building height and lot coverage variances, although a reverse grade driveway is still being proposed.

In view of the above we are advising that we have no objections to the requested variances, however, the applicant/owner should be advised that satisfactory arrangements will have to be made with our Development Construction Section through the Building Permit/Grading Plan Review Process for any proposed reverse grade driveway. The applicant/owner should also be cognizant that modifications may be required to accommodate the reverse grade driveway or alternatively it will not be supported."

A letter was received from Ms. A. Lloyd, property owner at 917 Goodwin Road, expressing her objection to the application.



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A letter was received from Mr. J. Danahy, property owner at 917 Goodwin Road, expressing his opposition to the application.

A letter was received from Ms. P. Butler, property owner at 918 Goodwin Road, expressing their objections to the application.

A letter was received from Mr. and Mrs. Des Roches, property owners at 917 Goodwin Road, expressing her objection to the application.

Mr. J. Danahy, property owner at 917 Goodwin Road attended and advised the Committee of his objections to the application. Mr. Danahy presented an front elevation plan of the proposed dwelling where it has been scaled back to better comply with the by-law requirements. He noted that the driving factor for the increased height of the dwelling appears to be from the requested interior ceiling height of eleven feet on the first floor and ten feet on the second. He also noted that the materials being proposed do not conform to the intent of the Official Plan policies. He provided the elevation plan and comments from his submission for the Committee's review and consideration.

Mr. C. Panico, property owner at 914 Goodwin Road, attended and expressed his continued concerns with respect to the application.

No other persons expressed any interest in the application.

Mr. J. Benczkowski advised that the amendments noted by Planning are not required based on their revisions to the plans. He further advised that Committee that the ceiling heights were designed to have minimum ten feet clear on the ground floor and nine feet clear on the second floor of bulkheads as per his client requirements. He indicated that the materials proposed are in character with the variety of homes in the neighbourhood. He indicated that they were confident that the requirements as noted by the Transportation and Works Department could be met for the reverse grade driveway. He further noted Planning supports the request. Mr. Benczkowski advised that the four tests of the Planning Act are met and requests the Committee approve the application.

The Committee, after considering the submissions put forward by Mr. Benczkowski, Mr. Danahy, Mr. Panico and having reviewed the plans and comments received from City staff and neighbours, is not satisfied that the amended request is desirable for the appropriate development of the subject property. The Committee noted the intent of the flat roof by-law revision was to minimize the height of the dwelling. In this instance, the Committee preferred the information provided by Mr. Danahy and the comments from residents with respect to impact on the height of the dwelling. The Committee noted that a more modest dwelling could be achieved with slight modifications to the ceiling heights. In addition, they noted that if the Transportation and Works Department could not be satisfied with respect to the reverse grade driveway, the dwelling would need to be re-designed.

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 amended request is not minor in nature in this instance.

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

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



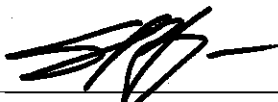
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Application Refused.

Dated at the City of Mississauga on September 15, 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 **OCTOBER 5, 2016**.

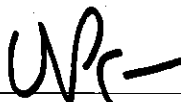
Date of mailing is September 19, 2016.


S. PATRIZIO

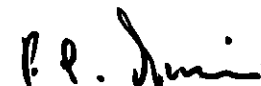

D. GEORGE (CHAIR)


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 September 15, 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.