

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 15, 2016 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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DEFERRED APPLICATIONS - (CONSENT)

B-043/16	FAITH OF LIFE NETWORK & 2503257 ONTARIO LTD.	7155 HURONTARIO ST	5	Withdrawn
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NEW APPLICATIONS - (MINOR VARIANCE)

A-367/16	DALWINDER SINGH JOHAL AND DALJIT KAUR JOHAL	436 BRISTOL RD W	5	Approved
A-368/16	WIESLAW DOBROWOLSKI	821 MISSISSAUGA VALLEY BLVD	4	Approved
A-369/16	NUCORP REALTY LTD.	1122 WESTPORT CRES	5	Approved
A-370/16	H.L. INVESTMENTS INC.	848 BURNHAMTHORPE RD W	6	Approved
A-371/16	KARL FAY INVESTMENTS LTD.	1484 HURONTARIO ST	1	Oct 13
A-372/16	ENDRE AND SOPHIE NEMETH	1282 TECUMSEH PARK DR	2	Approved
A-373/16	CARLOS NICOLAS	5654 WHITEHORN AVE	6	Oct 20
A-374/16	ZENON SENCIO	2419 BROOKHURST RD	2	Approved
A-375/16	MICHELIS INVESTMENTS LTD	3437 DERRY RD E	5	Nov 17
A-376/16	PAHAI KUO	5658 WHITEHORN AVE	6	Oct 20
A-377/16	WEISHAUPT CORPORATION	2925 ARGENTIA RD	9	Approved
A-378/16	ANTON ZURAN LOPES	676 SUMMER PARK CRES	7	Oct 13
A-379/16	KARAMJIT MAHAL	990 FOCAL RD	6	Nov 10

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-452/15	DIG & MKG HOLDINGS INC.	6860 REXWOOD RD	5	Withdrawn
A-257/16	DI SHEN	899 HAMPTON CRES	1	Approved
A-299/16	KYLIE CAMPBELL	1064 GREAVES AVE	1	Approved
A-317/16	DOUG GILBERT & KIM WALLACE	1319 SOUTH ALDO DR	2	Approved
A-319/16	CLARKSON VILLAGE PLAZA CORP.	1834 LAKESHORE RD W	2	Approved

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

DALWINDER SINGH JOHAL & DALJIT KAUR JOHAL

on Thursday, September 15, 2016

Dalwinder Singh Johal & Daljit Kaur Johal are the owners of 436 Bristol Road West being Lot 19, Registered Plan M-1006, zoned R4-17, Residential. The applicants request the Committee to authorize a minor variance to permit the existing basement entrance stairwell to remain inside the existing attached garage providing a minimum rectangular area within the attached measured from the inside face of walls of 2.695m (8.84ft.) X 6.045m (19.83ft.); whereas By-law 0225-2007, as amended, requires a minimum rectangular area within the attached measured from the inside face of walls of 2.75m (9.02ft.) X 6.00m (19.68ft.) in this instance.

Mr. S. Johal and Ms. R. Johal, property owners, attended and presented the application. Mr. Johal advised that a basement entrance stairwell was constructed in the garage without benefit of a building permit. He indicated that they have applied for the building permit; however, it is being withheld as the length of the parking space within the garage is too short. Mr. Johal requested that the Committee allow the existing basement entrance stairwell to remain.

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

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

"Recommendation

The Planning and Building Department has no objection to the application, as amended, but the applicant may choose to defer the application in order to verify the variances.

Background

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-7

Other Applications:

Comments

Zoning

We note that a building permit application is required. In the absence of a current building permit application we are unable to confirm the accuracy of the requested variance(s). The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance(s) as outlined in this application, it was apparent that an additional variance is required to provide a minimum unobstructed area for parking (at the east side of the garage) that is less than 2.75 m X 5.2m X 2.0m. Insufficient information has been provided to determine the dimensions of the unobstructed parking area being proposed.

A withheld building permit application dates from 2010. A new building permit may be required.

Planning

The subject site is located on Bristol Rd W east of McLaughlin Rd. The lots and dwellings on this block of Bristol Rd are uniform in size and massing.

The application is to permit a reduced size parking space, located within the garage. The reduced size parking space is located on the west side. The east side of the garage will not be used for parking, due to the construction of the basement entrance stairwell. Sufficient parking is provided on the driveway. In the opinion of the Planning and Building Department, the request is minor in nature.

The applicant has provided a signed affidavit that the dwelling does not contain a secondary suite, and the applicant has no intention of creating a secondary suite.

The Planning and Building Department has no objection to the application, as amended, but the applicant may choose to defer the application in order to verify the variances."

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

"This department has no objections to the applicants request to permit the existing basement entrance stairwell to remain inside the existing attached garage."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Johal, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be considered as presented.

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

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

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

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

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

Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.

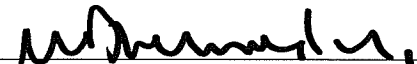


S. PATRIZIO (CHAIR)



D. GEORGE

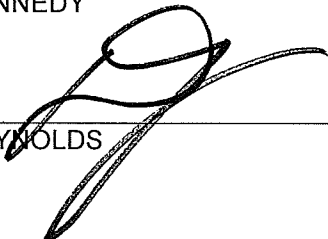
ABSENT
J. ROBINSON



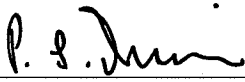
D. KENNEDY



J. PAGE

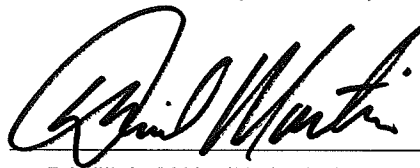


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 22, 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

WIESLAW DOBROWOLSKI

on Thursday, September 15, 2016

Wieslaw Dobrowolski is the owner of 821 Mississauga Valley Boulevard being Part of Lot 11, Concession 1, NDS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure in the rear yard of the subject property proposing:

1. an accessory structure floor area of 37.08m² (399.13sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64sq.ft.) in this instance; and,
2. an accessory structure height of 3.35m (10.99ft.); whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure of 3.00m (9.68ft.) in this instance.

Mr. W. Dobrowolski, property owner, attended and presented the application. He advised that he is requesting permission for the existing 6.09m x 6.09m (20.00ft. x 20.00ft.) shed to remain in the rear yard. Mr. Dobrowolski advised that there is a one car garage on the property; however, he requires additional space to store his patio and garden maintenance equipment.

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

The City of Mississauga Planning and Building Department commented as follows (September 13, 2016):

"Recommendation

The Planning and Building Department recommends that the applicant defer the application to redesign the accessory structure.

Background

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Low Density I

Zoning By-law 0225-2007

Zoning: R3

Other Applications:
BP 9NEW 16/1331

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-1331. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. an accessory structure floor area of 37.16 m² (399.99 sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00 m² (107.64 sq.ft.) in this instance; and,
2. an accessory structure height of 4.57 m (14.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure of 3.00 m (14.99 ft.) in this instance;

The applicant is advised that a full zoning review has not been completed; however, in reviewing the variances as outlined in this application, it was apparent that the following additional variance may be required:

3. an side and rear yard setback to the accessory structure of 0.91 m (3.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side and rear yard setback for an accessory structure of 1.2 m (3.94 ft.) in this instance;

Planning

The subject site is located on Mississauga Valleys Blvd at Bloor St. The neighbourhood context consists of original one storey dwellings, and renovated one and half, and two storey dwellings. Dwellings are modest on larger lots. Garages are generally located integral to the dwelling, but occasionally are located in the rear yards.

The application proposes an accessory structure in the rear yard. The application requests relief for maximum floor area, and maximum height. The application site plan indicates side and rear yard setbacks of 1.20m (3.94 ft.) but the building permit application has not been revised.

The lot is large with a modest dwelling. The frontage is approximately 19.42m (63.71 ft.) and the lot area is 903.57 square metres (9725.94 square feet). Due to the size of the lot, the proposed accessory structure would not affect lot coverage. The drawings indicated the structure as a garage, but there is only a 1.24m (4.07 ft.) side yard, which would not provide access for car to park in the rear yard.

In the opinion of the Planning and Building Department variance #1 is minor, and we have no objection.

Variance #2 requests relief to the height of the accessory structure. Through the building permit review, the height has been amended to 4.57m (14.99 ft.). Taken in combination with the large size of the structure, and minimal side and rear yards, the massing would create an impact on the neighbouring properties. The immediate neighbours consist of bungalows and one and a half storey dwellings. The property has mature trees, but the location of the trees would not adequately screen the accessory structure.

Variance #3 for reduced side and rearyard setbacks, was identified by the building permit review. The minor variance application has amended this number, but a revision to the building permit has not been received. The minimum side and rearyard setbacks are 1.20m (3.94 ft.). The lot is large, with ample room to relocate the structure. In the opinion of the Planning and Building Department, variances #2 and #3 should be refused.

Based on the preceding, the Planning and Building Department recommends that the applicant defer the application to redesign the accessory structure."

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

"This department would have no objections to the applicants request to construct an accessory structure provided that the structure be constructed such that there is no drainage impact on the abutting properties."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Dobrowolski, upon hearing the comments of the Committee and the Planning and Building Department, advised that he will not require a variance for the setback to the side and rear property lines as he will provide a 1.20m (3.93ft.) setback. He further advised that the height of the shed will comply with the Zoning By-law.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that he believes that the applicant will have difficulty in meeting the By-law requirements with respect to the height of the shed due to the roof slope. He suggested that the applicant consider deferring the application to submit a new plan.

Mr. Dobrowolski indicated that he will construct the shed with a maximum height of 3.35m (10.99ft.), as requested in the Notice of Public Hearing.

Mr. Dobrowolski requested that the application be amended in accordance with the Planning and Building Department comments for the floor area of the shed.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dobrowolski and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that there is no objection from the neighbours. They indicated that the lot is large and an increase in the floor area of the shed is appropriate in this instance. The Committee advised that there are similar structures in the neighbourhood.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an accessory structure in the rear yard of the subject property proposing:

1. an accessory structure floor area of 37.16m² (400.00sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64sq.ft.) in this instance; and,
2. an accessory structure height of 3.35m (10.99ft.); whereas By-law 0225-2007, as amended, permits a maximum height for an accessory structure of 3.00m (9.68ft.) in this instance.


MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.




S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON




J. PAGE



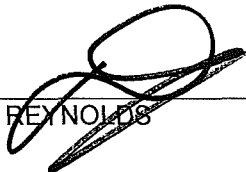
P. QUINN



D. GEORGE



D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 22, 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

NUCORP REALTY LTD.

on Thursday, September 15, 2016

Nucorp Realty Ltd. is the owner of 1122 Westport Crescent being Lot 11, Registered Plan M-240, zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a motor vehicle sales facility, with indoor display and sales area for motor vehicles, providing 31 parking spaces on site; whereas By-law 0225-2007, as amended, makes no provisions for the use in an E3, Employment zone and would require 60 parking spaces to be provided on site in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. He advised that that he recently applied for a minor variance for the adjacent property, located at 1114 Westport Crescent, and received permission for motor vehicle sales and detailing. Mr. Oughtred advised that the deal fell through so his client was unable to utilize the approval. He indicated that his client wishes to occupy the subject property for the same use and a minor variance approval is required.

Mr. Oughtred presented a floor plan layout and advised that there are 30 parking spaces available within the garage and 31 parking spaces outside of the building. Mr. Oughtred advised that his client wishes to also utilize the inside of the building for vehicle sales as well as car detailing. He requested that the application be amended to allow a motor vehicle sales facility – restricted and car detailing, with an indoor display and sales area for motor vehicles, providing 31 parking spaces on site.

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

The City of Mississauga Planning and Building Department commented as follows (September 13, 2016):

"Recommendation

The Planning and Building Department recommends the application should be deferred pending the submission of a satisfactory Parking Utilization Study to justify the reduction in parking, and to provide more information.

Background

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3

Other Applications:

Certificate of Occupancy Permit Application is required

Comments

Zoning

We note that a certificate of occupancy permit application is required. In the absence of a certificate of occupancy permit application we are unable to confirm the accuracy of the requested variance(s). The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance(s) as outlined in this application, it was apparent that the following additional variance(s) may be required:

To permit a motor vehicle detailing use to operate accessory to a motor vehicle sales facility - restricted.

Planning

The subject site has an existing building located on a mid-block lot in an industrial area. The immediate context consists of motor vehicle repair facilities, other automotive facilities, and general warehouse and manufacturing uses.

The applicant is proposing to establish a new use: motor vehicle sales within the existing building. The applicant is also requesting a reduction in parking spaces.

Staff has reviewed the application and recommend that the application be deferred until a satisfactory Parking Utilization Study is submitted to substantiate the proposal."

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

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

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Oughtred indicated that there are other auto repair garages located in the immediate vicinity. Mr. Oughtred, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations so that car detailing will also be permitted.

The Committee consented to the request and, after considering the submissions put forward by Mr. Oughtred and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that it is not necessary to provide a complete parking utilization study as sufficient parking has been provided inside and outside of the building to meet the Zoning By-law requirements. The Committee indicated that the parking spaces must be clearly delineated inside and outside of the building on the site.

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

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



MISSISSAUGA

File: "A" 369/16

WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment a motor vehicle sales facility – restricted and a motor vehicle detailing use, with an indoor display and sales are for motor vehicles, providing 31 parking spaces on site; whereas By-law 0225-2007, as amended, makes no provisions for the use in an E3, Employment zone and would require 60 parking spaces to be provided on site in this instance.

This decision is subject to the following condition:

1. The applicant is to proceed in accordance with the plans (including delineating the parking spaces on the site) as reviewed by the Committee.

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

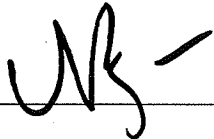
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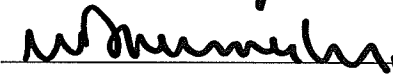

S. PATRIZIO (CHAIR)

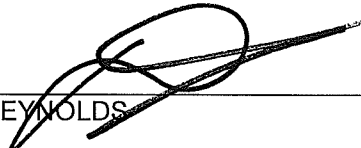
ABSENT
J. ROBINSON


J. PAGE

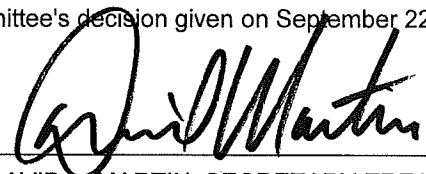

P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 22, 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

H.L. INVESTMENTS INC.

on Thursday, September 15, 2016

H.L. Investments Inc. is the owner of 848 Burnhamthorpe Road West being Part of Lot 22, Concession 1, NDS, zoned C3-47, Commercial. The applicant requests the Committee to authorize a minor variance to permit the expansion of the existing restaurant operation from Unit 5 into Unit 4-A on the subject property providing a total of 77 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a total of 123 parking spaces on site for all uses on site in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the expansion of the existing restaurant into an adjoining unit proposing a reduction in parking. Mr. Oughtred advised that the site was rezoned in 1998 and one parking rate was applied for all the uses on the site. He explained that in 2007, a City-wide Zoning By-law was passed and the parking standards were changed.

Mr. Oughtred advised that the restaurant wishes to expand into a space previously occupied for medical office use. He indicated that the parking requirements for a medical office use differ from those applied to a restaurant use. Mr. Oughtred advised that a parking utilization study was prepared and it satisfactorily justifies the requested reduction in parking.

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

The City of Mississauga Planning and Building Department commented as follows (September 13, 2016):

"Recommendation

The Planning and Building Department has no objection to the application, but the applicant may choose to defer the application in order to submit more information and verify requested variances.

Background

Mississauga Official Plan

Character Area: Mavis Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-47

Other Applications:

Comments

Zoning

We note that a certificate of occupancy permit application is required. In the absence of a certificate of occupancy permit application we are unable to confirm the accuracy of the requested variance(s) 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 a multi-tenant commercial retail plaza located on Burnhamthorpe Rd W at Wolfedale Rd.

The application requests a reduction in the required number of parking spaces.

Parking surveys conducted by Beacon Planning found that the observed peak parking occurred on Friday, April 22 at 6:30 p.m. Fifty-nine vehicles were parked at that time. At the time of survey, Unit 4 was occupied by a medical office and was included in the parking counts. The proposed expansion of the restaurant use (Pho Viet-Thai Cuisine) to Unit 4 will generate a slight increase in parking demand which can be accommodated on site.

Based on the information provided in the parking study, the parking variance can be supported.

We understand that Zoning may need to verify the accuracy of the requested variance to confirm the requirement of 123 spaces is correct. We further note that the list of existing occupants provided by Beacon Planning is different than what the City has in the Parking Allocation Report.

The Planning and Building Department has no objection to the application, but the applicant may choose to defer the application in order to submit more information and verify requested variances."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 370/16."

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

"We have no comments or objections."

No other persons expressed any interest in the application.

Mr. Oughtred, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application proceed.

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

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

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

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

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

Dated at the City of Mississauga on September 22, 2016.

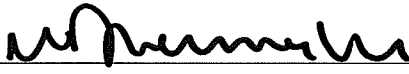
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 12, 2016**.

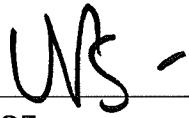
Date of mailing is September 26, 2016.

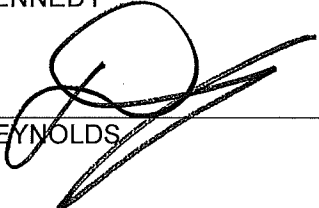

S. PATRIZIO (CHAIR)

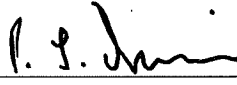

D. GEORGE

ABSENT
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 22, 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

ENDRE & SOPHIE NEMETH

on Thursday, September 15, 2016

Endre & Sophie Nemeth are the owners of 1282 Tecumseh Park Drive being Part 4, Registered Plan 330, zoned R1-2, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new 2 storey detached dwelling on the subject property proposing:

1. a combined width of side yards of 6.06m (19.88ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.31m (27.26ft.) in this instance,
2. a side yard of 3.09m (10.13ft.) on one side of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) on one side of the dwelling and 4.20m (13.77ft.) on the other side of the dwelling in this instance,
3. a height to the underside of eaves of 7.24m (23.75ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance,
4. a dwelling height of 10.64m (34.90ft.) and 11.12m (36.48ft.) to the top of skylights; whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance; and,
5. a walkway connection width of 4.09m (13.41ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway connection width of 1.50m (4.92ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application. Mr. Oughtred presented a set of plans for the Committee's review and consideration. He explained that when the original site plan was prepared, the dwelling was situated parallel to the side property lines with the proposed driveway being positioned on an existing treed portion of the lot. Mr. Oughtred indicated that they re-oriented the dwelling on the lot so that it is parallel to the front property line so that the existing driveway can be utilized and the existing treed portion of the lot could be preserved. He explained that as a result of the re-orientation, a variance is required for the combined width of side yards; however, a variance is no longer required for the individual side yards. He requested that the application be amended accordingly.

The Committee consented to the request.

Mr. Oughtred presented an elevation drawing and indicated that a variance is required for the height to the underside of eaves at the rear portion of the dwelling. He indicated that the height will not be visible when viewing the dwelling from the street.

Mr. Oughtred indicated that they have requested a variance for height for the portion of the dwelling above the front door as well as the two skylights. He indicated that these portions do not comply with the By-law; however, 80.00% of the dwelling meets the height requirement of 9.50m (31.16ft.). Mr. Oughtred advised that the height will not be apparent as the dwelling is located approximately 21.00m (68.89ft.) away from the street.

Mr. Oughtred indicated that a larger walkway connection is proposed. He advised that the lot is well treed and the front yard is generous and consequently a larger walkway connection is appropriate in this instance.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-058

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available, we advise that variance #2 is not required; all other variances are correct as identified.

Planning

Although the proposed dwelling meets the individual required side yard setbacks, this area of Clarkson-Lorne Park is characterized by many of the dwellings exceeding the minimum required side yards by significant margins. Based on the lot frontage, the requested reduction in combined width of side yards would allow for a dwelling that is 24.72 m (81.10 ft.) wide across the property. The applicant should increase the combined width of side yard setbacks that are provided.

The requested height to eaves represents a portion of the dwelling and is not a dominant feature from the streetscape and should not create an additional appearance of massing that is excessive. However, the overall height creates an imposing roof structure which dominates the appearance of the dwelling and should be reduced to minimize the visual impact. There are some mature trees along the front of the property which help to screen the dwelling, but the proposed height would still appear to be imposing, as requested.

The proposed walkway is at its widest point where it connects to the driveway. It tapers in stages towards the front entrance until it reaches the permitted 1.50 m (4.92 ft.). The design and orientation does not appear to be geared towards additional vehicular parking and given the size of the lot, the additional hard surface should not take away from the overall soft landscaped area on the site.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the dwelling to address staff concerns."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/058. 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 9, 2016):

"We have no comments or objections."

Ms. L. Murphy, property owner at 1297 Catchacoma Court, attended and indicated that she was not opposed to the construction of a new dwelling on the lot. Ms. Murphy indicated that the Notice of Public Hearing is the first time that she has been advised of the proposal. She indicated that trees were removed from the property without tree permits being obtained. She advised that she wants to ensure that the tree canopy remains on the lot.

No other persons expressed any interest in the application.

Mr. Oughtred advised that the proposed dwelling is approximately 65.00m (213.25ft.) away from her home. He indicated that fourteen trees will be planted to replace those that were removed. Mr. Oughtred presented a site plan that indicated the location of the proposed trees.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new 2 storey detached dwelling on the subject property proposing:

1. a combined width of side yards of 6.06m (19.88ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.31m (27.26ft.) in this instance,
2. a height to the underside of eaves of 7.24m (23.75ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance,
3. a dwelling height of 10.64m (34.90ft.) and 11.12m (36.48ft.) to the top of skylights; whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance; and,



MISSISSAUGA

File: "A" 372/16

WARD 2

4. a walkway connection width of 4.09m (13.41ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway connection width of 1.50m (4.92ft.) in this instance.

This decision is approved subject to the following condition:

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

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

Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

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 22, 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

Zenon Sencio

on Thursday, September 15, 2016

Zenon Sencio is the owner of 2419 Brookhurst Road being Part of Lot 250, Registered Plan 587, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing attached garage to remain on the subject property having a side yard of 0.03m (0.09ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. Z. Sencio, property owner, attended and presented the application. Mr. Sencio advised that the garage existed on the property when he purchased the dwelling in 2005. Mr. Sencio indicated that he was advised by the building inspector that the garage was constructed without benefit of a building permit. Mr. Sencio applied for a building permit; however, it is being withheld as the garage is located too close to the side property line. Mr. Sencio advised that in the event of an emergency, access to the rear yard can be provided through the front sliding door and a gate in the rear yard.

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

The City of Mississauga Planning and Building Department commented as follows (September 13, 2016):

"Recommendation

The Planning and Building Department has no objection to variances #3 and #4; however we recommend that variances #1 and #2 be refused.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Other Applications:

Building Permit File: 14-3998

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, we advise that variance #1 should be amended as follows:

"1. to permit the existing attached garage to remain on the subject property having a side yard of 0.104 m (0.341 ft.); whereas By-law 0225-2007, as amended requires a minimum side yard 1.20 m (3.94 ft.) in this instance"

Additionally, the following variances are required:

"2. to permit the existing attached garage eave projection into the required side of 1.156 m (3.79 ft.); whereas By-law 0225-2007, as amended permits a minimum eave projection of 0.45 m (1.48 ft.) in this instance.

3. to permit the existing driveway to remain on the subject property having a width 6.10 m (20.01 ft.); whereas By-law 0225-2007, as amended permits a maximum driveway width 5.2 m (17.06 ft.) in this instance.

4. to permit the existing driveway setback to remain having a side yard setback a 0.0 m (0.0 ft.); whereas By-law 0225-2007, as amended requires a minimum driveway setback 0.60 m (1.97 ft.) in this instance."

Planning

The applicant is requesting to allow the existing garage to remain on the subject property. The garage structure forms a long wall along the adjacent city owned walkway with an inadequate separation distance. The property was not designed to accommodate a garage structure and it is inappropriate for a portion of a dwelling or garage to be built virtually on the lot line. There are no other garage structures in the general area along Brookhurst Road and the applicant's proposal does not fit within the character of the area. Further, the garage restricts access to the rear yard of the dwelling.

It appears that the garage is not used for parking and although the increased driveway width is beyond what the Zoning By-law permits, the driveway can still only accommodate two vehicles and adequate landscaped area is still provided. The intention of the 5.20 m (17.06 ft.) driveway width restriction in this zone is to allow for two parking stalls side by side. Variance #3 maintains the intent of the Zoning By-law in this regard.

Generally the Department would not support a 0.00 m setback from the lot line for a driveway; however, in this instance the adjacent city walkway is not impacted by the reduced setback. The walkway, as well as the property on the other side of the walkway also provided 0.00 m separation. The barrier below the walkway fence maintains drainage on each property and the reduced setback should have limited impact.

Based on the preceding information, the Planning and Building Department has no objection to variances #3 and #4; however we recommend that variances #1 and #2 be refused."

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

"Enclosed for Committee's easy reference are a number of photos which depict the subject property, in particular the existing attached garage."

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

"We have no comments or objections."



MISSISSAUGA

File: "A" 374/16

WARD 2

Mr. J.J. Kidd, resident at 2422 Brookhurst Road, attended and advised that he was renting the dwelling in 1999-2000 and the garage was existing at that time. He advised that he has no objection to the application.

A letter was received from M. Marges, property owner at 2426 Brookhurst Avenue, indicating he has lived on the street for twenty years. He advised that a walkway is adjacent to a school and garbage was being tossed over the fence and creating litter. Mr. Marges indicated that the garage that was constructed now alleviates the problem. He further advised that Mr. Sencio maintains the property and has been kind and helpful to the neighbours on the street. Mr. Marges indicated support for the application.

No other persons expressed any interest in the application.

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

The Secretary-Treasurer indicated that the amended items were not included on the Notice of Public Hearing circulated to the residents.

The Committee indicated that the re-circulation is not necessary in this instance as the property is located adjacent to a walkway.

The Committee consented to the request to amend the application and, after considering the submissions put forward by Mr. Sencio and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the property is well maintained, the structure has been in its present location for many years, and the neighbours do not object to the application. The Committee indicated that the dwelling is located adjacent to a walkway and there is no adverse impact to any of the neighbours. The Committee advised that the property is unique and if a similar application was submitted for a property that abutted a neighbour rather than a walkway, the outcome would have differed.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing attached garage to remain on the subject property having:

1. a side yard of 0.10m (0.341ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard 1.20m (3.94 ft.) in this instance;
2. an eave projection into the required side of 1.15m (3.79ft.); whereas By-law 0225-2007, as amended, permits a minimum eave projection of 0.45m (1.48ft.) in this instance;
3. a driveway width 6.10m (20.01ft.); whereas By-law 0225-2007, as amended permits a maximum driveway width 5.20m (17.06ft.) in this instance; and,
4. a setback of 0.00m (0.00ft.) from the side property line to the existing driveway; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (1.97ft.) from the driveway to the side property line in this instance.

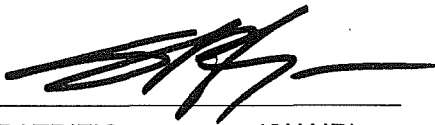
MOVED BY:	P. Quinn	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on September 22, 2016.

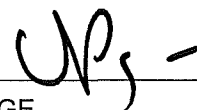
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Date of mailing is September 26, 2016.



S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON



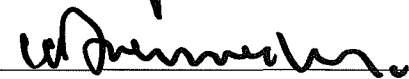
J. PAGE



P. QUINN



D. GEORGE

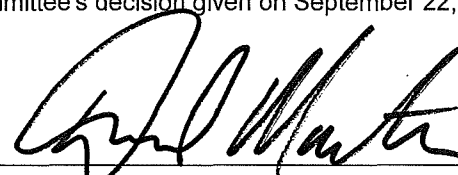


D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 22, 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

WEISHAUPT CORPORATION

on Thursday, September 15, 2016

Weishaupt Corporation is the owner of 2925 Argentia Road being Part of Lot 13, Concession 6, WHS, zoned E2-24, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey industrial building on the subject property proposing a 3.755m (12.31ft.) side yard to a curtain wall; whereas By-law 0225-2007, as amended, requires a minimum side yard of 5.77m (18.93ft.) in this instance.

Mr. B. Krohn, Architect and authorized agent, attended and presented the application. Mr. Krohn presented renderings of the proposed building for the Committee's review and consideration. He indicated that his client, a global company providing boiler burners and heating equipment, will utilize the building for offices, storage and assembly. Mr. Krohn indicated that the building fronts on Highway 401 and to create an interesting visually appealing vista, an acoustic screen wall constructed out of aluminum and glass, is to be constructed. He advised that a small portion of the wall will project into the required side yard and therefore, relief is being requested to allow the projection.

Mr. Krohn advised that projections are permitted in the Residential zone provisions of the Zoning By-law for chimneys, roof overhangs and balconies; however, there are no provisions in the Industrial zones that allow for projections. Mr. Krohn presented a rendering and indicated that the glass projection is appropriate in this instance as the glass wall will be approximately 12 to 18 inches wide and will have no foundation or base.

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

The City of Mississauga Planning and Building Department commented as follows (September 13, 2016):

"Recommendation

The Planning and Building Department recommend that the application be deferred to allow for revisions through the site plan application process.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: E2-24

Other Applications:
Site Plan Application SP 16-47

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SP 16-47. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Planning

The subject site is located on Argentia Rd at Winston Churchill Blvd, adjacent Highway 401. The current site is vacant. A motel is located to the west, and industrial warehouse buildings are located to the east.

The proposal is for a new business employment building, with warehouse and office uses for a single manufacturer tenant.

The site is subject to the site plan control. The applicant has submitted a site plan application, but staff is not satisfied with the status of the current application.

Staff will be meeting with the applicant on September 26th to explore potential revisions to the site plan. The Planning and Building Department recommends that the application be deferred in order to advance the Site Plan Application to a satisfactory state."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/47. 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 9, 2016):

"We have no comments or concerns."

An e-mail was received from the Ministry of Transportation indicating the property falls within the ministry permit control area and the Ministry of Transportation will need to be circulated and advising that the Ministry is currently conducting its review of the development and comments will be forwarded to the appropriate City representative.

No other persons expressed any interest in the application.

Mr. R. Ruggiero, Planner with the City of Mississauga, attended and advised that the Site Plan application is pending noting that further discussion is required with respect to the overall access and pedestrian connections. He indicated that it may be beneficial for the applicant to defer the application to ensure that no further variances are required.

Mr. Krohn, upon hearing the comments of the Planner, requested that the application proceed as presented.

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



MISSISSAUGA

File: "A" 377/16
WARD 9

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

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

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


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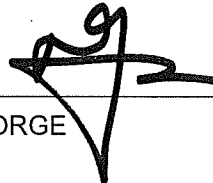
Application Approved.

Dated at the City of Mississauga on September 22, 2016.

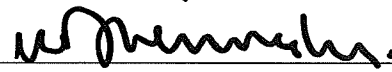
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Date of mailing is September 26, 2016.

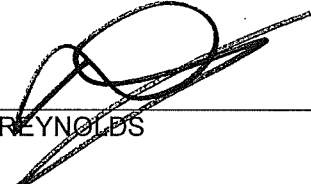

S. PATRIZIO (CHAIR)

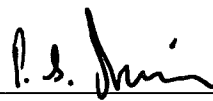

D. GEORGE

ABSENT
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 22, 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
DI SHEN

on Thursday, September 15, 2016

Di Shen is the owner of 899 Hampton Crescent being Lot 118 and Part of Lot 119, Registered Plan C-19, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new three storey dwelling on the subject property proposing:

1. a lot coverage of 36.60% of the lot area, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
2. an attached garage length of 5.74m (18.83ft.) measured from the inside face of walls; whereas By-law 0225-2007, as amended, requires a minimum attached garage length of 6.00m (19.68ft.) measured from the inside face of walls in this instance.

On June 23, 2016, Mr. N. Ancerl, a representative of the property owner, attended and presented the application to permit the construction of a new three storey dwelling on the subject property. Mr. Ancerl presented a set of plans for the Committee's review and consideration.

Mr. Ancerl advised that an attached garage is required to be a minimum length of 6.00m (19.68ft.) and they are proposing a length of 5.74m (18.83ft.). Mr. Ancerl indicated that the reduced length is sufficient to park a vehicle within the garage. He advised that the difference is only about eight to nine inches.

Mr. Ancerl indicated that only a portion of the main floor of the dwelling encroaches 1.00m (3.93ft.) into the front yard. He indicated that the other storeys meet the By-law requirements. Mr. Ancerl indicated that the existing house is located closer to the street than the proposed dwelling.

Mr. Ancerl indicated that the property owner has requested a larger home to allow for additional space for entertaining. He advised that although they are requesting an increase in lot coverage to 43.00% of the lot, the house is not a monstrosity noting that the dwelling has not been designed to the full setbacks. He noted that they have stepped the house in from the side property lines. He indicated that the second and third storeys are eight feet away from the side property lines.

Mr. Ancerl indicated that the house is approximately 278.70m² (3,000sq.ft.), not including the basement. He indicated that there is a large opening in the dwelling on the third floor which is included in the coverage figure.

Mr. Ancerl advised that they are not requesting a variance for height as a mansard roof is proposed and the roof complies with the By-law requirements.

Mr. Ancerl presented a package for the Committee's review and consideration containing signatures from 21 neighbours who have expressed support for the application.

Mr. Ancerl presented sketches that illustrated how the plans could be modified to meet the By-law requirements and indicated that the changes are minor in nature and indicated that the changes would not be discernable from the street.

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

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

"Recommendation

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

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: 16-921

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, variances # 2 and 4, as requested are correct. However, we advise that more information is required to verify the accuracy of the requested variances #1 and 3 or determine whether additional variances will be required.

Planning

This department is of the opinion that the requested lot coverage is excessive and the dwelling should be redesigned to a more appropriate scale to the neighbourhood. Many of the adjacent dwellings are modest in size and the applicant is requesting a significant increase in lot coverage along with side and front yard setback reductions. The proposed dwelling is a full three storeys and the requested coverage does not include any accessory structures or other features that would add to the coverage with limited massing increases. In our opinion the requested decreases in setbacks in association with the increased coverage requests result in a dwelling that does not fit the scale and character of the neighbourhood and does not maintain the general intent of the Zoning By-law.

Based on the preceding information, the Planning and Building Department recommends that the applicant defer the application to redesign the dwelling to decrease the lot coverage request."

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

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

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 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. Farrell, property owner at 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to massing and height and indicating it does not meet the Lakeview Built Form Standards or requirements of the Official Plan.

A letter was received from S. Childs, property owner at 903 Hampton Crescent, expressing opposition to the application and noting her comments and concerns with respect to massing and height and requested that the trees be preserved.

Petition letters were received from approximately 21 residents in the neighbourhood indicating they did not oppose the application.

An e-mail was received from L. Sirdevan, resident at 589 Montbeck Crescent, expressing opposition and comments with respect to the height of the dwelling.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the massing, lot coverage and overlook with respect to the proposed balcony.

Mr. Ancerl, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow him an opportunity to address their concerns.

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

On August 11, 2016, Mr. N. Ancerl, authorized agent, attended and advised that the floor plans have been amended to reduce the lot coverage and include a covered porch. He requested that the application be amended to permit a lot coverage of 37.20% of the lot area.

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

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

"Recommendation

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

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: 16-921

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, variances # 2 and 4, as requested are correct. However, we advise that more information is required to verify the accuracy of the requested variances #1 and 3 or determine whether additional variances will be required.

Planning

The application was previously deferred at the June 23, 2016 Committee of Adjustment hearing to allow the applicant to redesign the dwelling to address concern about the size of the dwelling as it relates to increased lot coverage and reduced setbacks. Our comments from the June 23, 2016 Committee hearing outlining the Department's concerns with the application remain applicable. However, given that there has not been a redesign of the dwelling, no new information has been submitted, and the application remains the same we recommend that the application be refused."

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

"Please refer to our comments submitted for the June 23, 2016 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department commented as follows (August 9, 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 tree within the municipal boulevard:

1. One (1) Hawthorn 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 \$700.00 for the above noted tree.
2. The applicant shall provide tree hoarding to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

In addition, this Department notes the following:

1. 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 (August 5, 2016):

"We have no comments or objections."

An e-mail was received from P. Farrell, resident at 608 Montbeck Crescent, expressing opposition to the application noting concerns with respect to massing.

No other persons expressed any interest in the application.

The Committee indicated that the applicant has not provided revised information for their review and consideration.

Mr. Ancerl requested that the application be deferred so that revised plans may be submitted.

The Committee consented to the request and deferred the application to September 15, 2016.

On September 15, 2016, Mr. N. Ancerl, a representative of the property owner, attended and presented the application. He advised that the plans have been re-designed to reduce the lot coverage. Mr. Ancerl indicated that the covered porch increased the lot coverage above the maximum permitted. He presented plans for the Committee's review and consideration.

Mr. Ancerl advised that the garage parking space length is reduced by the door swing and does not meet the minimum permitted size. He indicated that two parking spaces are required and the parking space within the garage cannot be counted if the length of the parking space is deficient. Permission is being requested to allow the parking space length to be reduced.

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

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

"Recommendation

The Planning and Building Department has no objection to variance #1, but recommends that the applicant defer to redesign the garage in relation to variance #2. Further, the applicant may wish to submit updated drawings through the Building Permit application to verify the accuracy of the variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: 16-921

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application. A new submission through the Building Permit has not been received since the original review on May 2, 2016. Based on review of the original permit drawings, we advise that more information is required to verify the accuracy of the requested variances #1 and 3 or determine whether additional variances will be required. Variances #2 and #4 are correct.

Planning

Although the applicant has not submitted updated drawings through the Building Permit process, they have redesigned the dwelling to address previous staff concerns. The lot coverage request has been significantly reduced to a point that the Department considers a relatively minor request. The additional 1.60% over the permitted 35.00% lot coverage should not have a noticeable negative impact on the surrounding properties or neighbourhood as a whole.

A requested reduction in garage length of 0.26 m (0.85 ft.) would normally still allow for the garage to be used as a functional parking area; however, in this instance the design of the garage is problematic because it appears that neither space could function properly. The extended length of a garage is designed to leave some additional room for storage, vehicle movement, and door openings. In this case, the left parking stall in the garage would be impacted by both the exterior door and the door to the mud room swinging inwards and limiting the ability to park a vehicle. The parking stall on the right is functionally impacted by the wall staggering in near the middle of the garage; the decrease in width would limit the ability to park a vehicle on that side.

Based on the preceding information, the Planning and Building Department has no objection to variance #1, but recommend that the applicant defer to redesign the garage in relation to variance #2. Further, the applicant may wish to submit updated drawings through the Building Permit application to verify the accuracy of the variances and determine whether any additional variances will be required."

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

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

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

"Please be advised that service connection sizes shall be in compliance with 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. Farrell, property owner at 608 Montbeck Crescent, expressing opposition to the application and noting her concerns with respect to the height not being in conformity with the Lakeview Built Form Standard and the Official Plan.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that the garage must be utilized for the parking of motor vehicles and the parking spaces within the garage do not meet the minimum requirements for parking. He indicated that a minimum of two parking spaces are required and they may be provided in the driveway. He further advised that the "garage" definition requires the garage to be utilized for the parking of motor vehicles. If the "garage" is not utilized for the parking of a motor vehicle, it is treated as an accessory structure in the front yard and further variances would be required.

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

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

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

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

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.
2. The Committee of Adjustment shall be in receipt of the payment for all Deferral Fees related to the application prior to building permit issuance.


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

Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.




S. PATRIZIO (CHAIR)




D. GEORGE

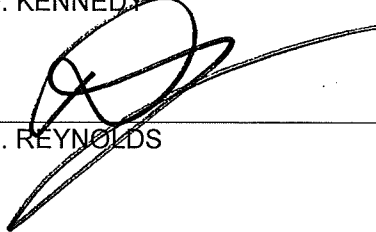
ABSENT
J. ROBINSON




D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 22, 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

KYLIE CAMPBELL

on Thursday, September 15, 2016

Kylie Campbell is the owner of 1064 Greaves Avenue being Lot 49, Registered Plan C-23, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached garage in the rear yard of the subject property proposing:

1. a detached garage eaves height of 4.78m (15.68ft.); whereas Bylaw 0225-2007, as amended, permits a maximum eaves height of 3.00m (9.84ft.) in this instance,
2. no driveway located on site; whereas Bylaw 0225-2007, as amended, requires access to and from parking and loading spaces shall be provided by an unobstructed on-site driveway or driveways in this instance,
3. a total lot coverage of 45.30% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance,
4. an exterior side yard of 0.90m (2.95ft.) to the detached garage; whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
5. a detached garage lot coverage of 10.70% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum detached garage lot coverage of 10.00% of the lot area in this instance; and,
6. a detached garage height of 4.78m (15.68ft.); whereas Bylaw 0225-2007, as amended, permits a maximum detached garage height of 4.60m (15.09ft.) in this instance.

On July 14, 2016, Mr. K. Campbell, property owner, attended and presented the application. Mr. Campbell noted that the existing home was originally built in the 1920's. Mr. Campbell proposes to demolish the old single-storey detached garage before it falls down. He proposes to construct a larger and taller new garage with additional storage space to store a number of bicycles and other things. Mr. Campbell reviewed all the requested variances and noted that there is no driveway on the property. He also indicated that the irregular lot boundary creates a pinch point at the corner of the proposed garage which reduces the setback and creates the need for a setback variance among other variances required for lot coverage.

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

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

"Recommendation

The Planning and Building Department recommends that the applicant defer the application to allow time to redesign the garage to address staff concerns related to the GFA, height, and location of the garage.

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: 16-124

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available for this application, variances #2 and 3, are correct as requested. Further, we advise that the following variances should be amended:

"4. a setback from exterior side lot line of 0.00 m (0.00 ft.) to the detached garage; whereas Bylaw 225-2007, as amended, requires a minimum exterior side yard of 6.00 m (19.68 ft.) in this instance,

5. a setback from the rear lot line to the detached garage of 0.39 m (1.27 ft.); whereas bylaw 0225-2007, as amended, requires a minimum setback to the rear lot line of 0.61 m (2.00 ft) in this instance.

6. a detached garage lot coverage of 12.4% of the lot area; whereas Bylaw 225-2007, as amended, permits a maximum detached garage lot coverage of 10.00% of the lot area in this instance,

7. a detached garage height of 5.96m (19.55ft.); whereas Bylaw 0225-2007, as amended, permits a maximum detached garage flat roof height of 3.00m (9.84ft.) in this instance;

Based on review of the information currently available for this building permit, we advise that variance(s) #1 and 8 are not required.

Planning

The Planning and Building Department is of the opinion that the proposed garage structure is excessive in size and height and should be redesigned to be more proportional to the lot. Given that the lot is a corner lot and is relatively narrow, it would be difficult to design a garage structure on this portion of the lot that would not require variances; however, the current proposal is beyond what we would consider minor. The location is immediately adjacent to the neighbour's front yard and some consideration should be given to allowing for some additional separation distance from the lot line and as well as a reduction in size to reduce impacts.

Based on the preceding information, the Planning and Building Department recommends that the applicant defer the application to allow time to redesign the garage to address staff concerns related to the GFA, height, and location of the garage."

The City of Mississauga Transportation and Works Department commented as follows (July 7, 2016):

"Minor variance 4 is requesting to permit the construction of a new detached garage with an exterior side yard setback of 0.00M, whereas the By-law requires a minimum setback of 6.00M. From our review of this application and our site inspection we do acknowledge that do to the configuration of the narrow lot where no access could be provided from Gardiner Avenue that any garage constructed on this property would have to have its access onto Greaves Avenue.

As Committee is aware, this department typically does not support any reduction of less than 5.2M measured from the municipal right-of-way to the face of any garage in order to accommodate parking for a vehicle totally within the limits of the property. In this particular instance we do acknowledge that it would be very difficult to provide our required minimum 5.2M setback, however, we cannot support the request as submitted and feel that an attempt should be made to redesign the garage to provide a significantly larger setback than the 0.00M proposed.

In view of the above we would suggest that the application be deferred to allow the applicant an opportunity to have discussions with City staff (Planning and Transportation and Works Department staff) in an attempt to re-design the proposed detached garage."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (July 8, 2016):

"We have no comments or objections to 'A'-299/16."

An email was received from C. Sovran, property owner at 769 Greaves Avenue, expressing objection to any encroachment toward their property and requesting that the applicant comply with the setbacks of the Zoning By-law. Ms. Sovran also indicated that the structure would obstruct the view from their property and reduce the sunlight.

Letters and emails were received from S.P Anjilikkal & A. Sebastian of 1066 Greaves Avenue expressing concerns with the application with respect to the loss of views, loss of sunlight, diminishing the beauty of the neighbourhood. They requested that the applicant conform to the regulations of the Zoning By-law.

No other persons expressed any interest in the application.

The Committee was concerned with the height of the garage and the impact on the massing noting that it will be a considerable difference from what exists there now. The Committee also noted the Transportation and Works comments should be addressed by the applicant.

Mr. Campbell, upon hearing the comments of City staff and the Committee requested that the application be deferred.

The Committee consented to the request and deferred the application to September 15, 2016.

On September 15, 2016, Mr. K. Garside, authorized agent, attended and presented the application. Mr. Garside indicated that the existing garage is considered legal non-conforming. He indicated that he wishes to replace the structure with a new structure which will be used to store vehicles and bikes as well as for storage. Mr. Garside presented a set of plans for the Committee's review and consideration. He advised that the garage height variance is required to allow them to install a rack to double the storage of bicycles.

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

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

"Recommendation

The Planning and Building Department has no objection to the variance application; however, the applicant may wish to defer the application to submit updated drawings through the Building Permit application to ensure that the updated proposal has all variances accurately captured.

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: 16-124

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application. A new submission through the Building Permit process has not been received that accurately reflects the new plans provided to Committee. Based on the original permit drawings variances #2 and #3 are correct and the following variances should be amended:

"4. a setback from exterior side lot line of 0.00 m (0.00ft.) to the detached garage; whereas Bylaw 225-2007, as amended, requires a minimum exterior side yard of 6.00 m (19.68ft.) in this instance,

5. a setback from the rear lot line to the detached garage of 0.39 m, (1.27 ft.); whereas bylaw 0225-2007, as amended, requires a minimum setback to the rear lot line of 0.61 m (2.00 ft.) in this instance.

6. a detached garage lot coverage of 12.4% of the lot area; whereas Bylaw 225-2007, as amended, permits a maximum detached garage lot coverage of 10.00% of the lot area in this instance,

7. a detached garage height of 5.96 m (19.55 ft.); whereas Bylaw 0225-2007, as amended, permits a maximum detached garage flat roof height of 3.00 m (9.84 ft.) in this instance;"

Further variances #1 and #8 are not required.

Planning

Although the applicant has not submitted updated drawings through the Building Permit process, through meeting with Planning and Transportation & Works staff, the applicant has redesigned their garage to reduce the size and mitigate impacts.



MISSISSAUGA

File: "A" 299/16
WARD 1

The applicant has relocated the dwelling to provide the required setbacks to both of the neighbouring properties to the side and the rear, to reduce potential negative impacts, and no longer requires variances related to that.

The exterior side yard variance is still required but is an improved condition to the previous application. There is significant separation distance from the roadway through a large city boulevard on Gardner Avenue; it is unlikely that this street will be widened and the separation distance should be maintained long term. The proposed setback is consistent with other features on the site including the dwelling and vegetation. The neighbouring home is located further from Gardner Avenue than the proposed garage; however, there is tree cover that shields the garage partially and the primary entry way and access points are on the far side of the dwelling and not impacted significantly by the proposed garage.

The height of the garage has been reduced significantly and is now 0.18 m (0.59 ft.) above what the Zoning By-law permits. The requested increase in height is relatively minor and would not cause significant impact beyond the Zoning By-law permissions. The eave height is required as a result of the angled roof design, which means the eave height and structure height are identical. The garage has been designed to have the higher point interior to the lot and furthest from the neighbouring property on Gardner Avenue to minimize impact.

The subject property is currently exceeding the lot coverage permissions of the Zoning By-law and the replace of the garage increases the coverage slightly. Although an increase of 10.30% in lot coverage could appear excessive, in this instance it is mitigated by the significant landscaped areas and open space in the boulevard. The appearance of the lot from the street is not of a property that is overdeveloped.

Based on the preceding information, the Planning and Building Department has no objection to the variance application; however, the applicant may wish to defer the application to submit updated drawings through the Building Permit application to ensure that the updated proposal has all variances accurately captured."

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

"Further to our comments submitted for the July 14, 2016 Hearing of this application we are advising that City Staff have met with the owner and advised what modifications would be required in order that staff could support the request. The owner has provided a revised Site Plan which has been recirculated by the Committee of Adjustment Office to staff on August 23, 2016 and we are advising that we can now support the revised Site Plan, modifications made and variances requested in the Revised Notice of Public Hearing which has been recirculated."

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

"We have no comments or objections."

An e-mail was received from C. Sovran, property owner at 769 Gardner Avenue, expressing opposition to the application and noting her concerns with height, reduction of sunlight and obstruction of the view.

Letters were received from S. Anjilikkal and A. Sebastian, property owners at 1066 Greaves Avenue expressing opposition to the application and noting their concerns with respect to height, obstruction of the view from their property, and reduction of sunlight.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Garside and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the structure is located in the same general area as the original structure. They indicated that the roof slopes



MISSISSAUGA

File: "A" 299/16

WARD 1

upwards from the neighbouring property to the subject property and therefore reduces the impact on the neighbours.

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

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

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

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

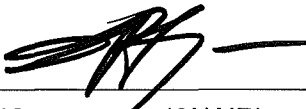
MOVED BY:	J. Page	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, on condition as stated.


Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.


S. PATRIZIO (CHAIR)


ABSENT

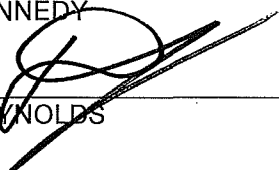
J. ROBINSON


J. PAGE


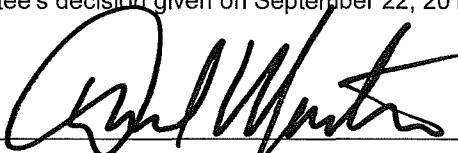
P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 22, 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

DOUG GILBERT & KIM WALLACE

on Thursday, September 15, 2016

Doug Gilbert & Kim Wallace are the owners of 1319 South Aldo Drive being Lot 5, Registered Plan 704, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit a deck to remain in the rear yard of the subject property proposing:

1. a side yard of 0.15m (0.50ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (2.00ft.) in this instance; and,
2. a rear yard of 0.15m (0.50ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.50m (6.56ft.) in this instance.

On August 4, 2016, Mr. D. Gilbert, co-owner of the property, attended and presented the application. He advised that a deck was constructed on the property without benefit of a building permit. Mr. Gilbert advised that he has obtained Credit Valley Conservation Approval for the deck. He indicated that in order to obtain the building permit, relief is required for the setbacks to the side and rear property lines. Mr. Gilbert advised that he originally requested relief for lot coverage; however, upon re-calculation of the lot coverage, he has determined that it is no longer required. He requested that the application be amended to delete the reference to the request for increased lot coverage. The Committee consented to the request.

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred in order to verify the accuracy of the requested variances and determine whether any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Building Permit File: 14-3895

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

The applicant should submit accurate lot coverage information to confirm the requested 51%. The application indicates that the driveway and sidewalk have been included in the coverage calculation; these should not be included.

Planning

The proposed reductions in setback to the rear and side lot lines are required to the existing deck structure on the property. The property backs onto a watercourse feature which acts as natural separation between the subject property and the property to the north and to the east. There is substantial tree cover between the subject property and the dwelling to the north and significant separation distance to the dwelling to the east.

The Credit Valley Conservation Authority (CVC) has issued a permit for the deck in 2014. The Planning and Building relies on the expertise of the CVC with respect to the appropriate setback of structures from environmental features.

Given the proximity to the watercourse feature the City may have had concerns with the setback reduction; however, based on the expert opinion of CVC we trust that there will be no impacts to the natural landscape.

The lot coverage increase is required as a result of the raised deck being included in the calculations. The significant grade changes across the rear of the property require that the deck be raised to facilitate usable space and as a result increase the total lot coverage. However, the applicant has indicated that the coverage has also included areas such as the driveway and the walkways, which should not be factored into the request. The massing of the dwelling on the property is not out of character with the surrounding neighbourhood and is not accurately represented by the 51% requested lot coverage.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant should defer the application. The requested variances may be appropriate; however, the applicant should correctly identify what the required lot coverage is and ensure that no additional variances are required prior to a decision being made."

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

"Information submitted in the Notice of Public Hearing indicates that the applicant is only requesting variances which are related to the existing deck and has also provided a copy of Permit 14/307 issued by the Credit Valley Conservation Authority on November 27, 2014 for the construction of a deck in a Regulated area. In view of the above we have no objections to the deck as constructed, however we have some other concerns related to this property which we feel should be addressed.

The Survey Plan submitted with this application prepared by David Horwood Limited, Ontario Land Surveyors dated June 29, 2009 indicates that there is an existing 10 ft. Drainage Easement immediately between the subject and abutting property to the west extending throughout the full depth of the lot, from front to rear. We believe this is an overland drainage easement with no underground storm pipes and the easement was established in 1964 in favour of the Corporation of the Township of Toronto (now the City of Mississauga). The Survey Plan submitted also shows an existing frame shed and retaining wall located within the limits of the drainage easement. The Transportation and Works Department would recommend that any encroachments within the limits of the Drainage Easement be removed or alternatively satisfactory arrangements be made with the City's Realty Services, Transportation and Works and Legal Services Section for the appropriate Easement Encroachment Agreement to permit the encroachments.

From our site inspection of this property it was also observed that some drainage from the rear yard of the abutting property to the west is directed through the subject lands (area in front of existing shed) through what we recognize is an underground pipe constructed by the homeowner. The drainage from this point is then directed easterly towards the drainage ditch between the subject and abutting property to the north. In view of the above we would also recommend that the existing underground pipe which accommodates drainage from the property to the west be kept operational."

The Region of Peel, Public Works, Development Services Division commented as follows (July 22, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (August 4, 2016):

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

Site Characteristics:

The subject site is traversed by Lornewood Creek and is within the floodplain and valley system associated with this watercourse. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit a deck to remain in the rear yard of the subject property proposing:

1. A lot coverage of 51.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance,
2. A side yard of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m in this instance; and
3. A rear yard of 0.00m; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.50m in this instance.

Comments:

Credit Valley Conservation (CVC) has reviewed a proposed deck through a permit application (CVC permit FF 14/307). This permit was issued by the Authority on November 27, 2016. The drawing submitted is not the same drawing used to CVC permitting purposes. The drawing submitted in conjunction with the minor variance application appears to show the deck in a slightly different location than that of the drawing as approved by CVC through permit FF 14/307. Therefore satisfactory arrangements with CVC (ie: approval in principle) should be made prior to the approval of this minor variance due to the deck being in close proximity to the watercourse. On this basis, CVC recommends that this application is **deferred** until such time that it is determined CVC is satisfied with the deck as proposed."

A letter was received from D.G. Patriquin, a representative of W. and D. Patriquin of 1322 Birchview Drive, expressing opposition to the application and expressing concerns with respect to the ability to access and service the deck without trespassing onto the neighbouring properties, debris and waste, possibility of setting a precedent, and the impacts on property value.

A letter was received from L. and V. Chechui and R. Wnek, owners and residents at 1345 Aldo Drive, expressing concerns with respect to grading and water pooling. They noted that the water does not appear to drain and the water remains stagnant for prolonged periods of time. They expressed concerns with respect to erosion, mosquitoes, and odours and the impact on health and safety.

A letter was received from W. Chan, property owner at 1308 Birchview Drive, expressing concerns with respect to flooding and drainage. Mr. Chan requested that the Committee investigate whether the natural stream was diverted when the deck was installed. He noted that the stream feeds into the backyards of properties on Birchview Drive, Algonquin Drive and other downstream residents and noted that if the stream is blocked, it will contribute to an increased risk of flooding.

Ms. S. Tobin, property owner at 1321 South Aldo Drive, attended and advised that she has no objection to the deck; however, she has concerns with respect to the grading of the soil around it. Ms. Tobin presented photographs and advised that, since the deck was constructed, she has experienced flooding in her yard. She advised that she wants the flooding situation to be resolved. Ms. Tobin presented photographs showing evidence of flooding taken on January 10, 2016. She advised that she is concerned about the standing water, mosquito breeding grounds and West Nile virus, the stability of the trees, and difficulty in maintaining plants due to flooding. Ms. Tobin indicated that she has contacted the City of Mississauga as well as the Credit Valley Conservation with respect to the flooding.

Mr. J. Patriquin, a representative of the deceased property owners at 1322 Birchview Drive, attended and advised that his brother's letter has been submitted to the Committee expressed their concerns. He indicated that the applicant may require access on the neighbouring properties when servicing the deck. He also indicated that debris from the deck goes into the watershed area and if a greater setback is provided, it could alleviate the problem. Mr. Patriquin indicated that they intend to sell the property and are concerned that the application may impact the sale of the property.

No other persons expressed any interest in the application.

The Committee indicated that they have received photographic evidence with respect to the concerns regarding drainage and flooding. They noted that the Credit Valley Conservation has requested a deferral of the application.

Mr. Gilbert indicated that the debris on the neighbour's lot has not been removed and this is the source of the flooding. He advised that he installed a drain on a bed of rocks and provided a means for the water to flow. Mr. Gilbert indicated that he is able to remove the boards to access the deck, if necessary, so that he will not need to trespass onto the neighbouring properties. Mr. Gilbert advised that he obtained Credit Valley Conservation approval for the deck.

The Committee suggested that the applicant may wish to consider deferring the application to address the concerns with respect to flooding, noting that the Credit Valley Conservation have requested a deferral of the application noting that the proposed site plan differs from the approved plans.

Mr. Gilbert requested that the application be deferred to address the concerns.

The Committee consented to the request and deferred the application to September 15, 2016.

On September 15, 2016, Mr. D. Gilbert, property owner, attended and presented the application. Mr. Gilbert advised that there was an existing deck on the property and a second deck was constructed without benefit of a building permit. He presented a plan illustrating the location of the two decks. Mr. Gilbert indicated that the second deck was constructed approximately six inches from the property lines in the rear yard. He advised that the deck was constructed above an unusable area that slopes into the ravine.

Mr. Gilbert advised that he has obtained Credit Valley Conservation approval and the permit is valid for three years. Mr. Gilbert advised that he trenched the area and installed pea gravel to allow the water to flow from one property to the next.

Mr. Gilbert indicated that the Credit Valley Conservation has jurisdiction over the watercourse and he has obtained their approval. He advised that if there are any flooding issues, the inquiries should be directed to them.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances, provided Credit Valley Conservation is satisfied; however, the applicant may wish to defer the application to submit additional information through the Building Permit to ensure that all variances are accurately identified.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Building Permit File: 14-3895

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the information currently available, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Planning

The Department previously commented that we had no objection to the setback variances for the deck given the separation distance between the neighbouring properties, the visual screening through tree cover, and lack of overlook conditions. Additionally Credit Valley Conservation (CVC) had issued a permit for the construction of the deck and had no objection related to the watercourse feature running through the property. In principle we maintain the position that we have no objection to the reduced setback to the deck; however, given the recommendation of deferral from CVC at the last hearing, we would recommend that any approval be contingent on review by CVC.

Through conversations with the applicant we understand that they have recalculated their lot coverage using the correct parameters and are well under the permitted maximum. This has not been confirmed by City staff but it appears that the variance is not necessary.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, provided Credit Valley Conservation is satisfied; however, the applicant may wish to defer the application to submit additional information through the Building Permit to ensure that all variances are accurately identified."

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

"In our previous comments this department indicated that we had no objections to the existing deck as constructed, however, we had some other concerns related to this property which we felt should be addressed. The information which was submitted in the Notice of Public Hearing indicated that the applicant was only requesting variances related to the existing deck and a copy of Permit 14/307 issued by the Credit Valley Conservation Authority on November 27, 2014 for the construction of a deck in a Regulated area was provided. Based on the permit issued by the CVC we had no objections to the request, however, it's our understanding that the Credit Valley Conservation previously requested that the application be deferred and are uncertain if their concerns have been addressed.

We had also indicated that the Survey Plan prepared by David Horwood Limited, Ontario Land Surveyors dated June 29, 2009 indicated that there is an existing 10 ft. Drainage Easement immediately between the subject and abutting property to the west extending throughout the full depth of the lot, front to rear. We believe this easement has no underground sewer pipes and was established in 1964 in favour of the Corporation of the Township of Toronto (now the City of Mississauga), however the details of the easement document we reviewed are vague and this easement may have been intended for a sanitary sewer (which was never constructed). The Survey Plan submitted also shows an existing frame shed within the limits of the easement and in this regard we would suggest that a condition of approval be that a letter be received from the Transportation and Works Department indicating that satisfactory arrangements have been made with regards to any encroachment of the existing shed located within the limits of the Easement.

It was also observed from our previous site inspection that some of drainage from the rear yard of the abutting property to the west was directed through the subject lands (area in front of existing shed) through what we recognize is an underground pipe constructed by the homeowner. The drainage from this point is then directed easterly towards a drainage ditch between the subject and abutting property to the north. In view of the above we would also recommend that the owner of this property keep the existing underground pipe which accommodates drainage from the property to the west operational in order that any drainage flows are not impeded."

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

"We have no comments or objections."

The Credit Valley Conservation commented as follows (September 14, 2016):

"Credit Valley Conservation (CVC) has no objection to the approval of the minor variance provided that the structure and any other development completed or proposed complies with the drawings as approved by CVC. Be advised that our clearance is for the minor variance application only and these comments do not qualify as an approval for any additional works proposed or otherwise constructed unless written permission from CVC has already been obtained."

E-mails were received from J. Weir, property owner at 1350 Birchview Drive, expressing objection to the application and noting her concerns.

A letter was received from D. Patriquin, Estate Trustee for W. and D. Patriquin, expressing opposition to the application and noting his concerns with respect to flooding, debris, and encroachment.

Ms. M. Tobin, property owner at 1321 South Aldo Drive, attended and indicated that she has no objection to the deck. She presented a photograph showing flooding that took place in January and advised that she would like the flooding issues to be resolved.

Mr. J. Patriquin, a representative of W. and D. Patriquin, property owners at 1322 Birchview Drive, attended and expressed their objection to the application. Mr. Patriquin indicated that it appeared that the water flow issues commenced at the time of the installation of the new deck. He advised that algae growth has increased. Mr. Patriquin indicated that they did not realize that the deck was in violation of the By-law and he advised that it may impact the sale of their property.

No other persons expressed any interest in the application.

Mr. Gilbert advised that the slope below the deck was not altered when the deck was constructed or since the deck was constructed.

The Committee, after considering the submissions put forward by Mr. Gilbert and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the deck setback to the property line is minor in this instance. They noted that it will not adversely impact the neighbours. The Committee noted that the property is under the jurisdiction of the Credit Valley Conservation and they have indicated support for the application.

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

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

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

1. Prior to building permit issuance, the Committee shall be in receipt of a letter from Transportation and Works Department indicating that satisfactory arrangements have been made with regard to any encroachment of the existing shed located within the limits of the Easement.
2. The property owner shall keep the existing underground pipe, which accommodates drainage from the property to the west, operational in order that any drainage flows are not impeded.

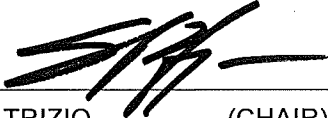
MOVED BY:	J. Page	SECONDED BY:	D. George	CARRIED
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Application Approved, on conditions as stated.

Dated at the City of Mississauga on September 22, 2016.

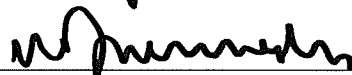
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 12, 2016**.


Date of mailing is September 26, 2016.


S. PATRIZIO (CHAIR)

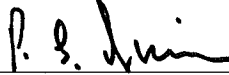

D. GEORGE

ABSENT
J. ROBINSON

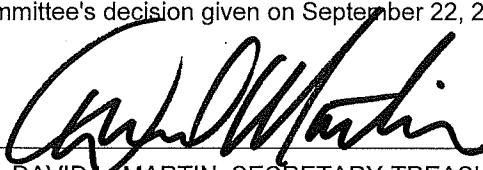

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 22, 2016.


DAVID E. 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

CLARKSON VILLAGE PLAZA CORP.

on Thursday, September 15, 2016

Clarkson Village Plaza Corp. is the owner of 1834 Lakeshore Road West being Lot 2 & Lot 3, Registered Plan 503, zoned C4-63, Commercial. The applicant requests the Committee to authorize a minor variance to permit the expansion of a restaurant use into Unit #3, being located within 60.00 m (196.85 ft.) of a Residential zone; whereas Bylaw 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.) from a Residential zone in this instance.

On August 4, 2016, Mr. M. Rogers, a representative of the property owner, attended and requested a deferral of the application to discuss matters further with Planning and Building Department staff.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-63 (Commercial)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

A Certificate of Occupancy application is required and in the absence of a Certificate of Occupancy application we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. The variance, as requested, has been reviewed based on the information provided, however a full zoning review has not been completed.

Planning

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

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

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 319/16."

The Region of Peel, Public Works, Development Services Division commented as follows (July 22, 2016):

"We have no comments or objections."

An e-mail was received from K. MacKay, property owner at 1837 Pattinson Crescent, expressing concerns with respect to noise and privacy and indicating that an expansion of the restaurant will make things worse. She indicated that it is difficult to find parking on the property.

A letter was received from V. Angheloni, of 1801 Lakeshore Road West, expressing opposition to the application and noting his concerns with respect to parking. He advised that many of the privately owned parking lots are being over-run by customer vehicles from other businesses that do not have enough parking on their sites. Mr. Angheloni indicated that his property is being used for parking from the neighbouring businesses and as a short-cut to access the Tim Horton's Restaurant. He expressed his concerns with respect to safety and wear and tear on the parking lot.

Mr. Angheloni advised that no parking justification study has been submitted although the requested 60.00% virtual increase in parking will impact the neighbouring properties.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to September 15, 2016.

On September 15, 2016, Mr. M. Rogers, of John D. Rogers & Associates Inc., a representative of the property owner, attended and presented the application. Mr. Rogers presented a site plan and advised that the restaurant/bakery operation, previously located within Units 1 and 2, wishes to expand into Unit 3. He indicated that relief is required for the separation distance to a Residential zone.

Mr. Rogers indicated that the original minor variance application request included a request for a variance for parking. Mr. Rogers indicated that they no longer require a variance related to parking. An amended Notice was circulated.

Mr. Rogers indicated that the restaurant in Unit 1 was originally approved in 1984 through a variance. In 1998, another minor variance was approved for Units 1 and 2 for a restaurant. In 2013, due to an ownership change, a new minor variance was approved for a restaurant.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-63 (Commercial)

Other Applications:

Certificate of Occupancy File: Required

Comments

Zoning

A Certificate of Occupancy permit application is required and in the absence of a certificate of occupancy permit application we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required.

Planning

Through a meeting with the applicant to discuss parking calculations and site layout, the applicant indicated that they no longer need a variance related to parking on the site. The only required variance is for separation distance from a residential zone. The variance to allow the existing restaurant to expand within 60.00 m (196.85 ft.) of the adjacent residential zone should not have a further negative impact beyond the existing condition. Further, there are other restaurants existing along this portion of Lakeshore Road West and within the immediate plaza area that operate without issue. Lakeshore Road West is comprised of a mix of commercial and residential uses and restaurants are an integral part to the streets character.

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 6, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 319/16."

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

We have no comments or objections."

A letter was received from S. Shelski, property owner at 1846 Lakeshore Road West, and a representative of the Clarkson Village Plaza Association comprised of the 12 businesses located in the plaza from 1840-1862 Lakeshore Road West, expressing opposition to the application and noting their concerns with respect to parking and traffic. They requested that the application be deferred to allow a meeting to take place to address the issues with respect to traffic, parking, re-locating the entrance, erecting a fence, and installing effective signage so that patrons of the subject property will not park on adjacent properties.

No other persons expressed any interest in the application.

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

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

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

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

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

Dated at the City of Mississauga on September 22, 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 12, 2016**.

Date of mailing is September 26, 2016.

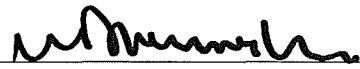


S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT
J. ROBINSON




D. KENNEDY



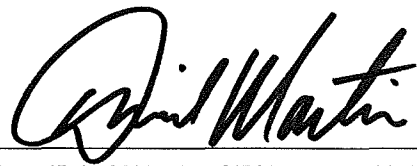
J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 22, 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.