

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 22, 2016 AT 1:30 P.M.

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

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

B-062/16 & B-063/16	MARILYN RAPHAEL	1800, 1808 & 1816 MISSISSAUGA RD	8	Approved
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NEW APPLICATIONS - (MINOR VARIANCE)

File	Name of Applicant	Location of Land	Ward	
A-380/16	SYEDN IKHLAQ JAFRI	648 KOZEL CRT	4	Oct 27
A-381/16	ONTARIO POWER GENERATION INC.	800 HYDRO RD	1	Approved 5yr.
A-382/16	JOANNA COGIONIS	1095 PELHAM AVE	1	Approved
A-383/16	STARLIGHT INVESTMENTS LTD	7 ELIZABETH ST N	1	Oct 20
A-384/16	ASSER ELSHANAWANY & VENIS NASR	1405 CRESTDALE RD	2	Approved
A-385/16	OMERS REALTY MGMT CORPORATION & SQUARE ONE PROPERTY CORP	95, 100, 155 CITY CENTRE DR	4	Approved
A-386/16	2215993 ONTARIO INC	3121 HURONTARIO ST	7	Approved
A-387/16	GEORGE MOMCILOVIC	3428 THE CREDIT WOODLANDS	6	Dec 15

DEFERRED APPLICATIONS - (VARIANCE)

File	Name of Applicant	Location of Land	Ward	
A-335/16	CARMELLO BONOVEN	899 GOODWIN RD	1	Approved
A-337/16	DR. CAMERON GELDER & TRACY GELDER	1273 MONA RD	1	Oct 13
A-339/16	SALVATORE TADDEO & LITIFA NOOR	1405 GLENWOOD DR	1	Approved

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -

IN THE MATTER OF AN APPLICATION BY

MARILYN RAPHAEL

on Thursday September 22, 2016

Marilyn Raphael is the owner of 1800, 1808 and 1816 Mississauga Road being Part of Lots 37-40 and 48-52, Registered Plan B-20 and Block 29, Registered Plan M-301, zoned R1-53, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 23.00m (75.45ft.) and a lot area of approximately 1087.87m² (11710.11sq.ft.) The purpose of the application is to create a new lot for Residential purposes.

Mr. M. Crabtree authorized agent, attended and presented the application. Mr. Crabtree presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property for the purpose of creating a new lot. Mr. Crabtree indicated that the lot sizes and proposed uses are consistent with the Zoning By-law and Official Plan. He indicated that an Official Plan Amendment and Zoning By-law Amendment have been approved for the site.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 15, 2016),
City of Mississauga, Transportation and Works Department (September 16, 2016),
Region of Peel, Public Works, Development Services Division (September 16, 2016)
Bell Canada (August 31, 2016)

No other persons expressed any interest in the application.

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

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

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Planning and Building Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 15, 2016.
5. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (September 16, 2016).
6. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (September 16, 2016).
7. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B"062/16 and "B"063/16.

MOVED BY: J. Page

SECONDED BY: D. George

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on September 29, 2016.

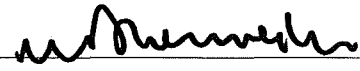
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **OCTOBER 23, 2016**.

Date of mailing is October 3, 2016.

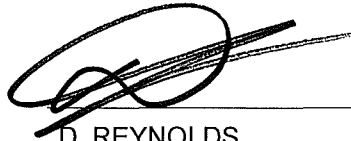

S. PATRIZIO (CHAIR)



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 29, 2016.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **October 3, 2017**.

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

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

MARILYN RAPHAEL

on Thursday September 22, 2016

Marilyn Raphael is the owner of 1800, 1808 and 1816 Mississauga Road being Part of Lots 37-40 and 48-52, Registered Plan B-20 and Block 29, Registered Plan M-301, zoned R1-53, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land proposing a lot frontage of approximately 23.00m (75.45ft.) and a lot area of approximately 1087.87m² (11710.11sq.ft.) The purpose of the application is to create a new lot for Residential purposes.

Mr. M. Crabtree authorized agent, attended and presented the application. Mr. Crabtree presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property for the purpose of creating a new lot. Mr. Crabtree indicated that the lot sizes and proposed uses are consistent with the Zoning By-law and Official Plan and that currently the Official Plan Amendment and Zoning By-law Amendment have been approved for the site. Mr. Crabtree indicated that Transportation and Works comments requested that driveway access easements would be required on the lot and requested that the application be amended as per Staff comments.

The Committee consented to the request and amended the application.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (September 15, 2016),
City of Mississauga, Transportation and Works Department (September 16, 2016),
Region of Peel, Public Works, Development Services Division (September 16, 2016)
Bell Canada (August 31, 2016)

No other persons expressed any interest in the application.

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

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

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as



MISSISSAUGA

File: "B" 063/16
WARD 8

determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no additional services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Planning and Building Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 15, 2016.
5. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (September 16, 2016).
6. A letter shall be received from the Region of Peel, Public Works, Development Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (September 16, 2016).
7. The Secretary-Treasurer's Certificates under the *Planning Act* shall be issued, simultaneously, with respect to the "severed" land of applications "B"062/16 and "B"063/16.

MOVED BY: J. Page

SECONDED BY: D. George

CARRIED

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on September 29, 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 23, 2016**.

Date of mailing is October 3, 2016.



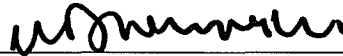
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

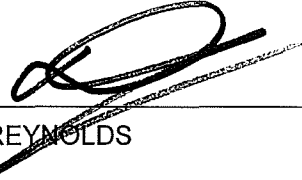
J. ROBINSON



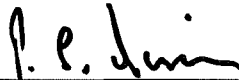
D. KENNEDY



J. PAGE

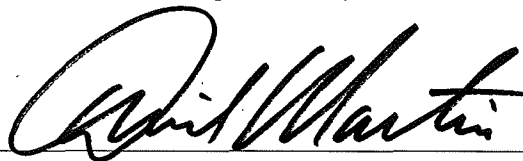


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 29, 2016.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **October 3, 2017**.

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

COMMITTEE OF ADJUSTMENT

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

on Thursday September 22, 2016

Ontario Power Generation Inc. is the owner of 800 Hydro Road being Hydro Road and Part of Lots 7-9, Concession 3, SDS, zoned G1, Greenbelt, OS2, Open Space and U-1, Utility. The applicant requests the Committee to authorize a minor variance to continue to permit outdoor storage on the subject property not accessory to a power generating facility as previously approved pursuant to Committee of Adjustment File 'A' 173/15; whereas By-law 0225-2007, as amended, only permits outdoor storage accessory to a power generating facility on the subject property in this instance.

Mr. D. Sullivan, owner of City Marine and D. Henderson, partner, attended and presented the application. Mr. Sullivan indicated that he is the owner of a boat storage company and advised that he currently has an agreement in place with Ontario Power Generation for storing boats at an Ontario Power Generation site twelve kilometres away. He indicated that moving the boats from his company to the storage site in Etobicoke contributed to traffic on roads as well as liability issues. He indicated that the purpose of his application would move boat storage to the Ontario Power Generation lands on the subject site; much closer to the City Marine office. Mr. Sullivan indicated to Committee that the storage of boats and would not pose a visual impact from Lakeshore Road East. He indicated that a certificate of occupancy had been applied for and requested that the variance be allowed for a temporary basis of 5 years.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variance, subject to the previous conditions. However, the applicant may wish to defer the application to submit the required Certificate of Occupancy application to ensure that all required variances have been accurately identified.

Background

Mississauga Official Plan

Character Area: Lakeview Employment Area
Designation: Greenlands, Utility, Open Space

Zoning By-law 0225-2007

Zoning: G-1, U-1, OS2

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 or determine whether additional variance(s) may be required. It should be noted that the variance, as requested, have been reviewed based on information provided, however a full zoning review has not been completed.

Planning

Previously application 'A' 173/15 was heard on the May 14, 2015 agenda. A one-year temporary approval was granted by the Committee. There is no indication that the outdoor storage operation commenced in the past year.

Staff recommended the following conditions to ensure the proposed outdoor storage does not impose a negative visual impact from the lake and towards the lake:

1. All outdoor storage will be limited to areas south of the "Recreational Areas" as shown on the submitted site plan;
2. Outdoor storage will be limited to a maximum of 12.14 ha (30.00 acres);
3. Outdoor storage of industrial shipping containers will be limited to a maximum height of 6.10 m (20.00 ft.)
4. Outdoor storage of fill associated with the Lakeview Waterfront Connection Project will not be subject to the conditions #1 and #2

Further we recommend that the Committee consider the use only for a temporary period.

Based on the preceding, the Planning and Building Department has no objection to the requested variance, subject to the previous conditions. However, the applicant may wish to defer the application to submit the required Certificate of Occupancy application to ensure that all required variances have been accurately identified."

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

"This Department has no objections to allow the applicant to continue to permit outdoor storage of Watercraft, recreational equipment and motor vehicles on the subject property as previously approved under Committee of Adjustment File 'A' 173/15."

The Region of Peel, Public Works, Development Services Division commented as follows (September 16, 2016):

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

A letter was received by Mr. D. Ross of 1169 Greening Avenue indicating his support for the application.

No other persons expressed interest in the application.

The Committee, after considering the submissions put forward by Mr. Sullivan , having reviewed the plans and comments from City Staff and Mr. Ross, is satisfied that the request is desirable for the appropriate temporary use of the subject property. The Committee noted that the subject lands are an appropriate location for the proposed use on a temporary basis. They noted that there would no negative impacts to the area or surrounding the property.

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of (5) five years to expire or terminate on or before October 30, 2021 and is subject to the following conditions:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee.
2. Storage is limited to recreational watercraft and boats within the delineated area indicated in the plans.

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



File: "A" 381/16
WARD 1

Dated at the City of Mississauga on September 29, 2016.

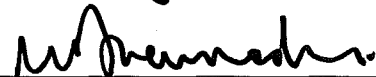
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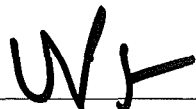
Date of mailing is October 3, 2016.

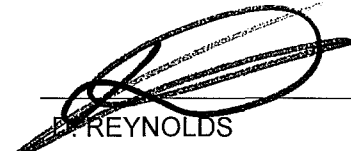

S. PATRIZIO (CHAIR)

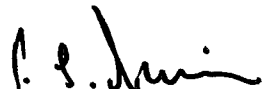

D. GEORGE

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 29, 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

JOANNA COGIONIS

on Thursday September 22, 2016

Joanna Cogionis is the owner of 1095 Pelham Avenue being Part of Lot 97, Registered Plan K-22, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. a 1.886m (6.18ft.) setback from the second storey addition to a G1, Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft.) to a G1, Greenbelt zone in this instance,
2. a maximum dwelling height to a flat roof of 7.90m (25.91ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height to a flat roof of 7.50m (24.60ft.) in this instance; and,
3. a front yard of 4.72m (15.48ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance.

Mr. P. Cogionis, authorized agent, attended and presented the application to Committee advising that the current dwelling was built with some non-conforming elements. He advised the committee that multiple variances would be needed for the proposed additions to the dwelling. In regards to the front yard setback, Mr. Cogionis indicated that a previous minor variance was granted for a front yard setback and the current request provides a greater setback than previously granted. He further noted that the request for dwelling height is a result of the existing finished floor being utilized and the calculation from the average grade.

Mr. Cogionis advised Committee that he has worked with the Credit Valley Conservation Authority and contracted geomorphic and engineering studies in order to address the Credit Valley Conservation setback requirements and indicated that no issues arose from those studies. He further indicated that in 2015 the Credit Valley Conservation Authority granted a permit for the previous dwelling additions.

Mr. Cogionis noted that through staff comments, an additional request was needed for interior side yard setback and requested the Committee to amend the application to include the interior side yard setback of 1.69m (5.28 ft.) whereas 1.81m (5.93 ft.) was required in this instance.

The Committee consented to the request and amended the application accordingly.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated information through the Building Permit application to verify the accuracy of the requested variances and to 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: BP 9ALT 16-2093

Comments

Zoning

The Planning and Building Department is currently processing a Building Permit application and based on the review of the application, 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 applicant is proposing a second storey addition over the existing dwelling as well as a full two storey addition at the rear of the dwelling. The second storey addition, where the setback is required, does not have a first storey structure below it. Given that there is no structure on the first storey, the Greenbelt should not be impacted by the reduced setback from the floating second storey. The applicant will also require a permit from Credit Valley Conservation (CVC) prior to any construction taking place.

The requested reduction in front yard setback for variance #1 is only a slight decrease beyond the currently existing condition, which was approved under minor variance application 'A' 137/12. Further, the additional decreased setback is only present at one small section of the front of the dwelling. The additional decrease in front yard setback for the relatively small portion of the dwelling should not create any additional impacts beyond what was previously approved and currently exists on site.

The applicant is proposing an increase in the flat roof height of 0.40 m (1.31 ft.) beyond what the Zoning By-law permits. The easterly portion of the addition complies with the height requirement and the increase is only required along the westerly portion of the dwelling. Further, there is a difference in the average grade and finished grade of 0.51 m (1.67 ft.) along the portion of the dwelling that requires the variance. This gives the impression from the street of a dwelling that complies with the height provisions of the Zoning By-law. The Department is of the opinion that the proposed addition is in scale with the neighbourhood and maintains the general intent of the Zoning By-law.

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



MISSISSAUGA

File: "A" 382/16

WARD 1

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

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

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

"City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the City-owned Greenbelt which may be impacted by the proposed development:

1. One (1) Tree of Heaven tree – fair condition; and
2. One (1) Manitoba Maple tree –fair 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 \$4,500.00 for the above noted trees.
2. The applicant is advised that any removal or injury of any City-owned trees will require approval from the City of Mississauga Forestry Section. Should injury or removal these trees be required, injury or removal and replacement planting is to be undertaken by the City at the applicants' expense. Please call Ryan Cormier at 905-615-3200 ext. 4580 if required.
3. The applicant is advised that any pruning of any City-owned tree is to be approved by the City of Mississauga Forestry Section and will be undertaken by the City at the applicants' expense. Please call Ryan Cormier at 905-615-3200 ext. 4580 if required to arrange for pruning.

In addition, this Department notes the following:

1. Storing of any construction materials is not permitted on City owned land.
2. Construction access from the City-owned Greenbelt is not permitted.
3. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West."

The Credit Valley Conservation commented as follows (September 16, 2016):

"The proposed addition and deck is setback adequately from the erosion hazard/meanderbelt associated with Serson Creek and is outside of the Regulatory floodplain. As such, CVC has no concerns and no objection to the approval of this application by the Committee at this time.

CVC has previously reviewed and approved a previous iteration of this proposal (CVC File No. FF 13/210). However, as the current proposed addition is larger than the one previously approved, a revised CVC permit will be required. Please submit 3 hardcopy sets of the Site Plan and architectural drawings directly to CVC's office. A CVC permit revision fee will apply."

Ms. D. Luczak, property owner at 1092 Pelham Avenue, attended and advised that the creek may possibly flood in the future and erode Mr. Cogionis' rear yard which would then lead to problems in her own rear yard. She advised that there has been flooding in the basement within the last three years. Ms. Luczak expressed her opinion that the dwelling should be built to the requirements of the Zoning By-law.

No other persons expressed interest in the application.

The Committee, after considering the submissions put forward by Mr. Cogionis, Ms. Luczak and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. They noted the proposed additions are modest and in character with the neighbourhood. Any drainage issues would be addressed by Credit Valley Conservation and the City through the building permit process.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition to the existing dwelling proposing:

1. a 1.886m (6.18ft.) setback from the second storey addition to a G1, Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft.) to a G1, Greenbelt zone in this instance,
2. a maximum dwelling height to a flat roof of 7.90m (25.91ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height to a flat roof of 7.50m (24.60ft.) in this instance,
3. a front yard of 4.72m (15.48ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance; and,
4. side yard of 1.69m (5.28 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93 ft.) in this instance.

This decision is subject to the following condition:

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

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

Dated at the City of Mississauga on September 29, 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 19, 2016**.

Date of mailing is October 3, 2016.



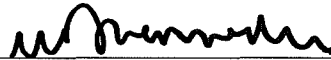
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

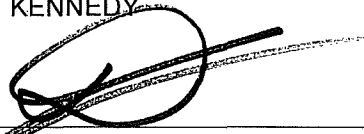
J. ROBINSON



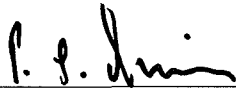
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 29, 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
ASSER ELSHANAWANY & VENUS NASR

on Thursday September 22, 2016

Asser Elshanawany & Venis Nasr are the owners of 1405 Crestdale Road being Lot 1, Registered Plan 730, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. dwelling height of 9.78m (32.08ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16ft.) in this instance; and,
2. a height to the underside of eaves of 7.69m (25.22ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance.

Mr. J. Pinkney, authorized agent, attended and presented the application to Committee and began by submitting letters of non-objection from various residents in the community. Mr. Pinkney presented elevations of the proposed house and indicated that because the home was being built upon the existing foundation a height variance was required for the ridge of the roof as well as the roof eaves.

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

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

"Recommendation

The Planning and Building Department has no objection to the application, but the applicant may choose to defer the application in order to provide more information to Zoning to ensure all variances have been captured.

Background

Mississauga Official Plan

Character Area: Clarkson – Lorne park NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4

Other Applications:

Site Plan Approval application file SPM 16-091

Comments

Zoning

The Building Department is currently processing a site plan approval application under file SPM 16-091. 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 in Clarkson-Lorne Park, at the north west corner of Indian Rd and Crestdale Rd near Lorne Park Rd. Original bungalows and split-level dwellings are located on uniform lots on Crestdale Rd. Indian Rd has a varied streetscape comprised of original bungalows, renovated bungalows, and newer infill dwellings.

The current structure is a detached one and a half storey back-split dwelling on a corner lot.

The application proposes a second storey addition and façade improvements. The variances requested are for increased dwelling height and height to the underside of the eaves.

The subject property has a slope oriented down towards the rear of the property, which creates a significant difference between the average grade and the established grade. Further, the second storey addition uses the existing foundation. In our opinion, the visual impact of the height is minimized from the street, and considered minor.

The Planning and Building Department has no objection to the application, but the applicant may choose to defer the application in order to provide more information to Zoning to ensure all variances have been captured."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/091. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from David Burnett of 1387 Indian Road indicating support of the application.

A letter was received from L. Mak of 1358 Indian Road indicating support of the application.

A letter was received from the owner of 1359 Indian Road indicating support of the application.

A letter was received from Naim El-chafei of 1374 Indian Road indicating support of the application.

A letter was received from L. Munroe of 1397 Crestdale Road indicating support of the application.

No other persons expressed interest in the application.

The Committee, after considering the submissions put forward by Mr. Pinkney and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property and that the application has support from neighbors in the surrounding neighborhood.

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. George	SECONDED BY:	J. Page	CARRIED
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Application Approved.

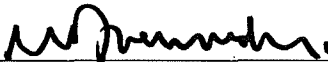
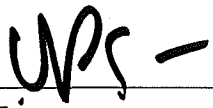

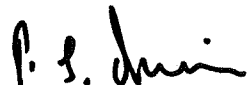
Dated at the City of Mississauga on September 29, 2016.

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 19, 2016**.

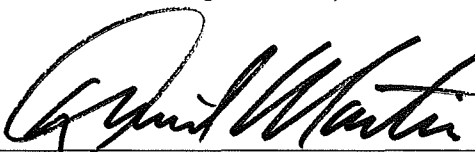
Date of mailing is October 3, 2016.


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 29, 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

OMERS REALTY MGMT CORPORATION &
SQUARE ONE PROPERTY CORP

on Thursday September 22, 2016

Omers Realty Mgmt Corporation & Square One Property Corp are the owners of 95, 100 and 155 City Centre Drive being Block 21, and Part of Blocks 1, 16, 19 and 20 Registered Plan M-1010, zoned H-CC1, CC1, H-CCOS-1 and CC1-2. The applicant requests the Committee to authorize a minor variance to permit:

1. all storage units located above or below established grade to be deducted from the GFA - Non Residential for the purposes of calculating parking; whereas By-law 0225-2007, as amended, permits the deduction of any part of the building, structure or part thereof below established grade used for storage in this instance,
2. all kiosks and restaurant seating areas in corridors (excluding food court seating areas) to be deducted from GFA - Non Residential for the purposes of calculating parking; whereas By-law 0225-2007, as amended, requires these areas to be included in the GFA - Non Residential for the purpose of calculating parking in this instance; and,
3. a total of 7,438 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 8,171 parking spaces on site in this instance.

Mr. P. Cope of Goodmans, LLP, authorized agent, attended and presented the application to Committee. He advised that the proposed variance was technical in nature and that he had been working with City Staff on the proposed variances for the past several months. He also indicated that Square One Drive would be reconstructed and that the variance would address the loss of parking spaces that would occur due to the reconstruction. Mr. Cope stated that the variances would be conducive to the desirable usage of the land and would assist in making the city centre less auto dependant.

He also requested to amend variance # 3 as per Planning & Building comments that require a total of 7,438 spaces on site whereas By-law 0225-2007 requires a minimum of 8,158 parking spaces on site.

The Committee consented to the requested to amendment.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: H-CCOS, H-CC1 (Under Appeal), CC1-2, CC1

Other Applications:

Comments

Zoning

We note that a building permit is not required in this instance. In reviewing the variance(s) as outlined in this application, we advise that the following variance(s) should be amended as follows:

3. a total of 7,438 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 8,158 parking spaces on site in this instance.

Variances 1 & 2 as requested are correct.

Planning

The subject lands are Square One Shopping Centre located in Mississauga's City Centre.

No interior, exterior, or landscape changes are proposed. The application requests the deduction of storage areas, kiosks, and restaurant seating in corridors from the Gross Floor Area calculation for the purposes of calculating parking. The City will be reconstructing and widening Square One Drive, which will result in the loss of 110 parking spaces for a total of 7,438 parking spaces on site.

A letter of justification, prepared by BA Group, dated August 18, 2016 was submitted with this application. A previous full parking utilization study was prepared for the last Square One expansion. Staff has reviewed the letter and can support the proposed variances.

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

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

"As indicated in the August 19, 2016 Letter from Goodman's Barristers & Solicitors submitted with this application these variances are required as a result of a number of new public roads being recently conveyed within the boundaries of the Square One Lands and these conveyances have necessitated the variances. In view of the above we have no objections to the applicant's request."

No other persons expressed interest in the application.

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

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

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

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

1. all storage units located above or below established grade to be deducted from the GFA - Non Residential for the purposes of calculating parking; whereas By-law 0225-2007, as amended, permits the deduction of any part of the building, structure or part thereof below established grade used for storage in this instance,
2. all kiosks and restaurant seating areas in corridors (excluding food court seating areas) to be deducted from GFA - Non Residential for the purposes of calculating parking; whereas By-law 0225-2007, as amended, requires these areas to be included in the GFA - Non Residential for the purpose of calculating parking in this instance; and,
3. a total of 7,438 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 8,158 parking spaces on site in this instance.

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

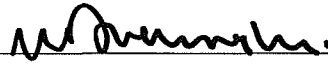
Dated at the City of Mississauga on September 29, 2016.

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Date of mailing is October 3, 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 29, 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

2215993 ONTARIO INC.

on Thursday September 22, 2016

2215993 Ontario Inc. is the owner of 3121 Hurontario Street being Part of Lot 15, Concession 1, NDS, zoned D, Development. The applicant requests the Committee to authorize a minor variance to permit the enlargement of the existing building (roof repairs); whereas By-law 0225-2007, as amended, does not permit the enlargement of existing buildings or structures in a D, Development zone in this instance.

Mr. N. Dell, authorized agent, attended and presented the application to Committee noting that a minor variance was previously approved in 2015; however, through the Site Plan Process staff an additional variance was identified based on the changes to the elevation plans. Mr. Dell indicated that due to the previous variance being subject to plans reviewed by Committee, this new application was required.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: D (Development)

Other Applications:

Site Plan Approval Application File: SP 14-186

Comments

Zoning



MISSISSAUGA

File: "A" 386/16
WARD 7

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, the variance is correct as requested.

Notwithstanding the above, the drawings provided with the Committee of Adjustment application do not accurately reflect the drawings provided through the most recent Site Plan Approval submission.

Planning

The subject property received an identical variance in 2015 for alterations to the roof structure. At that time, the decision was made subject to the plans provided with the application. Through the Site Plan Approval process changes to the proposal were required to satisfy other considerations and as a result another minor variance application is necessary to alter the plans associated with the Committee's decision. City staff supports the proposed changes to the design of the building; however, the application should be deferred until plans that match the Site Plan Approval application have been submitted to the Committee and verified to be correct.

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

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

"This department has no objections to the applicant's request which we believe are required to facilitate the proposed interior alteration changes for the proposed dentist office."

A letter of objection was received by Ms. J. Deighton, a representative of the owner at 3115 Hurontario Street noting her objections and concerns with the application.

No other persons expressed any interest in the application.

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

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

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

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

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

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

Dated at the City of Mississauga on September 29, 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 19, 2016**.

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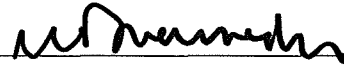


S. PATRIZIO (CHAIR)



D. GEORGE

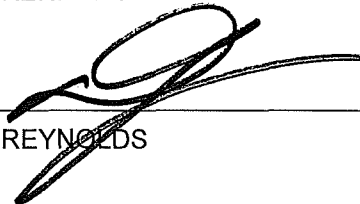
ABSENT
J. ROBINSON



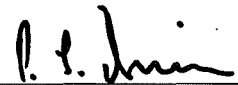
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on September 29, 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
CARMELLO BONOVEN

on Thursday September 22, 2016

Carmello Bonoven is the owner of 899 Goodwin Road being Part of Lots 54 and 55, Registered Plan A-26, zoned R3-75, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new 3 storey detached on the subject property proposing an exterior side yard of 2.71m (8.89ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

On August 11, 2016, Mr. M. Galea, of Axiis Architects, authorized agent, attended and presented the application to permit the construction of a new three (3) storey dwelling on the subject property proposing a reduced exterior side yard.

Mr. Galea advised that many of the corner lots in the neighbourhood have submitted applications to the Committee for reductions in front or exterior side yards. He indicated that the proposed dwelling and setback is in character with the neighbourhood.

Mr. Galea requested that the application be amended to allow a further reduction in the exterior side yard to 2.00m (6.56ft.). He indicated that this will allow his client to construct a larger garage.

Mr. Galea indicated that he has obtained letters from seven (7) of the neighbouring property owners expressing no objection to the application.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that the variance has been correctly requested and that no additional variances will be required.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

Comments

Planning

The subject property is an undersized corner lot, which is relatively common within this neighbourhood. The current zoning standards make developing a dwelling within the required exterior side yard extremely difficult. The applicants proposal is similar to other approvals which have been granted in the immediate neighbourhood and is reflective of dwellings on similar corner lots in the area. The proposal would be an improvement on the existing condition which has the current dwelling at 2.08 m (6.82 ft.) from the property line.

There is also a generous width of City boulevard adjacent to the dwelling which is unlikely to be altered that helps to create additional separation distance from the street. In this instance, we are of the opinion that the intent of the Zoning By-law is maintained in keeping adequate separation distance from the street and the variance request is minor in nature.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that the variance has been correctly requested and that no additional variances will be required."

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

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

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

"We have no comments or objections."

An email was received from the Ministry of Transportation indicating the subject property is outside the permit control area. Therefore, they have no concerns or comments to offer, and permits will not be required.

Letters were received from property owners/residents at 909 and 930 Goodwin Road, and 681, 685, 749, 751, 768 and 771 Montbeck Crescent indicating they have no objection to the application.

An email was received from C. Panico, resident at 914 Goodwin Road, expressing opposition to the application and noting concerns with respect to massing, traffic sight lines, location of utilities and the proposed construction not being in conformity with the Lakeview Form.

An email was received from P. Farrell, resident of 608 Montbeck Crescent, expressing opposition to the application and noting concerns with respect to massing, traffic sight lines, location of utilities and the proposed construction not being in conformity with the Lakeview Form.

An email was received from A. Lloyd and J. Danahy, property owners of 917 Goodwin Road, expressing their concerns regarding overshadowing, overlook, massing and the

proposed construction not being in character with the neighbourhood. They requested that the application be deferred so that the dwelling may be redesigned

Letters were received from the residents/property owners at 921, 908, 900 and 913 Goodwin Road, expressing their concerns with regard to traffic, safety, overlook and non-compliance with Lakeview Built Form Standards.

Ms. A. Lloyd, property owner at 917 Goodwin Road, attended and requested that the application be deferred. She indicated that the proposed dwelling will create shadowing and overlook conditions. She indicated the dwelling will project into the streetscape. Ms. Lloyd indicated that the changes are not minor in nature and do not suit the character of the neighbourhood. She requested that the applicant re-design the dwelling.

Mr. C. Panico, property owner at 914 Goodwin Road, attended and requested that if the application is approved, that the approval be based upon a full set of plans and not just the site plan.

No other persons expressed any interest in the application.

Mr. Galea requested that, if the Committee sees merit in approving the application, they not tie the approval to the plans presented as the plans are conceptual and may be changed. He requested that they only tie it to the site plan.

The Committee indicated that a review of the plans is critical to their acceptance or refusal of the application. The Committee further indicated that although the height of the dwelling may technically comply with the By-law, they must also consider the spirit and intent of the recently passed By-law restricting the height of a flat roof to 7.50m (24.60ft.) when considering the request. They noted that massing is another concern and suggested that additional changes to the plans may be required.

Mr. Galea requested that the application be deferred to allow them to amend the plans.

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

On September 22, 2016, Mr. M. Galea, of Axis Architects, authorized agent, attended and presented the application to permit the construction of a new three (3) storey dwelling on the subject property proposing a reduced exterior side yard. Mr. Galea presented an amended site plan indicating the exterior side yard setback for the proposed dwelling indicated that the proposed dwelling siting was a common configuration within the community. In order to address comments received from concerned residents, Mr. Galea indicated that the roof of the proposed dwelling was updated to comply with the Zoning By-law and the number of windows on the side of the house, fronting Goodwin Road, was reduced for privacy reasons.

Mr. Galea presented a perspective drawing of the proposed new dwelling and highlighted the proposed decks noting that a screened enclosure on the rear deck was proposed to meet the concerns of the neighbours for overlook to the street.

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

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that all required variances have been correctly identified.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

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

Planning

Since the previous hearing, the applicant has made some design changes to their dwelling based on feedback from the Committee and the neighbouring residents, although their variance request has remained identical. The Planning and Building Department comments from the prior hearing remain applicable.

However, for the applicant's information we would make them aware that a new Zoning By-law amendment reducing the height of sloped roof dwellings in this area is going to Council for consideration on September 28, 2016. The plans provided with this application indicate a dwelling height that would not comply with the revised By-law standards. As a result, the applicant could be required to modify the height of the dwelling to comply with the new standards prior to receiving a Building Permit."

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

"Please refer to our comments submitted for the August 11, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Public Works, Development Services Division commented as follows (September 16, 2016):

"We have no comments or objections."

A letter of objection was received from Mr. P. Ferrell, property owner at 608 Montbeck Crescent noting his objections to the application.

A petition of objection was received on behalf of a number of residents surrounding the subject property noting their objection to the application.

A letter of objection was received from Mr. J. Donahy and Ms. A. Lloyd of 917 Goodwin Road.

A letter of objection was received from Mr. & Mrs. Des Roches noting their objection to the application.

A letter of objection was received from Mr. C Korneli-Fry, property owner of 900 Goodwin Road noting objections to the application.



MISSISSAUGA

File: "A" 335/16

WARD 1

A letter of objection was received from Ms. P. Butler, Property owner of 913 Goodwin Road noting objection to the application.

Mr. J. Danahy, property owner at 917 Goodwin Road, attended and requested that the application be deferred. He indicated that the applicant did not address the usage of vines along the side wall of the property to reduce the impact of the wall on the street. Mr. Danahy indicated to Committee that the side yard setback requested created a solid wall along the street and suggested that the building utilize step backs in its design. He indicated to Committee that the solid wall could be mitigated if the dwelling was built to be two storeys. Mr. Danahy also expressed concern for a large red maple tree on the property. He advised Committee that construction in the area has killed many trees and requested that the red maple on the property be protected by any means necessary.

Mr. C. Pineco, owner of 914 Goodwin Road, attended and commented on the application. He provided three letters of objection to the record. Mr. Pineco indicated that the side yard setback combined with the three storey house creates a massing that conflicts with the built form of the area and is generally out of character.

No other persons expressed interest in the application.

Mr. M. Galea addressed the comments from neighbors and indicated that the red maple tree would be protected. He also indicated to Committee that multi-generational homes are in demand which created the need for a third floor containing a master bedroom. In regards to the vines along the side yard of the building, Mr. Galea indicated to Committee that due to the winter months where no foliage grew on the vines it would not mitigate the massing of the exterior wall as requested by the neighbours. Mr. Galea indicated that they have done everything possible to address the concerns of residents.

The Committee, after considering the submissions put forward by Mr. M. Galea, Mr. Danahy, Mr. Pineco and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate 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 shall proceed in accordance with the plans reviewed by the Committee.
2. The applicant shall provide the \$200 deferral fee payment to the Committee of Adjustment Office.

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


Dated at the City of Mississauga on September 29, 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 19, 2016**.

Date of mailing is October 3, 2016.

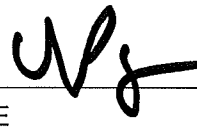


S. PATRIZIO (CHAIR)




D. GEORGE

ABSENT
J. ROBINSON

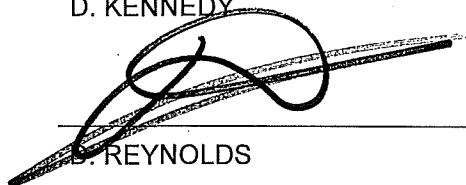


J. PAGE



P. QUINN

DISSENTED
D. KENNEDY



S. REYNOLDS

I certify this to be a true copy of the Committee's decision given on September 29, 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

SALVATORE TADDEO & LITIFA NOOR

on Thursday September 22, 2016

Salvatore Taddeo & Litifa Noor are the owners of 1405 Glenwood Drive being Lot 4, Plan 319, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey dwelling proposing:

1. a height to the underside of eaves of 8.00m (26.24ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance;
2. a height to the highest ridge of 10.79; whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (31.16ft.) in this instance;
3. a height to the top of a flat roof of 8.92m; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) to the top of a flat roof in this instance; and,
4. a height of 5.19m (17.02ft.) for an accessory structure (wood-burning fireplace); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for an accessory structure in this instance.

On August 18, 2016, Mr. R. Kossak authorized agent, attended to present the application. The Committee noted that there were significant comments of concern from staff and neighbours and suggested that application may wish to address these concerns prior to proceeding with the request.

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 deferred to reduce the height of the dwelling.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-042

Comments

Zoning

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

Planning

The subject property has a slope that rises from the street towards the rear of the property, which creates a significant difference between the average grade and the established grade; however, the orientation of the slope means that the front of the dwelling is the area where the impact of the height will be most pronounced. At the front of the dwelling the average grade and finished grade is relatively similar, meaning that the appearance from the street will be that of a dwelling with a height roughly similar to the requested height increases. In many cases when the slope is oriented down towards the rear of the property, the visual impact of the height is minimized from the street; however, in this case the height is emphasized from the street. As a result, the applicant should redesign the dwelling to reduce the heights requested in variances #1 and #2.

The requested variance for the flat roof height in variance #3 is located at the rear of the dwelling and in this case the increased height is accounted for by the grade difference. The appearance of the flat roof portion of the dwelling would be of a height that complies with the Zoning By-law.

The Department has no objection to the requested height increase for the fireplace accessory structure. Fireplaces are unique accessory structures that do not have the same massing impact as a traditional accessory structure would and can easily accommodate additional heights without causing adverse impacts to the neighbourhood.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow the applicant time to redesign the dwelling to reduce the height impacts resulting from variance requests #1 and #2."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/042. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department commented as follows (August 12, 2016):

"The subject property is listed under the Ontario Heritage Act as it forms part of the Mineola Neighbourhood Cultural Landscape.

As such, a heritage permit is required to remove the existing dwelling and a Heritage Impact Assessment in accordance with the City's Terms of Reference for such reports is required to ascertain the impact to cultural heritage features and determine any mitigation and protection measures.

A Heritage Permit application has been submitted and it is under review. In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval for the variances."

A letter of objection was received from G. Elliot, owner of 1372 Birchwood Heights Drive in regards to the application

A letter of objection was received from Ms. Carolyn Leon, owner of 1412 Glenwood Drive in regards to the application

A letter of objection was received from Mr. and Mrs. Torresan, owners of 1438 Glenwood Drive in regards to the application.

A letter of objection was received from Mr. and Mrs. Hodgkinson, owner of 1428 Glenwood Drive in regards to the application.

A letter of objection was received from Ms. B. Adamson, owner of 259 Kenollie Road in regards to the application

A letter of objection was received from Mr. and Mrs. Griggs, owners of 1396 Glenwood Drive in regards to the application

Mr. Kossak, after hearing the comments of the Committee, requested that the application be deferred to allow him to review the request with City staff and neighbours.

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

On September 22, 2016, Mr. R. Kossak, authorized agent, attended and presented the application further advising that they revised the dwelling plans to reduce the dwelling height to be in compliance with the Zoning By-law; however, a variance would be required for the eave height.

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

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

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated information through the Site Plan Approval application process to ensure that all variances have been accurately identified.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-042

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the application, more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. Updated drawings have not been submitted through the Site Plan Approval process.

Planning

The applicant was previously before the Committee on August 18, 2016 and deferred the application to address the concerns of the Committee, staff, and the neighbourhood. The applicant met with staff to discuss the proposal and has since modified the dwelling to remove the request for increased height of the dwelling and has slightly lowered the height to the eaves. The roofline has been modified to further detract from the appearance of height over the previous design and the floor to ceiling height has been altered.

The increase in the height to the eaves allows for a consistent roofline along the entire dwelling due to the grade change towards the rear of the property. The increase in the height at the front is necessary to maintain the first floor at grade at the rear of the dwelling. The redesign of the features along the front roofline helps to minimize impacts from the increased height of the eaves. Further, the reduction of the overall height of the dwelling reduces the overall massing of the dwelling which decreases the emphasis of the eave height.

The requested height to the flat roof is located in one section in the central part of the rear wall of the dwelling. The average grade at the rear of the dwelling is significantly lower than the finished grade and the relatively small flat roof section would appear to comply with the Zoning By-law height requirements. As a result there would not be an impact beyond what the Zoning By-law permits as a result of requested variance #2.

Fireplace structures do not have the same massing impacts as other types of traditional accessory structures and can accommodate higher maximum heights without causing negative impacts to the neighbourhood. The fireplace will not be out of character with the dwelling and maintains the intent of accessory structures heights that are proportional to the dwelling, lot, and neighbourhood.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated information through the Site Plan Approval application process to ensure that all variances have been accurately identified."

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

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

An email was received from J. McLean, owner of 266 Kenollie Avenue indicating their concerns with the application.

An email was received from Ms. D. Coen, owner of 1397 Glenwood Drive indicating her support of the application.

An email was received from Mr. and Mrs. Torresan, owners of 1438 Glenwood Drive indicating their support of the application.

An email was received from Ms. M. Leon, owner of 1383 Glenwood Drive indicating her support of the application.

An email was received from R. Goosens and K. Hamilton, owners of 275 Kenollie Avenue indicating their concerns with the application.

A letter of objection was received from D. Pegios, owner of 1427 Glenwood Drive regarding the application.

A letter of objection was received from J.S. Stinchcome, owner of 1384 Glenwood Drive.

Mr. S. Greer, authorized agent of the land owners at 1411 Glenwood Drive attended the meeting. He indicated to Committee that the property is adjacent to the property owners of 1405 Glenwood Drive. He noted that there was a privacy issue due to the standalone fireplace that protrudes out into the rear yard of the applicant property. He then advised Committee that the rear of the building would act as a sheer wall, negatively impacting the property. Mr. Greer requested that the house be moved forward in order to increase the privacy of the home owners at 1411 Glenwood Drive.

No other persons expressed interest in the application.

Mr. Kossak indicated to Committee that a meeting was held on the driveway of the subject property in order to inform neighbors of the proposed house and the various changes made in order to address their comments. He indicated that the home could not be moved further forward as due to the slope of the property a height variance would needed due to the grade of the property and there could be significant impact to trees on the property.

The Committee, after considering the submissions put forward by Mr. Kossak, Mr. Greer and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that efforts to mitigate the neighbours have been achieved in the new design which is in character with the homes 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 variance is minor in nature in this instance.

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

MOVED BY:	D. Kennedy	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

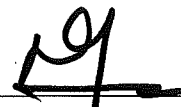
Dated at the City of Mississauga on September 29, 2016.

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 19, 2016**.

Date of mailing is October 3, 2016.



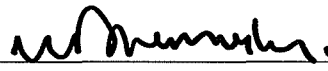
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

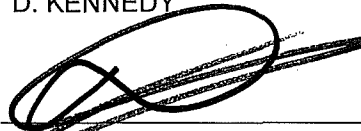
J. ROBINSON



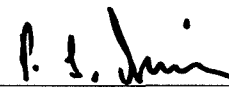
D. KENNEDY



J. PAGE




D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on August 25, 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.