

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER
Hearing: DECEMBER 15, 2016 AT 1:30 P.M.

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

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

B-85/16	HABITAT FOR HUMANITY HALTON-MISSISSAUGA	3136 VICTORY CRES	5	Approved
B-86/16	HABITAT FOR HUMANITY HALTON-MISSISSAUGA	3136 VICTORY CRES	5	Approved
B-87/16	HABITAT FOR HUMANITY HALTON-MISSISSAUGA	3136 VICTORY CRES	5	Approved

NEW APPLICATIONS - (MINOR VARIANCE)

A-493/16	MARIO GOMES & GEORGE ROMEIRO	1898 MATTAWA AVE	1	Feb 23
A-494/16	MOHAMMAD & FARAH MUMTAZ	6945 LISGAR DR	10	Approved
A-495/16	PETER HARDWICK	1196 STREAMBANK DR	2	Approved
A-496/16	UMAIR MANZOOR	1 BROOKSIDE DR	11	Feb 23
A-497/16	MICHELLE NEWHOUSE	1496 MILDMAY CRT	2	Approved
A-498/16	MARK MARTINS	1328 NORTHAVEN DR	1	Approved
A-499/16	ABDULRAHMAN RAKHA	3485 CRIMSON KING CIR	10	Mar 2
A-500/16	JASON PROPERTIES INC.	339 RATHBURN RD W	4	Approved
A-501/16	BRUNO GALLE	2481 ST. WYNTEN'S CRT	8	Jan 19
A-502/16	ARMINDO JOAQUIM	1228 CANTERBURY RD	1	Jan 19
A-503/16	EVA DI IORIO	346 DERRY RD W	11	Approved 3 Years

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-387/16	GEORGE MOMCILOVIC	3428 THE CREDIT WOODLANDS	6	April 6 (pre-emptory)
A-444/16	SEEMA & RANJIT KUMAR	1771 HINDHEAD RD	2	Approved



MISSISSAUGA

File: "B" 85/16
WARD 5

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

HABITAT FOR HUMANITY HALTON-MISSISSAUGA

on Thursday December 15, 2016

Habitat For Humanity Halton-Mississauga is the owner of 3136 Victory Crescent being Part of Lot 11, Concession 7, EHS, zoned R4-1, Residential. The applicant requests the consent of the Committee to sever a parcel of land having a frontage of approximately 11.81 m (38.74 ft.) and an area of approximately 359.85 m² (3,873.39 sq. ft.). The effect of the application is to create a new lot for residential purposes.

The application is subject to previous Minor Variance File 'A' 436/16.

Ms. J. Payne, authorized agent, attended and presented the subject application to partition the existing property into 4 separate lots for the construction of semidetached dwellings. Ms. Payne confirmed that the construction of semidetached dwellings had been previously approved through a Minor Variance application.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 9, 2016)
City of Mississauga, Transportation and Works Department (December 8, 2016)
City of Mississauga, Community Services Department, Park Planning (December 12, 2016)
Region of Peel, Environment, Transportation and Planning Services (December 13, 2016)

A letter was received from S. Stoker, a resident of 3059 Churchill Avenue, stating his objection to the requested consent.

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.

Ms. Payne consented to the imposition of the proposed conditions.

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

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 8, 2016, save and except Condition A.1.
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 December 12, 2016.
6. The Secretary-Treasurer's Certificates under the Planning Act shall be issued, simultaneously, with respect to the conveyed land of applications "B"85/16, "B"86/16 & "B"87/16.

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

Application Approved on conditions as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 12, 2017**.

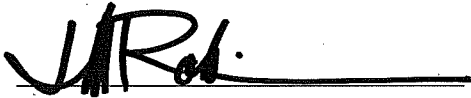
Date of mailing is December 23, 2016.



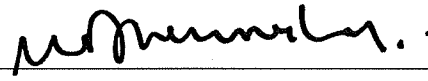
S. PATRIZIO (CHAIR)



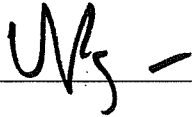
D. GEORGE



J. ROBINSON



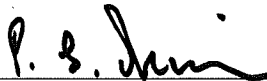
D. KENNEDY



J. PAGE

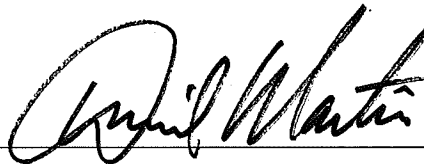
ABSENT

D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **December 23, 2017**.

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



COMMITTEE OF ADJUSTMENT

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

IN THE MATTER OF AN APPLICATION BY

HABITAT FOR HUMANITY HALTON-MISSISSAUGA

on Thursday December 15, 2016

Habitat For Humanity Halton-Mississauga is the owner of 3136 Victory Crescent being Part of Lot 11, Concession 7, EHS, zoned R4-1, Residential. The applicant requests the consent of the Committee to sever a parcel of land having a frontage of approximately 8.23 m (27.00 ft.) and an area of approximately 250.77 m² (2,699.26 sq.ft.). The effect of the application is to create a new lot for residential purposes.

The application is subject to previous Minor Variance File 'A' 436/16.

Ms. J. Payne, authorized agent, attended and presented the subject application to partition the existing property into 4 separate lots for the construction of semidetached dwellings. Ms. Payne confirmed that the construction of semidetached dwellings had been previously approved through a Minor Variance application.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 9, 2016)
City of Mississauga, Transportation and Works Department (December 8, 2016)
City of Mississauga, Community Services Department, Park Planning (December 12, 2016)
Region of Peel, Environment, Transportation and Planning Services (December 13, 2016)

A letter was received from S. Stoker, a resident of 3059 Churchill Avenue, stating his objection to the requested consent.

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.

Ms. Payne consented to the imposition of the proposed conditions.

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



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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 8, 2016, save and except Condition A.1.
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 December 12, 2016.
6. The Secretary-Treasurer's Certificates under the Planning Act shall be issued, simultaneously, with respect to the conveyed land of applications "B"85/16, "B"86/16 & "B"87/16.



MISSISSAUGA

File: "B" 86/16
WARD 5

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

Application Approved on conditions as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 12, 2017**.

Date of mailing is December 23, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **December 23, 2017**.

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



MISSISSAUGA

File: "B" 87/16
WARD 5

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

HABITAT FOR HUMANITY HALTON-MISSISSAUGA

on Thursday December 15, 2016

Habitat For Humanity Halton-Mississauga is the owner of 3136 Victory Crescent being Part of Lot 11, Concession 7, EHS, zoned R4-1, Residential. The applicant requests the consent of the Committee to sever a parcel of land having a frontage of approximately 8.25 m (27.00 ft.) and an area of approximately 251.38 m² (2,705.83 sq.ft.). The effect of the application is to create a new lot for residential purposes.

The application is subject to previous Minor Variance File 'A' 436/16.

Ms. J. Payne, authorized agent, attended and presented the subject application to partition the existing property into 4 separate lots for the construction of semidetached dwellings. Ms. Payne confirmed that the construction of semidetached dwellings had been previously approved through a Minor Variance application.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

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

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

City of Mississauga, Community Services Department, Park Planning (December 12, 2016)

Region of Peel, Environment, Transportation and Planning Services (December 13, 2016)

A letter was received from S. Stoker, a resident of 3059 Churchill Avenue, stating his objection to the requested consent.

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.

Ms. Payne consented to the imposition of the proposed conditions.

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



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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the 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.
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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 December 12, 2016.
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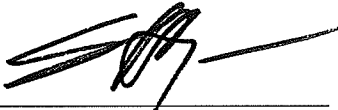
MOVED BY: J. Page SECONDED BY: D. George CARRIED

Application Approved on conditions as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 12, 2017**.

Date of mailing is December 23, 2016.



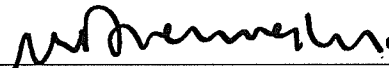
S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



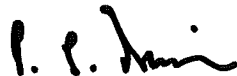
D. KENNEDY



J. PAGE

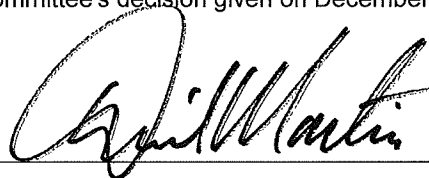
ABSENT

D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **December 23, 2017**.

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



COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MOHAMMAD & FARAH MUMTAZ

on Thursday December 15, 2016

Mohammad & Farah Mumtaz are the owners of 6945 Lisgar Drive being Lot 210, Registered Plan M-1052, zoned R4, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain having a driveway width of 8.00 m (26.24 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Mr. M. Mumtaz, a co-owner of the property, attended and presented the application to permit the existing oversized driveway to remain on the subject property. Mr. Mumtaz explained that his family required the additional parking spaces to accommodate their needs. He noted that the property was near a busy corner and the additional driveway width would also allow for the safe egress of the property.

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

The 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: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4

Other Applications:

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(s) as outlined in this application, it was apparent the following additional variance is required:

to permit a walkway attached to a driveway to have a maximum width of 1.83 m (6.00 ft.); whereas By-law 0225-2007, as amended, permits a maximum attachment of 1.5 m (5.00 ft.) in this instance.

Planning

The subject site is a corner property located in the Lisgar Neighbourhood near Ninth Line and Derry Road West.



The requested driveway width creates excessive hard surface and an opportunity for three vehicles to be parked side by side across the face of the garage. The intent of the requirements of the Zoning By-law is a driveway width be limited to provide for two vehicles to be parked side by side.

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

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

"This department has no objections to the applicant's request to permit the existing driveway to remain. As the Applicant has indicated in the letter submitted there is a stop sign and bus stop directly in front of the property and in this particular instance the wider driveway and the portion of the driveway which acts as a turn-around for vehicles allows for safer egress from the property."

A letter was received from A. Ftaich, a resident of 6928 Guardian Court, stating his objection to the requested variance.

No other persons expressed any interest in the application.

Mr. Mumtaz 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. Mumtaz 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 was satisfied that the oversized driveway would allow for the safe egress the property.

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

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



MISSISSAUGA

File: "A" 494/16
WARD 10

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

1. the existing driveway to remain having a driveway width of 8.00 m (26.24 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance; and,
2. to permit a walkway attached to a driveway to have a maximum width of 1.83 m (6.00 ft.); whereas By-law 0225-2007, as amended, permits a maximum attachment of 1.50 m (5.00 ft.) in this instance.

This decision is subject to the following condition:

1. The applicant shall remove all gravel abutting the driveway and maintain this area with soft landscaping (sod, flowerbeds, etc.).

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

Application Approved, as amended, on condition as stated.

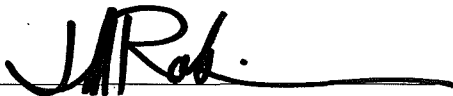
Dated at the City of Mississauga on December 22, 2016.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 11, 2017**.

Date of mailing is December 23, 2016.


S. PATRIZIO (CHAIR)

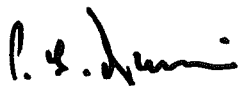
DISSENTED
D. GEORGE


J. ROBINSON

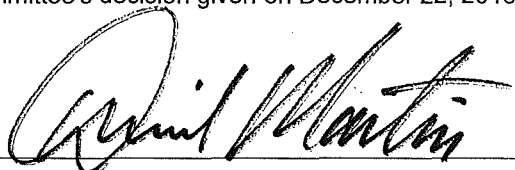
DISSENTED
D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

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


DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:
- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

PETER HARDWICK

on Thursday December 15, 2016

Peter Hardwick is the owner of 1196 Streambank Drive being Lot 40, Registered Plan 457, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure (shed) in the rear yard of the subject property proposing:

1. a side yard of 0.61 m (1.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m (3.93 ft.) in this instance,
2. an accessory structure height of 3.41 m (11.18 ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00 m (9.84 ft.) in this instance; and,
3. an accessory structure floor area of 15.60 m² (167.91 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure floor area of 10.00 m² (107.64 sq. ft.) in this instance.

Mr. P. Hardwick, the property owner, attended and presented the subject application to construct a storage shed within the rear yard of the subject property. Mr. Hardwick advised that he required additional storage space beyond what his dwelling could accommodate.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Building Permit File: BP 9NEW 16-2136

Comments

Zoning

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

Planning

The applicant is requesting to construct an accessory shed in the rear yard, near the westerly property line. The requested increase in Gross Floor Area (GFA) is minor relative to the size of the lot and should not be out of scale or character with the surrounding neighbourhood. Similarly, the proposed increase in height of 0.41 m (1.35 ft.), beyond what the Zoning By-law permits, is a relatively minor increase that will not create significant additional massing. Further, mature vegetation exists between the location of the proposed structure and the rear yard amenity area of the neighbouring property, which will provide some screening to further mitigate any potential visual impacts. The requested side yard setback of 0.61 m (1.96 ft.) is adequate to the rear of the structure and given that the proposed structure is a shed, there is less of a concern over noise associated with outdoor living in close proximity to the property line.

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

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

"This department would have no objections to the applicant's request to permit the construction of an accessory structure (shed) in the rear yard provided that the existing drainage pattern be maintained."

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 495/16
WARD 2

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

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

Application Approved.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JANUARY 11, 2017.

Date of mailing is December 23, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MICHELLE NEWHOUSE

on Thursday December 15, 2016

Michelle Newhouse is the owner of 1496 Mildmay Court being Lot 35, Registered Plan 666, zoned R2-4, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling proposing:

1. a front yard of 8.29 m (27.19 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00 m (29.52 ft.) in this instance,
2. a gross floor area - infill residential of 419.35 m² (4,513.84 sq. ft.); whereas By-law 0225-2007, as amended, permits a gross floor area - infill residential of 409.15 m² (4404.05 sq. ft.) in this instance; and,
3. a height of 6.86 m (22.50 ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 m (20.99 ft.) to the underside of the eaves in this instance.

Mr. J. Heder, a representative of the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Mr. Heder explained that the reduced front yard was the result of the arced front lot line and that this reduction was measured to an architectural feature on the porch roof. Mr. Heder noted that the overage in gross floor area was contained within the roofline and would be imperceptible from view of the street. He stated that the overage in height was the result of an uneven topography of the property.

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

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

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-128

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the information currently available for this application, we advise that the identified variances are correct; however more information is required to determine whether additional variances will be required. Information related to the location and setback of the A/C unit as well as the height of the fireplace is required to ensure that they comply with the Zoning By-law provisions.

Planning

The applicant is proposing a new detached dwelling on the subject property. The required reduction in front yard setback is to a point on the second storey that extends over the covered porch. The setback is measured from the closest point of the curved lot line and most other sections of the front of the dwelling comply with the required setback.

The requested Gross Floor Area (GFA) increase of 10.20 m² (109.79 sq. ft.) is minor relative to the size of the dwelling and will have no noticeable visual impact beyond what the Zoning By-law permits. The intent of the Zoning By-law is maintained and the dwelling will fit in with the scale of the surrounding neighbourhood.

A grade change on the property results in the average grade being considerably lower than the finished grade of the dwelling. As a result, the height to the underside of the eaves would appear to be lower from the ground than the requested variance suggests. The request is a minor increase to what is permitted in the Zoning By-law.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/128. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from S. John & C. Turner, residents of 1462 Chasehurst Drive, stating their objection to the subject application.

Mr. P. Sansom, a resident of 1438 Chasehurst Drive, attended and expressed his concerns with the removal of the mature trees on the subject property. He noted that there was opportunity to construct a new dwelling in compliance with the Zoning By-law.

No other persons expressed any interest in the application.

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

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

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

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

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



MISSISSAUGA

File: "A" 497/16
WARD 2

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

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

Application Approved.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 11, 2017.**

Date of mailing is December 23, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

MARK MARTINS

on Thursday December 15, 2016

Mark Martins is the owner of 1328 Northaven Drive being Lot 27, Registered Plan 412, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey detached dwelling on the subject property proposing:

1. an exterior side yard of 3.37 m (11.05 ft.); whereas By-law 0225-2007, as amended, requires an exterior side yard of 6.00 m (19.68 ft.) in this instance,
2. an interior side yard of 0.79 m (2.59 ft.) measured to the first storey of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20 m (3.93 ft.) measured to the first storey of the dwelling in this instance,
3. an interior yard of 1.20 m (3.93 ft.) measured to the second storey of the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80 m (5.90 ft.) measured to the second storey of the dwelling in this instance,
4. a height of 7.13 m (23.39 ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 m (20.99 ft.) to the underside of the eaves in this instance; and,
5. a dwelling height of 9.41 m (30.87 ft.) to the highest ridge of a peak roof; whereas By-law 0225-2007, as amended, permits a maximum height of 9.00 m (29.52 ft.) to the highest ridge of a peak roof in this instance.

Mr. R. Dobosz, authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Mr. Dobosz advised the Committee that the property was a corner lot and that the dwelling would be designed to face Northaven Drive. He explained that the reduced exterior side yard would allow for the dwelling to be located on the property in a manner that would be consistent with other dwellings along Northaven Drive.

Mr. Dobosz explained that the interior side yard would be reduced only to the garage portion of the first storey of the dwelling with the balance of the dwelling being recessed further away from the interior side yard lot line.

Mr. Dobosz advised the Committee that overage in height measured to the eaves and roof ridge was the result of the uneven topography of the property. Mr. Dobosz explained that the pitch of the roof was designed to minimize any impact resulting from the additional height of the dwelling.

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



MISSISSAUGA

File: "A" 498/16
WARD 1

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Site Plan Approval Application File: SPI 16-118

Comments

Zoning

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

Planning

The applicant is proposing to construct a new two storey dwelling on the corner of Northaven Drive and Hartsdale Avenue. The subject property is identical in size to the majority of the interior lots along Northaven Drive, making it difficult to construct a dwelling with reasonable proportions while meeting the exterior side yard setback. One of the intents of an increased exterior side setback is to provide continuity with the front yard setbacks of the dwellings on the adjacent street; in this instance, there are no dwellings on Hartsdale Avenue, as it only provides access to the school site to the rear of the subject property. The requested 3.37 m (11.05 ft.) setback provides adequate separation distance from the lot line and the street. Further, the well-designed elevation facing Hartsdale Avenue helps to improve the streetscape and minimize impacts on the street that may be felt from a decreased setback if it were a large blank wall.

The requested 0.79 m (2.59 ft.) interior side yard setback is only present along the side of the garage and is only one storey in height. The rest of the interior side yard at the first storey complies with the Zoning By-law requirement. The applicant is proposing to maintain the 1.20 m (3.93 ft.) interior side yard setback along the second storey of the dwelling. The wall of the proposed dwelling would be located 5.95 m (19.52 ft.) away from the adjacent dwelling as a result of the location of the driveway on the adjacent lot, which provides extra separation distance. The proposed dwelling should not be imposing on the adjacent property.

The requested height increases to the overall height of the dwelling and the height to the underside of the eaves are mostly accounted for by the difference between the average grades and the finished grades on the site. The average grade appears to be approximately 0.50 m (1.64 ft.) lower than the finished grade of the dwelling, which would give the impression of an overall height that complies with the Zoning By-law. The requested increase in height to the underside of the eaves is slightly larger; however, it is not a significant increase and the dwelling is designed in a way that breaks up the overall massing with additional rooflines and eaves along the first storey and the addition of other architectural features.

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



MISSISSAUGA

File: "A" 498/16
WARD 1

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/118. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from A. Thompson, a resident of 1321 Northaven Drive, confirming that she had no concerns with the subject application.

A letter was received from S. Barrett, a resident of 1316 Northaven Drive, confirming that she had no concerns with the subject application.

A letter was received from S. Dhawan, a resident of 1305 Northaven Drive, confirming that he had no concerns with the subject application.

A letter was received from J. Seip, a resident of 1352 Northaven Drive, confirming that she had no concerns with the subject application.

A letter was received from R. Getierrez, a resident of 1312 Northaven Drive, confirming that he had no concerns with the subject application.

A letter was received from B. Fallon, a resident of 1332 Northaven Drive, confirming that she had no concerns with the subject application.

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 498/16
WARD 1

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

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

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

Application Approved on condition as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JANUARY 11, 2017.

Date of mailing is December 23, 2016.



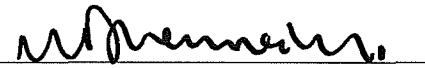
S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



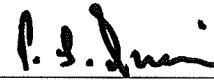
D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.



COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

JASON PROPERTIES INC.

on Thursday December 15, 2016

Jason Properties Inc. is the owner of 339 Rathburn Road West being part of Blocks 129 & 130, Registered Plan M719, zoned CC2-2 – City Centre. The applicant requests the Committee to authorize a minor variance to permit insufficient parking space and drive aisle sizes within the underground parking structure of the existing apartment building on the subject property proposing:

1. various parking spaces having a minimum length of 4.95 m (16.24 ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20 m (17.06 ft.) in this instance;
2. various parking spaces having a minimum width of 2.49 m (8.16 ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60 m (8.53 ft.) in this instance;
3. various parking spaces having a minimum width of 2.55 m (8.36 ft.) for spaces partially obstructed on one side; whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75 m (9.02 ft.) for spaces partially obstructed on one side in this instance;
4. various parking spaces having a minimum width of 2.80 m (9.18 ft.) for spaces partially obstructed on both sides; whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.90 m (9.51 ft.) for spaces partially obstructed on both sides in this instance; and,
5. various drive aisles having a minimum width of 5.85 m (19.19 ft.); whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00 m (22.96 ft.) in this instance.

Ms. J. Robison declared a pecuniary conflict with the subject application. She left the hearing room and did not participate in the deliberations.

Mr. T. Chang, authorized agent, attended and presented the subject application to permit the reduction in parking space sizes and drive aisle widths for the proposed condominium apartment building. Mr. Chang indicated that some parking spaces and drive aisles would be undersized as the result of various mechanical appurtenances such as piping, conduits, sensors and etc. encroaching into the required unencumbered area. Mr. Chang explained that the parking spaces and drive aisles would remain functional.

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



MISSISSAUGA

File: "A" 500/16
WARD 4

The City of Mississauga Planning and Building Department (December 13, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: CC2-2

Other Applications:

Comments

Zoning

The Building Department is currently processing a condominium registration application under file CDM 15001. Based on review of the information currently available for this application, we advise that the requested variances should be amended to indicate the location of each deficient parking space.

Information provided by the surveyor outlined each parking space which was deficient in nature. Each parking space should be identified accordingly. Below is a copy of Zoning conditions:

PARKING LEVEL A

- Insufficient dimensions of proposed parking spaces 74, 21, 24, 41, whereas minimum parking space dimensions of 2.6m x 5.2m are required.
- Insufficient dimensions of proposed parking spaces 18, 56, 57, 67, V32, 45, 46, V33, 75, whereas minimum parking space dimensions of 2.75m x 5.2m are required.
- Insufficient dimensions of proposed parking space V40, whereas minimum parking space dimensions of 2.9m x 5.2m are required.
- Insufficient aisle widths of 6.85m, 5.85m and 6m at various locations within parking level A, whereas a minimum of 7.0m is required.

PARKING LEVEL B

- Insufficient dimensions of proposed parking spaces 7, 55, 56, 115, 120, 123, whereas minimum parking space dimensions of 2.6m x 5.2m are required.
- Insufficient dimensions of proposed parking spaces 15, 47, 52, 53, 61, 80, 81, 126, 91, 92, 111, 112, 113, whereas minimum parking space dimensions of 2.75m x 5.2m are required.
- Insufficient dimensions of proposed parking space 35, whereas minimum parking space dimensions of 2.9m x 5.2m are required.
- Insufficient aisle widths of 6.85m, 5.85m and 6m at various locations within parking level B, whereas a minimum of 7.0m is required.

PARKING LEVEL C

- Insufficient dimensions of proposed parking spaces 66, 127, 128, 85, 106, 114, 119, 122, whereas minimum parking space dimensions of 2.6m x 5.2m are required.
- Insufficient dimensions of proposed parking spaces 46, 51, 52, 60, 79, 80, 125, 56, 90, 91, 110, 111, 112, whereas minimum parking space dimensions of 2.75m x 5.2m are required.
- Insufficient dimensions of proposed parking space 34, whereas minimum parking space dimensions of 2.9m x 5.2m are required.
- Insufficient aisle widths of 6.85m, 5.85m and 6m at various locations within parking level C, whereas a minimum of 7.0m is required.



Planning

The subject site is a condominium development located at Rathburn Road West and Confederation Parkway.

Previously application 'A' 405/11 requested a minor variance to permit 23 partially obstructed parking spaces to be located within the underground parking structure at the subject property.

A second phase has been developed at the subject property since the previous minor variance for partially obstructed parking spaces. The new application requests five variances to address insufficient parking space and drive aisle sizes within the second phase.

During the construction process minor mechanical and electrical elements, such as conduits, electrical outlets, control boxes, emergency telecommunications equipment, fire hose cabinets, piping, and similar building components were built to partially obstruct the minimum parking space and drive aisle requirements. The obstructions are varied, but they only occur at pinch points and only for small sections. The majority of the parking spaces and aisles are free of obstructions. In our opinion, the requested variances do not impact the functionality of the parking spaces or the drive aisles.

The applicant should make prospective buyers aware of the parking space size deficiencies; as a result, we recommend the following condition:

1. That the applicant shall register on title a warning clause for each parking space that is substandard in size indicating the size deficiency and shall notify all owners and/or purchasers affected by the reduced size of each parking space.

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

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

"We are noting for Committees information that any Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan approval and Building Permit process."

No other persons expressed any interest in the application.

Mr. Chang upon hearing the comments of the Committee and the Planning and Building Department and the recommendations of the Secretary-Treasurer, 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. Chang 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 insufficient parking space and drive aisle sizes within the underground parking structure of the existing apartment building on the subject property proposing:



PARKING LEVEL A

- existing parking spaces 21, 24, 41 and 74 having minimum parking space dimensions of 2.52m (8.26ft.) x 4.95m (16.24ft.); whereas By-law 02250-2007, as amended, requires minimum parking space dimensions of 2.60m (8.53ft.) x 5.20m (17.06ft.) in this instance,
- existing parking spaces 18, 45, 46, 56, 57, 67, 75, V32, and V33 having minimum parking space dimensions of 2.55m (8.36ft.) x 5.10m (16.73ft.); whereas By-law 0225-2007, as amended, requires minimum parking space dimensions of 2.75m (9.02ft.) x 5.20m (17.06ft.) in this instance,
- existing parking space V40 having minimum parking space width of 2.80m (9.18ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.90m (9.51ft.) in this instance; and,
- existing deficient driveway aisles having a minimum width of 5.85m (19.19ft) at various locations; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance.

PARKING LEVEL B

- existing parking spaces 7, 55, 56, 115, 120 and 123 having minimum parking space dimensions of 2.49m (8.16ft.) x 5.08m (16.66ft.); whereas By-law 02250-2007, as amended, requires minimum parking space dimensions of 2.60m (8.53ft.) x 5.20m (17.06ft.) in this instance,
- existing parking spaces 15, 47, 52, 53, 61, 80, 81, 91, 92, 111, 112, 113 and 126 having minimum parking space width of 2.60m (8.53ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75m (9.02ft.) in this instance,
- existing parking space 35 having minimum parking space width of 2.88m (9.44ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.90m (9.51ft.) in this instance; and,
- existing deficient driveway aisles having a minimum width of 5.85m (19.19ft) at various locations; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance.

PARKING LEVEL C

- existing parking spaces 66, 85, 106, 114, 119, 122, 127 and 128, having minimum parking space dimensions of 2.50m (8.20ft.) x 5.08m (16.66ft.); whereas By-law 02250-2007, as amended, requires minimum parking space dimensions of 2.60m (8.53ft.) x 5.20m (17.06ft.) in this instance,
- existing parking spaces 46, 51, 52, 56, 60, 79, 80, 90, 91, 110, 111, 112 and 125, having minimum parking space width of 2.58m (8.46ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75m (9.02ft.) in this instance,
- existing parking space 34 having minimum parking space width of 2.88m (9.44ft.); whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.90m (9.51ft.) in this instance; and,
- existing deficient driveway aisles having a minimum width of 5.85m (19.19ft) at various locations; whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance.



MISSISSAUGA

File: "A" 500/16
WARD 4

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

Application Approved, as amended.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 11, 2017**.

Date of mailing is December 23, 2016.



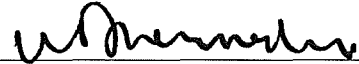
S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT

J. ROBINSON



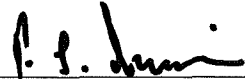
D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

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



DAVID L. MARTIN, SECRETARY-TREASURER

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

- NOTES:**
- A Development Charge may be payable prior to the issuance of a Building Permit.
 - Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

EVA DI IORIO

on Thursday December 15, 2016

Eva Di Iorio is the owner of 346 Derry Road West being part of Lot 10, Concession 1 WHS, zoned D - Development. The applicant requests the Committee to authorize a minor variance to continue to permit the outdoor storage of fencing material (wood and chain link) as well as the accessory retail sales of fencing materials, as previously approved pursuant to Committee of Adjustment Decision File "A" 372/11; whereas By-law 0225-2007, as amended, makes no provisions for such a use in a D - Development zone in this instance.

Mr. R. Ciupa, authorized agent, attended and presented the subject application to permit the existing outdoor storage and retail of fencing materials on the subject property. Mr. Ciupa advised the Committee that the property had been subject to six previous Minor Variance applications and outlined various historical events that had affected the property. He noted various concerns with the objectives of the proposed road widening by the Region of Peel and identified that the property had undergone several corrective elements to resolve the historical drainage challenges that the property faced. Mr. Ciupa noted that the property was the subject of interest for a possible land consolidation with adjacent properties for future redevelopment.

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

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

Recommendation

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

Background

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood

Designation: Business Employment and Residential Low Density II

Zoning By-law 0225-2007

Zoning: D

Other Applications:

Zoning Certificate Application 84-1570

Comments

Zoning

N/A

Planning

The subject site is located at Derry Road West and McLaughlin Road. This section of Derry Road West is zoned "D" for Development. Abutting lands to the east are currently under development and draft approved: business employment uses will front Derry Road West and residential development in the rear. Lands to the west are also zoned "D" and have participated in preliminary meetings with Staff.

We note for the Committee's information that the subject outdoor storage of fencing material and accessory retail sales was previously granted under files 'A' 372/11, 'A' 461/06, 'A' 465/04 and 'A'753/02.

The subject lands are designated "Business Employment" and "Residential Low Density II" in the Mississauga Official Plan Policies for the Meadowvale Village Neighbourhood. The continuation of this use is not in conformity with the Official Plan.

We advise that the subject property was previously zoned "A", agricultural when the variance was granted under file 'A' 461/06, and was changed to a "D", development zone when Zoning By-law 0225-2007 was approved by Council. Given that the use legally existed by way of variance approval, prior to the date By-law 0225-2007 was passed, we have no objection to the continuation of the requested uses, subject to the following conditions:

1. A temporary period less than five years to ensure compatibility with the abutting residential development
2. Condition #2 under file 'A' 461/06 is imposed: There shall be no advertising of the retail business and no showroom at the premises

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

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

"Should Committee see merit in the applicant's request we would suggest that approval be for a temporary period of time so as not to impede on any future redevelopment of the subject and adjacent properties."

The Region of Peel, Environment, Transportation and Planning Services (December 13, 2016):

"We would like to note for the Committee's information that the Region had requested a condition of approval on the previous minor variance application (A-372/11) which appears to remain unfulfilled; the requested condition is listed below:

1. That the applicant enter into an access agreement with the Regional Municipality of Peel, which shall be registered on title to the subject lands. This agreement shall waive and release the Region of Peel from any claims from compensation, injurious affection or other damages, claims, demands, losses, costs, suits or other proceedings by anyone, arising or which may arise as a result of such access restrictions.

The owner, and/or tenants agree not to claim any damages arising from the future construction of a centre median on Regional Road 5 (Derry Road), which would result in restricting the Derry Road accesses to right-in/right-out movements only, should Regional Council determine that such construction is required in the interest of public safety.

The Committee had approved the previous application A-372/11 with two conditions, the second condition stating:

2. A letter shall be received from the Regional Municipality of Peel indicating that satisfactory arrangements have been made with respect to the condition of approval indicated in their correspondence dated November 4, 2011.



Through our review of this application and the previous approval, we have been unable to find any records that this condition has been satisfied; as such, we request that should the Committee find merit in approving this application, that the same condition be included as a condition of approval."

A letter was received from A. & B. Fernandes, residents of 369 Arrowsmith Drive, stating their objection to the subject application.

A letter was received from A. Chaturvedi, resident of 365 Arrowsmith Drive, stating an objection to the subject application.

A letter was received from P. Anderson, resident of 371 Arrowsmith Drive, stating concerns with the subject application.

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 503/16
WARD 11

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 January 31, 2020 and is subject to the following condition:

1. There shall be no advertising of the retail business and no showroom on the subject property.

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

Application Approved on condition as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JANUARY 11, 2017.

Date of mailing is December 23, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.



MISSISSAUGA

File: "A" 444/16
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

SEEMA & RANJIT KUMAR

on Thursday December 15, 2016

Seema & Ranjit Kumar are the owners of 1771 Hindhead Road being Lot 2, Registered Plan 600 zoned R3-1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an additions to the existing residential dwelling proposing:

1. a dwelling length of 20.87 m (68.47 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling length of 20.00 m (65.61 ft.) in this instance,
2. a side yard of 1.23 m (4.03 ft.) to the second storey addition; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft.) to the second storey addition in this instance,
3. a front yard of 7.16 m (23.49 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance,
4. a front yard setback of 4.50 m (14.76 ft.) measured to the proposed porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00 m (19.68 ft.) to the front porch inclusive of stairs in this instance,
5. a garage to project 1.50 m (4.92 ft.) beyond the main front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00 m (0.00 ft.) in this instance,
6. a combined side yard width of 2.69 m (8.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 4.54 m (14.89 ft.) in this instance; and,
7. a maximum lot coverage of 36.7% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance.

On November 3, 2016, Mr. O. Stoyanovskyy, authorized agent, attended and presented the application to Committee. He presented a site plan of the proposed addition to an existing home and indicated to Committee that the variances requested were due to the irregular shape of the lot. Mr. Stoyanovskyy advised Committee that the home owners wished to have a seating area in the rear of the dwelling which caused the length of the home to exceed the By-law requirements.

Mr. Stoyanovskyy indicated to Committee that the addition would be built upon the current existing garage resulting in side walls that were flush along both sides of the proposed home.

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



MISSISSAUGA

File: "A" 444/16
WARD 2

The City of Mississauga Planning and Building Department (October 28, 2016):

"Recommendation

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

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

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

Comments

Zoning

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

Planning

The applicant is proposing an addition to the existing dwelling and requires relief from a number of Zoning By-law provisions. The Department generally does not have concerns with variances #3 - #7; however, we are of the opinion that the applicant should redesign the dwelling to mitigate concerns related to variances #1 and #2.

The slightly irregular shape of the lot is the main cause of the requirements for variances #3 and #6. The lot shape in relation to the existing dwelling creates a pinch point towards both the front and side lot lines and the conditions improve for each setback across the rest of the lot. The variance requests maintain the general intent of the provisions as the majority of the dwelling complies.

Variance #4 is similarly required to the closest portion of the stairs to the angled lot line and is a relatively minor reduction from the Zoning By-law requirement. The requested variance is measured to the stairs leading to the porch and the rest of the covered porch is either in compliance with the Zoning By-law requirement, or very close to compliance.

The garage projection requested in variance #5 represents an existing condition. Further, the projection is roughly in line with the front of the covered porch which will give the appearance of a consistent flush front face of the dwelling, which helps to maintain the intent of the Zoning By-law in not allowing for projecting garages to become a dominant feature of the streetscape.

Planning staff have concerns with variances #1 and #2. Although the decrease in required setback may be appropriate along the existing garage wall, the applicant is proposing a significant extension of the wall, in conjunction with the reduced setback, towards the rear yard. The added depth, requested in variance #1, combined with the reduced setback requested in variance #2 form a continuous large wall adjacent to the neighbouring property. The neighbour's deck and access to their rear yard amenity area is immediately adjacent to the proposed extension of the dwelling. Staff is of the opinion that the applicant should redesign the dwelling to provide an increased setback from the side lot line to reduce the potential impacts on the neighbouring property.

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

The City of Mississauga Transportation and Works Department (October 26, 2016):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 16/115. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from P. & L. Ingram, residents of 1816 Hindhead Road, stating their concerns with the subject application.

Mr. R. Gori, a resident of 1779 Hindhead Road, attended and advised Committee that the side wall of the proposed dwelling and the reduced setback would introduce an inappropriate amount of massing and would be imposing from the view from his property. He indicated that the dwelling should contain recessions or other architectural features to reduce the massing of the side wall.

No other persons expressed any interest in the application.

The Committee expressed their concerns with the proposed design of the altered dwelling as it would not provide sufficient relief to minimize the massing from the view from the adjacent properties.

Mr. Stoyanovsky requested that the application be deferred to address the concerns raised.

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

On December 15, 2016, Mr. O Stoyanovsky, authorized agent, attended and presented the revised application to construct additions to the existing dwelling on the subject property. He explained that modifications had been made to address the concerns raised at the previous hearing.

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

The City of Mississauga Planning and Building Department (December 13, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to apply for the required Site Plan Approval or Building Permit applications to verify the accuracy of the requested variances.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

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

Comments

Zoning

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



Planning

The Department previously commented on this application for the November 3, 2016 Committee of Adjustment hearing. Planning staff recommended a deferral to modify the plans to mitigate concerns associated with variances #1 and #2. The applicant has modified the roof line to lower the eave height along the rear portion of the dwelling and break up the wall. Additionally the overall height of the roof has been decreased from the previous design to help further mitigate any potential impacts to the neighbouring property. Beyond the structural modifications, the applicant's new proposal also includes a row of cedar hedges along the side of the dwelling to further screen and break up the wall features along southerly side yard.

Although variances requests #1 and #2 have not changed since the previous hearing, the Department is of the opinion that the modifications that have been made minimize and potential impacts created by the increased dwelling depth of 0.87 m (2.85 ft.) and the reduced side yard setback to the second storey. Further, the second storey of the dwelling is only a partial second storey with the living space located only near the front of the dwelling.

There have been no alterations to the plans with regards to variance requests #3 to #7, therefore our previous comments remain applicable with regards to these requests."

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

"Please refer to our comments submitted for the November 3, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services (December 13, 2016):

"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 W. Ben, a resident of 1777 Hindhead Road, expressing concerns with the subject application.

A letter was received from D. Hislop, a resident of 1240 Clarkson Road North, expressing concerns with the subject application.

Mr. W. Lassoued Ben, a resident of 1777 Hindhead Road, attended and expressed an interest in the subject application.

Ms. W. Han, a resident of Clarkson Road, attended and expressed an interest in the subject application.

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 444/16
WARD 2

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

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

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

Application Approved on condition as stated.

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

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JANUARY 11, 2017.

Date of mailing is December 23, 2016.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

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

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.