

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 29, 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-064/16	1004 MIDDLEGATE NOMINEE INC	1004 MIDDLEGATE RD	1	Approved
B-065/14				Approved
B-066/16	D'ARCY R. BIRD	126 CUMBERLAND DR	1	Nov. 10

NEW APPLICATIONS - (MINOR VARIANCE)

A-388/16	BRSD HOLDINGS INC	2645 & 2655 LIRUMA RD	2	Approved
A-389/16	CHENGLIANG ZHANG	111 GLENVIEW DR	1	Refused
A-390/16	JAMES & MARY THERESE O'MARA	53 WESLEY AVE	1	Approved
A-391/16	DARIUSZ GREBER	1282 CATCHACOMA CRT	2	Refused
A-392/16	2288838 ONTARIO INC	918 DUNDAS ST E	1	Approved
A-393/16	S. ZALFIQAR & NIGHAT P. GILANI	1558 Highbrook Ave	6	Approved
A-394/16	DARKO STOJANOVSKI	208 TROY ST	1	Approved
A-395/16	FRANCIS GODDU	1166 WHITEOAKS AVE	2	Approved
A-396/16	MARIA SCROCCO D'URSO	58 RUTLEDGE RD	11	Approved
A-399/16	HARMAN INVESTMENTS LTD	651 BEACH ST	1	Nov. 3

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-227/16	MARIA FINELLI	2222 DOULTON DR	8	Nov. 17
A-306/16	BOHDAN & EVA PRIADKA	1493 MYRON DR	1	Approved
A-325/16	AERO PORTFOLIO LTD	7615 BATH RD	5	Withdrawn
A-338/16	FABIO MIO	787 HILLMAN CRES	3	Nov. 24
A-357/16	TIEN, DUNG DUONG	1167 MINEOLA GDNS	1	Refused
A-362/16	KRZYSZTOF SYBIDLO	1281 NORTHAVEN DR	1	Refused

COMMITTEE OF ADJUSTMENT

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

1004 MIDDLEGATE NOMINEE INC.

on Thursday, September 29, 2016

1004 Middlegate Nominee Inc. is the owner of 1004 Middlegate Road being Part of Lots 8 and 9, Concession 1, SDS, zoned E2, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 111.31 m (365.19ft) and an area of approximately 1.91 ha (4.73 ac). The effect of the application is to create a new lot for employment purposes.

The subject lands are also the subject of an application for Consent, File "B" 65/16.

Mr. J. Lethbridge, authorized agent, attended and presented the application. Mr. Lethbridge advised that two Consent applications ("B" 64/16 & "B" 65/16) have been submitted to sever the subject property into three parcels. Mr. Lethbridge presented a site plan for the Committee's review and consideration and advised that a slight change has been made to the northerly boundary of application "B" 64/16 to increase the amount of parking provided on site.

Mr. Lethbridge advised that application "B" 64/16, fronting on Queensway East, will have a lot area of approximately 1.96 ha (4.84 acres), application "B" 65/16, fronting on Middlegate Road, will have a lot area of approximately 2.76ha (6.81acres), and the retained lands, fronting on Middlegate Road, will have a lot area of approximately 5.46ha (13.49 acres). Mr. Lethbridge advised that the zoning is E2, Employment and the lands will be utilized for Employment use.

The Committee consented to the request to amend the application to permit the conveyance of a parcel of land having a lot frontage of approximately 111.31m (365.19ft.) and a lot area of approximately 1.96ha (4.84acres).

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 26, 2016),
City of Mississauga, Transportation and Works Department (September 22, 2016),
City of Mississauga, Community Services Department (September 26, 2016),
Region of Peel, Public Works, Development Services Division (September 26, 2016)
Hydro One Networks Inc. (September 16, 2016)

No other persons expressed any interest in the application.

When asked, Mr. Lethbridge 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. Lethbridge, 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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 22, 2016.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 26, 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 26, 2016.

MOVED BY: S. Patrizio

SECONDED BY: D. Reynolds

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on October 6, 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 30, 2016**.

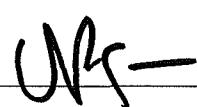
Date of mailing is October 7, 2016.




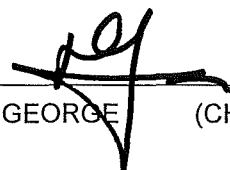
S. PATRIZIO

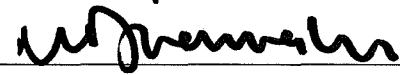
ABSENT

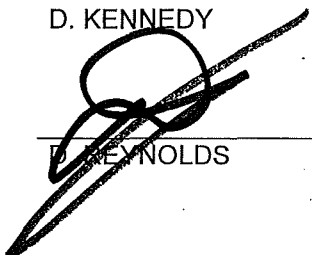
J. ROBINSON



J. PAGE

P. QUINN

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

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



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

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

1004 MIDDLEGATE NOMINEE INC.

on Thursday, September 29, 2016

1004 Middlegate Nominee Inc. is the owner of 1004 Middlegate Road being Part of Lots 8 and 9, Concession 1, SDS, zoned E2, Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 185.16 m (607.48ft) and an area of approximately 2.79 ha (6.90 ac). The effect of the application is to create a new lot for employment purposes.

The subject lands are also the subject of an application for Consent, File "B" 64/16.

Mr. J. Lethbridge, authorized agent, attended and presented the application. Mr. Lethbridge advised that two Consent applications ("B" 64/16 & "B" 65/16) have been submitted to sever the subject property into three parcels. Mr. Lethbridge presented a site plan for the Committee's review and consideration and advised that a slight change has been made to the northerly boundary of application "B" 64/16 to increase the amount of parking provided on site.

Mr. Lethbridge advised that application "B" 64/16, fronting on Queensway East, will have a lot area of approximately 1.96 ha (4.84 acres), application "B" 65/16, fronting on Middlegate Road, will have a lot area of approximately 2.76ha (6.81acres), and the retained lands, fronting on Middlegate Road, will have a lot area of approximately 5.46ha (13.49 acres). Mr. Lethbridge advised that the zoning is E2, Employment and the lands will be utilized for Employment use.

The Committee consented to the request to amend the application to permit the conveyance of a parcel of land having a frontage of approximately 185.16 m (607.48ft) and an area of approximately 2.76 ha (6.90 ac).

The Committee reviewed the information submitted with the application.

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No other persons expressed any interest in the application.

When asked, Mr. Lethbridge 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. Lethbridge, 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.

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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 26, 2016.

MOVED BY: S. Patrizio

SECONDED BY: D. Reynolds

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on October 6, 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 30, 2016**.

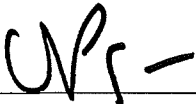
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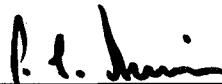
S. PATRIZIO

ABSENT

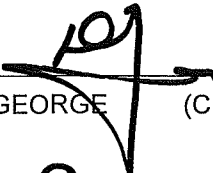
J. ROBINSON



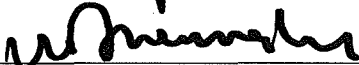
J. PAGE



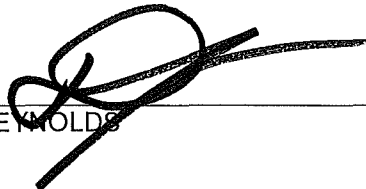
P. QUINN



D. GEORGE (CHAIR)



D. KENNEDY



D. REYNOLDS

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



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

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

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

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

BRSD Holdings Inc.

on Thursday, September 29, 2016

BRSD Holdings Inc. is the owner of 2645 and 2655 Liruma Road being Block A, Registered Plan 467, zoned C1, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit a pick-up and take-out pizza restaurant within Unit # 3 of the subject building being located within 60.00 m (196.85 ft.) of a residential zone as previously approved pursuant to Committee of Adjustment File 'A' 009/10; whereas By-law 0225-2007, as amended, requires a minimum separation distance of the take-out restaurant to a residential zone of 60.00 m (196.85 ft.) in this instance.

Mr. S. Hanoudi, of BRSD Holdings Inc., property owner, attended and presented the application to continue to permit the operation of a pick-up and take-out pizza restaurant within Unit 3 of the subject plaza. He advised that the tenant has a five year lease with an option to renew. Mr. Hanoudi indicated that the restaurant is located closer than 60.00m (196.85ft.) to a Residential zone. He indicated that the business will continue to operate in the same manner as previously approved; however, he noted that the hours of operation are now 10:00a.m. to 9:00p.m. daily.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1 (Convenience Commercial)

Other Applications:

Certificate of Occupancy File: 90-2062

Comments

Zoning

N/A

Planning

The requested variance to permit a take-out restaurant within Unit #3 of the subject property is a continuation of previous approvals that date back nearly three decades. The most recent approval was granted on January 7th, 2010. The subject property has a mix of uses and a take-out restaurant fits within the plaza and surrounding area. Based on the preceding information, the Planning and Building Department has no objection to the requested variance."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"This Department has no objections, comments or requirements with respect to C.A. 'A' 388/16."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"We have no comments or objections."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Hanoudi 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 condition:

1. The hours of operation shall be from 10:00a.m. to 9:00p.m. daily.


MOVED BY:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on October 6, 2016.

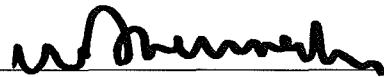
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Date of mailing is October 7, 2016.

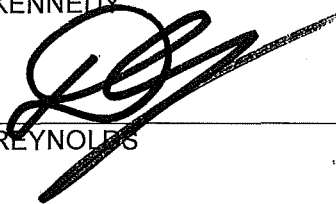

S. PATRIZIO

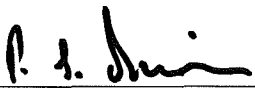

D. GEORGE (CHAIR)

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 October 6, 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

CHENGLIANG ZHANG

on Thursday, September 29, 2016

Chengliang Zhang is the owner of 111 Glenview Drive being Lot 17, Registered Plan 871, zoned R1-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a ground floor addition and a second storey addition including expanded porch and balcony proposing:

1. a total lot coverage of 28.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance; and,
2. a total gross floor area - infill residential of 450.50m² (4849.30sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 366.14m² (3941.22sq.ft.) in this instance.

Mr. L. Collymore, authorized agent, attended and presented the application to permit the construction of a ground floor addition, second storey addition and expanded porch and balcony addition. Mr. Collymore presented plans for the Committee's review and consideration and advised that the addition was constructed in June without benefit of a building permit. He indicated that the existing balcony was extended and the homeowners wish it to be enclosed. He presented photographs of the structure before and after the addition was constructed. Mr. Collymore indicated that one of the occupants of the home suffers from allergies. The balcony was enclosed to provide protection and also to shield the occupants from noise emanating from the highway. Mr. Collymore advised that relief is being requested for increased lot coverage as well as increased gross floor area.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-1 (Residential)

Other Applications:

Site Plan Approval File: 16-106

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application. However, the application was recently submitted and sufficient time has not been provided in order for a full review to be completed and therefore we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Planning

The applicant is proposing to add a two storey addition to the rear of the dwelling which results in an overall Gross Floor Area (GFA) of 450.50 m² (4849.30 sq. ft.), an increase of 84.36 m² (908.04 sq. ft.) beyond what the Zoning By-law permits. The applicant has previous approvals, from 2015, from the Committee for an increase in GFA of 409.50 m² (4407.96 sq. ft.) and lot coverage of 26.95%. The current request is an additional 41.00 m² (441.32 sq. ft.) beyond what the previous approval granted. The home is already the largest home in the immediate area; no other variances have been applied for, or granted, for GFA or lot coverage on any lot along Glenview or the adjacent portion of Maplewood Road.

The proposed two storey addition will extend the massing of the dwelling further along the rear yard of the neighbouring property at 119 Glenview Drive causing a negative visual impact. The intent of the GFA restrictions in the Zoning By-law are to ensure that a dwelling is appropriately scaled to the lot on which it is constructed and that it fits in with the general character of the neighbourhood. In this instance, the Department is of the opinion that the requested variance #2 fails to meet the general intent of the Zoning By-law. Further, the proposed construction would have noticeable impacts on the neighbouring property and is not minor in nature. A request for increased GFA and increased lot coverage represents overdevelopment of the property.

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

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed ground floor and second storey addition will be addressed through the Building Permit process."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"There is a 5' wide Regional sanitary sewer easement on the subject property (along the easterly limits). Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a building permit application has not been submitted yet. He indicated that a previous minor variance application was submitted and approved in 2014 to permit an increase in the Gross Floor Area. Mr. Kirton indicated that the Planning and Building Department do not support the requested piece meal increases in lot coverage and Gross Floor Area.

The Committee, after considering the submissions put forward by Mr. Collymore and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the massing, especially from the second floor, will adversely impact the neighbours.

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

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

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

MOVED BY:	J. Page	SECONDED BY:	D. Reynolds	CARRIED
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File: "A" 389/16
WARD 1

Application Refused.

Dated at the City of Mississauga on October 6, 2016.

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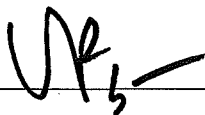
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S. PATRIZIO

ABSENT

J. ROBINSON



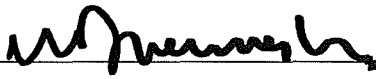
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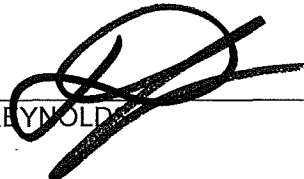
P. QUINN

DISSENTED

D. GEORGE (CHAIR)



D. KENNEDY



D. REYNOLDS

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



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

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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

JOHN & MARY THERESE O'MARA

on Thursday, September 29, 2016

James & Mary Therese O'Mara are the owners of 53 Wesley Avenue being Part of Lot 30 and Lot 31, Registered Plan I-13, zoned RM4-64, Residential. The applicants request the Committee to authorize a minor variance to permit the reconstruction of the existing enclosed front porch proposing:

1. side yards of 2.762m (9.06ft.) and 1.184m (3.88ft.); whereas By-law 0225-2007, as amended, requires minimum side yards of 3.00m (9.84ft.) on one side and 1.20m (3.93ft.) on the other side of the dwelling in this instance,
2. a front yard of 2.965m (9.72ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance,
3. a setback of 0.10m from the existing driveway to the nearest lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (1.96ft.) from the driveway to the nearest lot line in this instance; and,
4. an existing driveway to remain having a width of 6.47m (21.22ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.20m (20.34ft.) in this instance.

Ms. M. O'Mara, co-owner of the property, attended and presented the application to renovate the front porch. She presented photographs of the existing porch for the Committee's consideration and review. Ms. O'Mara indicated that the proposal is in character with the neighbouring home noting that many of the existing houses on the street have reduced front yards. She indicated that the reduced side yards will still allow enough space to access the rear yard.

Ms. O'Mara advised that they have also requested variances for the driveway to remain. She indicated that they wish to regularize the width and setback of the driveway noting that they have been advised that the existing driveway does not comply with the current Zoning By-law.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM4-64 (Residential)

Other Applications:

Building Permit File: 16-1095

Comments

Zoning

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

Planning

The subject property is located in the RM4-64 zoning which permits alterations and enlargements to existing single detached dwellings within the R15 zone regulations. The applicant is proposing to use the same footings and reconstruct the covered porch in the same location as it currently exists, due to the current poor condition of the existing structure. Reduced front yard setbacks are common along this section of Wesley, with a portion of most homes being closer to the street than requested by the applicant. The intent of the front yard setback provisions is, in part, to maintain a consistent building line across all the lots. In this instance, the proposed front yard setback is consistent with the immediate neighbours and would maintain the character.

Variance #1 is a relatively small decrease in the required side yard setback and should not have a noticeable negative impact on the streetscape or the neighbouring property. The existing condition has an identical deficiency.

Variance #3 and #4 represent existing conditions and are relatively minor in nature. The existing driveway functions well and the increase in size is not significantly impacting the character of the neighbourhood.

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

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"This department has no objections to the applicant's request and are noting that any Transportation and Works Department requirements for the proposed reconstruction of the existing enclosed porch will be addressed through the Building Permit Process."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"We have no comments or objections."

A letter was received from J. and E. Misk, property owners at 51 Wesley Avenue expressing support for the application.

A petition was received, signed by eight neighbouring property owners/residents expressing support for the request.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. O'Mara 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 proposed renovation will be in character with 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:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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File: "A" 390/16
WARD 1

Application Approved.

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 October 6, 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

DARIUSZ GREBER

on Thursday, September 29, 2016

Dariusz Greber is the owner of 1282 Catchacoma Court being Lot 3, Registered Plan 854, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition to the rear of the existing dwelling proposing:

1. a gross floor area - infill residential of 506.00m² (5446.71sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 378.60m² (4075.34sq.ft.) in this instance; and,
2. a rear yard of 2.90m (9.51ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Mr. D. Greber, property owner, attended and presented the application to permit the construction of an addition to the rear of the existing dwelling. Mr. Greber presented sketches for the Committee's review and consideration and advised that they wish to construct what is essentially a Muskoka room on the property. He indicated that the Muskoka room will be constructed above the existing below-grade swimming pool. Mr. Greber advised that there will be no visual impact from the street as the addition is located at the rear of the property. He indicated that the westerly neighbour is located farther from the location of the addition, the easterly neighbour has tree cover that obscures the addition and the southerly neighbour will benefit from increased privacy as the Muskoka room will provide additional screening.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

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:

Site Plan Approval File: Required
Building Permit File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these applications we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. Further the information provided with the variance application shows construction ongoing on the existing dwelling, which is not mentioned in the application.

Planning

The proposed one storey addition is a significant increase in the permitted Gross Floor Area (GFA) on the subject property. The intent of the GFA restrictions are to ensure that dwellings are developed in a way that is compatible to the lot on which they are constructed and fit in with the scale and character of the neighbourhood. There are other large homes on Catchacoma Court; however, none of the other dwellings have been granted increases in the permitted GFA. The applicants request is out of scale with the neighbourhood and does not maintain the general intent of the Zoning By-law in restricting GFA to allow for appropriate sized dwellings. Further, the addition would continue the massing of the dwelling along the rear yard of the neighbouring property, which would create a negative visual impact.

Based on the preceding information, the Planning and Building Department is of the opinion that the requested increase in GFA of 127.40 m² (1371.32 sq. ft.) beyond what the Zoning By-law permits is not minor in nature and does not maintain the general intent of the Zoning By-law. As a result, we recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 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. It should also be acknowledged that no structures will be allowed to encroach within the limits of any existing easements."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"There is a 7.6' wide Regional water easement on the subject property (along the northerly limits). 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."

Mr. and Mrs. Summerville, property owners at 1276 Catchacoma Court, attended and expressed their objection to the application. Mrs. Summerville presented photographs for the Committee's review and consideration and advised that their property is located at a lower grade than the neighbours. She advised that the difference in grade is substantial noting that there is a difference of eight feet from their grade to the pool roof. Mrs. Summerville indicated that the wall is camouflaged with plant materials. She advised that the proposed addition will be located approximately nine feet away from their garden and she will face a twenty foot wall.

Mrs. Summerville presented a photograph taken from the master bedroom for the Committee's review and consideration and advised that the wall will impact the amount of sunlight provided to their yard and garden. Mrs. Summerville advised that they have contacted a landscaper to discuss options as to how the wall could be camouflaged and they have been advised that it will cost thousands of dollars. She indicated that the wall creates an industrial environment and will severely affect their property value.

Mrs. Summerville indicated that the previous underground pool approval was obtained in the 1970's. She indicated that the pool roof was to be constructed three feet above grade. The area was to be open and used as a deck. Mrs. Summerville indicated that the proposed structure, constructed nine feet away from the property line, will eliminate the open space. She advised that the impact on the neighbourhood is substantial. Mrs. Summerville indicated that the size and scale of the proposed addition is not in conformity with the Official Plan and is out of character with the homes in the neighbourhood.

Mrs. Summerville presented a letter from a real estate agent advising that if the application is approved, it will adversely affect the property value as it will obstruct the sight lines. She indicated that the open space appearance cannot be restored.

No other persons expressed any interest in the application.

Mr. Greber indicated that he is willing to work with the neighbours to provide additional landscaping. He advised that he believes that the Muskoka room will fit the character of the area.

The Committee, after considering the submissions put forward by Mr. Greber and Mr. and Mrs. Summerville, and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed addition is not in character with the neighbourhood noting that it is too massive. The new wall will loom over the neighbour's property and will impact the sunlight and view. The Committee indicated that a Muskoka room is typically screened and glassed. They indicated that the proposed addition will be enclosed similar to an addition. The Committee further advised that the proposed massing is out of character with the neighbourhood.

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

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

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

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

File: "A" 391/16
WARD 2

Application Refused.

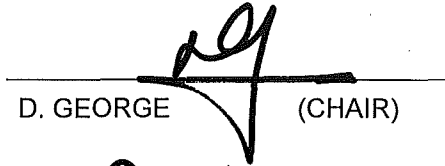
Dated at the City of Mississauga on October 6, 2016.

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 26, 2016**.

Date of mailing is October 7, 2016.



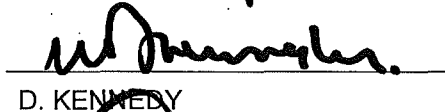
S. PATRIZIO



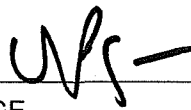
D. GEORGE (CHAIR)

ABSENT

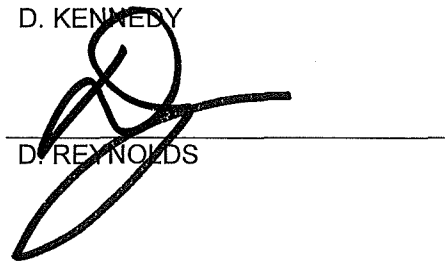
J. ROBINSON



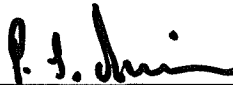
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 6, 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
584463 ONTARIO LIMITED.

on Thursday, September 29, 2016

584463 Ontario Limited is the owner of 918 Dundas Street East being Part of Lot 9, Concession 1, SDS, zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of a banquet hall within Units C2 & C3 of the subject building on the subject property providing nine (9) parking spaces on-site as previously approved pursuant to Committee of Adjustment File 'A' 281/11; whereas By-law 0225-2007, as amended, requires total of 66 parking spaces on site for the banquet hall use in this instance.

Mr. Anatoliy Brodeskur, authorized agent, attended and presented the application to permit a banquet hall to continue to be located on the subject property providing nine parking spaces on site. He indicated that the banquet hall had been operating for over four years and never had a parking deficiency on site. He indicated that the other tenants on the property operate their businesses from Monday to Friday, whereas the banquet hall operates mostly on the weekend when office parking is not in demand.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to submit an updated site plan to determine whether the variance is necessary or whether the request should be altered.

Background

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1 (General Commercial)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. Based on information provided with this application, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. However, the information provided by the applicant indicates over 250 spaces on site which appears to be more than our records recognize. It is possible that the variance may not be required, or the variance request would be altered; however, a full site plan drawing showing current on site conditions is required to verify the request.

Planning

The requested variance is a continuation of approval 'A' 281/11 and as far as we are aware the banquet hall has been adequately functioning without issue under the current parking provided. The banquet hall operates at a different time than other units in the plaza and there is no conflict in the use of the spaces. The intent of the Zoning By-law to provide adequate parking for all uses on site is maintained, in this instance.

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 submit an updated site plan to determine whether the variance is necessary or whether the request should be altered."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

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

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Brodeskur 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 condition:

1. The hours of operation of the banquet hall facility shall be restricted to business operations occurring after 6:00 p.m. daily.


MOVED BY:	S. Patrizio	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, on condition as stated.

Dated at the City of Mississauga on October 6, 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 26, 2016**.

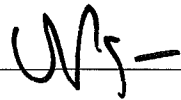
Date of mailing is October 7, 2016.

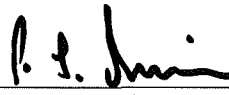


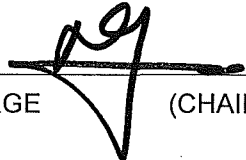
S. PATRIZIO

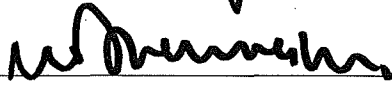
ABSENT

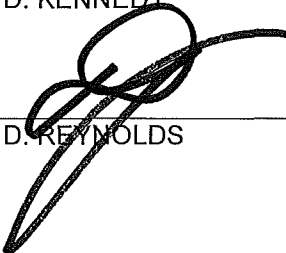
J. ROBINSON



J. PAGE

P. QUINN

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

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

S. ZALFIQAR & NIGHAT P. GILANI

on Thursday, September 29, 2016

S. Zalfiqar & Nighat P. Gilani are the owners of 1558 Highbrook Avenue being Lot 53, Registered Plan M-768, zoned R4-20, Residential. The applicants request the Committee to authorize a minor variance to permit the existing basement entrance stairwell and entrance stairwell cover to remain in the side yard of the subject property providing:

1. a side yard of 0.60m (1.96ft.) from the basement entrance stairwell to the side property line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance; and,
2. a side yard of 0.54m (1.77ft.) to the entrance stairwell cover to the side property line; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. S. Z. Gilani, co-owner of the property, attended and presented the application to permit the existing attached covered stairwell to remain on the side of the building. Mr. Gilani advised the Committee that the stairwell on the side of the house existed when he purchased the dwelling. Mr. Gilani advised Committee that the stairs would serve as an entrance to the basement apartment which he is planning to create should the application be approved. In addition he advised that his neighbour has submitted a letter of non-objection regarding the application.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Low Density Residential II

Zoning By-law 0225-2007

Zoning: R4-20

Other Applications:

Comments

Zoning

The Building Department is currently processing a building permit application under file 16-2414. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject property is located near Creditview Rd and Britannia Rd in the East Credit Neighbourhood. The dwelling was constructed as part of a subdivision in the 1980s. The context of the neighbourhood is single detached dwellings on uniform lots. The dwellings on Highbrook Avenue are sited off centre on their lots, leaving only one adequately sized access to the rear.

The subject dwelling is a detached two storey house with an integral two car garage. The application proposes a basement entrance stairwell and stairwell cover with a reduced side yard setback.

The intent of a side yard setback, in part, is to facilitate access to the rear of the property. By constructing a basement entrance stairwell, the access to the rear of the property on one side of the property is restricted. The other side of the dwelling only has a 0.71m (2.33 ft.) side yard set back. While the current arrangement may work today, it may not provide adequate access to the rear yard in the future. In our opinion, the intent of the Zoning by-law is not maintained.

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

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

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

An e-mail was received from Ward Councillor Starr indicating he visited the site and spoke with one of the residents who advised that the stairwell has existed for 16-18 years. He indicated that the side entrance was shown on the real estate listing when the property owner purchased the property in 2008. Councillor Starr indicated that there is a drainage swale between the houses and the side yard provides access to the rear yard. He has no objection to the application

A letter was submitted by the owner of 1566 Highbrook Avenue indicating support for the application.

A letter was submitted by the owner of 1554 Highbrook Avenue indicating support for the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. S. Z. Gilani 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 stairwell has existed for many years. They noted that although the stairwell obstructs one side yard, the other side yard may be utilized for access purposes.



MISSISSAUGA

File: "A" 393/16

WARD 1

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:	S. Patrizio	CARRIED
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Application Approved.

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 October 6, 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

DARKO STOJANOVSKI

on Thursday, September 29, 2016

Darko Stojanovski is the owner of 208 Troy Street being Lot 232, Registered Plan C-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a carport addition to the existing dwelling proposing a setback of 17.76m (58.26ft.) to the railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00m (98.42ft.) to the railway right-of-way in this instance.

Ms. M. Petrovska, property owner, attended and presented the application to construct a carport within 30 m of a railway right of way. Ms. Petrovska presented the site plan and advised Committee that the proposed carport would be in compliance with the Zoning by-law. She indicated that the houses on the street were built in the 1940's and that all of the homes on the street were built similarly close to the railway right of way. She indicated that during the Site Plan Approval process, an additional variance was identified for the proposed carport. She requested that the application be amended to allow the carport to project 2.16m (7.08ft) from the first storey front wall of the dwelling; whereas By-law 0225-2007 as amended, requires that the carport not project more than 0.00m (0.00ft) from the first storey front wall of the dwelling.

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

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

"Recommendation"

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval File: Required
Building Permit File: BP ALT 16-2379

Comments

Zoning

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

Planning

Although the proposed carport is deficient in setback to the required railway right of way, the carport will be located in front of the existing dwelling and further from the railway than most of the rest of the home. Similarly, every home along this south section of Troy Street is deficient in the required setback to the railway. Maintaining the setback would functionally make all of these lots undevelopable. The current railway setback provisions were not in place when this subdivision was constructed and given that the carport structure will be further away from the railway than the majority of the dwelling, there will be no impact beyond what currently exists on site.

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 submit a Site Plan Approval application and updated Building Permit drawings to ensure that all variances have been accurately identified."

The City of Mississauga Transportation and Works Department commented as follows (September 28, 2016):

"This department has no objections to the applicant's request to permit the construction of a carport addition to the existing dwelling."

No other persons expressed any interest in the application.

The Committee consented to the request to amend the application and, after considering the submissions put forward by Ms. Patrovska 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 carport addition to the existing dwelling proposing:

1. a setback of 17.76m (58.26ft.) to the railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00m (98.42ft.) to the railway right-of-way in this instance; and,

2. to permit the carport to project 2.16m (7.08ft) from the first storey front wall of the dwelling; whereas By-law 0225-2007 as amended, requires that the carport not project more than 0.00m (0.00ft) from the first storey front wall of the dwelling.

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

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.



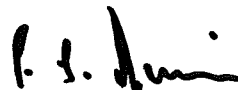
S. PATRIZIO

ABSENT

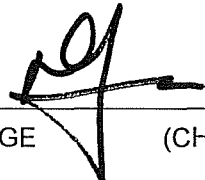
J. ROBINSON



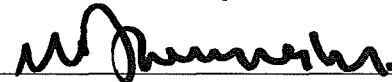
J. PAGE



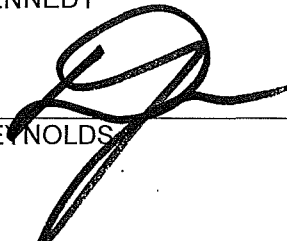
P. QUINN



D. GEORGE (CHAIR)



D. KENNEDY



D. REYNOLDS

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

FRANCIS GODDU

on Thursday, September 29, 2016

Francis Goddu is the owner of 1166 Whiteoaks Avenue being Lot 19, Registered Plan 966, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey addition to the existing dwelling proposing a total gross floor area - infill residential of 390.20 m² (4200.21sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 375.28m² (4039.61sq.ft.) in this instance.

Mr. J. Netta, of Hamelin Arch. Inc., authorized agent, attended and presented the application to permit the construction of a rear addition to the existing dwelling. Mr. Netta advised that he has been advised that an additional variance is required to permit a dwelling depth of 21.82m (71.58ft.) whereas the By-law permits a maximum dwelling depth of 20.00m (65.61ft.). He presented plans for the Committee's review and consideration and indicated that the additional floor area will be utilized for living space.

The Committee reviewed the information and plans submitted with the application. The Committee consented to the request to amend the application to include relief for the dwelling depth noting that the existing dwelling depth does not comply with the By-law requirement.

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant should seriously consider deferring the application to ensure that all variances have been 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:

Site Plan Approval File: Required
Building Permit File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these applications we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. Although a full review has not been completed, it appears that an additional variance for dwelling depth will be required; however, without Building Permit drawings we cannot verify what is required.

Planning

The applicant is proposing a small addition at the rear of the dwelling to facilitate the installation of an elevator and some additional living space. The addition would require an increase in the permitted Gross Floor Area (GFA) of 14.92 m² (160.60 sq. ft.) beyond what the Zoning By-law allows. The Department is of the opinion that the requested increase is minor in nature. The increased GFA will not create a significant additional massing impact beyond what the Zoning By-law permits. If a variance is required for dwelling depth, which it appears to be the case, the addition would not worsen the existing condition. The applicant is proposing the addition to be flush with the existing wall of the dwelling at the farthest depth, so the variance would essentially be recognizing an existing condition. Further, the dwelling is designed in a way that walls are broken up and there are single story sections which take away from the massing effects of a continuous wall that extends beyond the permitted dwelling depth.

Based on the preceding information, The Planning and Building Department has no objection to the requested variance; however, the applicant should seriously consider deferring the application to ensure that all variances have been accurately identified."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"This department has no objections to the applicant's request to permit the construction of a two-storey addition to the existing dwelling. We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit process."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"We have no comments or objections."

An e-mail was received from G. Leclerc, co-owner of the property at 1555 Troika Court, expressing concerns with respect to grading and privacy. A further e-mail was received indicating he had reviewed the plans and has no objection to the application. He further noted that if windows are added at the second floor level, that the homeowner place mature trees that would provide privacy.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that clarification is required with respect to the dwelling depth measurement as the site plan indicated 21.82m (71.58ft); however the floor plan indicates 22.05m (72.34ft.).

Mr. Netta requested that the application be amended to reflect a dwelling depth of 22.05m (72.34ft.)

No other persons expressed any interest in the application.

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



MISSISSAUGA

File: "A" 395/16

WARD 2

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 two storey addition to the existing dwelling proposing:

1. a total gross floor area - infill residential of 390.20 m² (4200.21sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 375.28m² (4039.61sq.ft.) in this instance; and,
2. a dwelling depth of 22.05m (72.34ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.)

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

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.


S. PATRIZIO

ABSENT

J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY


D. REYNOLDS

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

MARIA SCROCCO D'URSO

on Thursday, September 29, 2016

Maria Scrocco D'Urso is the owner of 58 Rutledge Road being Part of Lot 5, Concession 5, WHS, zoned G1, Greenbelt and R2-7, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey addition to the existing dwelling proposing:

1. a front yard to the front face of the garage of 5.59m (18.33ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face of the garage of 7.50m (24.60ft.) in this instance,
2. a front yard to dwelling of 5.81m (19.06ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face of the garage of 7.50m (24.60ft.) in this instance; and,
3. a front yard to the covered porch of 4.62m (15.15ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the covered porch of 5.90m (19.35ft.) in this instance.

Mr. W. Oughtred, of W.E. Oughtred & Associates Inc., authorized agent, attended and presented the application to permit the construction of a two storey addition to the existing dwelling. Mr. Oughtred presented plans for the Committee's review and consideration and advised that his client wishes to construct a two car garage as part of the addition. He advised that relief is being requested for a reduction in the front yard to the face of the garage, to the dwelling and to the covered porch. Mr. Oughtred advised that many of the homes on the street have reduced front yard setbacks. He indicated that a school is located to the north of the property.

Mr. Oughtred indicated that the top of bank line has been confirmed by the Credit Valley Conservation and the house and the addition comply with the requirements; however the deck addition does not. He identified on the site plan where the deck is to be located and requested that the application be amended to include a variance for the setback to the Greenbelt zone noting that the proposed deck addition is located 3.90m (12.79ft.) to the Greenbelt zone; whereas the By-law requirement is a minimum setback of 5.00m to the G1, Greenbelt zone.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Low Density Residential I

Zoning By-law 0225-2007

Zoning: R2-7

Other Applications:
Preapp 16-1199

Comments

Zoning

The Building Department is currently processing a building permit application under file PREAPP 16-1199. Based on review of the information currently available for this building permit, 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 in the Streetsville Neighbourhood, west of the rail corridor. Rutledge Rd currently terminates in front of the subject property. The street has variety of lot sizes, depths, shapes, and setbacks. Lots are located on the west side of the street, and an active rail corridor is located on the east side of the street.

The existing dwelling is a one storey detached house. There is no garage on the property.

The application proposes a two storey addition to the dwelling. The addition would widen the existing dwelling, and relocate the driveway. The variances requested maintain the existing front yard setbacks. There is a generous boulevard with ditches that helps mitigate the visual impact of a reduced front yard. The proposed front yard is consistent with the character of the street. The variance for the reduced front yard to the new covered porch is only a small portion of the façade. In our opinion, the general intent of the zoning by-law is maintained.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may choose to defer the application to provide more information to Zoning to verify the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"This department has no objections to the applicant's request and are noting that any Transportation and Works Department requirements for the proposed two-storey addition to the existing dwelling will be addressed through the Building Permit Process."

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (September 26, 2016):

"The Park Planning Section of the Community Services Department has reviewed the above noted Minor Variance application and provide the following comments:

1. We have no objection to the approval of the application.

2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

The Region of Peel, Public Works, Development Services Division commented as follows (September 26, 2016):

"We have no comments or objections."

The Credit Valley Conservation commented as follows (September 27, 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 partially within the Regulatory Storm Floodplain associated with Mullett Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

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

Proposal:

The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey addition to the existing dwelling proposing:

1. a front yard to the front face of the garage of 5.59m (18.33ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face to the garage of 7.50m (24.60ft.) in this instance;
2. a front yard to dwelling of 5.81m (19.06ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face of the garage of 7.50m (24.60ft.) in this instance; and,
3. a front yard to the covered porch of 4.62m (15.15ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the covered porch of 5.90m (19.35ft.) in this instance.

Comments:

The requested minor variance related to the front yard setbacks does not impact the Authority's interests. Furthermore, it appears on the attached site plan the proposed addition is outside of the Regulatory Floodplain. As such, CVC has no concerns and **no objection** to the approval of this minor variance by the Committee at this time.

The applicant is to note that a CVC permit is required for the development as proposed. CVC will follow up under separate cover to outline what the submission requirements are for the permit."

No other persons expressed any interest in the application.

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 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 two storey addition to the existing dwelling proposing:

1. a front yard to the front face of the garage of 5.59m (18.33ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face of the garage of 7.50m (24.60ft.) in this instance,
2. a front yard to dwelling of 5.81m (19.06ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the front face of the garage of 7.50m (24.60ft.) in this instance;
3. a front yard to the covered porch of 4.62m (15.15ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard to the covered porch of 5.90m (19.35ft.) in this instance; and,
4. a setback of 3.90m (12.79ft.) from the deck addition to the G1, Greenbelt zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40ft.) from the deck addition to the G1, Greenbelt zone in this instance.

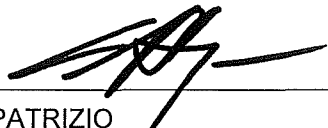
MOVED BY:	P. Quinn	SECONDED BY:	S. Patrizio	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.



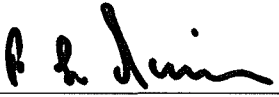
S. PATRIZIO

ABSENT

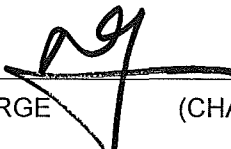
J. ROBINSON

ABSENT

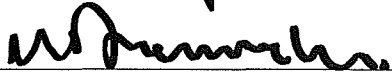
J. PAGE



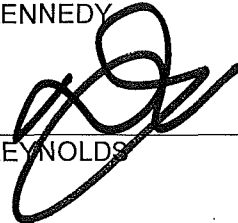
P. QUINN



D. GEORGE (CHAIR)



D. KENNEDY



D. REYNOLDS

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

BOHDAN & EVA PRIADKA

on Thursday, September 29, 2016

Bohdan & Eva Priadka are the owners of 1493 Myron Drive being Lot 25, Registered Plan 448, zoned R3-75, Residential. The applicants request the Committee to authorize a minor variance to allow the existing driveway, interlocking and accessory structure to remain proposing:

1. a setback of 0.00m (0.00ft.) from the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) from the driveway to the side property line in this instance;
2. a side yard of 0.00m (0.00ft.) to the frame shed (adjacent to the patio in the rear yard); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
3. a driveway width of 7.95m (26.08ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.80m (19.02ft.) in this instance;
4. a continuous hard surface area in the rear yard of 15.15m (49.70ft.) (patio and driveway area); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.80m (19.02ft.) in this instance; and,
5. a walkway width of 2.70m (8.85ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (4.92ft.) in this instance.

On July 21, 2016 Ms. Z. Priadka, daughter of the property owner, attended and presented the application. She presented a site plan for the Committee's review and consideration and illustrated the locations of the shed and driveway. Ms. Priadka indicated that the driveway was paved when they purchased the property. She advised that they replaced the paving with inter-locking stone.

Ms. Priadka advised that they are seeking relief with respect to the setback of the shed, located in the rear yard, to the side property line and also to allow the existing driveway and inter-locked area to remain, as constructed. Ms. Priadka indicated that the driveway provides access from the front yard to the garage located in the rear yard.

Ms. Priadka advised that there is ample landscaping in the front yard noting that her parents enjoy planting and maintaining the gardens on their property. She indicated that the property is in keeping with others in the neighbourhood. Ms. Priadka advised that they have contacted many of the neighbours who have expressed support for the application.

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

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

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant time to verify the accuracy of the requested variances and determine which additional variances will be required.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. Based on a 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. It is unclear what is driveway and what is patio in the rear yard. Further, the dimensions provided at the front of the site are inaccurate and a variance for walkway width is missing.

Planning

The Planning and Building Department has no objection in principle to a reduced side yard setback from the driveway. We recognize that to access the rear yard garage structure, the driveway must be wide enough for a vehicle. However, the applicant should consider reducing the width of the driveway in the front yard. Given the amount of hard surface area on the site and the parking available due to the length of the driveway and the presence of the garage, the requested width increase is not appropriate.

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

The City of Mississauga Transportation and Works Department commented as follows (July 14, 2016):

"This department has no objections to the requested 0.00M setback from the driveway to the side property line as the garage for this property is located in the rear yard and the existing driveway width is required to provide access to the garage. With regards to the driveway width in the front yard we would recommend that the portion of the interlocking pavers installed within the municipal boulevard area (where there is no curb cut) be reinstated with topsoil and sod."

The Region of Peel, Public Works, Development Services Division commented as follows (July 15, 2016):

"We have no comments or objections."

Letters were received from the property owners/residents at 1501, 1480, 1481, 1486, 1492, and 1511 Myron Drive, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee indicated that the Planning and Building Department comments advise that further variances may be required.

Ms. Priadka, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow her an opportunity to confirm that no further variances are required.

The Committee consented to the request and deferred the application to August 18, 2016.

On August 18, 2016, Ms. Z. Priadka, daughter of the property owners, attended and presented the application further and presented a site plan for the Committee's review and consideration and illustrated the locations of the shed and driveway. Ms. Priadka indicated that the driveway was paved when they purchased the property. She advised that they replaced the paving with interlocking stone. Ms. Priadka indicated that the driveway provides access from the front yard to the garage located in the rear yard. She advised that there is ample landscaping in the front yard noting that her parents enjoy planting and maintaining the gardens on their property. Ms. Priadka advised that the property is in keeping with others in the neighbourhood. She advised that they have reviewed the items with Zoning staff and have amended their request to reflect all the required matters that were noted in the previous meeting.

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

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

"Recommendation

The Planning and Building Department has no objection to variances #4 and #5; however we recommend that variances #1, #2 and #3 be refused.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. The variances, as requested, have been reviewed based on information provided; however, a full zoning review has not been completed. Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Planning

The applicant is requesting that the existing driveway and accessory structure on site be permitted to remain. The driveway covers a large portion of the lot and represents significant hard surfaced area. We recognize that the applicant is seeking variance #1 to increase the width of the access to the rear yard; however, a 0.00 m setback from the lot line is not appropriate along the entire length of the driveway along this lot line and some separation distance should be provided. Further, it appears from the survey that the applicant's driveway and fence are encroaching on the neighbour's property, which should be corrected.

The width of the driveway has been expanded beyond what the by-law permits and beyond the width of the curb cut throughout the city owned boulevard, as well as along the front of the applicant's property. The additional width of the driveway allows for significant opportunity to park additional vehicles in the front yard and does not maintain the intent of the Zoning By-law in limiting the amount of hard surface area in the front yard in residential neighbourhoods. Vehicles have been photographed parking sideways along the expanded portion of the driveway, which is not a desirable condition.

The existing walkway attachment to the driveway, although technically wide enough to accommodate a vehicle based on the Zoning By-law standards, is not deep enough or oriented in a way that would make it practical to use for additional vehicular parking. Additionally, the walkway is screened by front yard landscaping and does not have a negative impact on the streetscape or neighbourhood.

Variance #4 is technically required as a result of the rear patio area being attached to the driveway as it approaches the garage. It does not appear that the area is used as an extension of the driveway and given that there would be no variance required for width if it did not directly connect to the driveway, we are of the opinion that the request is minor in nature and maintains the intent of the Zoning By-law. However, notwithstanding the above, the Zoning By-law does require that hard surfaced areas be setback 0.61 m (2.00 ft.) from a property line as per a recent Zoning By-law amendment to section 4.1.5.7 of Zoning By-law 0225-2007. The setback should be provided.

The existing accessory structure in the rear yard is located on the property line as well as on an easement. Variance #2 seeks to permit it to remain without any setback provided. Although the structure is modest in both gross floor area (GFA) and height, it is inappropriate to be located on an easement without written consent from the easement holder. Further, providing some setback from the lot line is desirable to allow for access for basic maintenance as well as to create some separation distance from the adjacent property.

Based on the preceding information, the Planning and Building Department has no objection to variances #4 and #5; however we recommend that variances #1, #2, and #3 be refused. Further, we remind the applicant that the variances, as requested, have been reviewed based on information provided; however, a full zoning review has not been completed. Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required."

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

"In our previous comments we had some concerns with the driveway width and recommended that the portion of the interlocking pavers installed within the municipal boulevard area (where there is no curb cut) be reinstated with topsoil and sod. The owner has provided a revised plan to the Committee of Adjustment Office that was recirculated with an Amended Notice on August 2, 2016, however, from our review of the information submitted we see no proposed modifications to the existing driveway. In view of the above we cannot support the driveway width variance as submitted and would suggest that the



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owner contact City staff to discuss what modifications would be required in order that staff could support the request."

Mr. D. Mikovic, property owner at 1487 Myron Drive, attended and expressed his objects to the application noting concerns with the width of the driveway in the front yard and the lack on setback for the driveway down the side yard. He indicated due to the proximity of the driveway to the side property line, the neighbours exit cars onto his property and shovel snow onto his property in the winter.

No other persons expressed any interest in the application.

The Committee, after hearing the comments from the neighbour indicated a concern with the proposed 0.00m (0.00ft.) setback of the driveway and the overall width of the driveway in the front yard..

Ms. Priadka, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow her an opportunity to address the concerns further.

The Committee consented to the request and deferred the application to September 29, 2016.

On September 29, 2016, Ms. Z. Priadka, daughter of the property owners, attended and presented the application further noting that they have reviewed the matters indicated on the previous comments from City staff and have modified their plans to reinstate a portion of the boulevard in compliance with the Transportation and Works Department comments. She further noted that the setback to the driveway extension at the rear portion of the driveway extending to the detached garage has been modified to provide a 0.60m (2.00ft.) setback at the garage. Ms. Priadka presented a revised site plan for the Committee noting the proposed changes to the plan.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

The Planning and Building Department recommends that the application be deferred to allow the applicant to submit updated drawings to reflect their proposed changes.

Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. Based on 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 had concerns with variances #1, #2, and #3 and the applicant deferred the application in order to make some alterations to their plans. They have submitted a letter to the Committee outlining some proposed changes; however, based on text alone it is unclear what the applicant is proposing to alter. The Department recommends that the application be deferred to allow the applicant time to prepare updated drawings to show the extent to which they are modifying the driveway and to clearly outline their requests. Should the applicant choose to move forward without providing updated drawings our previous recommendations remain applicable."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"In our initial comments submitted for the July 21, 2016 hearing this department indicated concerns with the portion of interlocking pavers installed within the municipal boulevard area (where there is no curb cut) and recommended that this area be reinstated with topsoil and sod. A revised Site Plan was re-circulated with an Amended Notice on August 2, 2016, however, we saw no modifications. On September 14, 2016 the Committee of Adjustment Office again recirculated new drawings, however our previous concerns were not been addressed. From the latest revision submitted it is also evident that very minor if any modifications have been made to the existing interlocking pavers which have been installed within the City's municipal boulevard area. In view of the above our initial comments submitted for the July 21, 2016 hearing are still applicable."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Priadka 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 the proposed request is appropriate in this instance. They advised that there is a narrow driveway along the side of the dwelling and it would not be appropriate to reduce that width to provide a landscape setback. They noted that the proposed reinstatement is a good step forward in trying to provide additional landscaping.

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: J. Page

SECONDED BY: P. Quinn

CARRIED

Application Approved, on condition as stated.

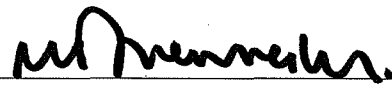
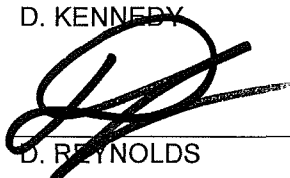
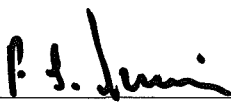
Dated at the City of Mississauga on October 6, 2016.

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 26, 2016**.

Date of mailing is October 7, 2016.


S. PATRIZIO
D. GEORGE (CHAIR)

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 October 6, 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

TIEN, DUNG DUONG

on Thursday, September 29, 2016

Tien, Dung Duong is the owner of 1167 Mineola Gardens being Lot 86, Plan 337, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey detached dwelling proposing a Gross Floor Area - Infill Residential of 355.20m² (3823.46sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area Infill - Residential of 315.00m² (3,390.74sq.ft.) in this instance.

On September 8, 2016, Mr. P. Jarucik, authorized agent, attended and presented the request and advised that there was a miscalculation with respect to the Gross Floor Area. He advised that the actual Gross Floor Area – Infill Residential for the dwelling is 355.95 m² (3831.53sq.ft.) and requested the application amended to reflect the reduced amount.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Building Permit	File: Required
Site Plan Approval Application	File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these permit applications we are unable to confirm the accuracy of the



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requested variance or determine whether additional variances may be required. The variance, as requested, has been reviewed based on information provided; however, a full zoning review has not been completed.

Planning

The subject property is located in a low density residential neighbourhood that is comprised primarily of bungalows and one and a half storey dwellings. Some of the dwellings have been redeveloped in recent years, but have maintained a modest scale and fit in with the general character of the existing built form within the neighbourhood. The Mineola Neighbourhood policy section of the Official Plan has policies which speak to infill housing guidelines; some relevant subsections are as follows:

"16.18.1.1

c. encourage new housing to fit the scale and character of the surrounding area, ...

l. the building mass, side yards and rear yards should respect and relate to those of adjacent lots."

The applicant's proposal does not fit the scale and character of the surrounding area; the massing created by the additional 89.5 m² (963.37 sq. ft.) beyond what the Zoning By-law permits is excessive and would create a negative impact to the neighbourhood and the streetscape. One of the adjacent dwellings has recently constructed an addition which is slightly larger than the prevailing bungalow built form; however, it still respects the general neighbourhood character. The applicant's proposal does not relate to, or respect, the adjacent building mass of the one and a half storey home to the east or the smaller bungalow to the west.

The Planning and Building Department is of the opinion that the general intent of the Official Plan is not met with respect to the Mineola Neighbourhood policies, and further that the general intent of the Zoning By-law is also not maintained given the scale of the relief requested in context with the neighbourhood.

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

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

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

A letter was received from Mr. D. MacDougall, property owner at 351 Niar Avenue, stating his objection to the requested variances. He expressed his concerns with respect to the proposed overall size and massing of the dwelling.

No other persons expressed any interest in the application.

The Committee, after hearing comments from Planning staff, noted that there may be additional variance requests and these should be recirculated for public notice.

Mr. Jarucik concurred with the Committee's recommendation and requested the matter be deferred.

The Committee deferred the application to September 29, 2016.

On September 29, 2016, Mr. P. Jarucik, attended and presented the application further noting that the request for gross floor area – infill residential has been reduced from the original request due to the fact they had double counted open areas above rooms on the ground floor as floor area. This calculation has been clarified and it was determined that no



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additional minor variance requests were required. He further advised that the dwelling has been reduced in length slightly by approximately 0.60m (2.00ft.) and their request for the increase in gross floor area is now approximately 12.8% above the by-law maximum. Mr. Jarucik advised that they were not aware that the garage area was included in the gross floor area calculation. He noted that all other by-law requirements have been met. He presented a set of plans for the Committee's review and consideration along with a number of photos showing other homes in the neighbourhood which have been newly constructed.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval File: Required
Building Permit File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of one of these permit applications we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required.

Planning

The applicant was previously before the Committee on September 8, 2016 and the Department recommended that the application be refused. The applicant deferred the application, but did not make any alterations to their plans. The requested Gross Floor Area (GFA) has been reduced, but that is only as a result of the exclusion of the open to below area in the calculation. An open to below area, although only counted once for GFA, creates additional massing impacts beyond what the GFA indicates since it is two full storeys versus one. The presence of the open to below area represents a massing of the dwellings that is more in line with the applicants original request. The appearance of the dwelling will be of one that is greater than 355.20 m² (3823.46 sq. ft.).

Given that modest bungalows are the predominant built form character in the neighbourhood, the proposed dwelling is out of scale and does not keep with the character of the area. Section 16.18.1 of the Mississauga Official Plan states that new infill housing in Mineola should:

"...c) encourage new housing to fit the scale and character of the surrounding area...



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l) the building mass, side yards, and rear yards should respect and relate to those adjacent lots."

The Department is of the opinion that the applicant's proposal does not fit the scale and character of the area and does not respect the reduced building mass of adjacent lots. As a result, the general intent of the Official Plan is not maintained.

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

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"Please refer to our comments submitted for the September 8th, 2016 hearing of this application as those comments are still applicable."

A letter was received from Mr. M. Kniaziew, property owner at 1165 Mineola Gardens, stating his objection to the requested variances. He expressed his concerns that the proposed size of the dwelling would set precedence in the neighbourhood.

Ms. J. McBrian, property owner at 371 Niar Avenue, attended and expressed her objections to the request noting that many homes have been constructed without the need for minor variances. She further expressed concerns with drainage as a result of the new homes in the neighbourhood and has concerns that the new proposed dwelling would contribute to further drainage issues.

Mr. M. Kniaziew, property owner at 1165 Mineola Gardens, attended and expressed his concerns with respect to the size and length of the dwelling adjacent to their property. He noted concerns with the projection of the dwelling into the rear yard beyond their home creating a huge wall that they would look at in their rear yard.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Jarucik, Ms. McBrian, Mr. Kniaziew and having reviewed the plans and comments received from the area neighbours, is not satisfied that the request is desirable for the appropriate development of the subject property. The Committee noted a concern that the increase in proposed gross floor area and the significant number and size of open areas within the proposed dwelling do contribute to the overall massing of the dwelling. They advised that without the open to above areas, the dwelling would be significantly different in overall massing. The Committee preferred the submission and explanation provided by the Planning Department over the presentation of the applicant in this instance.

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

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

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

MOVED BY: D. Kennedy SECONDED BY: S. Patrizio CARRIED



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Application Refused.

Dated at the City of Mississauga on October 6, 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 26, 2016**.

Date of mailing is October 7, 2016.

S. PATRIZIO

D. GEORGE (CHAIR)

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 October 6, 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

KRZYSZTOF SYBIDLO

on Thursday, September 29, 2016

Krzysztof Sybidlo is the owner of 1281 Northaven Drive being Part of Lot 101 & 102, Registered Plan 412, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new, 2-storey, single-detached dwelling proposing:

1. a Gross Floor Area - Infill Residential of 376.68m^2 (4054.55ft^2); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential area of 342.67m^2 (3688.47ft^2) in this instance; and,
2. a dwelling height to the highest point of a flat roof of 7.75m (25.42ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height to the highest point of a flat roof of 7.50m (24.60ft.) in this instance.

On September 8, 2016, Mr. R. Chan, authorized agent, attended and presented the application to permit the construction of a new detached dwelling having an increased Gross Floor Area – Infill Residential. Mr. Chan indicated that the increase is approximately 35.00m^2 (376.74sq.ft.) above the by-law requirement. He stated that the character of the area would be preserved and that all other aspects of the building comply with the Zoning By-law. Mr. Chan also submitted a signed petition of agreement from neighbors.

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

Recommendation

The Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer to apply for the required Building Permit and Site Plan Approval applications to ensure that all variances have been accurately identified

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Building Permit File: Required



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Site Plan Approval File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of either of these applications we are unable to confirm the accuracy of the requested variance. A full zoning review has not been completed; however, in reviewing the information as outlined in this application, the following additional variances are required:

"2. An interior side yard setback of 1.9m; whereas By-law 0225-2207, as amended requires a minimum interior side yard setback of 2.41m in this instance;

3. A minimum combined width of side yards of 4.4m; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.5m in this instance."

Further, the applicant has provided height calculations from the established grade; whereas the height of the dwelling should be measured from the average grade. Given that the dwelling height is shown to only be 0.08 m (0.26 ft.) below what is permitted, as measured from the established grade, the applicant may wish to ensure compliance once the correct measurement from average grade has been calculated.

Planning

The applicant is proposing to construct a new dwelling on the subject property that exceeds the Zoning By-law permissions for maximum Gross Floor Area (GFA) by 34.01 m² (366.08 sq. ft.). The increased GFA relative to the size of the dwelling should not have a significant impact on the streetscape or the neighbourhood; slight modifications to the rear of the dwelling near the porch structures could create a dwelling that complies with the by-law without altering the appearance of massing or impact of the dwelling. As a result, the Department is of the opinion that the requested variance maintains the general intent of the Zoning By-law.

The required side yard setback variances are both minor in nature. Generous side yard setbacks are provided, in excess of surrounding dwellings. The required relief is relatively small at 0.10 m (0.33 ft.) for the combined width of side yards and 0.51 m (1.67 ft.) for the individual side yard setback. The requested relief maintains the intent of the Zoning By-law in providing appropriate side yard separation from adjacent dwellings and allowing for rear yard access.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer to apply for the required Building Permit and Site Plan Approval applications to ensure that all variances have been accurately identified."

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

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

A petition was received signed by 8 area residents in support of the application.

No other persons expressed any interest in the application.

The Committee indicated that Planning and Building comments indicated that two further variances for side yard setbacks would be required and indicated that the application should be recirculated in order to notify neighbors of the additional variances in side yard setbacks that are required.



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Mr. Chan indicated that he was not aware of the two further variances required and concurred with the Committee's suggestion and requested the matter be deferred for re-circulation.

The Committee consented to the request and the application was deferred to September 29, 2016.

On September 29, 2016, Mr. K. Sybidlo, the property owner, attended and presented the application further noting that they have reviewed the comments from Planning staff and have revised their plans accordingly and no side yard relief is required. He further advised that based on the average grade, the additional variance request was circulated for a small increase in dwelling height of 0.25m (0.82ft.) for a flat roof. Mr. Sybidlo presented a set of plans for the Committee's review and consideration noting that the increase in gross floor area is approximately 10% above the by-law maximum.

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

The City of Mississauga Planning and Building Department commented as follows (September 23, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval File: Required
Building Permit File: Required

Comments

Zoning

A Building Permit application and a Site Plan Approval application are required and in the absence of either of these applications we are unable to confirm the accuracy of the requested variances or determine whether any additional variances will be required.

Planning

The Planning and Building Department previously commented that we had no objection to the requested variances as well as the additional variances at the September 8, 2016 Hearing. The additional variances which were identified at the previous hearing for side yard setbacks are not required so the applicants original request is applicable. No changes have been made to the applicant's proposal so the Departments comments from the September 8, 2016 hearing remain generally applicable.

The applicant is proposing to construct a new dwelling on the subject property that exceeds the Zoning By-law permissions for maximum Gross Floor Area (GFA) by 34.01 m² (366.08 sq. ft.). The increased GFA relative to the size of the dwelling should not have a significant impact on the streetscape or the neighbourhood; slight modifications to the rear of the dwelling near the porch structures could create a dwelling that complies with the by-law without altering the appearance of massing or impact of the dwelling. As a result, the Department is of the opinion that the requested variance maintains the general intent of the Zoning By-law.

The requested height increase of 0.25 m (0.82 ft.) beyond what the Zoning By-law permits would not create a noticeable increase in the massing of the dwelling. Further, the average grade is lower than the finished grade and the dwelling's appearance from the street would be of one that appears to comply with the height requirements of the Zoning By-law.

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

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2016):

"Please refer to our comments submitted for the September 8, 2016 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sybidlo and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate development of the subject property. They noted that there was not sufficient justification for the increase in gross floor area provided by the applicant. The Committee further noted that there are significant open areas above the ground floor which further contribute to the increased massing of the dwelling. This along with the increase in gross floor area does not make the request desirable development of the property in this instance.

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

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

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

MOVED BY: D. Kennedy SECONDED BY: J. Page CARRIED



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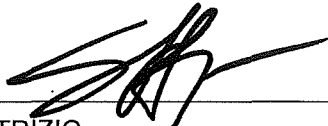
File: "A" 362/16
WARD 1

Application Refused.

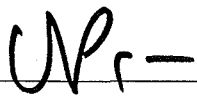
Dated at the City of Mississauga on October 6, 2016.

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Date of mailing is October 7, 2016.

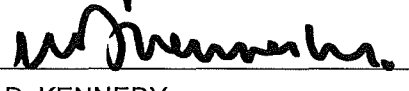

S. PATRIZIO

ABSENT
J. ROBINSON


J. PAGE

DISSENTED
P. QUINN


D. GEORGE (CHAIR)


D. KENNEDY

DISSENTED
D. REYNOLDS

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