

# COMMITTEE OF ADJUSTMENT RESULTS



**Location: COUNCIL CHAMBER**  
**Hearing: MAY 11, 2017 AT 1:30 P.M.**

File	Name of Applicant	Location of Land	Ward	Decision
<b><u>NEW APPLICATIONS - (CONSENT)</u></b>				
B-034/17	1215846 ONTARIO LTD (DI BLASIO HOMES)	6473- 6469 WESTERN SKIES WAY	11	Approved
B-035/17	SOLEL CONGREGATION OF	2399 FOLKWAY DR	8	Approved
B-036/17	MISSISSAUGA			
B-037/17	AUSTIN & JOCELYN KEITNER	955 EIGHTH ST	1	Approved
A-203/17				
A-204/17				
<b><u>NEW APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-190/17	CARLYLE ANTON SANTHIAPILLAI & SHANEZ BERNADINE ANTHONY	4220 TEA GARDEN CIR	4	Refused
A-191/17 to A-194/17	2447612 ONTARIO LTD, 2455168 ONTARIO INC, 2426920 ONTARIO INC., 8953155 CANADA INC.	1200 DERRY RD E	5	Approved
A-195/17	RANA HOMES INC.	396 JUMNA AVE	1	Approved
A-196/17	JODEE ROONEY & SHAWN HENDERSON	1405 BROADMOOR AVE	1	Approved
A-197/17	SAKINA BIBI	3430 FORRESTDALE CIR	10	Approved
A-198/17	ESDEB CONSTRUCTION	2110 DUNDAS ST E	1	Approved 5 Years
A-199/17	1579954 ONTARIO LTD	800 SOUTHDOWN RD	2	Approved
A-200/17	KRZYSZTOF NARUSZEWICZ	1544 LOCHLIN TR	1	Approved
A-201/17	THE CORPORATION OF THE CITY OF MISSISSAUGA	125 EGLINTON AVE W	5	Approved
<b><u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u></b>				
A-450/16	TAREK BASTA & LIGIA M REYES	3555 QUEENSTON DR	6	May 18
A-003/17	2079524 ONTARIO INC.	1744 MEYERSIDE DR	5	Approved 3 Years
A-047/17	CACHET ESTATE HOMES	5201 MISSISSAUGA RD	11	Approved
A-048/17	(SYMPHONY) INC			
A-057/17	THAKSHA ONTARIO INC.	1731 LAKESHORE RD W	2	Sep 14
A-058/17	CITY OF MISSISSAUGA	1731 LAKESHORE RD W	2	Sep 14
A-072/17	MAYLIN WARGALA	868 BEECHWOOD AVE	1	Approved
A-117/17	EIRAJ SOHAIL	1412 BIRCHWOOD HEIGHTS DR	1	Approved
A-118/17 to A-123/17	QUEENSCORP (PORT CREDIT) INC.	27 ROSEWOOD AVE & 24, 28 ELMWOOD AVE N	1	Approved
A-124/17	CRISTINA GABRIELA COSTACHE	1071 WEST AVE	1	Approved



File: "B" 34/17  
WARD 11

## 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

1215846 ONTARIO LTD (DI BLASIO HOMES)

on Thursday May 11, 2017

1215846 Ontario Ltd (Di Blasio Homes) is the owner of 6473 Western Skies Way being part of Lot 44, zoned R9 – Residential, G2-1 - Greenlands. The applicant requests the consent of the Committee for the conveyance of a parcel of land having a frontage of 17.13m (56.20ft.) and an approximate area of 1,084.00m<sup>2</sup> (11,668.07sq.ft.) The effect of the application is to create a new lot for residential purposes.

Mr. S. Di Blasio, the authorized agent, attended and presented the application to convey a parcel of land for the creation of a new residential property. Mr. Di Blasio advised the Committee that he had previously obtained provisional consent from the Committee but the approval had lapsed. He noted that the conveyed and retained lands would comply with the zoning by-law.

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 (May 5, 2017)  
City of Mississauga, Transportation and Works Department (May 4, 2017)  
City of Mississauga, Community Services Department, Park Planning (May 11, 2017)  
Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)  
Bell Canada (May 8, 2017)

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved. The Secretary-Treasurer recommended that the condition by Community Services was not appropriate in this circumstance.

Mr. Di Blasio consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Mr. Di Blasio, 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.



## MISSISSAUGA

File: "B" 34/17  
WARD 11

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) shall be obtained from the Committee of Adjustment office and 4 copies of the resultant deposited reference plan(s) shall be provided to the Committee of Adjustment Office.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed 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 services easement(s) and/or right(s)-of-way are necessary.
3. A letter shall be received from the City of Mississauga - Manager of Zoning Plan Examination indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.



File: "B" 34/17  
WARD 11

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


**APPLICATION APPROVED ON CONDITIONS AS STATED**


Dated at the City of Mississauga on May 18, 2017.

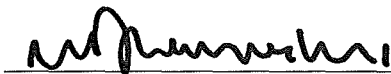
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 8, 2017**.

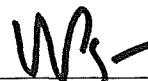
Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

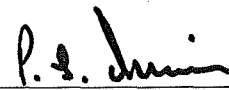
  
D. GEORGE

  
J. ROBINSON

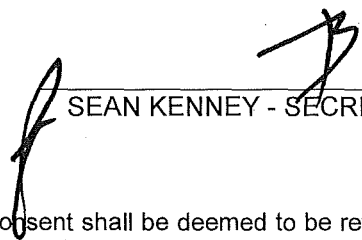
  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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 **May 19, 2018**.

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



File: "B" 35/17  
WARD 8

## 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

SOLEL CONGREGATION OF MISSISSAUGA

on Thursday May 11, 2017

Solel Congregation Of Mississauga is the owner of 2399 Folkway Drive being Block YY, Registered Plan M-122, zoned R3 - Residential. The applicant requests the consent of the Committee for the conveyance of a parcel of land having a frontage of 22.36m (73.35ft.) and an approximate area of 667.00m<sup>2</sup> (7,179.52sq.ft.). The effect of the application is to create a new lot for residential purposes.

Mr. M. Rogers, the authorized agent, attended and presented the application to permit the conveyance of surplus lands for the creation of a residential property. Mr. Rogers confirmed that the proposed conveyed lands would be in excess of the Zoning By-law requirements pursuant to lot frontage and area.

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 (May 5, 2017)  
City of Mississauga, Transportation and Works Department (May 4, 2017)  
City of Mississauga, Community Services Department, Park Planning (May 8, 2017)  
Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)  
Bell Canada (May 8, 2017)

A letter was received from S. Laramee & H. Green, residents of 4159 Trellis Crescent, stating an objection to the subject application.

A letter was received from D. Wartnaby, residents of 47-41 Arbour Green Drive, stating an objection to the subject application.

A letter was received from D. Vendramini & A. Jackson, residents of 4129 Trellis Crescent, stating an objection to the subject application.

A letter was received from M. & S. Mangat, residents of 4133 Trellis Crescent, stating an objection to the subject application.

A letter was received from S. Laramee & H. Green, residents of 4159 Trellis Crescent, stating an objection to the subject application.

Mr. F. and Ms. D. Vendramini, residents of 4129 Trellis Crescent, attended and expressed an interest in the subject application.

Ms. S. Mangat, a resident of 4133 Trellis Crescent, attended and expressed concerns with the subject application.

Mr. Z. Masood, a resident of 4135 Trellis Crescent, attended and expressed concerns with the subject application.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved. The Secretary-Treasurer recommended that the condition by Community Services, was not appropriate in this circumstance.

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

The Committee, after considering the submissions put forward by Mr. Rogers, 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) shall be obtained from the Committee of Adjustment office and 4 copies of the resultant deposited reference plan(s) shall be provided to the Committee of Adjustment Office.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed 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 services easement(s) and/or right(s)-of-way are necessary.
3. A letter shall be received from the City of Mississauga - Manager of Zoning Plan Examination indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
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 May 4, 2017.



File: "B" 35/17  
WARD 8

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

**APPLICATION APPROVED ON CONDITIONS AS STATED**


Dated at the City of Mississauga on May 18, 2017.

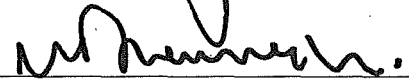
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Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)


  
\_\_\_\_\_  
D. GEORGE

  
\_\_\_\_\_  
J. ROBINSON


  
\_\_\_\_\_  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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 **May 19, 2018**.

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



File: "B" 36/17  
WARD 8

## 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

SOLEL CONGREGATION OF MISSISSAUGA

on Thursday May 11, 2017

Solel Congregation Of Mississauga is the owner of 2399 Folkway Drive being Block YY, Registered Plan M-122, zoned R3 - Residential. The applicant requests the consent of the Committee for the conveyance of a parcel of land having a frontage of 22.2m (72.8ft.) and an approximate area of 666m<sup>2</sup> (7,168.9sq.ft.). The effect of the application is to create a new residential lot.

Mr. M. Rogers, the authorized agent, attended and presented the application to permit the conveyance of surplus lands for the creation of a residential property. Mr. Rogers confirmed that the proposed conveyed lands would be in excess of the Zoning By-law requirements pursuant to lot frontage and area.

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 (May 5, 2017)  
City of Mississauga, Transportation and Works Department (May 4, 2017)  
City of Mississauga, Community Services Department, Park Planning (May 8, 2017)  
Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)  
Bell Canada (May 8, 2017)

A letter was received from S. Laramée & H. Green, residents of 4159 Trellis Crescent, stating an objection to the subject application.

A letter was received from D. Wartnaby, residents of 47-41 Arbour Green Drive, stating an objection to the subject application.

A letter was received from D. Vendramini & A. Jackson, residents of 4129 Trellis Crescent, stating an objection to the subject application.

A letter was received from M. & S. Mangat, residents of 4133 Trellis Crescent, stating an objection to the subject application.

A letter was received from S. Laramée & H. Green, residents of 4159 Trellis Crescent, stating an objection to the subject application.

Mr. F. and Ms. D. Vendramini, residents of 4129 Trellis Crescent, attended and expressed an interest in the subject application.

Ms. S. Mangat, a resident of 4133 Trellis Crescent, attended and expressed concerns with the subject application.

Mr. Z. Masood, a resident of 4135 Trellis Crescent, attended and expressed concerns with the subject application.

No other persons expressed any interest in the application.



File: "B" 36/17  
WARD 8

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved. The Secretary-Treasurer recommended that the condition by Community Services was not appropriate in this circumstance.

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

The Committee, after considering the submissions put forward by Mr. Rogers, 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) shall be obtained from the Committee of Adjustment office and 4 copies of the resultant deposited reference plan(s) shall be provided to the Committee of Adjustment Office.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed 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 services easement(s) and/or right(s)-of-way are necessary.
3. A letter shall be received from the City of Mississauga - Manager of Zoning Plan Examination indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
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 May 4, 2017.



File: "B" 36/17  
WARD 8

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

**APPLICATION APPROVED ON CONDITIONS AS STATED**


Dated at the City of Mississauga on May 18, 2017.

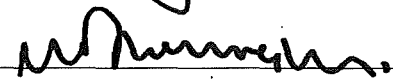
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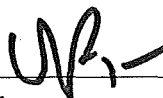
Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)


  
D. GEORGE

  
J. ROBINSON

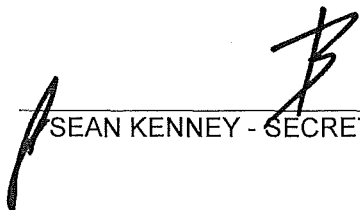
  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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 **May 19, 2018**.

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



MISSISSAUGA

File: "B" 37/17  
WARD 1

## COMMITTEE OF ADJUSTMENT

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

IN THE MATTER OF AN APPLICATION BY

AUSTIN & JOCELYN KEITNER

on Thursday May 11, 2017

Austin & Jocelyn Keitner is the owner of 955 Eighth Street being part of Lot 6, 7, Registered Plan D-23, zoned RM1-26 - Residential. The applicants request the consent of the Committee for the conveyance of a parcel of land having a frontage of 7.975m (26.16ft.) and an approximate area of 354.40m<sup>2</sup> (3,814.72sq.ft.). The effect of the application is to create a new lot for residential purposes.

The lands are also the subject to Minor Variance files "A"203/17 and "A"204/17.

Mr. J. Levac, the authorized agent, attended and presented the application to convey a parcel of land for the creation of a new residential lot and for the development of a pair of semidetached dwellings on the conveyed and retained lands. Mr. Levac confirmed that the conveyed and retained lands would exceed the minimum requirements for lot area but would require relief to the Zoning By-law for frontage. He noted that the proposed semidetached dwellings required slight relief to the Zoning By-law but were appropriate development for the property as there were several other semidetached dwellings within the surrounding neighbourhood. Mr. Levac explained that the height of the dwelling and eaves would be slightly in excess of the Zoning By-law requirements.

Mr. Levac confirmed that the garage doors would be slightly larger than a single car garage to allow for a car and half internal width.

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 (May 5, 2017)  
City of Mississauga, Transportation and Works Department (May 4, 2017)  
City of Mississauga, Community Services Department, Park Planning (May 8, 2017)  
Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

A letter was received from K. Davis, a resident of 1393 Alexandra Avenue, stating concerns for the subject application.

A letter was received from L. Capizzano & M. Muzyczka, residents of 926 Eighth Street, stating concerns for the subject application.

A letter was received from A. Gaj, a resident of 1560 Northmount Avenue, stating concerns for the subject application.

Ms. S. Simunic, a representative of 954 Eighth Street, attended and expressed an objection to the subject application. She indicated that the proposed lot sizes were not identical to the properties across the street and were not compatible with the surrounding lot pattern within the neighbourhood. Ms. Simunic suggested that the proposed dwellings were too large for the property. She noted additional concerns with the municipal services available.

Ms. J. Oyler, a resident of 963 Eighth Street, attended and expressed her objection to the subject application. Ms. Oyler suggested that the lot frontages were insufficient and the proposed design was incompatible within the area. She indicated that the proposed



dwelling were too large for the property. Ms. Oyler expressed concerns that the construction of the dwelling would damage the mature vegetation on her property.

No other persons expressed any interest in the application.

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

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

The Committee, after considering the submissions put forward by Mr. Levac, 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 was satisfied that the proposed lot sizes were compatible with the surrounding lot pattern.

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) shall be obtained from the Committee of Adjustment office and 4 copies of the resultant deposited reference plan(s) shall be provided to the Committee of Adjustment Office.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed 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 services easement(s) and/or right(s)-of-way are necessary.
3. A letter shall be received from the City of Mississauga - Manager of Zoning Plan Examination indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. (A203/17 & A204/17)
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 May 4, 2017.
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 May 8, 2017.



File: "B" 37/17  
WARD 1

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

**APPLICATION APPROVED ON CONDITIONS AS STATED**


Dated at the City of Mississauga on May 18, 2017.

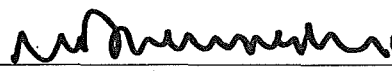
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Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

DISSENTED  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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 **May 19, 2018**.

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

AUSTIN & JOCELYN KEITNER

on Thursday May 11, 2017

Austin & Jocelyn Keitner are the owners of 955 Eighth Street being Part of Lots 6, 7, Registered Plan D-23, zoned RM1-26 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject property being the retained land of Consent application "B"37/17; proposing:

1. a lot frontage of 7.975m (26.16ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (29.52ft.) in this instance;
2. a side yard of 1.22m (4.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) in this instance;
3. a height of 9.68m (31.75ft.) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (31.16ft.) measured to the highest ridge of the roof in this instance; and,
4. a height of 6.71m (22.01ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) measured to the eaves in this instance.

Mr. J. Levac, the authorized agent, attended and presented the application to convey a parcel of land for the creation of a new residential lot and for the development of a pair of semidetached dwellings on the conveyed and retained lands. Mr. Levac confirmed that the conveyed and retained lands would exceed the minimum requirements for lot area but would require relief to the Zoning By-law for frontage. He noted that that the proposed semidetached dwellings required slight relief to the Zoning By-law but were appropriate development for the property as there were several other semidetached dwellings within the surrounding neighbourhood. Mr. Levac explained that the height of the dwelling and eaves would be slightly in excess of the Zoning By-law requirements.

Mr. Levac confirmed that the garage doors would be slightly larger than a single car garage to allow for a car and half internal width.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to allow the applicant to submit the required Building Permit applications to ensure that all variances have been accurately captured.

**Background**

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning:** RM1-26 (Residential)

**Other Applications:**

Building Permit File: Required

**Comments**

**Zoning**

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

**Planning**

The applicant is proposing to sever the lot for the purpose of constructing a semi-detached dwelling on the subject property. The RM1-26 zoning permits the use; however the applicant requires minor variances for the lot frontage and the construction of the dwelling. The proposed lots, although deficient to the Zoning By-law requirement, would have lot frontages identical to the four lots directly across the street, which are also developed with semi-detached dwellings. The broader neighbourhood also has many lots with similar or identical frontage and the Department is of the opinion that the requested lot layout is consistent with the neighbourhood and appropriate in this context.

The requested height of the dwelling and height to the underside of the eaves is a relatively minor increase beyond what the Zoning By-law permits and the appearance of the dwelling from the street would represent a dwelling that even more closely resembles the Zoning By-law permissions due to a slight change in grade across the property.

The requested variances for side yard setbacks maintain adequate separation distance from the lot lines to allow for sufficient rear yard access to each dwelling and should not have an imposing massing impact on neighbouring dwellings; one side backs onto the rear yard of another property, resulting in greatly increased separation distance on that side.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to allow the applicant to submit the required Building Permit applications to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Transportation and Works conditions/requirement will be addressed through Consent Application 'B' 37/17 and the Building Permit Process."

Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from K. Davis, a resident of 1393 Alexandra Avenue, stating concerns for the subject application.



## MISSISSAUGA

File: "A" 203/17  
WARD 1

A letter was received from L. Capizzano & M. Muzyczka, residents of 926 Eighth Street, stating concerns for the subject application.

A letter was received from A. Gaj, a resident of 1560 Northmount Avenue, stating concerns for the subject application.

Ms. S. Simunic, a representative of 954 Eighth Street, attended and expressed an objection to the subject application. She indicated that the proposed lot sizes were not identical to the properties across the street and were not compatible with the surrounding lot pattern within the neighbourhood. Ms. Simunic suggested that the proposed dwellings were too large for the property. She noted additional concerns with the municipal services available.

Ms. J. Oyler, a resident of 963 Eighth Street, attended and expressed her objection to the subject application. Ms. Oyler suggested that the lot frontages were insufficient and the proposed design was incompatible within the area. She indicated that that the proposed dwellings were too large for the property. Ms. Oyler expressed concerns that the construction of the dwellings would damage the mature vegetation on her property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments received, is 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.



## MISSISSAUGA

File: "A" 203/17  
WARD 1

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

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

### APPLICATION APPROVED

Dated at the City of Mississauga on May 18, 2017.

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 JUNE 7, 2017.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

### DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

AUSTIN & JOCELYN KEITNER

on Thursday May 11, 2017

Austin & Jocelyn Keitner are the owners of 955 Eighth Street being Part of Lots 6, 7, Registered Plan D-23, zoned RM1-26 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling on the subject property being the severed land of Consent application "B"37/17; proposing:

1. a lot frontage of 7.975m (26.16ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (29.52ft.) in this instance;
2. a side yard of 1.22m (4.00ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (5.90ft.) in this instance;
3. a height of 9.68m (31.75ft.) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (31.16ft.) measured to the highest ridge of the roof in this instance; and,
4. a height of 6.71m (22.01ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) measured to the eaves in this instance.

Mr. J. Levac, the authorized agent, attended and presented the application to convey a parcel of land for the creation of a new residential lot and for the development of a pair of semidetached dwellings on the conveyed and retained lands. Mr. Levac confirmed that the conveyed and retained lands would exceed the minimum requirements for lot area but would require relief to the Zoning By-law for frontage. He noted that that the proposed semidetached dwellings required slight relief to the Zoning By-law but were appropriate development for the property as there were several other semidetached dwellings within the surrounding neighbourhood. Mr. Levac explained that the height of the dwelling and eaves would be slightly in excess of the Zoning By-law requirements.

Mr. Levac confirmed that the garage doors would be slightly larger than a single car garage to allow for a car and half internal width.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

The Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to allow the applicant to submit the required Building Permit applications to ensure that all variances have been accurately captured.

## Background

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

Zoning: RM1-26 (Residential)

### Other Applications:

Building Permit File: Required

## Comments

### Zoning

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

### Planning

The applicant is proposing to sever the lot for the purpose of constructing a semi-detached dwelling on the subject property. The RM1-26 zoning permits the use; however the applicant requires minor variances for the lot frontage and the construction of the dwelling. The proposed lots, although deficient to the Zoning By-law requirement, would have lot frontages identical to the four lots directly across the street, which are also developed with semi-detached dwellings. The broader neighbourhood also has many lots with similar or identical frontage and the Department is of the opinion that the requested lot layout is consistent with the neighbourhood and appropriate in this context.

The requested height of the dwelling and height to the underside of the eaves is a relatively minor increase beyond what the Zoning By-law permits and the appearance of the dwelling from the street would represent a dwelling that even more closely resembles the Zoning By-law permissions due to a slight change in grade across the property.

The requested variances for side yard setbacks maintain adequate separation distance from the lot lines to allow for sufficient rear yard access to each dwelling and should not have an imposing massing impact on neighbouring dwellings; one side backs onto the rear yard of another property, resulting in greatly increased separation distance on that side.

Based on the preceding information, the Planning and Building Department has no objection to the requested Consent and associated Minor Variance applications; however, the applicant may wish to defer the application to allow the applicant to submit the required Building Permit applications to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Transportation and Works conditions/requirement will be addressed through Consent Application 'B' 37/17 and the Building Permit Process."

Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."



## MISSISSAUGA

File: "A" 204/17  
WARD 1

A letter was received from K. Davis, a resident of 1393 Alexandra Avenue, stating concerns for the subject application.

A letter was received from L. Capizzano & M. Muzyczka, residents of 926 Eighth Street, stating concerns for the subject application.

A letter was received from A. Gaj, a resident of 1560 Northmount Avenue, stating concerns for the subject application.

Ms. S. Simunic, a representative of 954 Eighth Street, attended and expressed an objection to the subject application. She indicated that the proposed lot sizes were not identical to the properties across the street and were not compatible with the surrounding lot pattern within the neighbourhood. Ms. Simunic suggested that the proposed dwellings were too large for the property. She noted additional concerns with the municipal services available.

Ms. J. Oyler, a resident of 963 Eighth Street, attended and expressed her objection to the subject application. Ms. Oyler suggested that the lot frontages were insufficient and the proposed design was incompatible within the area. She indicated that the proposed dwellings were too large for the property. Ms. Oyler expressed concerns that the construction of the dwellings would damage the mature vegetation on her property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments received, is 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.



## MISSISSAUGA

File: "A" 204/17  
WARD 1

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

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

### APPLICATION APPROVED

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

J. ROBINSON

J. PAGE

DISSENTED

D. GEORGE

D. KENNEDY

ABSENT

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

CARLYLE ANTON SANTHIAPILLAI & SHANEZ BERNADINE ANTHONY

on Thursday May 11, 2017

Carlyle Anton Sanathiapillai & Shanez Bernadine Anthony are the owners of 4220 Tea Garden Circle being part of Block 125, Registered Plan M-307, zoned RM2-4 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a sunroom addition onto the existing dwelling on the subject property proposing a rear yard of 4.55m (14.93ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Ms. A. Aodesh, the authorized agent, attended.

Mr. M. Jackowitz, a representative of the authorized agent, attended and presented the application. Mr. Jackowitz advised the Committee that the addition would be constructed in the area of an existing deck at the rear of the dwelling. Mr. Jackowitz explained that the dwellings were narrow and did not have much opportunity to improve the amount of natural light that entered the home. He noted that the addition provided additional space required by the applicant.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

The Planning and Building Department recommend that the application be deferred in order for the applicant to redesign the proposed sunroom addition.

### **Background**

#### **Mississauga Official Plan**

Character Area: Creditview Neighbourhood  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM2-4 (Residential)

### **Comments**

#### **Zoning**

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

### Planning

The subject site is located in the Creditview Neighbourhood, near the intersection of Mavis Road and Burnhamthorpe. The subject context is linked dwellings.

The application proposes a new one storey sun room addition located in the rear yard, requesting a minor variance for a rear yard of 4.55 m. The proposed sun room addition is almost the entire width of the dwelling, and almost the entire width of the lot. The lot width is 7.32 m, and the proposed sun room is 5.56 m in width. In low density residential zones across Mississauga, a minimum 7.50 m rear yard is required. The intent of the Zoning By-law is to provide private adequate useable outdoor amenity space. The depth of the addition into the rear yard is uncharacteristic of the neighbourhood. In our opinion, the proposed rear yard is contrary to the intent of the Zoning By-law.

Based on the preceding, the Planning and Building Department recommend that the application be deferred in order for the applicant to redesign the proposed sunroom addition."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Transportation and Works Department requirements for the proposed sunroom addition will be addressed through the Building Permit Process."

A letter was received from Mr. D. Avdichek, a resident of 4222 Tea Garden Circle, stating an interest in the subject application. He expressed his concerns with respect to three existing trees continuing to encroach onto his property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Jackowitz and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property. The Committee was of the opinion that the proposed addition was too large for the rear of the property.

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.



File: "A" 190/17  
WARD 2

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

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

**APPLICATION REFUSED**

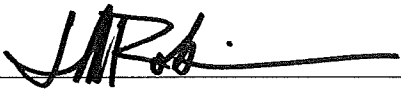
Dated at the City of Mississauga on May 18, 2017.

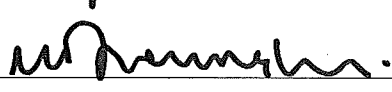
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 7, 2017**.

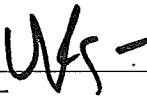
Date of mailing is May 19, 2017.

  
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S. PATRIZIO (CHAIR)

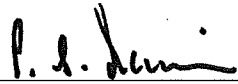
  
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D. GEORGE

  
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J. ROBINSON

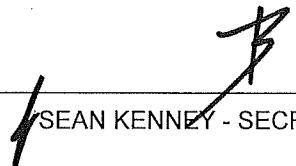
  
\_\_\_\_\_  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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.



File: "A" 191/17  
WARD 5

## 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

2447612 Ontario Ltd.

on Thursday May 11, 2017

2447612 Ontario Ltd. is the owner of 1200 Derry Road East being Unit 5, Level 1, PSCP-994, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a commercial/industrial use within Unit 5 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 208 parking spaces for all uses on site in this instance.

Mr. B. Bhavsar, the authorized agent, attended and presented the application to allow for a deficient in parking. Mr. Bhavsar requested the existing parking supply to remain for servicing the unit on the subject property. He indicated a parking study was undertaken.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area

Designation: Business Employment

#### **Zoning By-law 0225-2007**

Zoning: E2 (Employment)

### **Comments**

#### **Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 17-5206. Based on review of the information currently available for this building permit, the variances, as requested are correct. Application 'A' 192-17, requests the highest parking reduction; if approved, it would address the parking relief requested in all other applications and that this application would not be required.

#### **Planning**

The subject site is located in the Northeast Employment area, near the intersection of Derry Road East and Tomken Road. The subject site is a newly constructed commercial condominium plaza.

The subject applications are for a reduction in required parking spaces on site. The units 5, 8, 21, and 23 applied for minor variance applications individually due to the condominium



## MISSISSAUGA

File: "A" 191/17  
WARD 5

tenure. The proposed uses of the subject units are permitted within the E2 zones. The development contains 24 units.

A parking utilization study, prepared by Beacon Planning Services, dated March 31, 2017 was submitted in support of the applications. The study determined that at peak parking demand, the 190 on-site spaces are able to accommodate the additional parking requirements imposed by the subject units. The parking utilization study accounted for the vacant units.

Staff conducted further analysis. The subject applications request a generic commercial/industrial use. Certain commercial or industrial uses have higher parking rates, such as restaurants or medical office. The development was not constructed with sufficient parking to allow for all units to accommodate the full range of uses permitted in the Zoning By-law.

The parking utilization study indicates Unit 5 will be occupied by a dental office [medical office]. We recommend the wording of the variance Application 'A' 191/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "medical office use."

Similarly, the parking utilization study indicates units 18, 21, and 23 will be occupied by an office use. We recommend the wording of the variance Application 'A' 192-194/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "office use."

The study also assumed some of the currently vacant space (i.e. units 8 and 12) would be occupied by warehousing (as indicated in the City's parking allocation report). Staff undertook a sensitivity test and confirmed that should these two units be tenanted by office uses (like many of the existing tenants) sufficient parking would still exist to accommodate the tenants. We note for the current and future owners the importance of confirming whether future changes in use can be supported by the parking utilization study.

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

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to :

The applicant requests the Committee to authorize a minor variance to permit the operation of a medical office use within Unit 5 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 208 parking spaces for all uses on site in this instance.


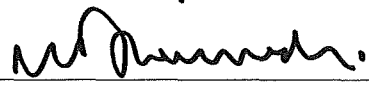
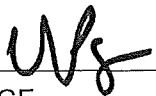
MOVED BY: D. George      SECONDED BY: P.Quinn      CARRIED

**APPLICATION APPROVED AS AMENDED**

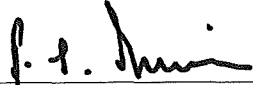
Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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.



File: "A" 192/17  
WARD 5

## 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

2455168 ONTARIO INC

on Thursday May 11, 2017

2455168 Ontario Inc. is the owner of 1200 Derry Road East being Unit 18, Level 1, PSCP-994, zoned E2- Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a commercial/industrial use within Unit 18 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 212 parking spaces for all uses on site in this instance.

Mr. B. Bhavsar, the authorized agent, attended and presented the application to allow for a deficient in parking. Mr. Bhavsar requested the existing parking supply to remain for servicing the unit on the subject property. He indicated a parking study was undertaken.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Business Employment

#### **Zoning By-law 0225-2007**

Zoning: E2 (Employment)

### **Comments**

#### **Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 17-5206. Based on review of the information currently available for this building permit, the variances, as requested are correct. Application 'A' 192-17, requests the highest parking reduction; if approved, it would address the parking relief requested in all other applications and that this application would not be required.

#### **Planning**

The subject site is located in the Northeast Employment area, near the intersection of Derry Road East and Tomken Road. The subject site is a newly constructed commercial condominium plaza.

The subject applications are for a reduction in required parking spaces on site. The units 5, 8, 21, and 23 applied for minor variance applications individually due to the condominium



## MISSISSAUGA

File: "A" 192/17  
WARD 5

tenure. The proposed uses of the subject units are permitted within the E2 zones. The development contains 24 units.

A parking utilization study, prepared by Beacon Planning Services, dated March 31, 2017 was submitted in support of the applications. The study determined that at peak parking demand, the 190 on-site spaces are able to accommodate the additional parking requirements imposed by the subject units. The parking utilization study accounted for the vacant units.

Staff conducted further analysis. The subject applications request a generic commercial/industrial use. Certain commercial or industrial uses have higher parking rates, such as restaurants or medical office. The development was not constructed with sufficient parking to allow for all units to accommodate the full range of uses permitted in the Zoning By-law.

The parking utilization study indicates Unit 5 will be occupied by a dental office [medical office]. We recommend the wording of the variance Application 'A' 191/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "medical office use."

Similarly, the parking utilization study indicates units 18, 21, and 23 will be occupied by an office use. We recommend the wording of the variance Application 'A' 192-194/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "office use."

The study also assumed some of the currently vacant space (i.e. units 8 and 12) would be occupied by warehousing (as indicated in the City's parking allocation report). Staff undertook a sensitivity test and confirmed that should these two units be tenanted by office uses (like many of the existing tenants) sufficient parking would still exist to accommodate the tenants. We note for the current and future owners the importance of confirming whether future changes in use can be supported by the parking utilization study.

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

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to :

The applicant requests the Committee to authorize a minor variance to permit the operation of an office use within Unit 18 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 212 parking spaces for all uses on site in this instance.

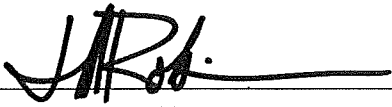
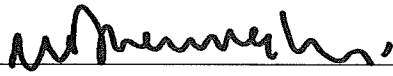
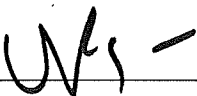
MOVED BY: D. George      SECONDED BY: P. Quinn      CARRIED

**APPLICATION APPROVED AS AMENDED**

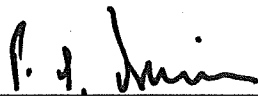
Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY 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

2426920 ONTARIO INC.

on Thursday May 11, 2017

2426920 Ontario Inc. is the owner of 1200 Derry Road West being Unit 21, Level 1, PSCP-994, zoned E2- Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a commercial/industrial use within Unit 21 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 193 parking spaces for all uses on site in this instance.

Mr. B. Bhavsar, the authorized agent, attended and presented the application to allow for a deficient in parking. Mr. Bhavsar requested the existing parking supply to remain for servicing the unit on the subject property. He indicated a parking study was undertaken.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Business Employment

#### **Zoning By-law 0225-2007**

Zoning: E2 (Employment)

### **Comments**

#### **Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 17-5206. Based on review of the information currently available for this building permit, the variances, as requested are correct. Application 'A' 192-17, requests the highest parking reduction; if approved, it would address the parking relief requested in all other applications and that this application would not be required.

#### **Planning**

The subject site is located in the Northeast Employment area, near the intersection of Derry Road East and Tomken Road. The subject site is a newly constructed commercial condominium plaza.

The subject applications are for a reduction in required parking spaces on site. The units 5, 8, 21, and 23 applied for minor variance applications individually due to the condominium



## MISSISSAUGA

File: "A" 193/17  
WARD 5

tenure. The proposed uses of the subject units are permitted within the E2 zones. The development contains 24 units.

A parking utilization study, prepared by Beacon Planning Services, dated March 31, 2017 was submitted in support of the applications. The study determined that at peak parking demand, the 190 on-site spaces are able to accommodate the additional parking requirements imposed by the subject units. The parking utilization study accounted for the vacant units.

Staff conducted further analysis. The subject applications request a generic commercial/industrial use. Certain commercial or industrial uses have higher parking rates, such as restaurants or medical office. The development was not constructed with sufficient parking to allow for all units to accommodate the full range of uses permitted in the Zoning By-law.

The parking utilization study indicates Unit 5 will be occupied by a dental office [medical office]. We recommend the wording of the variance Application 'A' 191/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "medical office use."

Similarly, the parking utilization study indicates units 18, 21, and 23 will be occupied by an office use. We recommend the wording of the variance Application 'A' 192-194/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "office use."

The study also assumed some of the currently vacant space (i.e. units 8 and 12) would be occupied by warehousing (as indicated in the City's parking allocation report). Staff undertook a sensitivity test and confirmed that should these two units be tenanted by office uses (like many of the existing tenants) sufficient parking would still exist to accommodate the tenants. We note for the current and future owners the importance of confirming whether future changes in use can be supported by the parking utilization study.

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

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to:

The applicant requests the Committee to authorize a minor variance to permit the operation of an office use within Unit 21 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 193 parking spaces for all uses on site in this instance.


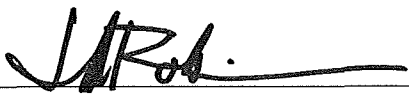
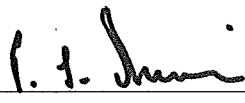

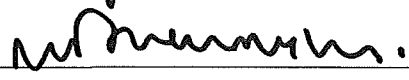
MOVED BY: D. George      SECONDED BY: P. Quinn      CARRIED

**APPLICATION APPROVED AS AMENDED**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

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

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
f SEAN KENNEY - 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

8953155 CANADA INC

on Thursday May 11, 2017

8953155 Canada Inc. is the owner of 1200 Derry Road East being Unit 23, Level 1, PSCP-994, zoned E2- Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a commercial/industrial use within Unit 23 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 198 parking spaces for all uses on site in this instance.

Mr. B. Bhavsar, the authorized agent, attended and presented the application to allow for a deficient in parking. Mr. Bhavsar requested the existing parking supply to remain for servicing the unit on the subject property. He indicated a parking study was undertaken.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Business Employment

#### **Zoning By-law 0225-2007**

Zoning: E2 (Employment)

### **Comments**

#### **Zoning**

The Building Department is currently processing a certificate of occupancy permit application under file 17-5206. Based on review of the information currently available for this building permit, the variances, as requested are correct. Application 'A' 192-17, requests the highest parking reduction; if approved, it would address the parking relief requested in all other applications and that this application would not be required.

#### **Planning**

The subject site is located in the Northeast Employment area, near the intersection of Derry Road East and Tomken Road. The subject site is a newly constructed commercial condominium plaza.

The subject applications are for a reduction in required parking spaces on site. The units 5, 8, 21, and 23 applied for minor variance applications individually due to the condominium



## MISSISSAUGA

File: "A" 194/17  
WARD 5

tenure. The proposed uses of the subject units are permitted within the E2 zones. The development contains 24 units.

A parking utilization study, prepared by Beacon Planning Services, dated March 31, 2017 was submitted in support of the applications. The study determined that at peak parking demand, the 190 on-site spaces are able to accommodate the additional parking requirements imposed by the subject units. The parking utilization study accounted for the vacant units.

Staff conducted further analysis. The subject applications request a generic commercial/industrial use. Certain commercial or industrial uses have higher parking rates, such as restaurants or medical office. The development was not constructed with sufficient parking to allow for all units to accommodate the full range of uses permitted in the Zoning By-law.

The parking utilization study indicates Unit 5 will be occupied by a dental office [medical office]. We recommend the wording of the variance Application 'A' 191/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "medical office use."

Similarly, the parking utilization study indicates units 18, 21, and 23 will be occupied by an office use. We recommend the wording of the variance Application 'A' 192-194/17 be amended to provide clarity on what is proposed for the subject unit. Specifically we recommend the removal of the generic term "commercial/industrial use" and to be replaced with "office use."

The study also assumed some of the currently vacant space (i.e. units 8 and 12) would be occupied by warehousing (as indicated in the City's parking allocation report). Staff undertook a sensitivity test and confirmed that should these two units be tenanted by office uses (like many of the existing tenants) sufficient parking would still exist to accommodate the tenants. We note for the current and future owners the importance of confirming whether future changes in use can be supported by the parking utilization study.

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

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.



File: "A" 194/17  
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to :

The applicant requests the Committee to authorize a minor variance to permit the operation of an office use within Unit 21 of the building on the subject property proposing a total of 190 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 193 parking spaces for all uses on site in this instance.

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

**APPLICATION APPROVED AS AMENDED**


Dated at the City of Mississauga on May 18, 2017.

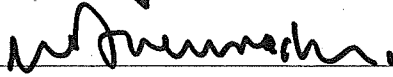
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 7, 2017**.

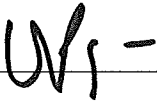
Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

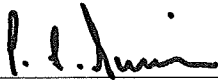
  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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.



File: "A" 195/17  
WARD 1

## 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

RANA HOMES INC.

on Thursday May 11, 2017

Rana Homes Inc. is the owner of 396 Jumna Avenue being Lot 131, Registered Plan F-20 LOT 131, zoned R3-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing a gross floor area- infill residential of 345.01m<sup>2</sup> (3,713.65sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area- infill residential of 311.88m<sup>2</sup> (3,357.05sq.ft.) in this instance.

Ms. M. Starr, the authorized agent, attended and presented the subject application to construct a new dwelling with an increased gross floor area that was beyond the provisions of the Zoning By-law. Ms. Starr suggested that effects of the increased floor area would be mitigated by the enhanced architectural design of the dwelling. She mentioned the existing neighbourhood had a variety of housing typologies present. Ms. Starr indicated all other zoning provisions were to be met, and that they were currently in the site plan approval process.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### "Recommendation

The Planning and Building Department has no objection to the requested variance; however, the applicant may wish to defer the application to submit additional information through the Site Plan Approval application to ensure that all variances are correct.

### 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: 17-51

### Comments

#### Zoning

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

### Planning

The applicant is requesting a Minor Variance to permit the construction of a new two storey dwelling on the subject property to allow for an additional 33.13 m<sup>2</sup> (356.60 sq. ft.) of Gross Floor Area (GFA) beyond what the Zoning By-law permits. The surrounding neighbourhood contains a mix of bungalows, original two storey dwellings, and recently constructed larger two storey dwellings. The proposed dwelling will be similar in character to the majority of the newer dwellings that have been constructed in the immediate area, where there have been some minor increases in GFA approved recently.

Relative to the size of the dwelling, the Department is of the opinion that the requested increase in GFA will not have a significant impact on the appearance or massing of the dwelling and that the general intent of the Zoning By-law is maintained in allowing for an appropriate dwelling size. Further, there are no significant open to below areas or other features that exaggerate the massing of the dwelling relative to the requested increase.

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 additional information through the Site Plan Approval application to ensure that all variances have been correctly applied for."

City of Mississauga, Transportation and Works Department (May 4, 2017)

Transportation and Works conditions will be addressed through the Site Plan Approval process, File SP-17/051.

Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

The Region of Peel has received and provided comments on the servicing drawings for the service upgrade.

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

Mr. J. Harvey, a resident of 375 Jumna Avenue, attended and expressed his concerns with the subject application.

A letter was received from Mr. W. Lott, a resident of 369 Jumna Ave, stating an objection to the subject application. He requested the Committee to refuse the subject application.

No other persons expressed any interest in the application.

The Committee asked Ms. Starr to confirm the accuracy of the subject application.

Ms. Starr confirmed that that the requested variances were accurate and that no additional variances were required. She requested the Committee to proceed with evaluating the merits of the application.

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

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

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

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



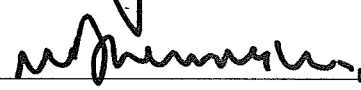
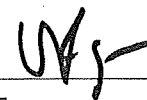
MOVED BY: J. Robinson      SECONDED BY: J. Page      CARRIED

**APPLICATION APPROVED**


Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

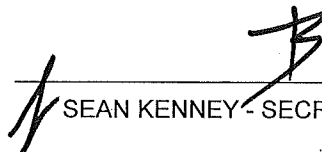
Date of mailing is May 19, 2017.

  
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S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

JODEE ROONEY & SHAWN HENDERSON

on Thursday May 11, 2017

Jodee Rooney & Shawn Henderson are the owners of 1405 Broadmoor Avenue being Lot 17, Registered Plan 404, zoned R1-2 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing accessory structure to remain and to construct a gazebo within the rear yard of the subject property proposing:

1. a gazebo and two accessory structures on the subject property; whereas By-law 0225-2007, as amended, permits a gazebo and one accessory structure in this instance;
2. a floor area of 29.73m<sup>2</sup> (320.01sq.ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m<sup>2</sup> (107.63sq.ft.) for the gazebo in this instance;
3. a height of 3.58m (11.75ft) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft) for the gazebo in this instance;
4. a side yard of 0.73m (2.39ft.) measured to the gazebo; whereas By-law 0225-2007; as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
5. a side yard of 0.57m (1.87ft.) measured to the accessory structure (shed); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
6. a rear yard of 0.43m (1.41ft.) measured to the accessory structure (shed); whereas By-law 0225-2007, as amended requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. J. Smith, the authorized agent, attended and presented the application to construct a gazebo at the rear of the property. He noted he would like to delete variances 1, 3, 5 & 6 as the gazebo would be redesigned to conform to the amended variances. Mr. Smith confirmed that the existing plastic accessory structure would be removed at the rear of the property. He noted the variances applied to the proposed gazebo.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the gazebo and to confirm that there are no additional variances related to the second accessory structure in the corner of the lot.

## **Background**

### **Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### **Zoning By-law 0225-2007**

**Zoning:** R1-2 (Residential)

### **Other Applications:**

Building Permit File: 17-4943

## **Comments**

### **Zoning**

The 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; however, it is unclear whether additional variances may be required for setbacks to the second existing accessory structure, which is not shown on the site plan provided with the application.

### **Planning**

The subject property is a relatively large lot, which could be able to accommodate a larger accessory structure than the Zoning By-law permits in some instances; however, the Department is of the opinion that in this case, the structure should be redesigned to alter some combination of the height, floor area, and setback. Although there is an existing board fence separating the property from the adjacent lot, the proposed gazebo structure would be much taller than the fence, with the corner of the eaves on one side coming within 0.15 m (0.49 ft.) of the lot line. The entire roof structure will be visible above the fence line and will create a negative visual massing impact on the neighbouring property, in a neighbourhood that is characterized predominantly by the lack of accessory structures in the rear yard or small sheds. The Mineola Neighbourhood policies of the Official Plan discourage large accessory structures and given that there are two other existing accessory structures in the same corner of the lot, the impact of the oversized gazebo is exaggerated. The Department is of the opinion that the proposal, in its current form, does not maintain the intent of the Zoning By-law or Official Plan.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred for the applicant to redesign the gazebo and to confirm that there are no additional variances related to the second accessory structure in the corner of the lot."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"This Department has no objection to the applicant's request to permit the existing accessory structure to remain and also to permit the construction of an oversized gazebo provided that the surface drainage from the roof tops is directed in such a manner as not to impede on the adjacent property to the north."

A letter was received from L. & I. Quick, residents of 1416 Broadmoor Avenue, expressing an interest with the subject application.

A letter was received from F. Cianciolo & A. MacIntosh, a resident of 1417 Broadmoor Avenue, expressing an interest with the subject application.

A letter was received from J. Anderson, a resident of 1399 Broadmoor Avenue, expressing an interest with the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 196/17  
WARD 1

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

The Committee consented to the request to amend the application. After considering the submissions put forward by Mr. Smith and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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 amended request is minor in nature in this instance.



## MISSISSAUGA

File: "A" 196/17  
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to construct a gazebo within the rear yard of the subject property proposing:

1. a floor area of 29.73m<sup>2</sup> (320.01sq.ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m<sup>2</sup> (107.63sq.ft.) for the gazebo in this instance; and,
2. a side yard of 0.73m (2.39ft.) measured to the gazebo; whereas By-law 0225-2007; as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

This decision is subject to the following condition:

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

MOVED BY: D. George      SECONDED BY: J. Robinson      CARRIED


### APPLICATION APPROVED AS AMENDED ON CONDITION AS STATED

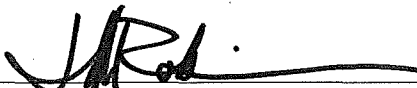
Dated at the City of Mississauga on May 18, 2017.

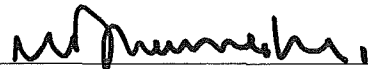
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 7, 2017**.

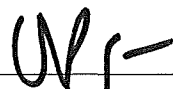
Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

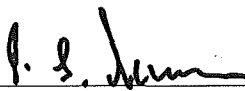
  
D. GEORGE

  
J. ROBINSON


  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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  
SAKINA BIBI

on Thursday May 11, 2017

Sakina Bibi is the owner of 3430 Forrestdale Circle being Lot 45, Registered Plan M-1053, zoned R5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a below grade entry projecting into the side yard on the subject property proposing a side yard of 0.41m (1.34ft.); whereas By-law 0225-2007, as amended requires a minimum side yard of 1.32m (4.33ft.) in this instance.

Mr. O. Saleem, the authorized agent, attended and presented the application to permit a reduced side yard to allow for the construction of a side yard entrance stairwell to access a second dwelling unit within the dwelling. Mr. Saleem indicated that the stairwell was required for safety purposes.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### "Recommendation

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

### Background

#### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: Residential Low Density II

#### Zoning By-law 0225-2007

Zoning: R5 (Residential)

#### Other Applications:

Building Permit File: 17-4888

### Comments

#### Zoning

The Building Department is currently processing a building permit application under file 17-4888. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to authorize a minor variance to permit the construction of a below grade entrance within the interior side yard proposing a setback of 0.41m; whereas Bylaw 0225-2007, as amended, requires a minimum setback of 1.20m in this instance.

### Planning

The subject site is located in the Lisgar Neighbourhood, near the intersection of Tenth Line West and Derry Road West. The area context is detached dwellings.

The application proposes a new below grade entry projecting into the side yard. The proposed entry is 0.40 m (1 ft and 3 ¼ in) below grade.

The proposed entrance is located in the westerly side yard of the dwelling. The subject dwelling is detached and has access to the rear yard on the easterly side of the dwelling. In our opinion, the intent of the Zoning By-law is maintained and the variance is considered minor.

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

City of Mississauga, Transportation and Works Department (May 4, 2017)

"The Grading Plan approved for this property under Registered Plan M-1053 depicts a split drainage pattern where the high point is approximately in the middle of the dwelling. As the proposed entrance stairwell is being proposed within this high point area, the approved drainage pattern should not be impacted as the drainage in this area would be directed either to the front or rear yard."

A letter was received from Mr. R. Kotyk, a resident of 3265 Wildflowers Court, stating an objection to the subject application. He expressed his concerns with respect to the establishment of a secondary unit on the subject property.

A letter was received from Ms. C. Kuramoto, a resident of 3368 Forrestdale Circle, stating an objection to the subject application. She expressed her concerns with respect to the creation of a secondary unit and parking. She requested the Committee to refuse the subject application.

A letter was received from Mr. J. Lobo, a resident of 3437 Forrestdale Circle, stating an objection to the subject application. He expressed his concerns with respect to the impact on the existing vegetation on site, creation of a secondary unit and servicing of the site.

A letter was received from Mr. P. Thacker & Ms. L. Thacker, residents of 3426 Forrestdale Circle, and Mr. J. Oung, a resident of 3257 Wildflowers Court, stating an objection to the subject application. They expressed their concerns with respect to the creation of a secondary unit and servicing of the site.

A letter was received from Mr. E. Hill a resident of 3414 Forrestdale Circle, stating an objection to the subject application. He expressed his concerns with respect to the creation of a secondary unit, servicing of the site and parking.

A letter was received from Mr. K & M. Shepherd, residents of 3436 Forrestdale Circle, stating an objection to the subject application. They expressed their concerns with respect to the creation of a secondary unit, servicing of the site and parking.

A letter was received from Mr. D. Decoste, a resident of 3261 Wildflowers Court, stating an objection to the subject application. He expressed his concerns with respect to the impact on the existing vegetation on site, creation of a secondary unit and servicing of the site.

A letter was received from Ms. C. Fonseka & Mr. P. Fonseka, residents of 3419 Forrestdale Circle, stating an objection to the subject application. They expressed their concerns with respect to the creation of a secondary unit and servicing of the site.

A letter was received from Mr. F. Riva & Ms. S. Vuch, residents of 3368 Forrestdale Circle, stating an objection to the subject application. They expressed their concerns with respect to the creation of a secondary unit, strain on servicing and parking. They requested the Committee to refuse the subject application to avoid setting a negative precedent in the area.



## MISSISSAUGA

File: "A" 197/17  
WARD 10

A letter was received from Mr. S. Liang Lu, a resident of 3424 Forrestdale Circle, stating an objection to the subject application. He expressed his concerns with respect to the creation of a secondary unit, the impact on the existing vegetation on site, and the strain on servicing of the site.

A letter was received from Mr. T & L. Plati, residents of 3253 Wildflowers Court, stating an objection to the subject application. They expressed their concerns with respect to the impact on the existing vegetation on site, creation of a secondary unit and servicing of the site.

A letter was received from Mr. S & T. De Leon, residents of 3431 Forrestdale Circle, stating an objection to the subject application. They expressed their concerns with respect to the creation of a secondary unit, strain on servicing of the site and parking. In addition they raised concerns about increased foot traffic in the shared side yard and the potential that their housing foundation may be weakened due to deep digging. They requested the Committee to refuse the subject application.

A letter was received from Ms. J. D' Angelo, a resident of 3421 Forrestdale Circle, stating an objection to the subject application. She expressed her concerns with respect to the impact on the existing vegetation on site, creation of a secondary unit and servicing of the site.

A letter was received from Ms. K. Burns, a resident of 3420 Forrestdale Circle, stating an objection to the subject application. He expressed his concerns with respect to the impact on the existing vegetation on site, creation of a secondary unit and servicing of the site.

A letter was received from Mr. R. Petizian, a resident of 3242 Bloomfield Drive, stating an objection to the subject application. He expressed his concerns with respect to the impact on the existing vegetation on site, and congestion.

Mr. P. Thacker, a resident of 3426 Forrestdale Circle, attended and stated an objection to the subject application. He expressed concerns with the existing foliage on site being compromised as a result of construction.

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request:

a side yard of 0.41m (1.34ft.); whereas By-law 0225-2007, as amended requires a minimum side yard of 1.20m (3.93ft.) in this instance.

This decision is subject to the following conditions:

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



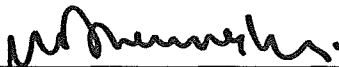
MOVED BY: J. Page      SECONDED BY: D. George      CARRIED

**APPLICATION APPROVED AS AMENDED ON CONDITIONS AS STATED**

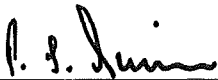
Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

**ESDEB CONSTRUCTION**

on Thursday May 11, 2017

Esdeb Construction is the owner of 2110 Dundas Street East being part of Lot A, Concession 1, SDS, zoned C3-4 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a banquet hall facility within Unit 4 of the building on the subject property proposing a total of 49 parking spaces for all uses on site; whereas By-law 0225-2007, as amended requires a total of 123 parking spaces for all uses on site in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the application to continue to permit the existing banquet hall to operate as previously approved by the Committee. Mr. Oughtred noted that no changes to the operation were proposed and that the conditions imposed under the previous approval had been complied with.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

The Planning and Building Department has no objection to the requested variance, subject to the recommended condition.

### **Background**

#### **Mississauga Official Plan**

Character Area: Dixie Employment Area

Designation: Mixed Use

#### **Zoning By-law 0225-2007**

Zoning: C3-4 (Commercial)

#### **Other Applications:**

N/A

#### **Comments**

#### **Zoning**

N/A

#### **Planning**

The requested variance would allow for a continuation of the operation of the banquet hall in unit 4 on the subject property. Previous five year approvals have been granted by the Committee in 2007 and 2012, and the Department is not aware of any concerns related to parking as a result of these previous approvals. In order to offset parking demand, the committee previously made the approvals subject to a condition restricting the operating times of the banquet hall to after 5:00pm on weekdays and anytime during the weekend



## MISSISSAUGA

File: "A" 198/17  
WARD 1

and on holidays; the Planning and Building Department recommends that this condition be imposed again if the Committee chooses to grant approval of the application.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, subject to the recommended condition."

Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

The Region of Peel has no objection to the Minor Variance. Any changes to the underground water or sanitary sewer will require review by the Region of Peel.

For more information, please call our Site Servicing Technicians at 905.791.7800 x7973.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate temporary use 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.



## MISSISSAUGA

File: "A" 198/17  
WARD 1

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years and is to expire and terminate on or before, December 31 2022 and is subject to the following conditions:

1. The hours of operation for the banquet hall shall be restricted to after 5:00pm on weekdays and all day on weekends and holidays.

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


### APPLICATION APPROVED ON CONDITIONS AS STATED

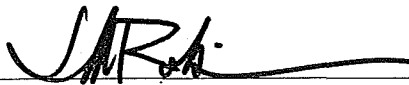
Dated at the City of Mississauga on May 18, 2017.

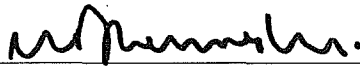
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Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

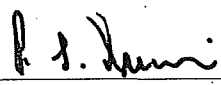
  
D. GEORGE

  
J. ROBINSON

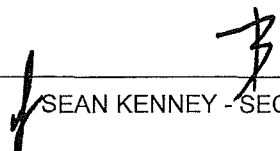
  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

1579954 ONTARIO LTD

on Thursday May 11, 2017

1579954 Ontario Ltd is the owner of 800 Southdown Road being part of Lot 31, Concession 3, SDS, zoned E2-108 – Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of an animal care facility in Unit A1 of the development on the subject property proposing:

1. accessory retail sales to the animal care facility; whereas By-law 0225-2007, as amended, requires that the area within any building, structure or part thereof used for accessory retail sales shall be separated from the remainder of the facility in this instance;
2. a total of 253 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a total of 350 parking spaces for all uses on site in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the application. Mr. Oughtred noted that he had a substantial discussion with Zoning staff with respect to the nature of the application. He noted that Zoning has defined the operation as a retail store and that the types of products that would be sold were raw pet food.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection in principle to the requested variances; however, the applicant may wish to defer the application to apply for the required Certificate of Occupancy Permit to ensure that the parking variance is correctly requested.

### **Background**

#### **Mississauga Official Plan**

Character Area: Southdown Employment Area

Designation: Business Employment, Special Site #2

#### **Zoning By-law 0225-2007**

Zoning: E2-108 (Employment)

#### **Other Applications:**

Certificate of Occupancy File: Required

### **Comments**

#### **Zoning**



## MISSISSAUGA

File: "A" 199/17  
WARD 2

The most recent records show that a Certificate of Occupancy Permit was granted for this unit on the subject property for a wholesaling facility under permit 09-4996. An updated Certificate of Occupancy Permit will be required for the requested use. The required parking rate would be different than the rate for a wholesaling facility and in the absence of an updated Certificate of Occupancy application, we are unable to verify that the requested variance for parking is correct.

### Planning

The Planning and Building Department has no objection in principle to the requested variances; many other units in the plaza have been granted parking variances in recent years, the subject unit is relatively small, and parking does not appear to be a problem on the subject property. The accessory retail sales would be a minor part of the use and would not change the general operation of the animal care facility; it is impractical in a unit of this size to create the separation from the primary use that the Zoning By-law requires. Further, the applicant notes that many of their sales are made online.

Based on the preceding information, the Planning and Building Department has no objection in principle to the requested variances; however, the applicant may wish to defer the application to apply for the required Certificate of Occupancy Permit to ensure that the parking variance is correctly requested."

Region of Peel, Environment, Transportation and Planning Services (May 5, 2017)

The Region of Peel has no objection to the Minor Variance. Any changes to the underground water or sanitary sewer will require review by the Region of Peel.

For more information, please call our Site Servicing Technicians at 905.791.7800 x7973.

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.



## MISSISSAUGA

File: "A" 199/17  
WARD 2

Accordingly, the Committee resolves to authorize and grant the amended request to:

1. permit a retail store within unit A1 of the subject plaza; whereas By-law 0225-2007, as amended does not permit a retail store in this instance

Eliminate Variance # 2 : a total of 253 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a total of 350 parking spaces for all uses on site in this instance.

This decision is subject to the following conditions:

1. Retailing of animal care products including raw dog and cat food.

MOVED BY: D. George      SECONDED BY: D. Kennedy      CARRIED

**APPLICATION APPROVED AS AMENDED ON CONDITIONS AS STATED**


Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)


  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY 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 NARUSZEWICZ

on Thursday May 11, 2017

Krzysztof Naruszewicz is the owner of 1544 Lochlin Trail being Lot 4, Registered Plan 528, zoned R1-2 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition onto the existing dwelling and renovations on the subject property proposing:

1. a gross floor area- infill residential of 510.94m<sup>2</sup> (5,499.71sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area- infill residential of 470.00m<sup>2</sup> (5,059.03sq.ft.) in this instance;
2. combined width of side yards of 6.31m (20.70ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.18m (26.84ft.) in this instance;
3. a height of 9.86m (32.35ft.) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (31.16ft.) measured to the highest ridge of the roof in this instance; and,
4. a height of 6.76m (21.17ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99ft.) measured to the underside of the eaves in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the application to construct a second storey addition on to the existing dwelling on the property. Mr. Oughtred advised that the second storey would be constructed over the existing building envelope. Mr. Oughtred noted that the ceiling height for the first storey would be maintained resulting in a slight overage in the height of the roof and the eaves.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"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 I

#### **Zoning By-law 0225-2007**

Zoning: R1-2 (Residential)



## MISSISSAUGA

File: "A" 200/17  
WARD 1

### Other Applications:

Site Plan Approval File: 16-164

### Comments

#### Zoning

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

#### Planning

The applicant is proposing a second storey addition on top of the existing dwelling footprint as well as an extension of the dwelling for a full 2 storey addition at the rear of the dwelling and a small portion of the front of the dwelling.

Requested variances #3 and #4, for the height of the dwelling and the height of the eaves are relatively minor increases beyond what the Zoning By-law permits and should not have a significant noticeable impact to the massing or on the streetscape. Further, the average grade of the property is 0.51 m (1.67 ft.) below the finished grade at the front of the dwelling; as a result, the appearance of the dwelling from the street will be that of a dwelling which is within the height permissions of the Zoning By-law.

The combined width of side yards are within the range that is characteristic for this part of Mineola. Many other streets within the broader neighbourhood are developed with more square shaped dwelling that are centralized on the lot; however, this street is predominantly developed with wider dwellings with a shallow depth. The majority, if not all, of the dwellings on this portion of Lochlin Trail are deficient in the required combined width of side yards, and in many cases the individual side yard setbacks, including 1557 Lochlin Trail, across the street, which was approved in 2008 for an individual side yard deficiency and a combined width of 5.18 m (16.99 ft.) when it was redeveloped. The Department is of the opinion that the reduced side yards variance maintains the intent of the Zoning By-law, in this instance, and is consistent with the character of the street.

The increase in Gross Floor Area (GFA) is a minor increase relative to the size of the dwelling that the Zoning By-law permits as of right. The applicant is seeking an increase of 40.94 m<sup>2</sup> (440.67 sq. ft.), which translates to approximately 8.7% of the permitted GFA. The dwelling does not extend significantly into the rear yard that would impact adjacent neighbours and the appearance from the street would not be significantly changed by any alterations to the GFA of the dwelling.

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

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Transportation and Works conditions will be addressed through the Site Plan Approval process, File SP-16/164."

No other persons expressed any interest in the application.

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

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

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



File: "A" 200/17  
WARD 1

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

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


**APPLICATION APPROVED**

Dated at the City of Mississauga on May 18, 2017.

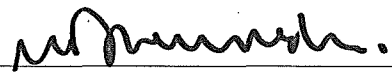
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)

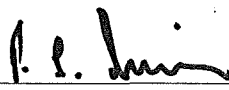
  
\_\_\_\_\_  
D. GEORGE

  
\_\_\_\_\_  
J. ROBINSON

  
\_\_\_\_\_  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

THE CORPORATION OF THE CITY OF MISSISSAUGA

on Thursday May 11, 2017

The Corporation of the City of Mississauga is the owner of 125 Eglington Avenue West being Block 14, Plan 43M-1957, zoned OS1- Open Space. The applicant requests the Committee to authorize a minor variance to permit the construction of a fire station on the subject property proposing:

1. a front yard of 3.60m (11.81ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.50m (14.76ft.) in this instance; and,
2. a centreline setback of 26.20m (85.96ft.); whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 27.00m (88.58ft.) in this instance.

Mr. F. Alaimo the authorized agent, attended and presented the application to permit the construction of a new fire hall on the subject property. Mr Alaimo indicated that a portion of the sunshade awning would encroach into the required front yard. He noted that the building would be sufficiently setback. He noted the orientation of the building was unique in order to accommodate the maneuverability of firetrucks.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Hurontario Neighbourhood

Designation: Greenlands, Public Open Space

#### **Zoning By-law 0225-2007**

Zoning: OS1 (Open Space)

### **Comments**

#### **Zoning**

The Building Department is currently processing a site plan approval application under file 17-14. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. Based on a preliminary review of the application, we advise that variance #1 be amended as follows:

1. A setback of 3.60m (11.81 ft.) to the sun shade structure; whereas By-law 0225-2007, as amended, requires a minimum setback of 4.50 m. (14.76ft.) in this instance;

### **Planning**

The subject site is located in the Hurontario Neighbourhood, near the intersection of Eglinton Avenue West and Hurontario Street. The subject site is a vacant parcel of land fronting on to Fairwind Drive and flanking Eglinton Avenue West.

The application proposes a new fire station, requesting variances for a reduction in setback to Eglinton Avenue West, and a reduction in setback to the centreline.

The proposed fire station is located on a portion of the lot; sited on the east side and away from Fairwind Drive. The fire station is offset on a 45 degree angle from the street. The proposed fire station is outfitted with a 0.91 m (3 ft.) sun shade structure. Without the sun shade structure, variance #1 would not be necessary. The sun shade structure is a decorative and environmental enhancement, and not additional gross floor area. Similarly, the centreline setback is a modest request, and only for the portion of the building with the sun shade structure. In our opinion, the intent of the Zoning By-law is maintained, and the variances are considered minor.

Based on the preceding, the Planning and Building Department has no objection to the application, as amended, but the applicant may choose to defer the application in order to verify the accuracy of the requested variances.

City of Mississauga, Transportation and Works Department (May 4, 2017)

"This Department has no objections to the applicant's request and noting that any Transportation and Works Department requirements will be addressed through the Site Plan Approval Process under File SP-17/14."

A letter was received from Mr & Ms. S. D' Souza, residents of 5059 Willowood Drive, stating an objection to the subject application.

No other persons expressed any interest in the application.

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

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

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 amended request is minor in nature in this instance.



## MISSISSAUGA

File: "A" 201/17  
WARD 5

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

Accordingly, the Committee resolves to authorize and grant the amended request to:

2. a centreline setback of 26.10m (85.62ft.); whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 27.00m (88.58ft.) in this instance.

MOVED BY: D. George      SECONDED BY: J. Robinson      CARRIED


### APPLICATION APPROVED AS AMENDED

Dated at the City of Mississauga on May 18, 2017.

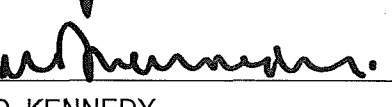
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Date of mailing is May 19, 2017.

  
S. PATRIZIO (CHAIR)

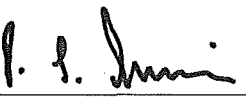
  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

ABSENT  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

2079524 ONTARIO INC

on Thursday May 11, 2017

2079524 Ontario Inc. is the owner of 1744 Meyerside Drive being Part of Lot 7, Concession 4, E.H.S., zoned E3, Employment. The applicant requests the Committee to authorize a minor variance to permit a total of 43 parking spaces, including one accessible parking space, to be provided for all uses on the site; whereas By-law 0225-2007, as amended, requires a total of 81 parking spaces and four accessible parking spaces to be provided for all uses on the site in this instance.

On January 5, 2017, Ms. L. Partap, authorized agent, attended and presented the application to allow for the existing operations on the subject property to continue as previous approved by the Committee. Ms. Partap advised the Committee that the number of mechanics operating on the property had been reduced in efforts to minimize the outstanding parking issues on the property. She noted a fence will be constructed along the easterly property line.

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

The City of Mississauga Planning and Building Department (December 23, 2016)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested variances, as amended and subject to the conditions, but the applicant may wish to defer the application in order to verify the accuracy of the requested variance.

### **Background**

#### **Mississauga Official Plan**

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

#### **Zoning By-law 0225-2007**

Zoning: E3

### **Comments**

#### **Zoning**

The applicant is advised that a full zoning review has not been completed; however, in reviewing the variances as outlined in this application, we recommend the following amendments:

"To permit a total of 43 parking spaces to be provided on site for all uses on the property; whereas By-law 0225-2007, as amended, requires a total of 81 parking spaces;



## MISSISSAUGA

File: "A" 3/17  
WARD 5

To permit a reduced aisle width of 5.46 m in front of the parking lot and 6.0 m for the parking along the side of the building; whereas By-law 0225-2007, as amended, requires a 7.0 m aisle width;

To permit the existing tandem parking to remain; whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance;"

### Planning

The subject application requests a reduction in overall parking at a multi-tenant industrial building.

We advise that the Committee previously approved 'A' 324/12, 'A' 413/10, 'A' 104/05 and 'A' 103/05 for a temporary period.

The previous conditions have not been cleared, being:

1. The owner of 1744 Meyerside Drive shall re-pave and re-stripe the parking lot on the subject property.
2. The seven parking spaces marked "Reserved" shall be re-painted to remove the reserved parking signs.
3. The maximum gross floor area dedicated for motor vehicle body repair facilities and motor vehicle repair facilities shall be 1,681.00 m<sup>2</sup> (5,515.09 sq. ft.).
4. The maximum gross floor area dedicated for office uses shall be 362.00 m<sup>2</sup> (1,187.66 sq. ft.)

In 2012 a Parking Utilization Study was submitted in support of variance 'A' 324/16. The Study confirmed that reduced standards are appropriate and that nothing has subsequently changed.

Previous conditions should be considered. Re-striping of the parking lot in compliance of the site plan submitted with the application would provide a functional parking configuration.

Based on the preceding, the Planning and Building Department has no objection to the requested variance, subject to the conditions, but the applicant may wish to defer the application in order to verify the accuracy of the requested variance."

The City of Mississauga Transportation and Works Department (December 22, 2016)

"We have enclosed a number of photos which depict the subject property and on some of the photos we have specified the unit number where the photo was taken. It should be noted that there are some discrepancies from the Site Plan submitted with the application (dated December 5, 2016), the Site Plan provided with the Parking Utilization Study and the existing conditions which we observed from our site inspection. A number of the parking spaces identified may not be functional as there are some loading doors in front of the spaces which have been identified as parking spaces (specifically Units # 1, 4, 5 and 6)."

No other persons expressed any interest in the application.

The Committee noted concerns with the existing site conditions with the property specifically with the proliferation and storage of unplated vehicles and an oil barrel on the property which inhibited the functionality of the traffic circulation and parking on the property. The Committee further noted that compliance with the conditions of approval for the several previous applications had not been completed.

Ms. Partap requested a deferral of the application to allow her the opportunity to address the outstanding concerns identified by the Committee.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.

On May 11, 2017, Mr. N. Dell, the authorized agent, attended and presented the application. Mr. Dell confirmed that he had been retained by the applicant during the interim of the deferral and that he had attended to most of the site maintenance and property



## MISSISSAUGA

File: "A" 3/17  
WARD 5

standards issues previously noted by the Committee. He indicated that the striping of the parking lot had not occurred as the weather had not been conducive to such activity and that a contractor had been retained to complete the work in the immediate future.

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

City of Mississauga, Planning and Building Department (May 9, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested variances, as amended and subject to the conditions, but the applicant may wish to defer the application in order to verify the accuracy of the requested variance.

### **Background**

#### **Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Industrial

### **Zoning By-law 0225-2007**

Zoning: E3 (Employment)

### **Comments**

#### **Zoning**

The application was deferred at the January 5, 2017 hearing. No new submissions have been received.

The applicant is advised that a full zoning review has not been completed; however, in reviewing the variances as outlined in this application, we recommend the following amendments:

To permit a total of 43 parking spaces to be provided on site for all uses on the property; whereas By-law 0225-2007, as amended, requires a total of 81 parking spaces;

To permit a reduced aisle width of 5.46 m in front of the parking lot and 6.0 m for the parking along the side of the building; whereas By-law 0225-2007, as amended, requires a 7.0 m aisle width;

To permit the existing tandem parking to remain; whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance;

#### **Planning**

The application was deferred at the January 5, 2017 hearing. Staff visited the site, and noted small incidental outdoor storage of parts and material, but did not observe outdoor storage of vehicles. Previously, vehicles were stored along the easterly side of the building, and at the rear of the building. No new information has been received.

Previous comments:

The subject application requests a reduction in overall parking at a multi-tenant industrial building.

We advise that the Committee previously approved 'A' 324/12, 'A' 413/10, 'A' 104/05 and 'A' 103/05 for a temporary period.

The previous conditions have not been cleared, being:

1. The owner of 1744 Meyerside Drive shall re-pave and re-stripe the parking lot on the subject property.
2. The seven parking spaces marked "Reserved" shall be re-painted to remove the reserved parking signs.



## MISSISSAUGA

File: "A" 3/17  
WARD 5

3. The maximum gross floor area dedicated for motor vehicle body repair facilities and motor vehicle repair facilities shall be 1,681.00 m<sup>2</sup> (5,515.09 sq. ft.).
4. The maximum gross floor area dedicated for office uses shall be 362.00 m<sup>2</sup> (1,187.66 sq. ft.)

In 2012 a Parking Utilization Study was submitted in support of variance 'A' 324/16. The Study confirmed that reduced standards are appropriate and that nothing has subsequently changed.

Previous conditions should be considered. Re-striping of the parking lot in compliance of the site plan submitted with the application would provide a functional parking configuration.

Based on the preceding, the Planning and Building Department has no objection to the requested variance, subject to the conditions, but the applicant may wish to defer the application in order to verify the accuracy of the requested variance."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the January 5, 2017 Hearing as those comments are still applicable."

City of Mississauga, Compliance and Licensing (May 11, 2017)

"December 9, 2016 Compliance and Licensing Enforcement received a public complaint of an automotive service station operating without a business licence at 3-1744 Meyerside Drive. The area the area Municipal Law Enforcement Officer (MLEO) contacted the business owner and advised them to obtain a business licence. In addition the area MLEO contacted the property owner and advised them of the complainant.

May 1, 2017 the area MLEO conducted an inspection of the property at 1744 Meyerside Drive. The area MLEO observed debris on the property, unlicensed motor vehicles and automotive repair centres operating without business licenses.

May 9, 2017 the area MLEO attended the property and conducted an inspection finding all of the unlicensed vehicles on the south end of the property had been removed and debris cleaned up.

The MLEO spoke with the property manager and was advised the cleaning would be completed by end of day. The area MLEO contacted the automotive service centres and advised them to obtain a business operating licence.

To date none of the automotive service centres have obtained a business operating licence.

Compliance and Licensing Enforcement brings this information to Committee's attention for their consideration."

No other persons expressed any interest in the application.

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

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

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

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

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

1. a total of 43 parking spaces to be provided on site for all uses on the property; whereas By-law 0225-2007, as amended, requires a total of 81 parking spaces;
2. a reduced aisle width of 5.46 m in front of the parking lot and 6.00 m for the parking along the side of the building; whereas By-law 0225-2007, as amended, requires a 7.00 m aisle width;
3. the existing tandem parking to remain; whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

This decision is valid for a temporary period of three (3) years and shall expire and terminate on or before May 31, 2020 and is subject to the following conditions:

1. A letter shall be received from the Planning and Building Department indicating that satisfactory arrangements have been made with respect to:
  - a. The re-paving and re-striping of the parking lot on the subject property has been completed no later than November 30, 2017.
  - b. The seven parking spaces marked "Reserved" shall be re-painted to remove the reserved parking signs no later than November 30, 2017.
2. A letter shall be received from Compliance and Licensing Enforcement indicating that satisfactory arrangements have been made that all unlicensed automotive service centres operating on the property shall have obtained a business licence from the municipality no later than November 30, 2017.
3. The maximum gross floor area dedicated for motor vehicle body repair facilities and motor vehicle repair facilities shall be 1,681.00 m<sup>2</sup> (5,515.09 sq. ft.).
4. The maximum gross floor area dedicated for office uses shall be 362.00m<sup>2</sup> (1,187.66sq. ft.).



File: "A" 3/17  
WARD 5

MOVED BY: J. Page

SECONDED BY: D. George

CARRIED

**APPLICATION APPROVED AS AMENDED ON CONDITIONS AS STATED**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

SEAN KENNEY - 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

CACHET ESTATE HOMES (SYMPHONY) INC

on Thursday May 11, 2017

Cachet Estate Homes (Symphony) Inc is the owner of 5176 Symphony Court being Part of Lot 1, Concession 4 WHS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a detached dwelling on the subject property proposing:

1. a front yard to the corner daylight triangle of 4.00m (13.12ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance,
2. an exterior side yard of 4.80m (15.74ft.) and 4.00m (13.12ft) to the corner daylight triangle; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. to permit a porch to encroach 2.80m (9.18ft.) into the required yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment in to the required yard of 1.60m (5.24ft.) in this instance; and,
4. a centreline setback of 16.20m (53.14ft.) to Mississauga Road; whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 19.00m (62.33ft.) in this instance.

On February 9, 2017, Mr. J. Levac, the authorized agent, attended and requested a deferral of the application. Mr. Levac advised the Committee that a draft Plan of Subdivision had recently been approved and that Site Plan Approval applications were the next step in the development approval process. He explained that the Site Plan Approval applications may facilitate design changes to the proposal and may result in additional variances.

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

City of Mississauga, Planning and Building Department (February 6, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3

**Other Applications:**

Site Plan Application: Required

Building Permit: Required

**Comments**

**Zoning**

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

We note that the proposed lots are not registered, and do not appear to exist in the configuration show. An additional variance would be required to permit multiple dwellings on a single lot.

**Planning**

The subject site is located on Mississauga Road north of Eglinton Avenue West, and south of the St. Lawrence and Hudson rail corridor. The site is located in the Central Erin Mills Neighbourhood, south of the Streetsville Neighbourhood. The context is low density residential dwellings. A designated heritage dwelling abuts the property to the south.

The Notice of Confirmation of Approval of the Plan of Subdivision on the subject lands was issued on January 19, 2017 to permit fifteen lots, four of which front onto Mississauga Road. The plan is not registered at this time; it is the Department's opinion that the subject applications are premature until the lots on which the dwellings will be sited have been created.

The Draft Plan of Subdivision was considered in light of the existing "R3" zoning that would apply to the lots. The planning rationale for variances to accommodate new dwellings on newly-created lots is unclear, other than to accommodate a model dwelling type. Mississauga Road is a designated Scenic Route in Mississauga's Official Plan and seeks building setbacks that are consistent with buildings on surrounding lots. The development concept plan submitted with the Plan of Subdivision application and included in the Planning report for the statutory Public Meeting displays building setbacks for these dwellings that would comply with the zoning requirements.

Based on the preceding, and in our opinion, the application should be deferred."

City of Mississauga, Transportation and Works Department (February 2, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that this department has only reviewed the First Submission of the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003. Should Committee see merit in approving the requested variances it should be recognized that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

A letter was received from V. Aziz, a resident of 1804 Melody Drive, stating an objection to the subject application.

A letter was received from the residents of 5100, 5108, 5132, 5155, 5163 & 5171 Rothesay Court; 1804 Melody Drive; 5021, 5028, 5020, 5036, 5037, 5044, 5045, 5087, 5090, 5106, 5111, 5114, 5119 & 5127 Mississauga Road; 2022, 2023, 2038 & 2047 Montcrest Court and 1982 Royal Credit Boulevard stating an objection to the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 47/17  
WARD 11

The Committee consented to the request and deferred the application to the March 30, 2017 hearing.

On March 30, 2017, Mr. J. Levac, the authorized agent, attended and requested a deferral of the application to allow for a concurrent Site Plan Approval application to be reviewed by staff.

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

City of Mississauga, Planning and Building Department (March 24, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3

#### **Other Applications:**

Site Plan Application: Required  
Building Permit: Required

### **Comments**

#### **Zoning**

Comments provided for the February 9, 2017 hearing remain applicable.

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

We note that the proposed lots are not registered, and do not appear to exist in the configuration show. An additional variance would be required to permit multiple dwellings on a single lot.

#### **Planning**

The subject applications were deferred on February 9, 2017. No new submissions have been received. Our previous comments remain applicable.

The subject site is located on Mississauga Road north of Eglinton Avenue West, and south of the St. Lawrence and Hudson rail corridor. The site is located in the Central Erin Mills Neighbourhood, south of the Streetsville Neighbourhood. The context is low density residential dwellings. A designated heritage dwelling abuts the property to the south.

The Notice of Confirmation of Approval of the Plan of Subdivision on the subject lands was issued on January 19, 2017 to permit fifteen lots, four of which front onto Mississauga Road. The plan is not registered at this time; it is the Department's opinion that the subject applications are premature until the lots on which the dwellings will be sited have been created.

The Draft Plan of Subdivision was considered in light of the existing "R3" zoning that would apply to the lots. The planning rationale for variances to accommodate new dwellings on newly-created lots is unclear, other than to accommodate a model dwelling type. Mississauga Road is a designated Scenic Route in Mississauga's Official Plan and seeks building setbacks that are consistent with buildings on surrounding lots. The development



## MISSISSAUGA

File: "A" 47/17  
WARD 11

concept plan submitted with the Plan of Subdivision application and included in the Planning report for the statutory Public Meeting displays building setbacks for these dwellings that would comply with the zoning requirements.

Based on the preceding, and in our opinion, the application should be deferred."

City of Mississauga, Transportation and Works Department (March 23, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that this department is currently reviewing the Second Submission of the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003. Should Committee see merit in approving the requested variances it should be recognized that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

A letter was received from V. Aziz, a resident of 1804 Melody Drive, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.

On May 11, 2017, Mr. J. Levac, the authorized agent, attended and presented the application to construct a new dwelling on the subject property. Mr. Levac noted that the property was subject to a draft plan of subdivision that was in the final stages of execution and noted that the application needed to be amended to reflect the newly assigned municipal address of 5176 Symphony Court. He explained that the property being created would have a dwelling that would be accessed from Symphony Court and not Mississauga Road. Mr. Levac noted that substantial effort was made to design the dwelling in accordance with the Zoning By-law but noted that the orientation of the lot to Mississauga Road and the required road widening and daylight triangle creation resulted in variances.

Mr. Levac indicated that the Official Plan Amendment to modify the Mississauga Scenic Road policy had not been finalized and suggested that the proposed dwellings reflected the current policy.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood

Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3 (Residential)

#### **Other Applications:**

Site Plan Application: 17-66

### **Comments**

#### **Zoning**

Comments provided for the February 9, 2017 and March 30, 2017 hearing remain applicable.

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

In reviewing the variances as outlined in this application, it was apparent that the following variances should be amended as follows:

3. To permit a porch to encroach 2.80m (9.18 ft.) into the required exterior side yard; whereas By-law 225-2007, as amended permits a maximum encroachment in to the required yard of 1.60m (5.24 ft) in this instance.

### Planning

The subject applications were deferred on March 30, 2017. Site Plan Application SP 17-66 has been received and is in the process of being reviewed. Comments on the Site Plan Application are expected by the end of May, 2017. Our previous comments remain applicable.

The subject site is located on Mississauga Road north of Eglinton Avenue West, and south of the St. Lawrence and Hudson rail corridor. The site is located in the Central Erin Mills Neighbourhood, south of the Streetsville Neighbourhood. The context is low density residential dwellings. A designated heritage dwelling abuts the property to the south.

The Notice of Confirmation of Approval of the Plan of Subdivision on the subject lands was issued on January 19, 2017 to permit fifteen lots, four of which front onto Mississauga Road. The plan is not registered at this time; it is the Department's opinion that the subject applications are premature until the lots on which the dwellings will be sited have been created.

The Draft Plan of Subdivision was considered in light of the existing "R3" zoning that would apply to the lots. The planning rationale for variances to accommodate new dwellings on newly-created lots is unclear, other than to accommodate a model dwelling type. Mississauga Road is a designated Scenic Route in Mississauga's Official Plan and seeks building setbacks that are consistent with buildings on surrounding lots. The development concept plan submitted with the Plan of Subdivision application and included in the Planning report for the statutory Public Meeting displays building setbacks for these dwellings that would comply with the zoning requirements."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that to date the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003 has not yet been finalized. Should Committee see merit in approving the requested variances it should be recognized that that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

No other persons expressed any interest in the application.

Mr. Levac expressed his concern with Planning staffs measurement of the proposed porch encroachment. He requested that the application be amended in accordance with the recommended wording proposed by the Planning and Building Department

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



## MISSISSAUGA

File: "A" 47/17  
WARD 11

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 amended request is minor in nature in this instance.

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

1. a front yard to the corner daylight triangle of 4.00m (13.12ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance,
2. an exterior side yard of 4.80m (15.74ft.) and 4.00m (13.12ft) to the corner daylight triangle; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. a porch to encroach 2.80m (9.18 ft.) into the required exterior side yard; whereas By-law 225-2007, as amended permits a maximum encroachment in to he required yard of 1.60m (5.24ft) in this instance; and,
4. a centreline setback of 16.20m (53.14ft.) to Mississauga Road; whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 19.00m (62.33ft.) in this instance.



File: "A" 47/17  
WARD 11


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

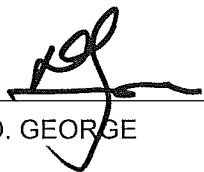
**APPLICATION APPROVED AS AMENDED**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

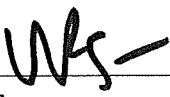
Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)

  
\_\_\_\_\_  
D. GEORGE

  
\_\_\_\_\_  
J. ROBINSON

\_\_\_\_\_  
DISSENTED  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

\_\_\_\_\_  
DISSENTED  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

CACHET ESTATE HOMES (SYMPHONY) INC

on Thursday May 11, 2017

Cachet Estate Homes (Symphony) Inc is the owner of 5170 Symphony Court being Part of Lot 1, Concession 4 WHS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a detached dwelling on the subject property proposing:

1. a front yard to the corner daylight triangle of 4.40m (14.43ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance,
2. an exterior side yard of 4.70m (15.41ft.) and 4.40m (14.43ft) to the corner daylight triangle; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. to permit a porch to encroach 3.00m (9.84ft.) into the required yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment in to the required yard of 1.60m (5.24ft.) in this instance; and,
4. a centreline setback of 15.80m (51.83ft.) to Mississauga Road; whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 19.00m (62.33ft.) in this instance.

On February 9, 2017, Mr. J. Levac, the authorized agent, attended and requested a deferral of the application. Mr. Levac advised the Committee that a draft Plan of Subdivision had recently been approved and that Site Plan Approval applications were the next step in the development approval process. He explained that the Site Plan Approval applications may facilitate design changes to the proposal and may result in additional variances.

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

City of Mississauga, Planning and Building Department (February 6, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood

Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3

**Other Applications:**

Site Plan Application: Required

Building Permit: Required

**Comments**

**Zoning**

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

We note that the proposed lots are not registered, and do not appear to exist in the configuration show. An additional variance would be required to permit multiple dwellings on a single lot.

**Planning**

The subject site is located on Mississauga Road north of Eglinton Avenue West, and south of the St. Lawrence and Hudson rail corridor. The site is located in the Central Erin Mills Neighbourhood, south of the Streetsville Neighbourhood. The context is low density residential dwellings. A designated heritage dwelling abuts the property to the south.

The Notice of Confirmation of Approval of the Plan of Subdivision on the subject lands was issued on January 19, 2017 to permit fifteen lots, four of which front onto Mississauga Road. The plan is not registered at this time; it is the Department's opinion that the subject applications are premature until the lots on which the dwellings will be sited have been created.

The Draft Plan of Subdivision was considered in light of the existing "R3" zoning that would apply to the lots. The planning rationale for variances to accommodate new dwellings on newly-created lots is unclear, other than to accommodate a model dwelling type. Mississauga Road is a designated Scenic Route in Mississauga's Official Plan and seeks building setbacks that are consistent with buildings on surrounding lots. The development concept plan submitted with the Plan of Subdivision application and included in the Planning report for the statutory Public Meeting displays building setbacks for these dwellings that would comply with the zoning requirements.

Based on the preceding, and in our opinion, the application should be deferred."

City of Mississauga, Transportation and Works Department (February 2, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that this department has only reviewed the First Submission of the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003. Should Committee see merit in approving the requested variances it should be recognized that that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

A letter was received from V. Aziz, a resident of 1804 Melody Drive, stating an objection to the subject application.

A letter was received from the residents of 5100, 5108, 5132, 5155, 5163 & 5171 Rothesay Court; 1804 Melody Drive; 5021, 5028, 5020, 5036, 5037, 5044, 5045, 5087, 5090, 5106, 5111, 5114, 5119 & 5127 Mississauga Road; 2022, 2023, 2038 & 2047 Montcrest Court and 1982 Royal Credit Boulevard stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the March 30, 2017 hearing.



File: "A" 48/17  
WARD 11

On March 30, 2017, Mr. J. Levac, the authorized agent, attended and requested a deferral of the application to allow for a concurrent Site Plan Approval application to be reviewed by staff.

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

City of Mississauga, Planning and Building Department (March 24, 2017)

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R3

**Other Applications:**

Site Plan Application: Required  
Building Permit: Required

**Comments**

**Zoning**

Comments provided for the February 9, 2017 hearing remain applicable.

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

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**Planning**

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## MISSISSAUGA

File: "A" 48/17  
WARD 11

concept plan submitted with the Plan of Subdivision application and included in the Planning report for the statutory Public Meeting displays building setbacks for these dwellings that would comply with the zoning requirements.

Based on the preceding, and in our opinion, the application should be deferred."

City of Mississauga, Transportation and Works Department (March 23, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that this department is currently reviewing the Second Submission of the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003. Should Committee see merit in approving the requested variances it should be recognized that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

A letter was received from V. Aziz, a resident of 1804 Melody Drive, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.

On May 11, 2017, On May 11, 2017, Mr. J. Levac, the authorized agent, attended and presented the application to construct a new dwelling on the subject property. Mr. Levac noted that the property was subject to a draft plan of subdivision that was in the final stages of execution and noted that the application needed to be amended to reflect the newly assigned municipal address of 5170 Symphony Court. He explained that the property being created would have a dwelling that would be accessed from Symphony Court and not Mississauga Road. Mr. Levac noted that substantial effort was made to design the dwelling in accordance with the Zoning By-law but noted that the orientation of the lot to Mississauga Road and the required road widening and daylight triangle creation resulted in variances.

Mr. Levac indicated that the Official Plan Amendment to modify the Mississauga Scenic Road policy had not been finalized and suggested that the proposed dwellings reflected the current policy.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3 (Residential)

#### **Other Applications:**

Site Plan Application: 17-66

## **Comments**

### **Zoning**

Comments provided for the February 9, 2017 and March 30, 2017 hearing remain applicable.

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

In reviewing the variances as outlined in this application, it was apparent that the following variances should be amended as follows:

3. To permit a porch to encroach 2.80m (9.18 ft.) into the required exterior side yard; whereas By-law 225-2007, as amended permits a maximum encroachment in to the required yard of 1.60m (5.24 ft) in this instance.

### **Planning**

The subject applications were deferred on March 30, 2017. Site Plan Application SP 17-66 has been received and is in the process of being reviewed. Comments on the Site Plan Application are expected by the end of May, 2017. Our previous comments remain applicable.

The subject site is located on Mississauga Road north of Eglinton Avenue West, and south of the St. Lawrence and Hudson rail corridor. The site is located in the Central Erin Mills Neighbourhood, south of the Streetsville Neighbourhood. The context is low density residential dwellings. A designated heritage dwelling abuts the property to the south.

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City of Mississauga, Transportation and Works Department (May 4, 2017)

"Acknowledging that we have no objections to the requested variances it should be noted that to date the Plan of Subdivision currently being processed under approved Draft Plan of Subdivision T-M14003 has not yet been finalized. Should Committee see merit in approving the requested variances it should be recognized that until such time that the Plan of Subdivision has been finalized/registered and the By-Law enacted to establish the new Proposed Street 'A' as a public roadway, changes/modifications could occur which could impact the requested variances."

No other persons expressed any interest in the application.

Mr. Levac expressed his concern with Planning staffs measurement of the proposed porch encroachment. He requested that the application be amended in accordance with the recommended wording proposed by the Planning and Building Department



## MISSISSAUGA

File: "A" 48/17  
WARD 11

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

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 amended request is minor in nature in this instance.

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

1. a front yard to the corner daylight triangle of 4.40m (14.43ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.68ft.) in this instance,
2. an exterior side yard of 4.70m (15.41ft.) and 4.40m (14.43ft) to the corner daylight triangle; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance,
3. a porch to encroach 2.80m (9.18 ft.) into the required exterior side yard; whereas By-law 225-2007, as amended permits a maximum encroachment in to he required yard of 1.60m (5.24ft) in this instance.; and,
4. a centreline setback of 15.80m (51.83ft.) to Mississauga Road; whereas By-law 0225-2007, as amended, requires a minimum centreline setback of 19.00m (62.33ft.) in this instance.



File: "A" 48/17  
WARD 11

MOVED BY: J. Page

SECONDED BY: D. George

CARRIED

**APPLICATION APPROVED AS AMENDED**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)

  
\_\_\_\_\_  
D. GEORGE

  
\_\_\_\_\_  
J. ROBINSON

\_\_\_\_\_  
DISSENTED  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

\_\_\_\_\_  
DISSENTED  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

MAYLIN WARGALA

on Thursday March 30, 2017

Maylin Wargala is the owner of 868 Beechwood Avenue being part of Lot 22, Registered Plan C-19, zoned R3-75 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a lot frontage of 8.96m (29.40ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) in this instance;
2. a lot area of 326.80m<sup>2</sup> (3,517.65sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m<sup>2</sup> (5,920.15sq.ft) in this instance;
3. a northerly side yard of 0.91m (2.99ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.94ft.) in this instance; and,
4. a southerly side yard of 1.20m (3.93ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.94ft.) in this instance.

On March 2, 2017, Mr. W. Oughtred, the authorized agent, attended and presented the application to construct a new two storey dwelling on the subject property. Mr. Oughtred advised the Committee that the subject property was deficient in frontage and area and confirmed that this was a historical condition.

Mr. Oughtred advised the Committee that he wished to amend the application to include relief for the southerly side yard and indicated that there was an oversight on the behalf of staff not to include it on the public hearing notice.

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

City of Mississauga, Planning and Building Department (February 28, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances.

### **Background**

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3-75 (Residential)

#### **Other Applications:**



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Building Permit File: Required

### Comments

#### Zoning

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

#### Planning

The application proposes a new two storey dwelling in the Lakeview Neighbourhood. The lot area and frontage are existing deficiencies.

The immediate context of Beechwood Avenue includes one storey, one and a half storey, and two storey dwellings. The property directly to the south is a two storey dwelling built in 1997. The property directly to the north is a two storey dwelling with a second storey addition built in 1995 and 1996. The lands directly to the west is part of a large parcel of lands zoned Open Space.

Variances #1 and #2 seek to legalize the existing lot condition. The application requests relief for lot coverage and a reduced side yard.

Variance #3 is for additional lot coverage. The proposed dwelling includes a porch of 4.77 m<sup>2</sup>. The total lot coverage would be approximately 37.56% when excluding the porch. The dwelling directly to the south is on a similar sized lot, and is approximately 35% lot coverage when excluding the porch. The proposed dwelling is narrower and deeper than the existing dwelling, and has approximately the same total lot coverage as the existing dwelling and accessory structure. In our opinion, variance #3 is considered minor and maintains the general intent of the Zoning By-law.

Variances #4 is for a reduced side yard on the north side of the dwelling. The south side of the property is subject to a mutual right of way. The proposed dwelling is narrower than the existing dwelling, and improves the current side yard. Access to the rear is provided from the south side. The proposed dwelling indicates transom windows on the north side of the rear bedroom, which alleviates privacy and overlook concerns. The dwellings on Beechwood Avenue and the surrounding area have a variety of side yard setbacks. In our opinion, variance #4 is considered minor and maintains the general intent of the Zoning By-law.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (February 23, 2017)

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

Credit Valley Conservation (February 15, 2017)

"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 property is located adjacent to Cumberland Creek and adjacent to land designated as a Mississauga Natural Area Survey - Significant Natural Site. 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.



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### ONTARIO REGULATION 160/06:

The southern portion of the 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). Based on the site plan submitted with this minor variance request, it appears that a small portion of the proposed development extends into our Regulated Area. As such, a CVC Permit is required.

### PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. A lot area of 326.80 square metres, whereas By-law 0225-2007, as amended, requires a minimum lot area of 550 square metres; and,
2. A lot frontage of 8.96 metres, whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0 metres; and
3. A northerly side yard setback of 0.91 metres and a southerly side yard setback of 1.20 metres, whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81 metres; and
4. A coverage of 39.01% (128.34 square metres) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (115.13 square metres), in this instance.

### COMMENTS:

The requested minor variance does not impact the Authority's interests. As such, CVC has no concerns and no objection to the approval of this minor variance by the Committee at this time. CVC staff are currently reviewing this application through the Potential Development application PD 17/007. CVC concerns are to be addressed through the forthcoming Permit process. A CVC Permit is required for the development as proposed.

Please circulate CVC any future correspondence regarding this application."

A letter was received from T. Urac, a resident of 522 Richey Crescent, expressing support for the subject application.

A letter was received from C. Wennerstrom & M. Wroblewski, residents of 516 Richey Crescent, expressing support for the subject application.

A letter was received from J. Horbatiuk & K. Kellar, residents of 864 Beechwood Avenue, stating an objection to the subject application.

A letter was received from W. Borgoros, a resident of 518 Richey Crescent, expressing support for the subject application.

No other persons expressed any interest in the application.

The Committee indicated that sufficient notification was required in accordance with the *Planning Act* and deferred the application to the March 30, 2017 hearing.

On March 30, 2017, Mr. W. Oughtred, the authorized agent, attended and presented the application. Mr. Oughtred advised the Committee that the frontage and lot area of the property were deficient in size and noted that these were historical site conditions and explained that this made it difficult to design a dwelling in compliance with the Zoning By-law. Mr. Oughtred noted that the side yards would be reduced in order to provide a functional floor plan. Mr. Oughtred noted that the dwelling would be tapered along the southerly side wall of the dwelling in efforts to minimize any impact on the southerly neighbour.

Mr. Oughtred confirmed that there was a mutual right-of-way registered over the common side yard with the southerly property to access a detached garage in the rear yard. Mr. Oughtred noted that this garage would be removed and suggested that this right-of-way could be removed from title as it would no longer be used.

Mr. Oughtred noted that he wished to amend the application to permit a lot coverage of 37.27% of the lot area. He indicated that the depth of the dwelling would be reduced to accommodate this reduction.

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

City of Mississauga, Planning and Building Department (March 28, 2017)

**"Recommendation"**

The Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances.

**Background**

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R3-75 (Residential)

**Other Applications:**

Building Permit File: Required

**Comments**

**Zoning**

Comments provided for the March 2, 2017 hearing remain applicable.

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

**Planning**

The application was deferred on March 2, 2017 in order to re-circulate a variance that was missing from the Notice.

The application proposes a new two storey dwelling in the Lakeview Neighbourhood. The lot area and frontage are existing deficiencies.

The immediate context of Beechwood Avenue includes one storey, one and a half storey, and two storey dwellings. The property directly to the south is a two storey dwelling built in 1997. The property directly to the north is a two storey dwelling with a second storey addition built in 1995 and 1996. The lands directly to the west is part of a large parcel of lands zoned Open Space.

Variances #1 and #2 seek to legalize the existing lot condition. The application requests relief for lot coverage and a reduced side yard.

Variance #3 is for additional lot coverage. The proposed dwelling includes a porch of 4.77 m<sup>2</sup>. The total lot coverage would be approximately 37.56% when excluding the porch. The dwelling directly to the south is on a similar sized lot, and is approximately 35% lot coverage when excluding the porch. The proposed dwelling is narrower and deeper than the existing dwelling, and has approximately the same total lot coverage as the existing dwelling and accessory structure. In our opinion, variance #3 is considered minor and maintains the general intent of the Zoning By-law.

Variances #4 and #5 are for a reduced side yards. The southerly side of the property is subject to a mutual right of way. The application requests a variance for a southerly side yard of 1.20 m to the second storey whereas 1.81 m is required, and a northerly side yard of 0.91 m whereas 1.81 m is required. The proposed dwelling is narrower than the existing dwelling, and improves the current northerly side yard. Access to the rear is provided from the south side. The proposed dwelling indicates transom windows on the northerly side of the rear bedroom, which alleviates privacy and overlook concerns. The dwellings on Beechwood Avenue and the surrounding area have a variety of side yard setbacks. In our opinion, variances #4 and #5 are considered minor and maintain the general intent of the Zoning By-law.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (March 23, 2017)

"Please refer to our comments submitted for the March 2, 2016 hearing of this application as those comments are still applicable."

Region of Peel, Environment, Transportation and Planning Services (March 28, 2017)

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

A letter was received from J. Horbatiuk & K. Kellar, residents of 864 Beechwood Avenue, stating an objection to the subject application.

Ms. C. Pierrard, a resident of 872 Beechwood Avenue, attended and expressed her concerns with the subject application. Ms. Pierrard indicated that the proposed dwelling depth was excessive and would obstruct her view of the green space abutting the rear of her property.

Mr. J. Horbatiuk, a resident of 864 Beechwood Avenue, attended expressed his objection to the subject application and suggested that the dwelling should be constructed in accordance with the Zoning By-law. Mr. Horbatiuk noted concerns with the dwelling depth and reduced side yards. He suggested that the proposed new driveway should be restricted in width to allow for additional landscaping opportunities. Mr. Horbatiuk identified additional concerns with the dwelling affecting the abutting environmental features.

Mr. K. Riddell, a resident of 512 Richey Crescent, attended and expressed his objection to the subject application. Mr. Riddell advised that undersized lots should be developed in accordance with the Zoning By-law.

No other persons expressed any interest in the application.

The Committee was of the opinion that the length and height of the dwelling resulted in an inappropriate amount of massing that would have a negative impact on the adjacent northerly property.

Mr. Oughtred requested a deferral of the application to consider redesigning the proposal.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.

On May 11, 2017, Mr. W. Oughtred, the authorized agent, attended and presented the application to construct a new dwelling on the subject property. Mr. Oughtred indicated that the dwelling was modified to eliminate the request for lot coverage and the dwelling depth reduced. He noted that he had discussions with the surrounding neighbours and indicated



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that his client had privately agreed to concessions involving landscaping for screening purposes.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances.

### **Background**

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R3-75 (Residential)

### **Comments**

#### **Zoning**

Comments provided for the March 2, 2017 and March 30, 2017 hearing remain applicable.

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

#### **Planning**

The application was deferred on March 30, 2017. The applicant has reduced the size of the dwelling, and the application no longer requires a variance for lot coverage.

The application proposes a new two storey dwelling in the Lakeview Neighbourhood. The lot area and frontage are existing deficiencies. Previously, the application requested a lot coverage of 39%, the current application proposed a lot coverage of 34.89%.

The immediate context of Beechwood Avenue includes one storey, one and a half storey, and two storey dwellings. The property directly to the south is a two storey dwelling built in 1997. The property directly to the north is a two storey dwelling with a second storey addition built in 1995 and 1996. The lands directly to the west is part of a large parcel of lands zoned Open Space.

Variances #1 and #2 seek to legalize the existing lot condition. The application requests relief for lot coverage and a reduced side yard.

Variances #3 and #5 are for a reduced side yards. The southerly side of the property is subject to a mutual right of way. The application requests a variance for a southerly side yard of 1.20 m to the second storey whereas 1.81 m is required, and a northerly side yard of 0.91 m whereas 1.81 m is required. The proposed dwelling is narrower than the existing dwelling, and improves the current northerly side yard. Access to the rear is provided from the south side. No windows are propose on the northerly side of dwelling, which alleviates privacy and overlook concerns. The dwellings on Beechwood Avenue and the surrounding area have a variety of side yard setbacks. In our opinion, variances #3 and #4 are considered minor and maintain the general intent of the Zoning By-law.

Based on the preceding, the Planning and Building Department has no objection to the application, but the applicant may wish to defer the application in order to verify the accuracy of the requested variances.



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WARD 1

City of Mississauga, Transportation and Works Department (May 4, 2017)

Please refer to our comments submitted for the March 2, 2017 Hearing as those comments are still applicable.

Credit Valley Conservation (April 25, 2017)

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

### **SITE CHARACTERISTICS:**

The property is located adjacent to Cumberland Creek and adjacent to land designated as a Mississauga Natural Area Survey - Significant Natural Site. 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:**

The southern portion of the 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). Based on the site plan submitted with this minor variance request, it appears that a small portion of the proposed development extends into our Regulated Area. As such, a CVC Permit is required.

### **PROPOSAL:**

The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. A lot frontage of 8.96 metres (29.40 feet), whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 metres (49.21 feet) in this instance; and
2. A lot area of 326.80 square metres (3,517.65 square feet), whereas By-law 0225-2007, as amended; requires a minimum lot area of 550.00 square metres (5,920.15 square feet) in this instance; and,
3. A northerly side yard of 0.91 metres (2.99 feet); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 metres (5.94 feet) in this instance; and
4. A southerly side yard of 1.20 metres (3.93 feet); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81 metres (5.94 feet) in this instance.

### **COMMENTS:**

The requested minor variance does not impact the Authority's interests. As such, CVC has no concerns and **no objection** to the approval of this minor variance by the Committee at this time. CVC staff are currently reviewing this application through the Potential Development application PD 17/007. CVC concerns are to be addressed through the forthcoming Permit process. A CVC Permit is required for the development as proposed.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 268) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

The Committee asked Mr. Oughtred. to confirm the accuracy of the subject application.

Mr. Oughtred confirmed that that the requested variances were accurate and that no additional variances were required. He requested the Committee to proceed with evaluating the merits of the application.

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

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

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

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

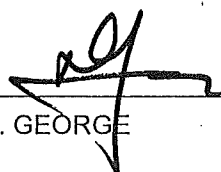
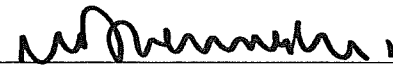
MOVED BY: D. George      SECONDED BY: J. Page      CARRIED

**APPLICATION APPROVED**

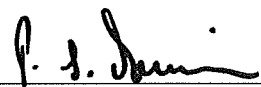
Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE

ABSENT  
\_\_\_\_\_  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY  
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

EIRAJ SOHAIL

on Thursday May 11, 2017

Eiraj Sohail is the owner of 1412 Birchwood Heights Drive being Lot 9, Registered Plan 388, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a gross floor area – infill residential of 450.59m<sup>2</sup> (4,850.14sq.ft); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 409.19m<sup>2</sup> (4,404.48sq.ft) in this instance;
2. an exterior side yard of 6.48m (21.26ft); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (24.61ft) in this instance;
3. a garage projection of 1.50m (4.92ft.); whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (0.00ft) in this instance; and,
4. a dwelling depth of 21.22m (69.62ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.62ft.) in this instance.

On March 30, 2017, Mr. J. Levac, a representative of the authorized agent, attended and requested a deferral of the application to consider modifying the proposal and for additional review of the application to occur.

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

City of Mississauga, Planning and Building Department (March 23, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

Zoning: R2-4 (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 requested variances or determine whether additional variances may be required.

### Planning

The Planning and Building Department is of the opinion that the applicant should defer the application to redesign the dwelling to reduce the Gross Floor Area (GFA). In reducing the GFA, some of the other variances could likely be eliminated or reduced, such as the request for dwelling depth. On top of the requested increase in GFA of 41.40 m<sup>2</sup> (445.63 sq. ft.), the applicant is also proposing multiple open to below areas in the dwelling, which account for an additional area of 67.80 m<sup>2</sup> (729.79 sq. ft.). Excessive open to below areas significantly increase the massing of a dwelling without being counted as additional GFA. The 67.80 m<sup>2</sup> (729.79 sq. ft.) of open to below areas are counted once for GFA but represent two storeys of massing on top of an already large dwelling. The Mineola Neighbourhood policies of the Official Plan state, in Section 16.18.1.1, that:

"For development of all detached dwellings on lands identified in the Site Plan Control By-law, the following will apply:

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."

There is a mix in this area of Mineola of newer infill housing projects and more modest older housing stock. There are relatively newly constructed dwellings directly adjacent to the subject property; however, neither of these dwellings received variances for GFA. The Department is of the opinion that the requested variances do not maintain the character of the neighbourhood as relates to either the older housing stock, or the newer infill projects. As a result, the proposal does not maintain the general intent of the Official Plan or the Zoning By-law.

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

City of Mississauga, Transportation and Works Department (March 23, 2017)

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP-17/046. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from I. & I. Hodge, residents of 199 Kenollie Avenue, stating an objection to the subject application.

A letter was received from S. Taddeo & L. Noor, residents of 1405 Glenwood Drive, stating an objection to the subject application.

A letter was received from H. Albrecht, a resident of 1411 Glenwood Drive, stating an objection to the subject application.

A letter was received from M. & M. Golias, residents of 1404 Birchwood Heights Drive, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.



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WARD 1

On May 11, 2017, Mr. M. Lucic, a representative of the authorized agent, attended presented the application. Mr. Lucic provided the Committee was an overview of the design elements that had been changed during the interim of the deferral to improve the design and massing of the dwelling. He explained that the floor area and dwelling depth had been reduced but noted that some of the dwelling depth was the result of the enhanced architectural features that were proposed for the dwelling.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

**Zoning:** R2-4 (Residential)

#### **Other Applications:**

Building Permit File: Required  
Site Plan Approval 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 variances, or determine whether additional variances may be required.

#### **Planning**

Notwithstanding the above, the applicant has revised their proposal and has met with staff since the previous hearing and, although a resubmission was not received in time to recirculate the updated notice, the applicant has indicated that they intend to amend the requested variances as follows:

"1. A gross floor area – infill residential of 419.10 m<sup>2</sup> (4511.21 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential or 409.19 m<sup>2</sup> (4404.49 sq. ft.) in this instance;

2. an exterior side yard of 6.48 m (21.26 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.61 ft.) in this instance;

3. a garage projection of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00 m (0.00 ft.) in this instance; and,

4. a dwelling depth of 20.66 m (67.78 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (65.62 ft.) in this instance."

The applicant's amended request has not been reviewed by Zoning staff and as a result the accuracy of the wording and the request is the applicant's responsibility.



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File: "A" 117/17  
WARD 1

Planning staff were initially concerned with the original request for increased Gross Floor Area (GFA) and the increased massing effect it would have on the streetscape if it were approved. Through conversations and meetings with the applicant alterations were made to the proposal to address these concerns. The overall GFA of the dwelling was reduced by 31.49 m<sup>2</sup> (338.96 sq. ft.), which also helped reduce the overall depth of the dwelling, improving that condition as well.

Staff were also concerned with the added increased massing effect of the large open to below areas located in parts of the dwelling in the original proposal. Although these open to below areas largely remain, the design of the dwelling in these locations has been altered to significantly soften the roofline and the appearance of the dwelling from the street. The eaves were pulled down in many areas and the roofline was designed in a way to present as closer to a single storey or on and a half storey dwelling in the areas where the large open to below areas are present, which help to limit any potential massing impacts. Further, other features such as the covered porch on the north side of the dwelling were removed to help further reduce the amount of structure on the lot, despite the covered porch not being factored into a GFA calculation.

The intention of the garage projection provision is that the garage does not become a dominant visual feature on the dwelling. The requested projection of 1.50 m (4.92 ft.) is a relatively minor projection and does not form the focal point of the front of the dwelling; the subject property is a corner lot and the side of the dwelling fronting onto Kenollie Avenue is the side of the dwelling that has been designed to present as the main front face.

The exterior side yard setback variance is only required to one portion of the dwelling near the front entrance way and the majority of the dwelling along Kenollie Avenue complies with the required setback provisions of the Zoning By-law.

The Planning and Building Department is of the opinion that the redesigned dwelling is characteristic of new construction in the area and is in scale with what the Zoning By-law intends for new infill housing on a lot of this size, in this neighbourhood."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from H. Albrecht, a resident of 1411 Glenwood Drive, stating an objection to the subject application.

A letter was received from S. Taddeo & L. Noor, residents of 1405 Glenwood Drive, stating an objection to the subject application.

Mr. M. Golias, a resident of 1404 Birchwood Heights Drive, attended and expressed his objection to the subject application.

Ms. I. Hodge, a resident of 199 Kenollie Avenue, attended and expressed her concerns with the possible destruction of the mature trees and environmental features of the property. She noted concerns with the design of the dwelling particularly with the proposed covered porches.

Mr. C. Culbert, a resident of 1403 Birchwood Heights Drive, attended and expressed her objection to the subject application and indicated her preference for the Zoning By-law to be respected.

No other persons expressed any interest in the application.

Mr. Lucic confirmed that 4 mature trees that were to be removed and that he was unaware if any additional trees would be planted.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Lucic and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The committee indicated that the variances individually were minor but noted the balcony at the rear was inappropriate and indicated that revised plans without this balcony would be required. The Committee was of the opinion that the balance of the dwelling was designed appropriately for the lot.

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 amended request is minor in nature in this instance.

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

1. A gross floor area – infill residential of 419.10 m<sup>2</sup> (4511.21 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential or 409.19 m<sup>2</sup> (4404.49 sq. ft.) in this instance.
2. An exterior side yard of 6.48 m (21.26 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.61 ft.) in this instance.
3. A garage projection of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00 m (0.00 ft.) in this instance.
4. A dwelling depth of 20.66 m (67.78 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (65.62 ft.) in this instance.

This decision is subject to the following condition:

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



File: "A" 117/17  
WARD 1

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

**APPLICATION APPROVED AS AMENDED ON CONDITION AS STATED**


Dated at the City of Mississauga on May 18, 2017.

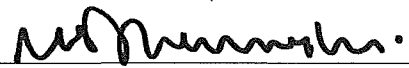
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JUNE 7, 2017**.

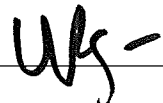
Date of mailing is May 19, 2017.

  
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S. PATRIZIO (CHAIR)

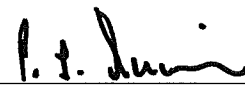
  
\_\_\_\_\_  
D. GEORGE

  
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J. ROBINSON

  
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D. KENNEDY

  
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J. PAGE

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ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC.

on Thursday May 11, 2017

Queenscorp (Port Credit) Inc. is the owner of 27 Rosewood Avenue being Lot 28, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot frontage of 7.62m (25.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (32.15ft.) in this instance.
2. an exterior side yard of 1.22m (4.00ft.) measured to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance.
3. an exterior side yard of 1.22m (4.00ft.) measured to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance.
4. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
5. a lot coverage of 47.50%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
6. a dwelling height of 10.70m (35.10ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) in this instance.
7. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
8. a detached garage without direct access to a street; whereas By-law 0225-2007, requires a detached garage to be accessible by a street, private road or CEC in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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



## MISSISSAUGA

File: "A" 118/17  
WARD 1

City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

#### **Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."



## MISSISSAUGA

File: "A" 118/17  
WARD 1

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mentis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single



## MISSISSAUGA

File: "A" 118/17  
WARD 1

detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from L. Buckle, a resident of 26 Woodlawn Avenue, stating an objection to the subject application.

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. D. Hammond, a resident of 17 Elmwood Avenue, attended and expressed his objection to the application. He noted various concerns with the proposal and with changes within the area.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended expressed his concerns with the design of the proposed dwellings. He indicated that the rooftop terraces would have a negative overlook condition and noted the construction of the dwellings may damage the trees abutting the common property line. Mr. Laban indicated that the proposal would impact the view from his property.

Mr. K. Kelly, a resident of 25 Rosewood Avenue, attended expressed his concerns with the proposal. Mr. Kelly noted that there would be an undesirable overlook condition resulting from the rooftop terraces and suggested this would impede the privacy of his home. He identified concerns that construction of the dwellings may damage the trees abutting the common property line.

No other persons expressed any interest in the application.

The Committee expressed its concern with respect to the design of the rooftop terraces and the resultant overlook and privacy impacts. The Committee deferred the application to the May 11, 2017 hearing to allow the applicant to provide revised plans depicting a reduced rooftop terrace that minimized the overlook conditions over the adjacent properties.

On May 11, 2017, Mr. E. Warankie, the authorized agent, attended and presented the application. Mr. Warankie indicated that the rooftop terrace had been revised in order to minimize the overlook and privacy concerns raised by the surrounding property owners. Mr. Warankie indicated that the size of the terrace had been reduced and that the parapet wall was significantly widened to restrict the view from the terrace.

Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

**"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

## **Background**

### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

### **Other Applications:**

Building Permit File: 17-4968

## **Comments**

### **Zoning**

The Planning and Building Department is currently processing a Pre-Zoning Review application; however, the most recent iterations of the plans have not been reviewed by Zoning staff and we are unable to comment on the accuracy of the requested variances.

### **Planning**

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended and expressed his concerns with the terrace with respect to overlook and privacy concerns. He noted additional concerns with future modifications of the terrace to enlarge its size.

No other persons expressed any interest in the application.

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

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

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



## MISSISSAUGA

File: "A" 118/17  
WARD 1

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: D. George      CARRIED


**APPLICATION APPROVED ON CONDITION AS STATED.**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017.**

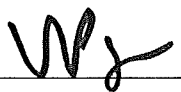
Date of mailing is May 19, 2017.

  
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S. PATRIZIO (CHAIR)

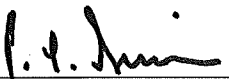
  
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D. GEORGE

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ABSENT  
J. ROBINSON

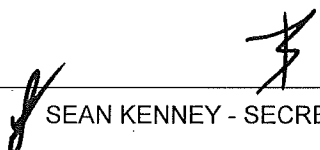
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ABSENT  
D. KENNEDY

  
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J. PAGE

\_\_\_\_\_  
ABSENT  
D. REYNOLDS

  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC.

on Thursday May 11, 2017

Queenscorp (Port Credit) Inc. is the owner of 27 Rosewood Avenue being Lot 28, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
2. a lot coverage of 47.50%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
3. a dwelling height of 10.70m (35.10ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) in this instance.
4. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
5. a detached garage without direct access to a street; whereas By-law 0225-2007, requires a detached garage to be accessible by a street, private road or CEC in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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

City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation"**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II



File: "A" 119/17  
WARD 1

**Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

**Other Applications:**

Building Permit File: 17-4968

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

**Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mentis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.



## MISSISSAUGA

File: "A" 119/17  
WARD 1

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a



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result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.



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Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from L. Buckle, a resident of 26 Woodlawn Avenue, stating an objection to the subject application.

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. D. Hammond, a resident of 17 Elmwood Avenue, attended and expressed his objection to the application. He noted various concerns with the proposal and with changes within the area.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended expressed his concerns with the design of the proposed dwellings. He indicated that the rooftop terraces would have a negative overlook condition and noted the construction of the dwellings may damage the trees abutting the common property line. Mr. Laban indicated that the proposal would impact the view from his property.

Mr. K. Kelly, a resident of 25 Rosewood Avenue, attended expressed his concerns with the proposal. Mr. Kelly noted that there would be an undesirable overlook condition resulting from the rooftop terraces and suggested this would impede the privacy of his home. He identified concerns that construction of the dwellings may damage the trees abutting the common property line.

No other persons expressed any interest in the application.

The Committee expressed its concern with respect to the design of the rooftop terraces and the resultant overlook and privacy impacts. The Committee deferred the application to the May 11, 2017 hearing to allow the applicant to provide revised plans depicting a reduced rooftop terrace that minimized the overlook conditions over the adjacent properties.

On May 11, 2017, Mr. E. Warankie, the authorized agent, attended and presented the application. Mr. Warankie indicated that the rooftop terrace had been revised in order to minimize the overlook and privacy concerns raised by the surrounding property owners. Mr. Warankie indicated that the size of the terrace had been reduced and that the parapet wall was significantly widened to restrict the view from the terrace.

Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

### **"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II



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**Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

**Other Applications:**

Building Permit File: 17-4968

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Pre-Zoning Review application; however, the most recent iterations of the plans have not been reviewed by Zoning staff and we are unable to comment on the accuracy of the requested variances.

**Planning**

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended and expressed his concerns with the terrace with respect to overlook and privacy concerns. He noted additional concerns with future modifications of the terrace to enlarge its size.

No other persons expressed any interest in the application.

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

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

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



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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: D. George      CARRIED

### APPLICATION APPROVED ON CONDITION AS STATED.

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC.

on Thursday May 11, 2017

Queenscorp (Port Credit) Inc. is the owner of 28 Elmwood Avenue North being Lot 50, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot frontage of 7.62m (25.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (32.15ft.) in this instance.
2. an exterior side yard of 1.22m (4.00ft.) measured to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance.
3. an exterior side yard of 1.22m (4.00ft.) measured to the detached garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) in this instance.
4. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
5. a lot coverage of 47.50%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
6. a dwelling height of 10.94m (35.89ft); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft) in this instance.
7. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
8. a laneway width of 7.51m (24.60ft); whereas By-law 0225-2007, permits a maximum driveway width of 5.20m (17.10ft) in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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



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City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation**

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

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

#### **Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."



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A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mantis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single



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detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from L. Buckle, a resident of 26 Woodlawn Avenue, stating an objection to the subject application.

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. D. Hammond, a resident of 17 Elmwood Avenue, attended and expressed his objection to the application. He noted various concerns with the proposal and with changes within the area.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended expressed his concerns with the design of the proposed dwellings. He indicated that the rooftop terraces would have a negative overlook condition and noted the construction of the dwellings may damage the trees abutting the common property line. Mr. Laban indicated that the proposal would impact the view from his property.

Mr. K. Kelly, a resident of 25 Rosewood Avenue, attended expressed his concerns with the proposal. Mr. Kelly noted that there would be an undesirable overlook condition resulting from the rooftop terraces and suggested this would impede the privacy of his home. He identified concerns that construction of the dwellings may damage the trees abutting the common property line.

No other persons expressed any interest in the application.

The Committee expressed its concern with respect to the design of the rooftop terraces and the resultant overlook and privacy impacts. The Committee deferred the application to the May 11, 2017 hearing to allow the applicant to provide revised plans depicting a reduced rooftop terrace that minimized the overlook conditions over the adjacent properties.

On May 11, 2017, Mr. E. Warankie, the authorized agent, attended and presented the application. Mr. Warankie indicated that the rooftop terrace had been revised in order to minimize the overlook and privacy concerns raised by the surrounding property owners. Mr. Warankie indicated that the size of the terrace had been reduced and that the parapet wall was significantly widened to restrict the view from the terrace.

Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

**"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

## Background

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

Zoning: RM7-5 (Residential)

### Other Applications:

Building Permit File: 17-4968

## Comments

### Zoning

The Planning and Building Department is currently processing a Pre-Zoning Review application; however, the most recent iterations of the plans have not been reviewed by Zoning staff and we are unable to comment on the accuracy of the requested variances.

### Planning

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended and expressed his concerns with the terrace with respect to overlook and privacy concerns. He noted additional concerns with future modifications of the terrace to enlarge its size.

No other persons expressed any interest in the application.

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

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

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



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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: D. George      CARRIED

### APPLICATION APPROVED ON CONDITION AS STATED.

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC.

on Thursday May 11, 2017

Queenscorp (Port Credit) Inc. is the owner of 28 Elmwood Avenue North being Lot 50, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
2. a lot coverage of 47.40%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
3. a dwelling height of 10.94m (35.84ft); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft) in this instance.
4. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
5. a detached garage without direct access to a street; whereas By-law 0225-2007, requires a detached garage to be accessible by a street, private road or CEC in this instance.
6. a laneway width of 7.50m (24.60ft); whereas By-law 0225-2007, permits a maximum driveway width of 5.20m (17.10ft) in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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

City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation"**

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

### **Background**

### **Mississauga Official Plan**



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File: "A" 121/17  
WARD 1

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

#### **Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mentis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 121/17  
WARD 1

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb



## MISSISSAUGA

File: "A" 121/17  
WARD 1

along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from L. Buckle, a resident of 26 Woodlawn Avenue, stating an objection to the subject application.

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. D. Hammond, a resident of 17 Elmwood Avenue, attended and expressed his objection to the application. He noted various concerns with the proposal and with changes within the area.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended expressed his concerns with the design of the proposed dwellings. He indicated that the rooftop terraces would have a negative overlook condition and noted the construction of the dwellings may damage the trees abutting the common property line. Mr. Laban indicated that the proposal would impact the view from his property.

Mr. K. Kelly, a resident of 25 Rosewood Avenue, attended expressed his concerns with the proposal. Mr. Kelly noted that there would be an undesirable overlook condition resulting from the rooftop terraces and suggested this would impede the privacy of his home. He identified concerns that construction of the dwellings may damage the trees abutting the common property line.

No other persons expressed any interest in the application.

The Committee expressed its concern with respect to the design of the rooftop terraces and the resultant overlook and privacy impacts. The Committee deferred the application to the May 11, 2017 hearing to allow the applicant to provide revised plans depicting a reduced rooftop terrace that minimized the overlook conditions over the adjacent properties.

On May 11, 2017, Mr. E. Warankie, the authorized agent, attended and presented the application. Mr. Warankie indicated that the rooftop terrace had been revised in order to minimize the overlook and privacy concerns raised by the surrounding property owners. Mr. Warankie indicated that the size of the terrace had been reduced and that the parapet wall was significantly widened to restrict the view from the terrace.

Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

#### **"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

#### **Background**

##### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

##### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

**Other Applications:**

Building Permit      File: 17-4968

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Pre-Zoning Review application; however, the most recent iterations of the plans have not been reviewed by Zoning staff and we are unable to comment on the accuracy of the requested variances.

**Planning**

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended and expressed his concerns with the terrace with respect to overlook and privacy concerns. He noted additional concerns with future modifications of the terrace to enlarge its size.

No other persons expressed any interest in the application.

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

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

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



## MISSISSAUGA

File: "A" 121/17  
WARD 1

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: D. George      CARRIED

### APPLICATION APPROVED ON CONDITION AS STATED.

Dated at the City of Mississauga on May 18, 2017.

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 JUNE 7, 2017.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC

on Thursday May 11, 2017

Queenscorp (Port Credit) Inc. is the owner of 24 Elmwood Avenue North being Lot 49, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
2. a lot coverage of 47.40%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
3. a dwelling height of 10.78m (35.37ft); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft) in this instance.
4. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
5. a detached garage without direct access to a street; whereas By-law 0225-2007, requires a detached garage to be accessible by a street, private road or CEC in this instance.
6. a laneway width of 7.00m (23.00ft), whereas By-law 0225-2007, permits a maximum driveway width of 5.20m (17.10ft) in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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

City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation"**

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

### **Background**

### **Mississauga Official Plan**



## MISSISSAUGA

File: "A" 122/17  
WARD 1

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

#### **Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mentis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 122/17  
WARD 1

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb



## MISSISSAUGA

File: "A" 122/17  
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along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

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No other persons expressed any interest in the application.

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Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

**"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

**Background**

**Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)



File: "A" 122/17  
WARD 1

**Other Applications:**

Building Permit File: 17-4968

**Comments**

**Zoning**

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**Planning**

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

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No other persons expressed any interest in the application.

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

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

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



## MISSISSAUGA

File: "A" 122/17  
WARD 1

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: D. George      CARRIED

### APPLICATION APPROVED ON CONDITION AS STATED.

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

Date of mailing is May 19, 2017.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

QUEENSCORP (PORT CREDIT) INC.

on Thursday May 11, 2017

QUEENSCORP (PORT CREDIT) INC. is the owner of 24 ELMWOOD AVENUE NORTH being lot 49, Registered Plan F-12, zoned RM7-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a semi-detached dwelling and a detached garage on the subject property (being the conveyed lands of Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17) proposing:

1. a lot coverage of 13.00% of the lot area for the detached garage; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 10.00% of the lot area in this instance.
2. a lot coverage of 47.50%; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance.
3. a dwelling height of 10.78m (35.37ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.60ft.) in this instance.
4. a detached garage; whereas By-law 0225-2007, as amended, requires an attached garage in this instance.
5. a detached garage without direct access to a street; whereas By-law 0225-2007, requires a detached garage to be accessible by a street, private road or CEC in this instance.
6. a laneway width of 7.00m (23.00ft.); whereas By-law 0225-2007, permits a maximum driveway width of 5.20m (17.10ft.) in this instance.

The lands are subject to Consent applications B17/17, B18/17, B19/17, B20/17, B21/17 & B32/17 and Minor Variance applications A118/17, A119/17, A120/17, A121/17, A122/17 & A123/17.

On March 23, 2017, Mr. M. Bozzo, a representative of the authorized agent, attended and requested a deferral of the application. Mr. Bozzo indicated that additional time was required to resolve the outstanding concerns identified by staff.

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

City of Mississauga, Planning and Building Department (March 17, 2017)

### **"Recommendation"**

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

### **Background**

### **Mississauga Official Plan**



## MISSISSAUGA

File: "A" 123/17  
WARD 1

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 (Residential)

### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, this application has not yet been reviewed by zoning staff and we are unable to provide comment with respect to the accuracy of the requested variances. Further, it appears that additional variances will be required; however, prior to a full review we are unable to determine the extent of what additional variances will be required.

#### **Planning**

The Planning and Building Department recommends that the applicant defer the application to allow time for the plans to be fully reviewed by the zoning division staff to ensure that all variances are correctly captured. Further, through conversations with the City Transportation and Works Department, we understand that they have requested some additional information to assess drainage and storm sewer capacity related to the proposed development. If there are any changes required to the proposal as a result of this review by Transportation and Works staff, the Planning and Building Department would like an additional chance to review the applications and comment on the proposal.

Although all variances have not been identified, the drawings are showing a partial third storey comprised of a terrace feature, which will require a height variance; the Planning and Building Department is of the opinion that the increased height is not appropriate and the applicant should consider removing the third storey terrace feature prior to the next hearing.

Based on the preceding information, the Planning and Building Department recommends that the application be deferred to allow for a comprehensive review of the applications and to provide the applicant time to redesign their dwellings to address staff concerns."

City of Mississauga, Transportation and Works Department (March 16, 2017)

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Applications 'B' 17-21/17."

Region of Peel, Environment, Transportation and Planning Services (March 21, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code.

The applicant may require the creation of private water / sanitary sewer servicing easements. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

A letter was received from S. Mentis, a resident of Woodlawn Avenue, stating an objection to the subject application.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 123/17  
WARD 1

The Committee consented to the request and deferred the application to the April 27, 2017 hearing.

On April 27, 2017, Mr. E. Warankie, the authorized agent, attended and presented the subject application to partition the property into six and for the development of three pairs of semidetached dwellings with detached garages accessed by a private driveway. Mr. Warankie presented a series of architectural plans depicting the proposal. He identified several architectural features that the proposed dwellings would have and suggested that these features contributed to an enhanced urban design. Mr. Warankie explained that the required relief for the height of the dwellings were the result of a recessed third storey vestibule that would access the rooftop terrace. He noted that the parapet wall would be enlarged in width in efforts to minimize any overlook condition over the adjacent residences from the terrace.

Mr. Warankie indicated that the single driveway access was a preferred urban design as it limited the amount of access points that the project would have on the street and would minimize traffic congestion. Mr. Warankie confirmed his commitment to attempt to preserve the existing trees on the property and adjacent properties.

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

City of Mississauga, Planning and Building Department (April 25, 2017)

### **"Recommendation"**

The Planning and Building Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured.

### **Background**

#### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

#### **Other Applications:**

Building Permit File: 17-4968

### **Comments**

#### **Zoning**

The Planning and Building Department is currently processing a Building Permit application; however, the most recent iterations of this application have not yet been reviewed by Zoning staff. As a result, we are unable to provide comment with respect to the accuracy of the requested variances or determine whether additional variances will be required.

#### **Planning**

The applicant is proposing to sever three existing lots in the Port Credit Neighbourhood for the purpose of constructing three sets of semi-detached dwellings. The RM7-5 zoning of the properties permits a variety of types of built form, including the currently existing single detached dwellings and the proposed semi-detached dwellings. The existing and proposed lot sizes and use are consistent with many other recent applications throughout the Port Credit Neighbourhood with RM7-5 zoning that have been before the Committee recently. Four of the six lots meet the Zoning By-law requirements for lot frontage and lot area; however, the two corner lots on Forest Avenue are deficient to the Zoning By-law requirement for lot frontage. This scenario is common through redevelopment in parts of Port Credit and Lakeview where the corner lots have been historically the same size and the interior lots. In this instance, the City boulevard areas between the lot line and the curb



## MISSISSAUGA

File: "A" 123/17  
WARD 1

along Forest Avenue is approximately 7.50 m (24.61 ft.), which provides ample additional separation distance from the street. Further there is no intention to alter this portion of the City boulevard in the foreseeable future so that separation distance will be maintained. As a result, the Department is of the opinion that the proposed use of the lots is appropriate and we have no objection to the request.

The applicant's proposal is unique compared to other standard semi-detached projects within the area in that they are on a corner with the combined lands fronting onto three separate streets. The applicant has proposed to access each of the six units in the rear, through a single shared roadway off of Forest Avenue. The access would be provided by the establishment of easements across the lots between any given unit and Forest Avenue and an agreement would be entered into by the purchasers of the dwellings; a sample agreement has been provided to City staff by the applicant.

The vehicular access in the rear allows for a much better interaction between the front face of the dwelling and the streets. The proposed design of the dwellings is consistent with broad urban design goals and allows more green space and landscaping in the front yard adjacent to the sidewalk and the street.

The requested height variance appears to be excessive at first glance; however, the portion of the dwelling that is captured by the increased height represents a fraction of the structure and would be barely visible from the street, if at all. The intent of the Zoning By-law provisions in restricting the height of flat roof dwellings is to restrict the ability to construct large three storey dwellings that cover the entire buildable area on the lot and in turn have significant negative massing impacts on the streetscape and adjacent neighbouring properties. In this instance, the main roof of the dwelling meets the 7.50 m (24.61 ft.) maximum flat roof height provision and only the parapet, which does not count towards dwelling height, and the limited rooftop access area, which exceed what the Zoning By-law permits. The Department is of the opinion that the general intent of the Zoning By-law is maintained and that the proposed dwellings will present as two storey dwellings generally consistent with what the Zoning By-law intended with the reduced height amendment to the Zoning By-law.

The proposed dwellings are adjacent to other two storey dwellings and the applicant has provided drawings showing that there are limited overlook conditions present from as a result of the rooftop access to the rooftop terrace area. Further, there are no Zoning By-law provisions which prevent the construction and use of the rooftop area as a useable terrace area, given that the main roof of the dwelling is within the 7.50 m (24.61 ft.) maximum allowable height.

Based on the preceding information, the Planning and Building Department is of the opinion that the applicant's requests are appropriate in the context of the lots and the neighbourhood. The requested Consent's allow for an appropriate use of the property and have regard for Section 51(24) of the *Planning Act*. The requested minor variances primarily serve to allow for the access and garage configuration in the rear of the properties and the other requests are minor deviations from the Zoning By-law requirements. The Department has no objection to the requested Consent applications and associated Minor Variances; however, the applicant may wish to defer the applications to submit updated Building Permits to ensure that all variances have been accurately captured."

City of Mississauga, Transportation and Works Department (April 20, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (April 26, 2017)

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service(s) may be required.

Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from L. Buckle, a resident of 26 Woodlawn Avenue, stating an objection to the subject application.

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. D. Hammond, a resident of 17 Elmwood Avenue, attended and expressed his objection to the application. He noted various concerns with the proposal and with changes within the area.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended expressed his concerns with the design of the proposed dwellings. He indicated that the rooftop terraces would have a negative overlook condition and noted the construction of the dwellings may damage the trees abutting the common property line. Mr. Laban indicated that the proposal would impact the view from his property.

Mr. K. Kelly, a resident of 25 Rosewood Avenue, attended expressed his concerns with the proposal. Mr. Kelly noted that there would be an undesirable overlook condition resulting from the rooftop terraces and suggested this would impede the privacy of his home. He identified concerns that construction of the dwellings may damage the trees abutting the common property line.

No other persons expressed any interest in the application.

The Committee expressed its concern with respect to the design of the rooftop terraces and the resultant overlook and privacy impacts. The Committee deferred the application to the May 11, 2017 hearing to allow the applicant to provide revised plans depicting a reduced rooftop terrace that minimized the overlook conditions over the adjacent properties.

On May 11, 2017, Mr. E. Warankie, the authorized agent, attended and presented the application. Mr. Warankie indicated that the rooftop terrace had been revised in order to minimize the overlook and privacy concerns raised by the surrounding property owners. Mr. Warankie indicated that the size of the terrace had been reduced and that the parapet wall was significantly widened to restrict the view from the terrace.

Mr. Warankie indicated that effort would be made to preserve the trees that were of the concern to the southerly abutting neighbours.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

#### **"Recommendation**

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances.

#### **Background**

##### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

##### **Zoning By-law 0225-2007**

Zoning: RM7-5 (Residential)

**Other Applications:**

Building Permit      File: 17-4968

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Pre-Zoning Review application; however, the most recent iterations of the plans have not been reviewed by Zoning staff and we are unable to comment on the accuracy of the requested variances.

**Planning**

The Committee previously approved the Consent applications associated with this development proposal at the April 27, 2017 Committee of Adjustment hearing; however, the minor variance applications were deferred in order for the applicant to provide some updated information related to the rooftop terrace at the Committee's request. The variance requests will not change through the process of the applicant delineating the extent of the terrace feature. The Planning and Building Department continues to have no objection to the requested variances; however, the applicant may wish to defer the application to go through a review of the most up to date plans through the Pre-Zoning Review application process to ensure the accuracy of the requested variances."

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

A letter was received from C. Barrett, a resident of 17 Rosewood Avenue, stating an objection to the subject application.

Mr. J. Laban, a resident of 22 Elmwood Avenue North, attended and expressed his concerns with the terrace with respect to overlook and privacy concerns. He noted additional concerns with future modifications of the terrace to enlarge its size.

No other persons expressed any interest in the application.

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

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

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



## MISSISSAUGA

File: "A" 123/17  
WARD 1

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: D. George      CARRIED

### APPLICATION APPROVED ON CONDITION AS STATED.

Dated at the City of Mississauga on May 18, 2017.

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 JUNE 7, 2017.

Date of mailing is May 19, 2017.



S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

J. ROBINSON

ABSENT

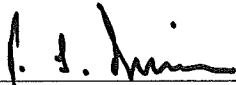
D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
SEAN KENNEY - 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

CRISTINA GABRIELA COSTACHE

on Thursday May 11, 2017

Cristina Gabriela Costache is the owner of 1071 West Avenue being Lot 71, Registered Plan C-23, zoned R3-75 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling and attached garage on the subject property proposing:

1. a lot coverage of 38.53% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
2. a front yard of 6.77m (22.21ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.61ft.) in this instance;
3. a northerly side yard of 1.22m (4.00ft.) measured to the first and second storeys; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) measured to the first storey and 1.81m (5.93ft.) measured to the second storey in this instance, and;
4. a southerly yard of 0.76m (2.49ft.) measured to the first and second storeys; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) measured to the first storey and 1.81m (5.93ft.) measured to the second storey in this instance.

On March 30, 2017, Mr. E. Peres, the authorized agent, attended and requested a deferral to allow the opportunity to meet with staff to resolve their outstanding concerns.

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

City of Mississauga, Planning and Building Department (March 23, 2017)

### "Recommendation"

The Planning and Building Department recommends that the applicant defer the application to allow them an opportunity to redesign the dwelling to address staff concerns.

### Background

#### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

#### Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

#### Other Applications:

Pre-Zoning Review Application File: 16-3761

**Comments**

**Zoning**

The Planning and Building Department is currently processing a Pre-Zoning Review Application and based on the review of the information currently available, the variances are correct, as requested.

**Planning**

The applicant is requesting four Minor Variances to permit the construction of a two storey dwelling on the subject property. The immediate neighbourhood context is an area that is made up primarily of bungalows. The Department recognizes that there will likely be redevelopment in the area in the near future; however, the applicant's proposal is not keeping within the existing or planned character of the area. There has been one two storey home recently developed in the immediate vicinity, which was constructed without the need for side yard or lot coverage variances.

Although the lot is narrower than a traditional R3 lot would normally be, the Department is of the opinion that the applicant can increase the side yard setbacks, which would decrease lot coverage at the same time, and construct a dwelling that is a more appropriate fit for the neighbourhood. The reduction in side yard setbacks on both sides of the dwelling, in conjunction with the lot coverage increase, will create negative impacts on the neighbouring bungalows on either side of the property. As a result we are of the opinion that the intent of the Zoning By-law is not maintained and that the requests are not desirable or appropriate, in this context.

Based on the preceding information, the Planning and Building Department recommends that the applicant defer the application to allow them an opportunity to redesign the dwelling to address staff concerns."

City of Mississauga, Transportation and Works Department (March 23, 2017)

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

Region of Peel, Environment, Transportation and Planning Services (March 28, 2017)

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

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 11, 2017 hearing.

On May 11, 2017, Mr. E. Peres, the authorized agent, attended and indicated that the dwelling had been modified to reduce the scope of the variances for the side yards.

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

City of Mississauga, Planning and Building Department (May 5, 2017)

**"Recommendation**

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

**Background**

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood



## MISSISSAUGA

File: "A" 124/17  
WARD 1

Designation: Residential Low Density II

### Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

### Other Applications:

Pre-Zoning Review File: 16-3761

### Comments

#### Zoning

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

#### Planning

The applicant was previously before the Committee on March 30, 2017 and the application was deferred to allow the applicant to do a redesign of the dwelling. In the time since the last hearing, the applicant met with planning staff to discuss the proposal. The most recent submission includes a slight increase in side yard setbacks to be provided. Although generally in the R3-75 zone, the Department would prefer to see larger side yards setbacks than that what the applicant is proposing, we recognize the difficulty in dealing with lots that are significantly undersized compared to what the R3 zoning contemplates. The provisions are geared towards lots with much larger frontages that would be able to provide the increased setbacks while still allowing for dwelling designs that are practical and functional on all storeys. Ultimately the intent of side yard setbacks are to provide adequate rear yard access, to ensure that new dwellings are not imposing on neighbouring properties, and to ensure that dwellings are developed in relative proportion to the lot size and overall lot fabric of the neighbourhood. In this instance, all of the surrounding lots are identical in size to the subject property and the Department is of the opinion that a reduction in side yard setbacks is appropriately proportional to adjacent dwellings and the lot size of the subject property and immediate neighbourhood.

The requested front yard setback reduction is consistent with adjacent dwellings and the neighbourhood and the requested variance for lot coverage is a relatively minor increase beyond what the Zoning By-law permits and should not have a negative impact.

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

City of Mississauga, Transportation and Works Department (May 4, 2017)

"Please refer to our comments submitted for the March 30, 2017 Hearing as those comments are still applicable."

Region of Peel, Environment, Transportation and Planning Services ( May 5, 2017)

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

For more information, please call our Site Servicing Technicians at 905.791.7800 x7973."

No other persons expressed any interest in the application.

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



## MISSISSAUGA

File: "A" 124/17  
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.



File: "A" 124/17  
WARD 1

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

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

**APPLICATION APPROVED**

Dated at the City of Mississauga on May 18, 2017.

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 **JUNE 7, 2017**.

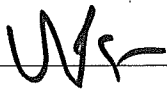
Date of mailing is May 19, 2017.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)

  
\_\_\_\_\_  
D. GEORGE

\_\_\_\_\_  
ABSENT  
J. ROBINSON

\_\_\_\_\_  
ABSENT  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

  
\_\_\_\_\_  
D. REYNOLDS

\_\_\_\_\_  
ABSENT  
P. QUINN

I certify this to be a true copy of the Committee's decision given on May 18, 2017.

  
\_\_\_\_\_  
SEAN KENNEY - 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.