COMMITTEE OF ADJUSTMENT RESULTS

MISSISSAUGA

Location: COUNCIL CHAMBER
Hearing: JULY 6, 2017 AT 1:30 P.M.

File	Name of Applicant	Location of Land	Ward	Decision
NEW APPLICATIONS - (CONSENT)				
B-050/17 A-295/17 A-296/17	WON JOON KIM	6985 SECOND LINE WEST	11	Nov. 2
B-051/17 A-299/17 A-300/17	PAT & FREDA TUCCIARONE	947 HALLIDAY AVE	1	Approved
B-052/17 A-297/17 A-298/17	DANE HAWKINS	1015 LORNE PARK RD	2	Refused
NEW APPLICATIONS - (MINOR VARIANCE)				
A-286/17	RAYMOND NG	945 SILVERTHORN MILL AVE	11	Approved
A-287/17	TASHFEEN CHAUDHRY	560 SHENANDOAH DR	2	Sep. 7
A-288/17	DAVE & TINA FRANCIONI	1522 CLEARWATER DR	1	Approved
A-289/17	NATALIIA LAVORSKA	1542 HAIG BLVD	1	Approved
A-290/17	KARIM VISRAM	31 WANITA RD	1	Aug. 24
A-291/17	HUSSAIN KHAIRUNNISA & HUSSAIN SYED MUHAMMED	1016 BANCROFT DR	11	Refused
A-292/17	ZAHRA JALALI FARAHANI & FARSHID GANJAVI	1511 BROADMOOR AVE	1	Approved
A-293/17	RUTH PICHORA & JEAN LALONDE	7050 GASLAMP WALK	11	Approved
A-294/17	ANNIE & BOSKO GAVRAN	7020 TAMAR MEWS	9	Approved
A-301/17	SYED MASOOD HUSSAIN & SHAMA NASREEN HUSSAIN	5881 GLEN ERIN DR	9	Approved
A-302/17	GURMEJ SINGH & JASBIR JOSAN	7115 MINOTOLA AVE	5	Approved
A-303/17	TRAVIS BELL	861 SUNNINGDALE BEND	2	Approved
A-304/17	1112396 ONTARIO LIMITED	7195 TORBRAM RD	5	Approved
A-305/17	MOHAMMAD MUSTAFA ALI & FOUZIA ALI	6553 NINTH LINE	10	Aug. 24
DEFERRED APPLICATIONS - (MINOR VARIANCE)				
A-387/16	GEORGE MOMCILOVIC	3428 THE CREDIT WOODLANDS	6	Approved 3 Years
A-097/17	VYAS BHAVIK, VYAS BIPINCHANDRA, VYAS CHANDRIKA	2468 EDENHURST DR	7	Approved
A-206/17	KAREN MCFARLANE	769 TERLIN BLVD	2	Approved
A-218/17	IAN CLANACHAN & VICTORIA STAR	2603 BARCELLA CRES	2	Approved

MISSISSAUGA

File: "B" 051/17
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

BIOCCA HOMES INC

on Thursday July 6, 2017

Biocca Homes Inc is the owner of 947 Halliday Avenue being part of Lots 2 - 4, Registered Plan C-21, zoned RM1-26 - Residential. The applicant requests the consent of the Committee for the conveyance of parcel of land having a frontage of 10.06m (33.00ft) and an approximate area of 354.60m^2 (3,816.88sq.ft.). the effect of this application is to create a new lot for residential purposes.

The lands are also the subject to Minor Variance files "A"299/17 and "A"300/17.

Mr. J. Levac, the authorized agent, attended and presented the application to partition the property into two identical sized lots and for the construction of a detached dwelling on each. He suggested that this was a preferable design compared to constructing a pair of semidetached dwellings and noted that the frontage and size of the properties would be able to accommodate appropriately sized dwellings. Mr. Levac displayed a map of the properties of the surrounding neighbourhood and suggested that the proposed conveyance was compatible with the surrounding lot pattern.

Mr. Levac confirmed that the ownership of the property had changed after the applications submission and requested for the application to be amended to reflect the new owner.

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 (June 29, 2017)
City of Mississauga, Transportation and Works Department (June 29, 2017)
City of Mississauga, Community Services Department, Park Planning (June 30, 2017)
Region of Peel, Public Works Department (June 30, 2017)

A letter was received from I. Rembacz, a representative of 1318 Alexandra Avenue, stating support for the subject application.

A letter was received from T. Hughes, a representative of 941 Halliday Avenue, stating support for the subject application.

A letter was received from C. D'Atri, a representative of 941 Halliday Avenue, stating support for the subject application.

A letter was received from S. Kenny, a representative of 1297 Alexandra Avenue, stating support for the subject application.

A letter was received from E. Rembacz, a representative of 1318 Alexandra Avenue, stating support for the subject application.

A letter was received from S. & J. Pyke, representatives of 958 Halliday Avenue, stating support for 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.

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, 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. The applicant shall submit 1 copy of the draft reference plan(s) for approval by 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. (A299/17 & A300/17)

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 June 29, 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 June 30, 2017.

MISSISSAUGA

File: "B" 051/17
WARD 1

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

APPLICATION APPROVED ON CONDITIONS AS STATED

Dated at the City of Mississauga on July 13, 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 **AUGUST 6, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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 **July 17, 2018.**

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

MISSISSAUGA

COMMITTEE OF ADJUSTMENT
PLANNING ACT - PROVISIONAL CONSENT
SCHEDULE OF **DRAFT** CONDITIONS

APPLICATION: **B51/17**

APPLICANT: **PAT & FREDA TUCCIARONE**
LOCATION: **947 HALLIDAY AVENUE**
MEETING DATE: **July 6, 2017**

THE FOLLOWING IS A LIST OF RECOMMENDED CONDITIONS THAT MAY BE ATTACHED TO THE DECISION GRANTING PROVISIONAL CONSENT. THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. The applicant shall submit 1 copy of the draft reference plan(s) for approval by 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. (A299/17 & A300/17)

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 June 29, 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 June 30, 2017.

Notes:

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be July 17, 2018.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

**** FOR APPLICANT'S REVIEW ONLY ****

MISSISSAUGA

File: "A" 299/17
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

BIOCCA HOMES INC

on Thursday July 6, 2017

Biocca Homes Inc is the owner of 947 Halliday Avenue being part of Lots 2 - 4, Registered Plan C-21, zoned RM1-26 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a single detached dwelling on the subject property (being the conveyed land of Consent application B51/17) proposing:

1. a lot frontage of 10.00m (32.80ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft) in this instance;

2. a lot area of 354.60m^2 (3,816.88sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00m^2 (3,928.83sq.ft.) in this instance.

Mr. J. Levac, the authorized agent, attended and presented the application to partition the property into two identical sized lots and for the construction of a detached dwelling on each. He suggested that this was a preferable design compared to constructing a pair of semidetached dwellings and noted that the frontage and size of the properties would be able to accommodate appropriately sized dwellings. Mr. Levac displayed a map of the properties of the surrounding neighbourhood and suggested that the proposed conveyance was compatible with the surrounding lot pattern.

Mr. Levac confirmed that the ownership of the property had changed after the applications submission and requested for the application to be amended to reflect the new owner.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

"**Recommendation**
The Planning and Building Department has no objection to the requested consent application and associated minor variances; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that all required variances have been accurately identified.

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 information provided, or determine whether additional variances may be required.

Planning
The applicant is requesting approval to sever the subject property to permit the construction of two new two storey dwellings. The application requires minor variances to allow for a reduced lot frontage and lot area for both the severed and retained lands. The subject lands are zoned to permit both single detached and semi-detached dwellings; however, Halliday Avenue and the surrounding neighbourhood is comprised predominantly of single detached dwellings. Halliday Avenue between Alexandra Avenue and Meredith Avenue is comprised of slightly larger lots than what is characteristic of the general broader neighbourhood and Lakeview as a whole.

As per section 16.1.2.1 of the Mississauga Official Plan, planning staff have conducted an analysis of the lands within 120 m (393.70 ft.) of the subject property. Section 16.1.2.1 of the Official Plan states that:

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

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

or

b. the requirements of the Zoning By-law.

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

The results of the analysis are as follows:

	Lot Area (m^2)	Lot Frontage (m)
Average	726.25 (7817.29 sq. ft.)	19.38 (63.58 ft.)
Proposed	354.60 (3816.88 sq. ft.)	10.00 (32.81 ft.)

Although the results show that the resulting lots are significantly deficient to the average lot area and lot frontage of the lots within 120 m (393.70 ft.), the study area represents a small sample of lots along Halliday Avenue, which are not characteristic of the broader neighbourhood, and fails to accurately represent the characteristics of many of the comparable lots on Alexandra and Meredith Avenues. The 120 m (393.70 ft.) test must be considered as one policy in conjunction with other Official Plan policies and the context of the greater neighbourhood.

The proposed lot sizes are within the range of the majority of lots along the adjacent streets, which range between approximately 9.00 m (29.53 ft.) and 12.00 m (39.37 ft.) in frontage and have varying lot areas. The applicant is proposing to construct new single detached dwellings that appear to comply with all the Zoning By-law provisions for the RM1-26 zone, although without a Building Permit we cannot confirm that no additional variances are required.

Neighbourhoods are not meant to be static and gentle intensification through infill development in appropriate locations is encouraged throughout the hierarchy of planning documents in the province. The Planning and Building Department is of the opinion that the

proposed consent and associated minor variance applications will allow for appropriately sized dwellings in the context of the Lakeview Neighbourhood and that the scale and character of the surrounding area will be respected and maintained.

Based on the preceding information, the Planning and Building Department has no objection to the requested consent application and associated minor variances; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that all required variances have been accurately identified."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This Department is addressing these applications as part of Severance Application 'B'-51/17."

City of Mississauga, Community Services Department, Park Planning (June 30, 2017)

"The Park Planning Section of the Community Services Department (Community Services) has reviewed the above noted consent and minor variance applications and advises as follows:

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

1. One (1) Sugar Maple – good condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of $1,323.45 for the above noted tree.

2. The applicant shall provide framed tree hoarding to the dripline of the above noted tree to the satisfaction of City of Mississauga Forestry Staff.

In addition, Community Services notes the following:

1. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West. Any damage to the above noted City trees will result in the full or partial loss of street protection securities, as determined by City of Mississauga Forestry Staff.

2. Please be advised that securities may be held for up to two years, as determined by City of Mississauga Forestry Staff.

3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws."

Region of Peel, Public Works Department (June 30, 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 I. Rembacz, a representative of 1318 Alexandra Avenue, stating support for the subject application.

A letter was received from T. Hughes, a representative of 941 Halliday Avenue, stating support for the subject application.

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A letter was received from E. Rembacz, a representative of 1318 Alexandra Avenue, stating support for the subject application.

A letter was received from S. & J. Pyke, representatives of 958 Halliday Avenue, stating support for the subject application.

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.

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

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

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 300/17
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 -
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on Thursday July 6, 2017

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1. a lot frontage of 10.00m (32.80ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft) in this instance;

2. a lot area of 354.60m^2 (3,816.88sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00m^2 (3,928.83sq.ft.) in this instance.

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

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proposed consent and associated minor variance applications will allow for appropriately sized dwellings in the context of the Lakeview Neighbourhood and that the scale and character of the surrounding area will be respected and maintained.

Based on the preceding information, the Planning and Building Department has no objection to the requested consent application and associated minor variances; however, the applicant may wish to defer the application to apply for the required Building Permit to ensure that all required variances have been accurately identified."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This Department is addressing these applications as part of Severance Application 'B'-51/17."

City of Mississauga, Community Services Department, Park Planning (June 30, 2017)

"The Park Planning Section of the Community Services Department (Community Services) has reviewed the above noted consent and minor variance applications and advises as follows:

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

1. One (1) Sugar Maple – good condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of $1,323.45 for the above noted tree.

2. The applicant shall provide framed tree hoarding to the dripline of the above noted tree to the satisfaction of City of Mississauga Forestry Staff.

In addition, Community Services notes the following:

1. Payment of tree preservation securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West. Any damage to the above noted City trees will result in the full or partial loss of street protection securities, as determined by City of Mississauga Forestry Staff.

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3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws."

Region of Peel, Public Works Department (June 30, 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."

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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.

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

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

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "B" 52/17
WARD 2

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

DANE HAWKINS

on Thursday July 6, 2017

Dane Hawkins is the owner of 1015 Lorne Park Road being part of Lot 23, Concession 2, SDS, zoned R2-1 - Residential. The applicant requests the consent of the Committee for the conveyance of parcel of land having a frontage of 9.90m (32.48ft) and an approximate area of 512.30m^2 (5,514.35sq.ft.). The effect of this application is to create a new lot for residential purposes.

The lands are also the subject to Minor Variance files "A"297/17 and "A"298/17.

Mr. F. Romano, the authorized agent, attended and presented the application to partition the property into two lots. Mr. Romano identified that the subject property was a corner lot and was surrounded by varying development that included low density residential, townhouses and a gas station.

It was Mr. Romano's opinion that the residential properties within surrounding neighbourhood had a variety of lot frontages and areas. He identified several lots that were smaller in frontage than that average lot frontage identified in the Planning staff report. He suggested that the proposal was an appropriate transition from the higher density residential townhouses on Lakeshore Road West to the lower density residential development within the interior of Lorne Park Road. Mr. Romano was of the opinion that the proposed deficient lot sizes and frontages were appropriate within the context of the surrounding area.

Mr. Romano noted that the conceptual architectural plans of the dwellings that may be constructed on the properties were sensitive to the character of the 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 (June 29, 2017)
City of Mississauga, Transportation and Works Department (June 29, 2017)
City of Mississauga, Community Services Department, Park Planning (June 30, 2017)
Region of Peel, Public Works Department (June 30, 2017)

A letter was received from Ward Councillor Ras expressing concerns with the subject application.

A letter was received from B. Puddicombe, a representative of 1026 Red Pine Crescent, stating an interest in the application.

A letter was received from representatives of 1011, 1016, 1019, 1023 & 1029 Lorne Park Road, confirming that they did not object to the application.

No other persons expressed any interest in the application.

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

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

The Committee, after considering the submissions put forward by Mr. Romano, the comments received and the recommended conditions, is not satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee did not accept Mr. Romano's opinion that the property would function as a transition between the townhouses on Lakeshore Road West and the detached dwellings on Lorne Park Road. The Committee was of the opinion that the proposed lot frontages would not reflect the existing lot pattern within the appropriate study area. They expressed concerns with traffic safety as additional driveways would be inappropriately located adjacent to the intersection of Lorne Park Road and Lakeshore Road West.

The Committee is not satisfied that the conveyance is appropriate for the development of the retained and severed lands.

The Committee did not consider this request minor or appropriate.

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

MISSISSAUGA

File: "B" 52/17
WARD 2

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

APPLICATION REFUSED

Dated at the City of Mississauga on July 13, 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 **AUGUST 6, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

DISSENTED
D. GEORGE (CHAIR)

DISSENTED
J. ROBINSON

D. KENNEDY

DISSENTED
J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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 **July 17, 2018.**

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

MISSISSAUGA

COMMITTEE OF ADJUSTMENT APPLICATION: **B52/17**
***PLANNING ACT* - PROVISIONAL CONSENT**
SCHEDULE OF **DRAFT** CONDITIONS

APPLICANT: **DANE HAWKINS**
LOCATION: **1015 LORNE PARK ROAD**
MEETING DATE: **July 6, 2017**

THE FOLLOWING IS A LIST OF RECOMMENDED CONDITIONS THAT MAY BE ATTACHED TO THE DECISION GRANTING PROVISIONAL CONSENT. THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. The applicant shall submit 1 copy of the draft reference plan(s) for approval by 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. (A297/17 & A398/17)

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 June 29, 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 June 30, 2017.

Notes:

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be July 17, 2018.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

**** FOR APPLICANT'S REVIEW ONLY ****

MISSISSAUGA

File: "A" 297/17
WARD 2

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

DANE HAWKINS

on Thursday July 6, 2017

Dane Hawkins is the owner of 1015 Lorne Park Road being part of Lot 23, Concession 2, SDS, zoned R2-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a single detached dwelling on the subject property (being the retained land of Consent application B052/17) proposing:

1. a lot frontage of 9.90m (32.48ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (59.05ft) in this instance; and,

2. a lot area of 504.00m^2 (5,425.01sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m^2 (7,480.92sq.ft.) in this instance.

Mr. F. Romano, the authorized agent, attended and presented the application to partition the property into two lots. Mr. Romano identified that the subject property was a corner lot and was surrounded by varying development that included low density residential, townhouses and a gas station.

It was Mr. Romano's opinion that the residential properties within surrounding neighbourhood had a variety of lot frontages and areas. He identified several lots that were smaller in frontage than that average lot frontage identified in the Planning staff report. He suggested that the proposal was an appropriate transition from the higher density residential townhouses on Lakeshore Road West to the lower density residential development within the interior of Lorne Park Road. Mr. Romano was of the opinion that the proposed deficient lot sizes and frontages were appropriate within the context of the surrounding area.

Mr. Romano noted that the conceptual architectural plans of the dwellings that may be constructed on the properties were sensitive to the character of the area.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

"**Recommendation**
The Planning and Building Department recommends that the applications be refused.

Background

Mississauga Official Plan
Character Area: Clarkson-Lorne Park Road
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R2-1 (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 information provided, or determine whether additional variances may be required.

Planning
The applicant is requesting approval of a consent application and associated minor variances to permit the construction of two new two storey dwellings. The context of the immediate neighbourhood is similarly sized lots to the north on the east side of Lorne Park Road with varying sized lots along the west side of Lorne Park Road, A townhouse development immediately adjacent to the south with access onto Lakeshore Road, and a gas station on the corner of Lorne Park Road and Lakeshore Road across from the subject property.
The Planning and Building Department recognizes that the variety of zoning and uses in the immediate area create a context of the lot that is different than many traditional residential neighbourhoods; however, considering all relevant policies and the provincial planning framework, the Department is of the opinion that the requested consent application ultimate fails to adequately address section 51(24) of the *Planning Act* and the associated minor variances do not meet the 4 tests for minor variances.

As per section 16.1.2.1 of the Mississauga Official Plan, planning staff have conducted an analysis of the lands within 120 m (393.70 ft.) of the subject property. Section 16.1.2.1 of the Official Plan states that:

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

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

or

b. the requirements of the Zoning By-law.

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

The results of the analysis are as follows:

	Lot Area (m^2)	Lot Frontage (m)
Average	1108.18 (11928.35 sq. ft.)	23.58 (77.36 ft.)
Retained	504.00 (5425.01 sq. ft.)	9.90 (32.48 ft.)
Severed	512.30 (5514.35 sq. ft.)	9.90 (32.48 ft.)

The results of the analysis show that the proposed lot area and lot frontage are significantly deficient to the averages within the study area, as well as significantly deficient to the Zoning By-law. The findings of this analysis must be considered in conjunction with other policies within the Official Plan and in the context of the broader neighbourhood. Similarly larger lots, as found in the study area, exist in the broader areas along other sections of Lorne Park Road and some of the adjacent streets. The result of lots which are much narrower than the rest of the consistent lot fabric is that the housing will not fit the scale and character of the general neighbourhood and create long narrow dwellings that are not

characteristic of the Clarkson-Lorne Park Neighbourhood. Official Plan section 16.5.1.4 outlines some of the policies as follows:

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

"a. preserve and enhance the generous front, rear and side yard setbacks;

c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;

i. house designs which fit with the scale and character of the local area, and take advantage of the particular site are encouraged. The use of standard, repeat designs is strongly discouraged"

The proposed consent would not serve to further the goals of any of these Official Plan policies. In conjunction with policy 16.1.2.1, the Planning and Building Department is of the opinion that the applicants proposal is not consistent with the City of Mississauga Official Plan and that the minor variance requests do not maintain the general intent of the plan.

The general intent of the Zoning By-law in implementing these Official Plan policies is to allow for sufficiently wide and large lots within Clarkson-Lorne Park to achieve design goals that are characteristic of the neighbourhood. The requested reductions from what the Zoning By-law permits are significant and do not maintain the intent of these provisions. The deviations also cannot be considered minor or desirable in the context of the surrounding residential lots.

Although the Provincial Policy Statement (PPS 2014) does encourage lot creation in areas where land could be considered underutilized or other suitable locations, the Department is of the opinion that this does not imply that any lot in any neighbourhood is suitable for lot creation; when evaluating this application in the context of all relevant planning documents, the Planning and Building Department is of the opinion that this proposal is a significant departure from the prevailing lot fabric and development within the neighbourhood and that ultimately the proposal fails to maintain the intent of the Zoning By-law and Official Plan and cannot be considered to be an appropriate consent application or a minor variance.

Mississauga has accommodated for increased residential intensification in its Official Plan along Corridors, in identified Nodes and Station Areas, and in the Downtown. The Official Plan does contemplate minor infill within neighbourhoods, where appropriate; however, the Department is of the opinion, based on the information provided above, that the subject property does not represent an appropriate site.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This Department is addressing these applications as part of Severance Application 'B'-52/17."

Region of Peel, Public Works Department (June 30, 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 Ward Councillor Ras expressing concerns with the subject application.

A letter was received from B. Puddicombe, a representative of 1026 Red Pine Crescent, stating an interest in the application.

A letter was received from representatives of 1011, 1016, 1019, 1023 & 1029 Lorne Park Road, confirming that they did not object to the application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Romano 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 did not accept Mr. Romano's opinion that the property would function as a transition between the townhouses on Lakeshore Road West and the detached dwellings on Lorne Park Road. The Committee was of the opinion that the proposed lot frontages would not reflect the existing lot pattern within the appropriate study area. They expressed concerns with traffic safety as additional driveways would be inappropriately located adjacent to the intersection of Lorne Park Road and Lakeshore Road West.

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

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

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

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

APPLICATION REFUSED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

DISSENTED
D. GEORGE (CHAIR)

DISSENTED
J. ROBINSON

D. KENNEDY

DISSENTED
J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 298/17
WARD 2

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

DANE HAWKINS

on Thursday July 6, 2017

Dane Hawkins is the owner of 1015 Lorne Park Road being part of Lot 23, Concession 2, SDS, zoned R2-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a single detached dwelling on the subject property (being the severed land of Consent application B052/17) proposing:

1. a lot frontage of 9.90m (32.48ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (59.05ft) in this instance;

2. a lot area of 512.30m^2 (5,514.35sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m^2 (7,480.92sq.ft.) in this instance.

Mr. F. Romano, the authorized agent, attended and presented the application to partition the property into two lots. Mr. Romano identified that the subject property was a corner lot and was surrounded by varying development that included low density residential, townhouses and a gas station.

It was Mr. Romano's opinion that the residential properties within surrounding neighbourhood had a variety of lot frontages and areas. He identified several lots that were smaller in frontage than that average lot frontage identified in the Planning staff report. He suggested that the proposal was an appropriate transition from the higher density residential townhouses on Lakeshore Road West to the lower density residential development within the interior of Lorne Park Road. Mr. Romano was of the opinion that the proposed deficient lot sizes and frontages were appropriate within the context of the surrounding area.

Mr. Romano noted that the conceptual architectural plans of the dwellings that may be constructed on the properties were sensitive to the character of the area.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

"**Recommendation**
The Planning and Building Department recommends that the applications be refused.

Background

Mississauga Official Plan
Character Area: Clarkson-Lorne Park Road
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R2-1 (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 information provided, or determine whether additional variances may be required.

Planning
The applicant is requesting approval of a consent application and associated minor variances to permit the construction of two new two storey dwellings. The context of the immediate neighbourhood is similarly sized lots to the north on the east side of Lorne Park Road with varying sized lots along the west side of Lorne Park Road, A townhouse development immediately adjacent to the south with access onto Lakeshore Road, and a gas station on the corner of Lorne Park Road and Lakeshore Road across from the subject property.
The Planning and Building Department recognizes that the variety of zoning and uses in the immediate area create a context of the lot that is different than many traditional residential neighbourhoods; however, considering all relevant policies and the provincial planning framework, the Department is of the opinion that the requested consent application ultimate fails to adequately address section 51(24) of the *Planning Act* and the associated minor variances do not meet the 4 tests for minor variances.

As per section 16.1.2.1 of the Mississauga Official Plan, planning staff have conducted an analysis of the lands within 120 m (393.70 ft.) of the subject property. Section 16.1.2.1 of the Official Plan states that:

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

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

or

b. the requirements of the Zoning By-law.

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

The results of the analysis are as follows:

	Lot Area (m^2)	Lot Frontage (m)
Average	1108.18 (11928.35 sq. ft.)	23.58 (77.36 ft.)
Retained	504.00 (5425.01 sq. ft.)	9.90 (32.48 ft.)
Severed	512.30 (5514.35 sq. ft.)	9.90 (32.48 ft.)

The results of the analysis show that the proposed lot area and lot frontage are significantly deficient to the averages within the study area, as well as significantly deficient to the Zoning By-law. The findings of this analysis must be considered in conjunction with other policies within the Official Plan and in the context of the broader neighbourhood. Similarly larger lots, as found in the study area, exist in the broader areas along other sections of Lorne Park Road and some of the adjacent streets. The result of lots which are much narrower than the rest of the consistent lot fabric is that the housing will not fit the scale and character of the general neighbourhood and create long narrow dwellings that are not

characteristic of the Clarkson-Lorne Park Neighbourhood. Official Plan section 16.5.1.4 outlines some of the policies as follows:

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

"a. preserve and enhance the generous front, rear and side yard setbacks;

c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;

i. house designs which fit with the scale and character of the local area, and take advantage of the particular site are encouraged. The use of standard, repeat designs is strongly discouraged"

The proposed consent would not serve to further the goals of any of these Official Plan policies. In conjunction with policy 16.1.2.1, the Planning and Building Department is of the opinion that the applicants proposal is not consistent with the City of Mississauga Official Plan and that the minor variance requests do not maintain the general intent of the plan.

The general intent of the Zoning By-law in implementing these Official Plan policies is to allow for sufficiently wide and large lots within Clarkson-Lorne Park to achieve design goals that are characteristic of the neighbourhood. The requested reductions from what the Zoning By-law permits are significant and do not maintain the intent of these provisions. The deviations also cannot be considered minor or desirable in the context of the surrounding residential lots.

Although the Provincial Policy Statement (PPS 2014) does encourage lot creation in areas where land could be considered underutilized or other suitable locations, the Department is of the opinion that this does not imply that any lot in any neighbourhood is suitable for lot creation; when evaluating this application in the context of all relevant planning documents, the Planning and Building Department is of the opinion that this proposal is a significant departure from the prevailing lot fabric and development within the neighbourhood and that ultimately the proposal fails to maintain the intent of the Zoning By-law and Official Plan and cannot be considered to be an appropriate consent application or a minor variance.

Mississauga has accommodated for increased residential intensification in its Official Plan along Corridors, in identified Nodes and Station Areas, and in the Downtown. The Official Plan does contemplate minor infill within neighbourhoods, where appropriate; however, the Department is of the opinion, based on the information provided above, that the subject property does not represent an appropriate site.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This Department is addressing these applications as part of Severance Application 'B'-52/17."

Region of Peel, Public Works Department (June 30, 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 Ward Councillor Ras expressing concerns with the subject application.

A letter was received from B. Puddicombe, a representative of 1026 Red Pine Crescent, stating an interest in the application.

A letter was received from representatives of 1011, 1016, 1019, 1023 & 1029 Lorne Park Road, confirming that they did not object to the application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Romano 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 did not accept Mr. Romano's opinion that the property would function as a transition between the townhouses on Lakeshore Road West and the detached dwellings on Lorne Park Road. The Committee was of the opinion that the proposed lot frontages would not reflect the existing lot pattern within the appropriate study area. They expressed concerns with traffic safety as additional driveways would be inappropriately located adjacent to the intersection of Lorne Park Road and Lakeshore Road West.

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

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

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

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

APPLICATION REFUSED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

DISSENTED
D. GEORGE (CHAIR)

DISSENTED
J. ROBINSON

D. KENNEDY

DISSENTED
J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 286/17
WARD 11

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

RAYMOND NG

on Thursday July 6, 2017

Raymond Ng is the owner of 945 Silverthorn Mill Avenue being Lot 2, Registered Plan M-1843, zoned R2-53 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing oversized pergola to remain on the subject property proposing:

1. a floor area of 13.88m^2 (149.40sq.ft.) for the pergola; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m^2 (107.63sq.ft.) for the pergola in this instance; and,

2. a height of 3.46m (11.35ft.) for the pergola; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for the pergola in this instance.

Mr. R. Ng, the property owner, attended and presented the application to permit the existing oversized pergola to remain in the rear yard of the subject property. He indicated variances were required for the pergola's height and area as a result of a raised deck and oversized doors the pergola was structured around. He presented a photograph of the pergola as it was constructed.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

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

Background

Mississauga Official Plan
Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-53 (Residential)

Comments

Zoning

The Building Department is currently processing a building permit application under file BP9ALT 17-5226. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject site is located in Meadowvale Village, near Second Line West and Old Derry Road. The subject site is a detached dwelling. The subject dwelling was constructed in 2012.

The application proposes a new pergola at the rear of the dwelling. The application requests minor variances for excessive floor area and excessive height. The proposed pergola is attached to the rear of the dwelling and is combined with a deck and covered porch. The proposed pergola is located in the centre of the lot, and is not located near the side or rear lot line. The proposed pergola is located on the same level as the deck, which accounts for the excessive height. The location of the proposed pergola mitigates potential impacts. In our opinion, the general intent and purpose of the Zoning By-law is maintained.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This department has no grading and drainage related concerns with the existing pergola as constructed."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Ng 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: P. Quinn SECONDED BY: J. Page CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 288/17
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

DAVE & TINA FRANCIONI

on Thursday July 6, 2017

Dave & Tina Francioni are the owners of 1522 Clearwater Drive being Lot 100, Registered Plan 484, zoned R3-75 - Residential. The applicants request the Committee to authorize a minor variance to permit a driveway width of 12.60m (41.33ft.) measured 6 meters from the garage door on the subject property; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (34.44ft.) measured 6 meters from the garage door in this instance.

Mr. D. Francioni, a co-owner of the property, attended and presented the application to permit the oversized driveway to remain on the property. He indicated that the driveway was shallow and could not accommodate the sufficient parking of motor vehicles on the driveway without encroaching into the municipal boulevard.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R3-75 (Residential)

Other Applications:
N/A

Comments

Zoning
A Building Permit is not required in this instance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance as outlined in this application, the variance should be amended as follows:

"The applicants request the Committee to authorize a minor variance to permit a driveway width of 12.80 m (41.99 ft.) on the subject property; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.89 ft.) in this instance."

Notwithstanding the above, based on information provided with this application, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required.

Planning

The applicant is requesting a minor variance to permit the existing driveway to remain with a width beyond what the Zoning By-law permits. The subject property is a corner lot and the access to the garage is located on the longer lot line along Clearwater drive, which measures 34.13 m (111.98 ft.).

Although the requested driveway width is beyond what the Department would generally support, in this instance the lot is large enough that significant soft landscaped area and vegetation remain on either side of the driveway in the exterior side yard that mitigate the visual impacts of an increased width of hard surfaced area. The location of the driveway in the exterior side yard rather than the front yard of this property allow for a more appropriate ratio of soft landscaped area to hard surface than if the driveway were to be located in the front yard along Lincolnshire Boulevard. The Department is of the opinion that, in this instance, the increased width of the driveway will not negatively impact the character of the neighbourhood.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"Please see the attached photos depicting the existing driveway."

A letter was received from Mr. T & Ms. S Murphy, residents of 1556 Clearwater Drive, in support of the subject application.

A letter was received from Mr. S. McMath, a resident of 1640 Lincolnshire Boulevard, in support of the subject application.

A petition letter of support was received signed by residents of 1528, 1536,1544, 1556, 1558 Clearwater Drive and 1660,1665,1666,1643 Lincolnshire Boulevard.

No other persons expressed any interest in the application.

Mr. Francioni 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. Francioni 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 applicants request the Committee to authorize a minor variance to permit a driveway width of 12.80 m (41.99 ft.) on the subject property; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.89 ft.) in this instance."

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

APPLICATION APPROVED AS AMENDED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 289/17
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

NATALIIA LAVORSKA

on Thursday July 6, 2017

Nataliia Lavorska is the owner of 1542 Haig Boulevard being part of Lot 22, Registered Plan 348 North, zoned R3-75 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling and 2 accessory structures in the rear yard of the subject property proposing:

1. a dwelling depth of 26.85m (88.09ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance;

2. a walkway attachment of 2.21m (7.25ft); whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (4.92ft.) in this instance;

3. a height of 7.50m (24.61ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a height of 6.40m (20.99ft.) measured to the eaves in this instance;

4. a height of 8.57m (28.11ft.) measured to the flat roof; whereas By-law 0225-2007, as amended permits a height of 7.50m (24.61ft.) measured to the flat roof in this instance;

5. an easterly side yard of 0.95m (3.11ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance;

6. a side yard of 0.92m (3.01ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft) in this instance;

7. two accessory structures on the subject property; whereas By-law 0225-2007, as amended, permits only one accessory structure per property in this instance; and,

8. a floor area of 27.82m^2 (299.45sq.ft.) for the accessory structure (cabana); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00m^2 (107.63sq.ft.) for the accessory structure in this instance.

Mr. D. Sanger-Smith, the authorized agent, attended and presented the application to construct a new two storey detached dwelling and accessory structures on the property. Mr. Sanger-Smith advised the Committee that the building envelope was articulated resulting in an overage in dwelling depth. He mentioned the dwelling's 2nd floor was recessed back to mitigate overlook issues with neighbours and to reduce the impact of the depth and side yard setbacks. He noted that the proposed depth was not for the entire building envelope.

Mr. Sanger-Smith noted that the proposed relief to the dwelling height was required to the height of a small portion of the roof that was flat. He noted that this portion of the roof was designed to accommodate the inclusion of a fireplace chimney.

Mr. Sanger-Smith explained that the proposed oversized accessory structure was a pool cabana.

It was Mr. Sanger-Smith opinion, that the proposed dwelling was compatible with the dwellings on the surrounding properties and that the subject property was sufficient in size to accommodate the dwelling and accessory structure.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R3-75 (Residential)

Other Applications:
Pre-Zoning Review File: 17-5207

Comments

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

Planning
The applicant is proposing to construct a new 2 storey dwelling on the subject property and requires a number of variances related to both the dwelling and the accessory structures.

The dwelling is designed in a way that the depth is broken up along each side of the dwelling through the stepping in of certain portions of the wall, which help to mitigate any potential impacts. The length of the wall adjacent to the lot to the north is roughly consistent with the positioning of the dwelling on that lot and the lot to the south has a detached garage and accessory structure located along the lot line adjacent to the proposed location of the dwelling; both scenarios mitigate impacts of an increased dwelling depth on the immediate neighbours. Further the substantial depth of the lots on this side of Haig Boulevard allow for significant potential variability in the location of dwellings on the lot and with no maximum front yard setback a dwelling that complies with the Zoning by-law provisions could have significantly more impact on the rear yard amenity areas of neighbouring dwellings.

The requested decrease in side yard setbacks are not present along the entire portion of each side of the dwelling and vary along both the first and second storeys. Adequate access is maintained to the rear yard of the subject property and the dwelling is designed in a way that is sensitive to neighbouring dwellings.

Variances #3 and #4 are related to the dwelling height and the height to the underside of the eaves. The flat roof height is requested only to one relatively small portion of the dwelling and does not form any consistent part of the roofline and as a result has limited impact on the massing of the dwelling; the department is of the opinion that this request is minor in nature. There is a change in grade on the property which helps slightly offset the requested height increase to the underside of the eaves of the eaves and the overall height of the dwelling is below the maximum permitted under the Zoning By-law. The second

storey does not cover the entire footprint of the dwelling and is stepped back beyond the Zoning By-law requirement for a second storey in some cases. The reduced floorplate of the second storey helps minimize any potential negative massing impacts from the increased eave height.

The subject property is a large lot that is capable of accommodating multiple accessory structures, as well as a structure with greater than permitted Gross Floor Area (GFA). The structures are proportional to the lot and the inclusion of an additional accessory structure does not impact the lot coverage negatively and does not result in the overbuilding of the lot.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"Transportation and Works concerns will be addressed through the Building Permit process for this property."

Region of Peel, Environment, Public Works (June 30, 2017)

"Development Engineering: Iwona Frandsen (905) 791 7800 x7920

> 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 or by email at siteplanservicing@peelregion.ca"

A letter was received residents of 1534 Haig Boulevard, expressing concerns with the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sanger-Smith 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. Page SECONDED BY: J. Robinson CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 291/17
WARD 11

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

HUSSAIN KHAIRUNNISA & HUSSAIN SYED MUHAMMED

on Thursday July 6, 2017

Hussain Khairunnisa & Hussain Syed Muhammed are the owners of 1016 Bancroft Drive being Lot 145, Registered Plan M-849, zoned R3 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an oversized driveway on the subject property proposing:

1. a driveway width of 11.50m (37.72ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,

2. a landscaped soft area of 35.90% of the front yard; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% of the front yard in this instance.

Mr. S. Sukiasyan, the authorized agent, attended and presented the existing oversized driveway to remain on the subject property. Mr. Sukiasyan indicated that the expanded driveway width allowed for vehicles to turn around on the driveway to enable the safe egress of the property. He explained that Bancroft Drive was very busy and reversing a motor vehicle out of the property was dangerous. He outlined various traffic activities on the street, the proximity of the property to stop signs, bus stops and schools that affected the property. Mr. Sukiasyan noted his client parked 6 motor vehicles on the driveway.

Mr. Sukiasyan indicated he was unaware of any business activities occurring on the property.

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

City of Mississaugā, Planning and Building Department (June 30, 2017)

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

Background

Mississauga Official Plan
Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R3 (Residential)

Comments

Zoning
Based on information provided with this application, we are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Planning
The subject site is a detached dwelling near Mavis Road and Britannia Road West in the East Credit Neighbourhood.

The application requests a driveway width of 11.5 m (37.72 ft.) where a maximum driveway width of 6.00 m (19.68 ft.) is permitted in this instance. We note that current on-site conditions do not reflect the variance application; unpaved open areas are not proposed. The application indicates that an excessive driveway is requested for safe maneuverability to Bancroft Drive. We note that a hammerhead driveway is permitted on lots with a lot frontage of 15 m to allow for this manoeuver; the site plan indicates a lot frontage of 17.43 m. In our opinion, the requested driveway width creates excessive hard surface, and is not considered minor or maintaining the general intent and purpose of the Zoning By-law.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This department would recommend that the widened driveway within the municipal boulevard (area between municipal sidewalk and road) be reinstated with topsoil and sod. In view of the above we would recommend that this application be deferred until such time that the applicant has provided a revised plan acceptable to both the Planning and Building and Transportation and Works Department staff which would specifically highlight the detail of any modifications required to the existing driveway which could be supported by City staff."

City of Mississauga, Community Services Department, Park Planning (June 30, 2017)

"The Park Planning Section of the Community Services Department (Community Services) has reviewed the above noted minor variance application, and advises as follows:

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

1. One (1) Locust – good condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of $1,323.45 for the above noted tree.

2. The applicant shall provide framed tree hoarding to the dripline of the above noted trees to the satisfaction of City of Mississauga Forestry Staff.

In addition, Community Services notes the following:

1. Payment of tree protection securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West. Any damage to the above noted City trees will result in the full or partial loss of street protection securities, as determined by City of Mississauga Forestry Staff.

2. Please be advised that securities may be held for up to two years, as determined by City of Mississauga Forestry Staff."

A letter was received from A. Congiusti, a representative of 6276 Donway Drive, stating an objection to the subject application.

A letter was received from G. Nagle, a representative of 6122 Duford Drive, stating an objection to the subject application.

A letter was received from M. Fernandez, a representative of 1112 Larkin Court, stating concerns with the subject application.

A letter was received from V. Boyd, a representative of 1108 Larkin Court, stating an objection to the subject application.

A letter was received from the representatives of 1011, 1012, 1015, 1019, 1020, 1028 & 1039 Bancroft Drive; 6194, 6195 & 6197 Silken Lauman Drive and 6209 & 6215 Duford Drive, indicating that they did not have any objection to the subject application.

Evidence obtained from the internet indicating that a business operated from the subject property

P. Smirlies, a representative of 1417 Bancroft Drive, attended and expressed her objection to the application. She noted that an excessive amount of vehicles were frequently parked across the driveway parallel to the sidewalk and suggested this was inappropriate.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sukiasyan 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 indicated that the intent of the Zoning By-law was to restrict the size of a paved pad to be large enough only for a vehicle to turn around on a driveway and exit a property in a forward motion. They noted that the paved pad was not for the parking of motor vehicles or to accommodate the parking of an excessive amount of motor vehicles. The Committee noted that almost the entire front yard of the property was paved and that the expanded portion of the driveway was used for the parking of an inappropriate amount of vehicles. The Committee was of the opinion that the size of the driveway and its parking capabilities were inappropriate for a residential property. The Committee noted it was in receipt of evidence that a business may be operating from within the dwelling on the property which exacerbated the parking requirements 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.

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

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

APPLICATION REFUSED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 292/17
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

ZAHRA JALALI FARAHANI & FARSHID GANJAVI

on Thursday July 6, 2017

Zahra Jalali Farahani & Farshid Ganjavi are the owners of 1511 Broadmoor Avenue being Lot 27, Registered Plan 384, zoned R1-2 - Residential. The applicants request the Committee to authorize a minor variance to permit a lot coverage of 26.56% (428.86m^2/4,616.21sq.ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (403.58m^2/4,344.09sq.ft.) of the lot area in this instance.

Ms. A. Beaumont, the authorized agent, attended and presented the application to permit an overage in lot coverage on the property caused from a covered patio at the rear of the dwelling.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R1-2 (Residential)

Other Applications:
Site Plan Approval File: 17-76

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 to construct a new two storey dwelling on the subject property and requires a minor variance to permit an additional 1.56% lot coverage beyond the Zoning By-law permission of 25.00%. The additional lot coverage should not have any noticeable impacts on the streetscape or neighbouring properties and is a minor deviation from what the Zoning By-law permits. There is a covered porch structure located at the rear

of the dwelling with limited massing impacts that contributes partially to the additional coverage as well as single storey portions of the dwelling that also have a lesser impact on the appearance of overbuilding on the lot. The Planning and Building Department is of the opinion that the request maintains the general intent of the Zoning By-law and that the requested increase in coverage is relatively minor in nature.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"Transportation and Works concerns are being addressed through the Site Plan application for this property, SP-17/076."

Region of Peel, Environment, Public Works (June 30, 2017)

"Development Engineering: Iwona Frandsen (905) 791 7800 x7920

> 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 or by email at siteplanservicing@peelregion.ca"

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Beaumount 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. Page SECONDED BY: P.Quinn CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 293/17
WARD 11

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

RUTH PICHORA, JEAN LALONDE

on Thursday July 6, 2017

Ruth Pichora, Jean Lalonde are the owners of 7050 Gaslamp Walk being part of Lot 11, Lot 15, Registered Plan M-1249, Concession 2, WHS, zoned R8-5 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a deck and an one storey addition at the rear of the dwelling on the subject property proposing a lot coverage of 27.92% (284.90m^2/3,066.63sq.ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (255.15m^2/2,746.41sq.ft.)

Mr. W. Kram, the authorized agent, attended and presented the application to permit the construction of a deck and one storey addition onto the existing dwelling causing an overage in lot coverage.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

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

Background

Mississauga Official Plan
Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R8-5 (Residential)

Other Applications:
Building Permit File: BP 17-5384

Comments

Zoning
The Building Department is currently processing a building permit application under file 17-5384. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning
The subject site is located in the Meadowvale Village Neighbourhood, adjacent to the Meadowvale Village Heritage Conservation District, near the intersection of Old Derry Road and Second Line West.

The application proposes a rear deck and rear one storey addition. The application requests excessive lot coverage. Due to the grading of the site, the proposed rear deck is elevated, but is at the ground level of the dwelling. An elevated deck contributes to lot coverage. The proposed deck contributes approximately 2.37% of lot coverage. Adjacent lands on the southerly and westerly sides are part of the Rotherglen School campus. The proposed addition and deck are located in the centre of the dwelling and extend to the southerly side. In our opinion, the general intent and purpose of the Zoning By-law is maintained.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"We foresee no grading and drainage concerns with the applicants request to permit the construction of a deck and one storey addition at the rear of the existing dwelling."

Region of Peel, Environment, Public Works (June 30, 2017)

"Development Engineering: Iwona Frandsen (905) 791 7800 x7920

> 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 or by email at siteplanservicing@peelregion.ca"

A petition letter was signed by residents of 7013, 7025, 7037, 7043, 7049, 7055,7056, 7062, 7068 Gaslamp Walk.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Kram 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: P. Quinn SECONDED BY: S.Patrizio CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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" 294/17
WARD 9

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

ANNIE & BOSKO GAVRAN

on Thursday July 6, 2017

Annie & Bosko Gavran are the owners of 7020 Tamar Mews being part of Lot 15, Registered Plan M-443, zoned RM1 - Residential. The applicants request the Committee to authorize a minor variance to permit two existing accessory structures to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance.

Ms. A. Gavran, a co-owner of the property, attended and presented the application to permit to existing accessory structures to remain on the property. Ms. Gavran advised the Committee that the accessory structures were used for tool storage purposes and that no business actives or bird breeding activity occurred within the accessory structure. Mr. Gavan mentioned the property had a one car garage.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

"Recommendation
The Planning and Building Department recommends that the application be deferred in order for the applicant to relocate the accessory structure from the side yard.

Background

Mississauga Official Plan
Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: RM1 (Residential)

Comments

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

2) a setback of 0.5m from an accessory structure to an interior side lot line; whereas By-law 0225-2007 as amended, requires a minimum setback of 1.2m in this instance.

Planning
The subject site is located in the Meadowvale Neighbourhood, near the intersection of Winston Churchill Boulevard and Derry Road West.

The application requests a minor variance for two accessory structures, whereas the bylaw permits a maximum of one accessory structure per lot. During the review of the application, Zoning identified an additional variance for a deficient side yard setback.

The subject lot is pie-shaped and backs on to public open space. One accessory structure is located in the rear, and the second accessory structure is located within the side yard.

Lot area information was not provided. The lot is relatively larger than the similar lots in the area. The subject dwelling is modest in size. Ostensibly, the Planning and Building Department has no objection to two accessory structures in this instance, however, the location of the accessory structure in the side yard is not appropriate, impacts the neighbouring lands, and requires an additional variance. Accessory structures are generally located in rear yards, and not in side yards or front yards. An accessory structure in an interior side yard requires the same side yard setback as the dwelling.

Based on the preceding, the Planning and Building Department recommends that the application be deferred in order for the applicant to relocate the accessory structure from the side yard. "

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This department has no objections to the request as the two existing structures have been constructed such that the exiting drainage pattern for this property has not been altered."

A letter was received from Mr. C, Ms. C. Brown, residents of 7024 Tamar Mews, in support of the subject application.

A letter was received from Mr. C, Ms. A. Tivadar, residents of 7018 Tamar Mews expressing concerns with the subject application.

No other persons expressed any interest in the application.

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

Ms. Gavran 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 Ms. Gavran 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. The Committee indicated that the side yard contained sufficient vegetation to adequately screen the accessory structure. The Committee was not in receipt of any evidence that any commercial or bird breeding activities would occurring in either accessory structures.

Accordingly, the Committee resolves to authorize and grant the amended request to add a variance for:

1) to permit two existing accessory structures to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance.

2) a setback of 0.5m from an accessory structure to an interior side lot line; whereas By-law 0225-2007 as amended, requires a minimum setback of 1.2m in this instance.

MOVED BY: P. Quinn SECONDED BY: J. Robinson CARRIED

APPLICATION APPROVED AS AMENDED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

DISSENTED
D. KENNEDY

DISSENTED
J. PAGE

DISSENTED
D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 301/17
WARD 9

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

SYED MASOOD HUSSAIN & SHAMA NASREEN HUSSAIN

on Thursday July 6, 2017

Syed Masood Hussain & Shama Nasreen Hussain are the owners of 5881 Glen Erin Drive being Lot 90, Registered Plan M-1003, zoned R3-24 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway hammerhead to remain on the subject property proposing a hammerhead width of 6.05m (19.85ft.) and length of 5.03m (16.50ft.); whereas By-law 0225-2007, as amended, permits a maximum hammerhead width of 2.60m (8.53ft.) and length of 3.00m (9.84ft.) in this instance.

Mr. S. Hussain, a co-owner of the property, attended and presented the application to permit the existing driveway hammerhead to remain on the property. Mr. Hussain indicated that the prevailing Zoning By-law in effect of the time of the construction of the hammerhead did not contain any development standards.

Mr. Hussain explained that his dwelling contained a basement apartment and that the parking pad allowed for the sufficient vehicle maneuverability for him and his tenants on the property.

The Committee indicated that the notification sign was not posted in accordance with the *Planning Act* requirements.

Mr. Hussain confirmed that the sign was posted on the property but had been damaged.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

"Recommendation
The Committee should be satisfied that the additional hammerhead area does not create an adverse impact and represents good planning.

Background

Mississauga Official Plan
Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R3-24

Comments

Zoning

The Building Department is currently processing a building permit application under file 15-6941. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject lot is located in the Central Erin Mills Neighbourhood, near the intersection of Glen Erin Drive and Britannia Road West. The context is detached dwellings on regular lots with hammerhead driveways. The application requests a widened hammerhead.

As part of the original subdivision of these lands, hammerhead driveways were included on lots that front Glen Erin Drive. The approved hammerhead turnarounds were 2.8 m (9.2 ft.) in width and 5.5 m (18 ft.) in depth.

Regulations respecting hammerhead turnarounds were introduced under Comprehensive Zoning By-law 0225-2007. The former Zoning By-law 5500 did not have provisions regarding hammerhead driveways. The City's aerial imagery and Google Street View suggest that the area was widened sometime in 2009/2010. As a result, a 2.8 m (9.2 ft.) by 5.5 m (18 ft.) turning area can be interpreted as a legal non-conforming element. In this case, a 6.05 m (19.85 ft.) by 5.03 m (16.5 ft.) is proposed, representing approximately double the approved area, and the area is being used for parking rather than as a turnaround.

As an expansion of a legal non-conforming use, the Committee should be satisfied that the additional hammerhead area does not create an adverse impact and represents good planning.

The Committee should be satisfied that the additional hammerhead area does not create an adverse impact and represents good planning."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"As background information, a similar application was previously before the Committee under File 'A' 100/17 on May 4, 2017 and the Committee denied the request for the increased hammerhead driveway area. Following the meeting, Ward Councillor Saito brought a motion forward to the May 31st General Committee meeting to request that Council waive the application fee for a new application to the Committee of Adjustment as the motion indicated that the Committee did not have "any information about previous city approved requirements and size of hammerheads". The motion further indicated that "the committee did not have the full information they should have been provided with to make a reasonable decision".

The subject property being Lot 90 on Registered Plan 43M-1003, was reviewed through the Draft Plan of Subdivision T-87027 and through that review Glen Erin Drive was identified as a road with high volumes of traffic. In order to address the high volumes of traffic and the safe ingress and egress of vehicles along Glen Erin Drive for this subdivision, two provisions were required for the subject lot and other lots which were incorporated in the Schedule 'C' Warning Clauses of the Subdivision Agreement. The two provisions are as follows:

"Prior to issuance of building permits for the following lots, site plans shall be approved by the Public Works Department to ensure that a hammerhead style turn around or a circular driveway is provided within the lots. Lots 80 to 93, inclusive."

"The front yard setback of the dwellings on Lots 80 to 93, inclusive, where fronting onto Glen Erin Drive shall be a minimum of 9.0m to the main dwelling and 12.0m to the garage."

The two provisions work hand in hand together to allow for a hammerhead driveway to be appropriately designed to allow for turnaround movements within the lot and allow vehicles to exit in a forward direction onto Glen Erin Drive.

In addition, I have attached a copy of the extracts from the Schedule 'C' Warning Clauses along with a copy of the approved site grading plan which, when scaled, illustrates a single

hammerhead area perpendicular to the driveway being 2.80m(9.18ft.) in width and 5.60m(18.37ft.) in length. This is sufficient area to manoeuvre a vehicle within the 12.00m(39.37ft.) front yard setback to the garage."

A memorandum was received from Ward Councillor Pat Saito in support of the subject application. She requested the Committee to approve the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Hussain 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. Page SECONDED BY: S. Patrizio CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

DISSENTED
D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 302/17
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

GURMEJ SINGH & JASBIR JOSAN

on Thursday July 6, 2017

Gurmej Singh & Jasbir Josan is the owner of 7115 Minotola Avenue being PLAN 566 LOT 304, zoned R3-69. The applicants request the Committee to authorize a minor variance to permit the construction of a two storey dwelling on the subject property proposing:

1. a gross floor area- infill residential of 302.60m^2 (3,257.15sq.ft.); whereas By-law 0225-2007, as amended permits a maximum gross floor area- infill residential of 266.13m^2 (2,864.59sq.ft) in this instance;

2. a height of 9.27m (30.41ft) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (29.52ft.)measured to the highest ridge of the roof in this instance; and,

3. a garage projection of 3.05m (10.00ft); whereas By-law 0225-2007; as amended, permits a maximum garage projection of 2.00m (6.56ft.) in this instance.

Mr. P. Caravaggio, the authorized agent, attended and presented the application to construct a new two storey dwelling on the property.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

"**Recommendation**
The Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the dwelling to reduce the garage projection and reduce the gross floor area.

Background

Mississauga Official Plan
Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R3-69 (Residential)

Other Applications:
Building Permit File: BP 17-5944

Comments

Zoning
The Building Department is currently processing a building permit application under file 17-5944. Based on review of the information currently available for this building permit, we

advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Planning

The subject site is located in the Malton Neighbourhood, near Goreway Drive and Derry Road East. The area context is detached dwellings. Minotola Avenue is predominantly original dwellings with minor alterations. Attached garages are not a characteristic of the area.

The application proposes a new infill house. The application requests variances for excessive gross floor area, excessive height, and a projecting garage. Arising from public input expressed through the 'MyMalton' Community Visioning exercised undertaken in 2015, the Malton Infill Housing Study was undertaken in 2016, which resulted in Council's adoption of new zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. The proposed dwelling is requesting a gross floor area of 302.60 m^2 (3,257.15 sq. ft.) whereas 266.13 m^2 (2,86.59 sq. ft.) is permitted in this instance. The proposed dwelling is also requesting an excessive garage projection. Attached garages are permitted, but garage projections exacerbate the visual impact and dominate the streetscape. In our opinion, based on the context of the subject dwelling and the cumulative impact of the requested minor variances, the proposed dwelling contravenes the general intent and purpose of the Zoning by-law, and is not considered minor in nature.

Based on the preceding, the Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the dwelling to reduce the garage projection and reduce the gross floor area."

City of Mississauga, Transportation and Works Department (June 29, 2017)

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

City of Mississauga, Community Services Department, Park Planning (June 30, 2017)

"The Park Planning Section of the Community Services Department (Community Services) has reviewed the above noted minor variance application, and advises as follows:

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

1. One (1) Ivory Silk Lilac – good condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of $1,323.45 for the above noted tree.

2. The applicant shall provide framed tree hoarding to the dripline of the above noted trees to the satisfaction of City of Mississauga Forestry Staff.

In addition, Community Services notes the following:

1. Payment of tree protection securities can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West. Any damage to the above noted City trees will result in the full or partial loss of street protection securities, as determined by City of Mississauga Forestry Staff.

2. Please be advised that securities may be held for up to two years, as determined by City of Mississauga Forestry Staff."

A letter was received from L. McElhinney, a representative of 7135 Minotola Avenue, stating concerns with the application.

No other persons expressed any interest in the application.

Mr. Caravaggio noted that he wished to amend the application to reflect a reduced garage projection and gross floor area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Caravaggio 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 two storey dwelling on the subject property proposing:

1. a gross floor area- infill residential of 298m^2 (3,207.75sq.ft.); whereas By-law 0225-2007, as amended permits a maximum gross floor area- infill residential of 266.13m^2 (2,864.59sq.ft) in this instance;

2. a height of 9.27m (30.41ft) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (29.52ft.)measured to the highest ridge of the roof in this instance; and,

3. a garage projection of 2.43m (7.97ft); whereas By-law 0225-2007; as amended, permits a maximum garage projection of 2.00m (6.56ft.) 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.

MISSISSAUGA

File: "A" 302/17
WARD 5

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

APPLICATION APPROVED AS AMENDED ON CONDITION AS STATED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

ABSENT
D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 303/17
WARD 2

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

TRAVIS BELL

on Thursday July 6, 2017

Travis Bell is the owner of 861 Sunningdale Bend being part of Lots 11 & 12, Registered Plan 536, 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 a height of 8.03m (26.34ft) measured to the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.61ft.) measured to the flat roof in this instance.

Mr. O. Stoyanovskyy, the authorized agent, attended and presented the application to permit the construction of a new two storey dwelling. He explained that the physical measurement of the dwelling was 7.57m but when the dwelling was measured from the average grade as per the Zoning By-law it did not comply. He explained that the uneven topography created in an average grade calculation that was not reflective of the actual height of the dwelling.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I, Greenlands

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 variance or determine whether additional variances may be required. Notwithstanding the above, it appears that the height has not been taken to the highest point of the dwelling and the request has not been accurately captured.

Planning
The applicant is requesting to construct a new 2 storey dwelling on the subject property with an increased height to the flat roof. The immediate neighbourhood has some new construction, but is primarily comprised of bungalows or split level dwellings with modest heights . There are no significant extenuating circumstances, such as large grade changes, that contribute to the increased height request. The applicant should defer the application to redesign the dwelling to lower the height of the flat roof and clarify the required variance as relates to the architectural component height that is considered part of the dwelling height.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"Transportation and Works concerns are being addressed through the Site Plan application for this property, SP-16/032."

Credit Valley Conservation (June 28, 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 subject property is traversed by Sheridan Creek and the associated floodplain, valley feature, and slope hazard. CVC staked the top of bank under a previous Site Plan application (16/032) that was withdrawn prior to completion. Portions of the property are designated as Mississauga NAS - Significant Natural Site and Peel Greenlands. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological, and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

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

Proposal:
The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey dwelling on the subject property proposing:

1. A height of 8.03m (26.34ft) measured to the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.61ft) measured to the flat roof in this instance.

Comments:
The requested minor variance to increase the allowable height of the flat roof 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. Please be advised that CVC identified a number of concerns for development of the site through the previous Site Plan application that was withdrawn (16/032), including slope hazard and setbacks from the staked top of bank. CVC concerns are to be addressed through the forthcoming Site Plan and CVC Permit processes.

Please circulate CVC any future correspondence regarding this application."

A memorandum was received from Ward Councillor Ras expressing concerns for the subject application.

A letter was received from S. Shanly, President of the Meadow Wood Rattray Ratepayers Association, expressing concerns with the application.

S. Shanly and W. Davies, representatives of the Meadow Wood Rattray Ratepayers Association, attended and expressed their concerns with the height and design of the dwelling. They suggested that the proposed dwelling was not in character with the surrounding area.

No other persons expressed any interest in the application.

Mr. Stoyanovskyy indicated he wished to amend the height of the dwelling to 7.80m. He confirmed that the amended application was accurate and wished to proceed with the Committee adjudicating the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Stoyanovskyy 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 new two storey dwelling on the subject property proposing a height of 7.80m (25.59ft) measured to the flat roof; whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (24.61ft.) measured to the flat roof in this instance.

This decision is subject to the following condition:

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

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

APPLICATION APPROVED AS AMENDED ON CONDITION AS STATED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

DISSENTED

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 304/17
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

1112396 ONTARIO LIMITED

on Thursday July 6, 2017

1112396 Ontario Limited. is the owner of 7195 Torbram Road being part of Lot 11, Concession 6, EHS, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit motor vehicle sales and motor vehicle body repair accessory to the existing motor vehicle repair facility in Unit 6 of the subject building; whereas By-law 0225-2007, as amended does not permit motor vehicle sales or motor vehicle body repair in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the application.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

"Recommendation
The Planning and Building Department has no objection to the application, but the applicant may choose 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: Business Employment

Zoning By-law 0225-2007
Zoning: E2 (Employment)

Other applications:
Certificate of Occupancy File: C 17-6634

Comments

Zoning
The Building Department is currently processing a certificate of occupancy permit application under file C 17-6634.

Planning
The subject site is located in the Northeast Employment Area, near the intersection of Torbram Road and Derry Road East. The subject site is a multi-unit industrial building.

The application requests a minor variance to permit motor vehicle sales and motor vehicle body repair accessory to the existing motor vehicle repair facility within Unit 6. The subject unit is internal to the lot and does not face the street.

The immediate area contains a variety of business employment uses. The immediate context consists of motor vehicle related facilities, and general warehouse and manufacturing uses. No changes to the exterior of the building are proposed. In our opinion, the additional motor vehicle body repair facility and motor vehicle sales facility uses will not cause further impact to the area. In our opinion, the general intent and purpose of the Zoning By-law is maintained, and the variance is minor in nature.

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

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.

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

MOVED BY: J. Robinson SECONDED BY: P. Quinn CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. Patrizio
S. PATRIZIO

D. George
D. GEORGE (CHAIR)

J. Robinson
J. ROBINSON

D. Kennedy
D. KENNEDY

J. Page
J. PAGE

D. Reynolds
D. REYNOLDS

P. Quinn
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 387/16
WARD 6

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

GEORGE MOMCILOVIC

on Thursday July 6, 2017

George Momcilovic is the owner of 3428 The Credit Woodlands being Part of Lot 17, Registered Plan 650, zoned RM1, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. The establishment of a home office within the existing detached garage on the property; whereas By-law 0225-2007, as amended, requires for a home office to be located entirely within the dwelling unit in this instance.

2. The establishment of a home office visible from the exterior of the dwelling unit; whereas By-law 0225-2007, as amended, does not permit a home office to visible from the exterior of the dwelling unit in this instance.

3. Tandem parking spaces for the home office; whereas By-law 0225-2007, as amended, does not permit tandem parking spaced for a home office in this instance.

On September 22, 2016, Mr. N. Dell, the authorized agent, attended and indicated that he wished to defer his application in order to confirm the accuracy of the proposed variances for the proposed garage. He requested that a lengthy deferral was needed in order to address these issues and requested the latest date possible.

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

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

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

Background

Mississauga Official Plan
Character Area: Erindale Neighbourhood
Designation: Low Density II

Zoning By-law 0225-2007

Zoning: RM-1

Other Applications:

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit application under file 16-2707. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Planning
The subject area is located on The Credit Woodlands south of Burnhamthrope Rd. The immediate area is comprised of semi-detached dwellings, greenbelt lands, townhouses, and detached dwellings. The area was developed in the 1960s. The subject site is a semi-detached dwelling immediately adjacent to a greenbelt park access.

The application requests to permit the establishment of a commercial school use in a residential dwelling in a residential zone.

Previously application "A" 166/08 sought variances for a new detached garage with an increased floor area, and reduced rear and side yard. The Planning and Building Department recommended the application be deferred for the applicant to redesign the structure. The application was approved. The relief granted under the previous variance detached garage would no longer apply if this were to be a new commercial school building. Additional variances would be necessary.

Home occupations, such as tutoring, music instruction, artist, or some professional office, are permitted within residential zones, however, a commercial school is not considered a home occupation.

The application indicates the commercial school will located within the detached garage. The zoning bylaw provisions state that home occupations shall be conducted wholly within a detached dwelling. Further, the provisions state the maximum number of clients attending a home occupation at any one time shall be two (2). The by-law intent is to limit the impact to the neighbourhood by restricting the types of dwellings suitable for home occupations, the location on the property, and the number of patrons and their vehicles.

The application has indicated the proposed commercial school could accommodate twelve (12) patrons, and the driveway can accommodate ten (10) vehicles.

Should the committee see merit in the application, we recommend the following conditions:
A temporary time period
A cap on the number of employees and students per day
Exclusively for a commercial school use for tutoring and certifying safety certifications

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

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

"Enclosed for the committees easy reference are photos depicting the subject property"

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

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

A letter was submitted by Ward Councillor Ron Starr indicating his support for the application.

No other persons expressed any interest in the application.

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

On December 15, 2016, Mr. N. Dell, authorized agent, attended and requested a deferral of the subject property. Mr. Dell explained that an outstanding Ontario Building Code issue could not be resolved and that his client wished to modify the proposal to construct and operation a home office. He indicated that the revised application would need to be submitted and circulated for review.

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

City of Mississauga, Planning and Building Department (December 9, 2016)

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

Background

Mississauga Official Plan
Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: RM-1

Other Applications:

Comments

Zoning
The Building Department is currently processing a certificate of occupancy permit application under file 16-2707. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

We note Site Plan Application is required for a commercial undertaking. The previous minor variance approval was for a "detached garage", and should this proposal be for a new commercial school building, the relief granted under the previous variance would no longer apply.

Planning
No new information has been received. Comments from September 22, 2016 remain applicable.

The subject area is located on The Credit Woodlands south of Burnhamthrope Rd. The immediate area is comprised of semi-detached dwellings, greenbelt lands, townhouses, and detached dwellings. The area was developed in the 1960s. The subject site is a semi-detached dwelling immediately adjacent to a greenbelt park access.

The application requests to permit the establishment of a commercial school use in a residential dwelling in a residential zone.

Previously application "A" 166/08 sought variances for a new detached garage with an increased floor area, and reduced rear and side yard. The Planning and Building Department recommended the application be deferred for the applicant to redesign the structure. The application was approved. The relief granted under the previous variance detached garage would no longer apply if this were to be a new commercial school building. Additional variances would be necessary.

Home occupations, such as tutoring, music instruction, artist, or some professional office, are permitted within residential zones, however, a commercial school is not considered a home occupation.

The application indicates the commercial school will located within the detached garage. The zoning bylaw provisions state that home occupations shall be conducted wholly within a detached dwelling. Further, the provisions state the maximum number of clients attending a home occupation at any one time shall be two (2). The by-law intent is to limit the impact to the neighbourhood by restricting the types of dwellings suitable for home occupations, the location on the property, and the number of patrons and their vehicles.

The application has indicated the proposed commercial school could accommodate twelve (12) patrons, and the driveway can accommodate ten (10) vehicles.

Should the committee see merit in the application, we recommend the following conditions:

1. A temporary time period
2. A cap on the number of employees and students per day
3. Exclusively for a commercial school use for tutoring and certifying safety certifications

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

City of Mississauga, Transportation and Works Department (December 8, 2016)

"Please refer to our comments submitted for the September 22, 2016 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee expressed concerns that the redesigned proposal was significantly different from the initial application. The Committee consented to the request and pre-emptory deferred the application to the April 6, 2017 hearing.

On April 6, 2017, Mr. N. Dell, the authorize agent, attended and indicated that additional time was required to amend the application to permit a home office use and to allow for the necessary circulation and review to occur. He noted that there had been a series of changes and misunderstandings that had inhibited to accurate review of the application.

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

City of Mississauga, Planning and Building Department (March 31, 2017)

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

Background

Mississauga Official Plan
Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: RM-1 (Residential)

Other Applications:
Certificate of Occupancy File: 16-2707

Comments

Zoning
The Building Department is currently processing a certificate of occupancy permit application under file 16-2707. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Planning
At the December 9, 2016 the applicant orally indicated the proposal had changed from a commercial school to a home occupation. The variance has not been revised, and no new submissions have been received.

Previous Comments:

The subject area is located on The Credit Woodlands south of Burnhamthrope Rd. The immediate area is comprised of semi-detached dwellings, greenbelt lands, townhouses, and detached dwellings. The area was developed in the 1960s. The subject site is a semi-detached dwelling immediately adjacent to a greenbelt park access.

The application requests to permit the establishment of a commercial school use in a residential dwelling in a residential zone.

Previously application "A" 166/08 sought variances for a new detached garage with an increased floor area, and reduced rear and side yard. The Planning and Building Department recommended the application be deferred for the applicant to redesign the structure. The application was approved. The relief granted under the previous variance detached garage would no longer apply if this were to be a new commercial school building. Additional variances would be necessary.

Home occupations, such as tutoring, music instruction, artist, or some professional office, are permitted within residential zones, however, a commercial school is not considered a home occupation.

The application indicates the commercial school will located within the detached garage. The zoning bylaw provisions state that home occupations shall be conducted wholly within a detached dwelling. Further, the provisions state the maximum number of clients attending a home occupation at any one time shall be two (2). The by-law intent is to limit the impact to the neighbourhood by restricting the types of dwellings suitable for home occupations, the location on the property, and the number of patrons and their vehicles.

The application has indicated the proposed commercial school could accommodate twelve (12) patrons, and the driveway can accommodate ten (10) vehicles.

Should the committee see merit in the application, we recommend the following conditions:
1. A temporary time period
2. A cap on the number of employees and students per day
3. Exclusively for a commercial school use for tutoring and certifying safety certifications

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

City of Mississauga, Transportation and Works Department (March 31, 2017)

"Please refer to our comments submitted for the September 22, 2017 Hearing as those comments are still applicable."

Region of Peel, Environment, Transportation and Planning Services (April 4, 2017)

"Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Any changes to the underground water or sanitary sewer to accommodate the proposed use will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit."

A letter was received from Y. Zheng & Z. Pan, residents of 3454 Gallager Drive, stating an objection to the subject application.

A letter was received from B. Chen, a residents of 3417 the Credit Woodlands, 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 July 6, 2017 hearing.

On July 6, 2017, Mr. N. Dell, the authorized agent, attended and presented the application to permit a home occupation to operate within the detached rear yard garage on the property. Mr. Dell indicated that that the home occupation use was for an administrative office and that no students would attend the site for tutoring activity. He confirmed that all classroom tutoring activities would occur off-site.

Mr. Dell indicated that his client had formerly operated a commercial school for workplace safety training from within the garage but noted that the garage did not comply with the *Ontario Building Code* for commercial school uses. He confirmed that his client had ceased the commercial school use.

Mr. Dell noted that the garage was significantly long and had attracted attention for the amount of vehicles that the driveway could accommodate.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

"**Recommendation**
The Planning and Building Department cannot support the application.

Background

Mississauga Official Plan
Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: RM-1 (Residential)

Other Applications:
Certificate of Occupancy File: 16-2707

Comments

Zoning
The Building Department is currently processing a certificate of occupancy permit application under file 16-2707. Based on the information submitted, the applicant has advised that the proposed use is an 'office.' Subsection 4.1.16 of Zoning By-law 225-2017, as amended, outlines a number of regulations pertaining to Home Occupations. Based on these regulations we suggest that the following variances/clarification be provided:

To permit a Home Occupation office use in a detached garage; whereas by-law 225-2017, as amended requires a Home Occupation use to be located within a detached dwelling.

To permit a Home Occupation office having a gross floor area- residential of 55.74m2; whereas by-law 225-2017, as amended permits the maximum gross floor area devoted to a Home Occupation use of 50m2 maximum.

Additional information is required from the applicant in order to determine whether additional variance will be required. In particular:

- Indicate whether this is the principal private residence of the person or persons conducting the Home Occupation.

- Indicate whether there will be any outdoor storage or outdoor display of merchandise, material or equipment associated with the Home Occupation.

- We note that relief has been requested to permit the Home Occupation being visible from the exterior of the detached garage but, no reference has been made to what this visible indicator may be. Therefore the applicant shall indicate whether there will be any visible indication from the exterior of the detached garage that a Home Occupation is carried out in the detached garage.

- Indicate the number of clients attending the Home Occupation at any one time.

- Indicate whether the Home Occupation will create any noise, vibration, fumes, odour, dust, glare or radiation which is detectable outside the detached garage.

- Indicate whether any other Home Occupations are currently being conducted at this property.

- Indicate the number of employees who are not residents of the existing dwelling on the property.

We note that the sketch submitted as part of this application appears to indicate that parking spaces will remain within the detached garage in combination with the proposed Home Occupation. Ontario Building Code regulations will require, amongst other things, a physical separation between these uses. As such, additional variances may be required regarding minimum detached garage regulations.

Planning
At the April 6, 2017 hearing the application was deferred in order for the applicant to revise the application from commercial school to home occupation. Previously the application was heard on December 15, 2016 and September 22, 2016. Planning received a revised notice and information in early June, 2017.

The subject site is located in the Erindale Neighbourhood, near Burnhamthorpe Road West and the Credit River. The subject site is a semi-detached dwelling, and abuts public open space at the side and rear of the property. Previously, application 'A' 166/08 sought variances for a new detached garage with an increased floor area, and reduced rear and side yards.

The subject application seeks to permit the establishment of a home office within the existing detached garage. Information provided by the applicant indicates that the home office will have two employees and one CEO. The revised drawings indicate office space at the rear of the existing garage, but does not illustrate any demising walls to separate the office from the parking spaces, as is required by the Ontario Building Code.

A revised submission was received on June 12, 2017. Staff has met with the authorized agent on June 19th, but were not able to clarify the issues indicated above. To date, the City has not received a response to the inquires raised in Zoning comments.

Subsection 4.1.16 of the Zoning By-law has specific provisions regarding home occupations. The by-law requires that home occupations be conducted wholly within a detached dwelling, that it shall not employ staff who are not a resident of the dwelling, and the total area used for a home occupation shall not exceed 50 m^2. Types of home occupations are restricted to tutoring, music instruction, artist or artisan work, and offices.

The intent and purpose of the provisions regarding home occupations is to protect the residential character of the neighbourhood by limiting the size and impact.

More information is necessary in order to determine the nature of the proposed home occupation and if additional variances are necessary. Revisions to the drawings in order to comply with the Ontario Building Code may result in additional variances.

In the absence of a response from the applicant, and as the hearing has been deemed to be peremptory, the Planning and Building Department cannot support the application."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"The revised notice indicates the applicant is proposing to operate a home office within the existing detached garage. This department has concerns with the proposed request as it appears that the entire interior of the garage could be utilized for the proposed home office. There is no separation wall between the vehicle parking area and the home office and to enter the home office/board room you must walk through the vehicle parking area. If the garage is to be utilize for any activities such as instruction or training, as was previously noted in the original request, this department has concerns with the parking configuration within the residential driveway for a semi-detached dwelling. The proposed tandem arrangement may not be functional based on the width of the driveway and could result in increased on street parking concerns in the immediate area. The applicant's agent has indicated in his letter dated June 12, 2017 that "we will not be using the property to host any clients or tutor any private person in any capacity." We question how this can be enforced and/or what conditions would be sufficient enough to restrict the use to a portion of the open garage area.

We have also enclosed for Committee's easy reference, some photos which depict the subject property."

Region of Peel, Public Works Department (June 30, 2017)

"Development Engineering: Iwona Frandsen (905) 791 7800 x7920

> Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Any changes to the underground water or sanitary sewer will require review by the Region of Peel. 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 or by email at siteplanservicing@peelregion.ca"

A letter was received from B. Chen, a residents of 3417 the Credit Woodlands, stating an objection to the subject application.

A letter was received from Y. Zheng & Z. Pan, residents of 3454 Gallager Drive, stating an objection to the subject application.

A letter was received from L. Momcilovic, representative of Gm Group Inc verifying information requested by city staff.

Ward 6 Councillor R. Starr, attended and indicated that he had attended the site and indicated that the revised use was innocuous.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of three (3) years and is to expire and terminate on or before, August 31 2020 and is subject to the following conditions:

1. No more than two individuals/ clients at one time
2. GM group inc
3. No outside employees aside from those living in dwelling

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

APPLICATION APPROVED ON CONDITIONS AS STATED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 97/17
WARD 7

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

BHAVIK, BIPINCHANDRA & CHANDRIKA VYAS

on Thursday July 6, 2017

Bhavik, Bipinchandra & Chandrika Vyas are the owners of 2468 Edenhurst Drive being Lot 51, Registered Plan 576, zoned R3 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing:

1. a lot coverage of 40.70% 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, and;

2. northerly and southerly side yards of 1.20m (3.94ft.) measured to the second storey of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.94ft.) in this instance.

On March 23, 2017, Mr. P. Jaruczik, the authorized agent, attended and requested a deferral of the application to allow the opportunity to submit a building permit application and for the necessary review to occur to confirm the accuracy of the requested variances.

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

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 Committee's information that any Transportation and Works Department concerns/requirements for the proposed new dwelling will be addressed through the Building Permit process."

Region of Peel, Environment, Transportation and Planning Services (March 21, 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 B. Doerr, a resident of 2480 Edenhurst Drive, expressing 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 25, 2017 hearing.

On May 25, 2017, Mr. P. Jaruczik, the authorized agent, attended and indicated that he required additional time to prepare the necessary building permit application.

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

City of Mississauga, Planning and Building Department (May 19, 2017)

"**Recommendation**
The Planning and Building Department recommends that the application be deferred to allow the applicant an opportunity to clarify what variances are required. Further, we are unable to verify the accuracy of the requested variances and the applicant may wish to apply for the required Building Permit application to ensure that they have captured all the required variances.

Background

Mississauga Official Plan
Character Area: Cooksville Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007
Zoning: R3 (Residential)

Other Applications:
Building Permit File: Required

Comments

Planning
As no new information has been received since the previous hearing, the Planning and Building Department comments from the March 23, 2017 hearing remain applicable."

City of Mississauga, Transportation and Works Department (May 18, 2017)

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed new dwelling will be addressed through the Building Permit Process."

Region of Peel, Public Works Department (May 19, 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 R. Skakun, a resident of 2461 Edenhurst Drive, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and defer the application to the hearing July 6, 2017.

On July 6, 2017, Mr. P. Jaruczik, the authorized agent, attended and presented the application. Mr. Jaruczik advised the Committee that the reduced side yards were only to the second storey and suggested that the reduced side yards were appropriate. He noted that the surrounding area was undergoing redevelopment and suggested that the proposed dwelling was reflective of the emerging character of the area. Mr. Jaruczik confirmed that the existing shed on the property was to be removed and would not affect the calculation of lot coverage.

Mr. Jaruczik indicated that Zoning staff have not reviewed the architectural plans during the interim of the deferral. Mr. Jaruczik indicated that the application was correct as presented to the Committee and indicated he wished to proceed with the Committee adjudicating the application.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R3 (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 information provided, or determine whether additional variances may be required.

Planning
The application was previously before the Committee on May 25, 2017. Since the previous hearing the applicant has removed the fireplace structure from the plans and decreased the overall height of the gazebo structure to comply with the required 3.00 m (9.84 ft.). However, despite the alterations to the plans, the same concerns the Department previously expressed remain present. The proposed location of the structure in the exterior side yard is not an appropriate location given the existing streetscape and building line along Barcella Crescent. The overall floor area of the structure remains the same as previously applied for and, despite the height complying with the Zoning By-law requirement, the structure will still be very visible above the fence line along the street and create a negative impact. The proposed location is not appropriate and the requested decrease in exterior side yard setback is not minor in conjunction with the floor area and overall mass of the structure.

The Planning and Building Department are of the opinion that the proposal does not represent appropriate development for this lot and that the application fails to meet the four tests for a minor variance. As a result, the Department recommends that the application be refused.

The Departments previous comments have been attached for reference, as the comments related to the intent of the exterior side yard setback remain relevant."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed new dwelling will be addressed through the Building Permit Process."

Region of Peel, Public Works Department (June 30, 2017)

"Servicing for the proposed development must comply with the Local Municipality's Requirements for the Ontario Building Code and Region of Peel standards. Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit."

No other persons expressed any interest in the application.

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

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

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

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

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

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

Application Approved on condition as stated.

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 206/17
WARD 2

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

KAREN MCFARLANE

on Thursday July 6, 2017

Karen McFarlane is the owner of 769 Terlin Boulevard being part lot 9, range 2 CIR, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit a garage extension and the existing addition on to the dwelling to remain on the subject property proposing:

1. a gross floor area- infill residential of 508.30m^2 (5471.29sq.ft.); whereas By-law, as amended, permits a maximum gross floor area- infill residential of 394.40m^2 (4245.26sq.ft.) in this instance;
2. a lot coverage of 33.49% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance;
3. two kitchens on the subject property; whereas By-law 0225-2007, as amended, permits one kitchen per dwelling in this instance;
4. a garage projection of 1.21m (3.96ft.) beyond the front wall; whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (0.00ft.) in to the front yard in this instance; and,
5. a height of 3.44m (11.28ft.) for the accessory structure (shed); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for the accessory structure (shed) in this instance.

Ms. K. McFarlane, the owner of the property, attended and presented the application to permit the existing dwelling to remain on the property. Ms. McFarlane advised the Committee that there were errors made during the design and construction of the additions to the dwelling resulting in a floor plan that was insufficient for the needs of her family. She noted that the contractor attempted to resolve the insufficient floor plan by making additional alterations to the dwelling without the necessary permits. Ms. McFarlane noted that a side entrance and deck was also constructed without the necessary permits.

Ms. McFarlane confirmed that an existing accessory structure in the rear yard of the property was too tall.

The Committee indicated that there was insufficient information to assess the application that depicted the differences between a previous variance application that permitted the construction of additions. They noted there was a substantial increase in floor area between the previous and current application that could not be identified by the applicant.

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

City of Mississauga, Planning and Building Department (May 12, 2017)

"Recommendation
The Planning and Building Department recommends that the application be deferred to redesign the dwelling to reduce the Gross Floor Area (GFA)

Background

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

Zoning By-law 0225-2007
Zoning: R2-4 (Residential)

Other Applications:
Pre-Zoning Review File: 16-4277

Comments

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

Planning
The applicant is proposing an addition to the existing dwelling to accommodate an additional kitchen and associated living space. To accommodate the addition the garage would need to be relocated slightly forward, resulting in a variance along with the lot coverage, GFA, and kitchen variances. The requested variance for the height of the accessory structure is difficult to evaluate given that no information has been provided related to it.
The Department has some concerns with the requested GFA and is of the opinion that the applicant should defer the application to redesign the addition to reduce the size. The neighbourhood consists of other two storey dwellings; however, other dwellings are proportional to the lots on which they are constructed and consistent with the neighbourhood character. There has been one other GFA variance approved in the nearby area, at 786 Terlin Boulevard, for an increase of 7.17 m^2 (77.18 sq. ft.) beyond what the Zoning By-law permits. All other redevelopments in the immediate area have complied with the requirements of the Zoning By-law.

The Planning and Building Department does not necessarily have a concern with variances #2 through #5, although more information would be required to appropriately evaluate variance #5; however, the Department is of the opinion that the requested increase in GFA is out of context of the neighbourhood and that the application should be deferred in order to significantly reduce the requested size."

City of Mississauga, Transportation and Works Department (May 11, 2017)

"Transportation and Works conditions will be addressed through the Building Permit process."

A memorandum was received from Ward Councillor Karen Ras expressing an interest on behalf of her constituents.

A letter was received from Ms. L. McFarlane , a resident of 769 Terlin Boulevard , stating an interest in the subject application.

A letter was received from Mr. B, Ms. S. Legge, residents of 780 Edistel Crescent, stating an objection to the subject application.

A letter was received from Mr. G, Ms. C. Conlin, residents of 763 Terlin Boulevard, stating an objection to the subject application.

A letter was received from Mr. C, Ms. C. Cunningham, residents of 772 Terlin Boulevard, stating an objection to the subject application.

A letter was received from Mr. X. Mesrobian, resident of 789 Edistel Boulevard, stating an objection to the subject application.

A letter was received from Mr. R, Ms. M. Ellis-Smith, residents of 775 Terlin Boulevard, stating an objection to the subject application.

No other persons expressed any interest in the application.

The Committee deferred the application to the **July 6, 2017** hearing to allow the applicant to present sufficient information to evaluate the application.

On July 6, Mr. R. McFarlane, representative of the property owner, attended and presented the application to permit existing addition and accessory structure with background as to the variances originally requested, plans submitted in association with permits issued. He submitted a letter of support signed by 9 neighbours.

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

City of Mississauga, Planning and Building Department (June 30, 2017)

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

Background

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

Zoning By-law 0225-2007
Zoning: R2-4 (Residential)

Other Applications:
Pre-Zoning Review File: 16-4277

Comments

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

Planning
The application was previously before the Committee on May 18, 2017 and was deferred so that some additional clarification could be provided related to prior applications and the extent of the construction in the dwelling.

Building permits were issued in 2014/2015 which permitted a ground floor and second storey addition to the dwelling, representing 122.90 m^2 (1322 sq. ft.) of additional GFA. The zoning provision for this additional GFA was not captured prior to permit issuance.

The current application seeks to allow for an extension to the front face of the garage to accommodate an additional kitchen in the rear portion of the existing garage structure. The proposal represents an additional 9.51 m^2 (102.36 sq. ft.) of GFA. The garage expansion is necessary to accommodate the required depth of parking stalls within a garage to allow for the functional use of it for the parking of vehicles. The Planning and Building Department does not have any objection to the requested variance for the garage projection as it will not result in the garage being the dominant visual feature of the dwelling and not impact the ability to provide parking on the driveway in front of the garage face.

The additional kitchen, as requested in variance #3, is not a concern to the Department. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units within houses. Given the implementation of second unit policies and the provincial direction on the issue, there are some scenarios where additional kitchens could be provided in an appropriate manner. The existing dwelling on the subject property functions as if there were a second unit in the dwelling, except for the connection by a doorway on the second floor of the dwelling. If the doorway that connects the two areas of the dwelling were a solid wall, then there would be no need for the variances and each part would be fully independently functional and would be permitted within the City of Mississauga second unit provisions.

With regards to the requested increase in GFA, the 9.51 m^2 (102.36 sq. ft.) being proposed is negligible and will not discernibly impact the overall massing of the dwelling. The additional GFA under the application represents the building addition undertaken in 2015. In our view, this additional GFA maintains the general intent of the by-law as the dwelling is massed in a sensitive manner and is of a scale that is comparable with other dwellings on the street.

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

City of Mississauga, Transportation and Works Department (June 29, 2017)

"Transportation and Works conditions will be addressed through the Building Permit process."

A memorandum was received from Ward Councillor Karen Ras stating an interest in the subject application on behalf of her constituents.

A letter was received from Mr. X. Mesrobian, a resident of 789 Edistel Crescent, stating an objection to the subject application.

A letter was received from Mr. A, Ms. S. Frehn, residents of 786 Terlin Boulevard, in support of the subject application..

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. McFarlane 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.Kennedy SECONDED BY: S.Patrizio CARRIED

APPLICATION APPROVED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT
D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.

MISSISSAUGA

File: "A" 218/17
WARD 2

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

IAN CLANACHAN & VICTORIA STAR

on Thursday July 6, 2017

Ian Clanachan & Victoria Star are the owners of 2603 Barcella Crescent being Lot 70, Registered Plan 792, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a gazebo and 2 accessory structures (pool shed and fireplace) on the subject property proposing:

1. two accessory structures on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of 1 accessory structure on the subject property in this instance;

2. a floor area occupied of 21.73m^2 (233.89sq.ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area occupied of 10.00m^2 (107.63sq.ft.) in this instance;

3. a height of 3.68m (12.07ft.) 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 height of 3.68m (12.07ft.) for the accessory structure (pool shed) ; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for the accessory structure (pool shed) in this instance;

5. a height of 4.28m (14.04ft.) for the accessory structure (fireplace); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84ft.) for the accessory structure (fireplace) in this instance;

6. an exterior side yard of 3.74m (12.27ft.) measured to both the accessory structure (pool shed) and gazebo; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,

7. an exterior side yard of 3.13m (10.26ft.) measured to the accessory structure (fireplace); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

On May 25, 2017, Ms. A. Beaumont, a representative of the authorized agent, attended and requested a deferral to redesign the proposal and to address the concerns raised by staff.

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

City of Mississauga, Planning and Building Department (May 19, 2017)

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

Background

Mississauga Official Plan
Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R3 (Residential)

Other Applications:
Building Permit File: Required

Comments

Zoning
A Building Permit is required and in the absence of a Building Permit we are unable to verify the accuracy of the information provided or determine whether any additional variances will be required.

Planning
The applicant is requesting a number of variances to permit the construction of a large structure in the exterior side yard consisting of a gazebo, a pool storage room, and a fireplace structure. Each of the structures requires variances for exterior side yard setback and height and the gazebo requires a variance for increased floor area.

One of the intents of the Zoning By-law requiring increased exterior side yard setbacks for both dwellings and accessory structure is to ensure that a consistent building line is maintained with the front yards of the dwellings on the street which the exterior side yard faces. In this instance, there is a uniform building line along the side yard of the dwelling on the subject property, the existing fence, and the neighbouring dwelling along Barcella Crescent. The proposed structures would be located entirely outside of the existing fence line, closer to Barcella Crescent. Although a fence would be permitted to be constructed closer to the side lot line that currently existing, as shown on the plans, the proposed structures would be nearly double the permitted maximum height of the fence and would significantly impact the streetscape. The increased floor area of the gazebo in conjunction with the pool shed and the increased height from both will be visible along Barcella Crescent and will create a negative impact.

Based on the preceding information, the Planning and Building Department is of the opinion that the variances are not minor and that the general intent of the Zoning By-law is not maintained; as a result, we recommend that the application be refused."

City of Mississauga, Transportation and Works Department (May 18, 2017)

"This Department has no objection to the applicant's request to construct a gazebo, pool shed and fireplace provided that the roof drainage from each be directed in such a manner to not impact the adjacent neighbouring lands to the south or the Municipal boulevard along Barcella Crescent."

A letter was received from R. Londono, a resident of 2543 Homelands Drive, stating an interest in the subject application.

A letter was received from D. Yang & S. Guo, residents of 2529 Homelands Drive, stating an interest in the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and defer the application to the hearing July 6, 2017.

On July 6, 2017, Mr. W. Oughtred, the authorized agent, attended and presented the revised application to permit the construction of a pool cabana on the property. He

indicated that the property had a unique configuration making it challenging to appropriately locate the cabana in accordance with the Zoning By-law. Mr. Oughtred indicated that cabana would contain a fireplace which was considered a second accessory structure.

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

City of Mississauga, Planning and Building Department (June 29, 2017)

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

Background

Mississauga Official Plan
Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007
Zoning: R3 (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 information provided, or determine whether additional variances may be required.

Planning
The application was previously before the Committee on May 25, 2017. Since the previous hearing the applicant has removed the fireplace structure from the plans and decreased the overall height of the gazebo structure to comply with the required 3.00 m (9.84 ft.). However, despite the alterations to the plans, the same concerns the Department previously expressed remain present. The proposed location of the structure in the exterior side yard is not an appropriate location given the existing streetscape and building line along Barcella Crescent. The overall floor area of the structure remains the same as previously applied for and, despite the height complying with the Zoning By-law requirement, the structure will still be very visible above the fence line along the street and create a negative impact. The proposed location is not appropriate and the requested decrease in exterior side yard setback is not minor in conjunction with the floor area and overall mass of the structure.

The Planning and Building Department are of the opinion that the proposal does not represent appropriate development for this lot and that the application fails to meet the four tests for a minor variance. As a result, the Department recommends that the application be refused.

The Departments previous comments have been attached for reference, as the comments related to the intent of the exterior side yard setback remain relevant."

City of Mississauga, Transportation and Works Department (June 29, 2017)

"This Department has no objection to the applicant's request to construct a gazebo, pool shed and fireplace provided that the roof drainage from each be directed in such a manner to not impact the adjacent neighbouring lands to the south or the Municipal boulevard along Barcella Crescent."

No other persons expressed any interest in the application.

Mr. Oughtred indicated that he wished to amend the application to delete variances 3, 4 & 5 and reduce variance 6 to 5.68m and variance 7 to 5m.

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.

Accordingly, the Committee resolves to authorize and grant the amended request permit the construction of a gazebo and 2 accessory structures (pool shed and fireplace) on the subject property proposing:

1. two accessory structures on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of 1 accessory structure on the subject property in this instance;

2. a floor area occupied of 21.73m^2 (233.89sq.ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area occupied of 10.00m^2 (107.63sq.ft.) in this instance;

3. an exterior side yard of 5.68m (18.63ft.) measured to both the accessory structure (pool shed) and gazebo; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance; and,

4. an exterior side yard of 5m (16.40ft.) measured to the accessory structure (fireplace); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (19.68ft.) in this instance.

This decision is subject to the following condition:

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

MISSISSAUGA

File: "A" 218/17
WARD 2

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

APPLICATION APPROVED AS AMENDED ON CONDITION AS STATED

Dated at the City of Mississauga on July 13, 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 **AUGUST 2, 2017.**

Date of mailing is July 17, 2017.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 13, 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.