

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: DECEMBER 15, 2016 AT 4:00 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 - (MINOR VARIANCE)

A-416/16	RAMSIN YONADAM	2150 OBECK CRES	8	Approved
A-504/16	HAJUNA INVESTMENTS LIMITED	3663 MAVIS RD	7	Approved 5 Years
A-505/16	TONIA WILSON	1524 CHASEHURST DR	2	Mar 2
A-506/16	CHARLES & CONNIE ROSE	60 HOLLYROOD HEIGHTS DR	1	Approved
A-507/16	SYED FAISAL	6371 SEAVER RD	11	Approved
A-508/16	ENDRE ROTH	4012 ROLLING VALLEY DR	8	Approved
A-509/16	STARMOUNT ESTATES INC	2555 ERIN CENTRE BLVD	11	Approved
A-510/16	PHUNG PHAM	2132 SPRINGBANK RD	8	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-371/16	KARL FAY INVESTMENTS LTD.	1484 HURONTARIO ST	1	Approved
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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

RAMSIN YONADAM

on Thursday December 15, 2016

Ramsin Yonadam is the owner of 2150 Obeck Crescent being Lot 116, Registered Plan #697, zoned R1, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property having:

1. a driveway width of 10.51 m (34.48 ft.) beyond that portion of the driveway that is within 6.00 m (19.68 ft.) of the front garage face; whereas By-law 0225-2007, as amended, permits a maximum width of 8.50 m (27.88 ft.) beyond that portion of the driveway that is within 6.00 m (19.68 ft.) of the front garage face in this instance; and,
2. a combined width for the two points of access for the circular driveway of 8.90 m (29.19 ft.); whereas By-law 0225-2007, as amended, permits a combined maximum width for the two points of access for the circular driveway of 8.50 m (27.88 ft.) in this instance.

Mr. R. Yonadam, the property owner, attended and presented, the application to permit the existing driveway to remain on the subject property. Mr. Yonadam advised the Committee that he had spoken to the surrounding neighbours and indicated he was unaware of any objections to the application.

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 verify the accuracy of the requested variances.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 (Residential)

Other Applications:

N/A

Comments

Zoning

A Building Permit is not required in this instance. The application has been reviewed based on the information provided; however, we are unable to verify the accuracy of the requested variances based on the drawings. The applicant may wish to defer the application to apply for a Pre-Zoning Review application to ensure that the variances are correctly requested.

Planning

The subject property is a large lot that permits a circular driveway in the front yard; however, the proposal exceeds the permitted width provisions of the Zoning By-law. The requested increase in the width of the two access points is a relatively minor increase of 0.40 m (1.31 ft.) and should create no impacts to the streetscape given the frontage of the lot.

The request for an overall width of the driveway of 10.50 m (34.48 ft.) is only present along one portion of the driveway near the garage entrance. Other parts of the driveway are compliant with the Zoning By-law requirements and adequate soft landscaped area is maintained on either side of the driveway, as well as between the two access points. The Department is of the opinion that the applicant's proposal maintains sufficient front yard landscaping relative to the hard surfaced area of the driveway and that the proposal is generally compatible with the neighbourhood.

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

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

"This department has no objections to the applicant's request, however, the applicant should be advised that an Access Modification Approval Permit will have to be approved by the Traffic Operations Section for the new curb cut."

A letter was received from I. Russell, a resident of 2160 Obeck Crescent; J. Malcolm, a resident of 2142 Obeck Crescent; R. Boosamara, a resident of 2155 Obeck Crescent; and Z. Slawomor, a resident of 2129 Obeck Crescent, expressing support for the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Yonadam 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" 416/16
WARD 8

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 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

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 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

HAJUNA INVESTMENTS LIMITED

on Thursday December 15, 2016

Hajuna Investments Limited is the owner of 3663 Mavis Road being part of Lot 20, Concession 1, NDS, zoned D-10 – Development. The applicant requests the Committee to authorize a minor variance to permit the operation of a tire wholesale, distribution and installation business within Units 12 & 13 of the development on the subject property; whereas By-law 0225-2007, as amended, only permits a building or structure legally existing on the date of passing of this By-law and the existing legal use of such building or structure in this instance.

Mr. B. Mason, the authorized agent, attended and presented the application to continue to permit the existing tire wholesale, distribution and installation business to operate.

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 variance, provided it is granted for a temporary term of five years.

Background

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: D-10 (Development)

Other Applications:

Certificate of Occupancy File: 11-4509

Comments

Zoning

N/A

Planning

The applicant is seeking an extension of a variance previously approved for a five year term under variance application 'A' 262/11. There is no change proposed for the use of units 12 & 13 and the applicant is seeking approval for another five years. The subject property contains many similar uses throughout other units in the plaza and the continued operation of this use will remain compatible with the surrounding uses. Based on the preceding information, the Planning and Building Department has no objection to the requested variance."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 504/16"

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Mason 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" 504/16
WARD 7

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years and shall expire and terminate on or before January 31, 2022.

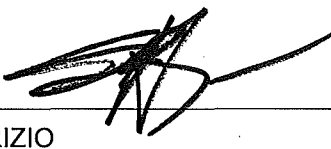
MOVED BY: P. Quinn SECONDED BY: S. Patrizio CARRIED


Application Approved.

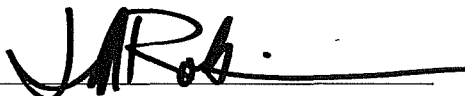
Dated at the City of Mississauga on December 22, 2016.

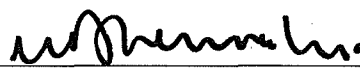
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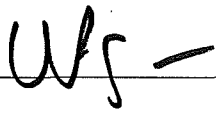
Date of mailing is December 23, 2016.


S. PATRIZIO

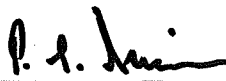

D. GEORGE (CHAIR)


J. ROBINSON

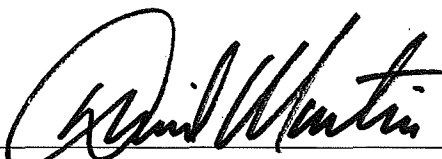

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

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

CHARLES & CONNIE ROSE

on Thursday December 15, 2016

Charles & Connie Rose are the owners of 60 Hollyrood Heights Drive being Lot 10, Registered Plan 437, zoned R3-2 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing a width of 7.16 m (23.49 ft.); whereas By-law 0225-2007, as amended, permits a maximum width of 6.00 m (19.678 ft.) for a driveway in this instance.

Mr. G. Callaghan, the authorized agent, attended and presented the subject application to permit the existing oversized driveway to remain on the subject property. Mr. Callaghan advised the Committee that the driveway and adjacent walkway was modified to improve the ease of access to one of the parking spaces within the garage. He explained that this modification resulted in different Zoning regulations to apply to the driveway resulting in non-compliance. Mr. Callaghan noted that access to the garage was further complicated by the driveway being curved to allow for the retention of a mature tree.

Mr. Callaghan confirmed that the driveway hammerhead complied with the requirements of the Zoning By-law.

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 in principle to the application; however, we recommend that the applicant defer the application to verify dimensions of the hammerhead and any associated variances.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-2 (Residential)

Other Applications:

Building Permit File: Not Required

Comments

Zoning

A Building Permit is not required in this instance; however, in reviewing the variance application it appears that there may be an additional variance required for the size of the hammerhead located on the driveway. The hammerhead appears to be excessive in size,



MISSISSAUGA

File: "A" 506/16

WARD 1

but we are unable to verify the dimensions. A hammerhead is permitted to have a maximum width of a 2.60 m (8.53 ft.) and a maximum length of 3.00 m (9.84 ft.)

Planning

The requested increase in driveway width is minor relative to the size of the lot and is only present along one portion of the driveway near the access to the garage. Other portions of the driveway either comply with the Zoning By-law regulations or are very close to compliance. The rest of the lot has adequate soft landscaped area and the increased driveway width would not create a situation where the driveway was the dominant visual feature from the street. Similarly, the hammerhead is modest in scale relative to the lot and does not take away significantly from the landscaped area in the front yard.

The Planning and Building Department has no objection in principle to the application; however, we recommend that the applicant defer the application to verify dimensions of the hammerhead and any associated variances."

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

"This department has no objections to the applicants request to permit the existing driveway to remain."

A letter was received from the residents of 35, 42, 43, 50, 61, 69, 78, 84, 90, 93, 98, 106, 109, 114, 125, 131, 156 & 1395 Hollyrood Heights Drive and 1355, 1356, 1359, 1390 & 1395 Wilson Avenue, expressing their objection to the subject application.

A letter was received from C. & D. Caldwell, residents of 98 Hollywood Heights Drive, expressing their objection to the subject application.

A letter was received from G. & J. Pype, residents of 61 Hollyrood Heights Drive, expressing an interest in the subject application.

A letter was received from W. J. Bonchar, a resident of 114 Hollyrood Heights Drive, expressing an interest in the subject application.

A letter was received from P. & K. McGee, residents of 56 Hollywood Heights Drive, expressing their support for the subject application.

Mr. D. Caldwell, a resident of 98 Hollyrood Drive, attended and expressed his concerns with the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Callaghan and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the widened portion of the driveway did not apply to the driveway hammerhead or the entire length of the driveway. They accepted Mr. Callaghan's assertion that the portion of the driveway that was widened was only to accommodate the improved access to the garage. The Committee confirmed that a driveway hammerhead was a permitted use for the property pursuant to the Zoning By-law.

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" 506/16

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: S. Patrizio 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

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

DISSENTED

P. QUINN

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

SYED FAISAL

on Thursday December 15, 2016

Syed Faisal is the owner of 6371 Seaver Road being Lot 20, Registered Plan M-1273, zoned R5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing garage and driveway to remain on the subject property proposing:

1. a rectangular area of 3.00 m (9.84 ft.) in width and 4.70 m (15.41 ft.) in length measured from inside the face walls of the garage; whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75 m (9.02 ft.) in width and 6.00 m (19.68 ft.) in length measured from inside the face walls of the garage in this instance;
2. an unobstructed area for parking within the garage of 3.00 m (9.84 ft.) in width and 4.70 m (15.41 ft.) in length; whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75 m (9.02 ft.) in width and 5.20 m (17.06 ft.) in length and 2.00 m (6.56 ft.) in height in this instance; and,
3. a driveway width of 8.35 m (27.39 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Mr. A. Del Maestro, the authorized agent, attended and presented the subject application to allow for the oversized driveway and undersized parking space within the garage to remain. Mr. Del Maestro advised the Committee that the parking space within the garage was reduced to accommodate an internal basement entrance stairwell but could still accommodate a small compact car.

Mr. Del Maestro explained that the driveway and cut in the municipal curb was an existing condition when his client purchased the property. He suggested that some modifications could be made to the driveway to increase the amount of soft landscaping and improve the aesthetics of the front yard.

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: East Credit Neighbourhood
Designation: Residential Low Density II



MISSISSAUGA

File: "A" 507/16
WARD 11

Zoning By-law 0225-2007

Zoning: R5

Other Applications:

Building Permit Application file 16-3084 SU

Comments

Zoning

The Building Division is currently processing a building permit application under file 16-3084 SU. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The variances requested propose a garage that is reduced in size and obstructed, and an expanded driveway width. The application clarifies that the existing driveway will be reduced by 0.95 m (3.12 ft.) to the proposed width of 8.35 m (27.39 ft.).

Requested variances #1-2 are for the garage that is reduced in size and obstructed as a result of a new stairwell that connects from the exterior to the proposed basement second unit. The stairwell is located along the entire rear of the garage and thereby reducing the length. A wooden landing and stairs to access the main unit is also located in the garage and further obstructs the parking area. In our opinion, variances #1-2 impact the functionality and creates a garage that is no longer suitable for parking.

A detached dwelling is required to have two parking spaces. A second unit requires an additional parking space.

Variance #3 requests a driveway width of 8.35 m (27.39 ft.). A driveway width of this size provides parking for three cars to be parked side by side to accommodate the required parking three parking spaces due to the alterations that impact the garage.

The requested driveway width creates excessive hard surface. The intent of the Zoning By-law is a driveway width that is limited to provide for two vehicles to be parked side by side.

A second unit is permitted in a detached dwelling in this instance, but the unit and the required parking should be accommodated on site without affecting the streetscape or requiring additional variances. Due to the alterations of the garage, the dwelling does not have sufficient parking without the requested driveway variance.

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

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

"Site Plan Drawing A-1 submitted with this application indicates that the driveway width between the municipal curb and sidewalk is proposed to be 6.5 m in width which will require some minor modifications. The applicant is advised that they will be responsible for any costs incurred to reinstate any portion of the municipal boulevard with topsoil and sod if required."

A letter was received from M. Babic, a resident of 868 Blyleven Boulevard, indicating that he had no objection to the subject application.

A letter was received from A. Tariq, a resident of 880 Blyleven Boulevard, indicating that he had no objection to the subject application.

A letter was received from S. Banshi, a resident of 6381 Blyleven Boulevard, indicating that he had no objection to the subject application.

A letter was received from R. Fostokjian, a resident of 6377 Seaver Road, indicating that he had no objection to the subject application.



MISSISSAUGA

File: "A" 507/16
WARD 11

A letter was received from M. Shaikh, a resident of 6375 Seaver Road, indicating that he had no objection to the subject application.

A letter was received from S. Tam, a resident of 887 Blyleven Boulevard, indicating that he had no objection to the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Del Maestro 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 indicated that the proposed driveway as requested was excessive and suggested that a smaller driveway width that was sufficient to accommodate the parking of three motor vehicles on the property was appropriate.

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" 507/16
WARD 11

Accordingly, the Committee resolves to authorize and grant an amended request to permit the existing garage and driveway to remain on the subject property proposing:

1. a rectangular area of 3.00 m (9.84 ft.) in width and 4.70 m (15.41 ft.) in length measured from inside the face walls of the garage; whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75 m (9.02 ft.) in width and 6.00 m (19.68 ft.) in length measured from inside the face walls of the garage in this instance;
2. an unobstructed area for parking within the garage of 3.00 m (9.84 ft.) in width and 4.70 m (15.41 ft.) in length; whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75 m (9.02 ft.) in width and 5.20 m (17.06 ft.) in length and 2.00 m (6.56 ft.) in height in this instance; and,
3. a driveway width of 7.87 m (25.82 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

MOVED BY: P. Quinn

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


D. GEORGE (CHAIR)

DISSENTED

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

ENDRE ROTH

on Thursday December 15, 2016

Endre Roth is the owner of 4012 Rolling Valley Drive being Lot 24, Registered Plan M770, zoned R3-20 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition to the rear of the existing dwelling on the subject property proposing a rear yard of 6.80 m (22.30 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance.

Mr. J. Witten, the authorized agent, attended and presented the subject application to construct a single storey sunroom addition to the existing dwelling.

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 variance; however, the applicant may wish to defer the application to apply for the required Building Permit application to verify the accuracy of the requested variances and to determine if any additional variances will be required.

Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-20 (Residential)

Other Applications:

Building Permit File: Required

Comments

Zoning

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

Planning

The applicant is proposed a modest single storey sunroom addition to the rear of the dwelling. The proposed sunroom meets the required setbacks from the side lot line and is only present along a portion of the rear of the dwelling; the rest of the dwelling exceeds the required rear yard setback. The proposed sunroom does not add significant massing to the



MISSISSAUGA

File: "A" 508/16
WARD 8

dwelling or negatively impact adjacent properties and adequate rear yard amenity area is maintained across the subject property.

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

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

"This department has no objections to the applicants request to permit the construction of a one-storey addition to the rear of the existing dwelling."

Credit Valley Conservation (December 13, 2016):

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

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition to the rear of the existing dwelling on the subject property proposing a rear yard of 6.80 m (22.30 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance.

SITE CHARACTERISTICS:

The subject property is adjacent to a valley slope associated with Sawmill Creek, and Mississauga Natural Heritage System (EM4). It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features and functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or the ecological functions of these areas.

ONTARIO REGULATION 160/06:

The subject property is entirely within the Authority's Regulated Area. As such, the property is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse or wetland, and prohibits development (e.g. new structures, additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit). The property is regulated due its proximity to the valley slope associated with Sawmill Creek. In addition, the subject property is adjacent to portion of the Mississauga Natural Heritage System (EM4).

COMMENTS:

CVC staff have received a permit application (FF 16/267) for the development as proposed. It was determined through a site visit that the proposed development is setback sufficiently from any features of concern; as such CVC has no objection to the approval of the application by the Committee at this time.

Please note that the proposed development is located within a CVC Regulated Area. On this basis, a permit from CVC is required prior to the issuance of a building permit from the City of Mississauga.

Please circulate CVC any future correspondence regarding this application."

No other persons expressed any interest in the application.

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



MISSISSAUGA

File: "A" 508/16
WARD 8

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 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**.

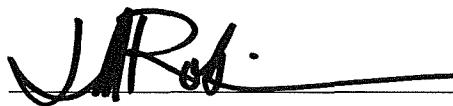
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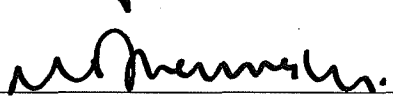
S. PATRIZIO



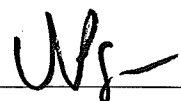
D. GEORGE (CHAIR)



J. ROBINSON

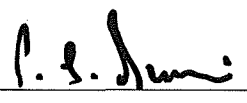


D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

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

STARMOUNT ESTATES INC

on Thursday December 15, 2016

Starmount Estates Inc is the owner of 2555 Erin Centre Boulevard being Block 116, Registered Plan M856, zoned C2-2 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a restaurant within Unit 7 of the development on the subject property proposing a total of 130 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 156 parking spaces for all uses on site in this instance.

Mr. M. Cristini, the authorized agent, attended and presented the subject application to permit relief for a parking deficiency as the result of a proposed new restaurant within Unit 7 of the development on 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 application.

Background

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2-2

Other Applications:

Certificate of Occupancy Permit Application file 16-3184

Comments

Zoning

The Building Department is currently processing a certificate of occupancy permit application under file 16-3184. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Planning

The subject site is an existing commercial centre located at Erin Centre Boulevard and Erin Mills Boulevard.

The application requests a reduction in total required parking spaces due to a new take-out food restaurant.



MISSISSAUGA

File: "A" 509/16
WARD 11

The applicant attached a Parking Utilization Study prepared by Tranplan Associates dated November 2016. The Study satisfactorily justifies the requested parking reduction in this instance. The peak parking demand was observed to be 96 spaces. A peak parking demand of 118 spaces would account for the vacant units. Staff supports the Study conclusions and consider the variance minor.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A'509/16."

Credit Valley Conservation (December 12, 2016):

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

SITE CHARACTERISTICS:

The subject site adjacent to Mullett Creek and is within its associated floodplain and valley system. 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.

As you may be aware, the subject site is adjacent to the Mississauga Natural Heritage System and within the City's Natural Areas System designated as a Significant Natural Site (CE10) as well as within an area designated as Core Greenlands by the Region of Peel.

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 operation of a restaurant within Unit 7 of the development on the subject property proposing a total of 130 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 156 parking spaces for all uses on site in this instance.

COMMENTS:

The proposed variance does not impact the Authority's interests in this case. As such, CVC has no objection to the approval of this application by the Committee at this time.

Please circulate CVC any future correspondence regarding this application."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Cristini 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" 509/16
WARD 11

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

MOVED BY: D. Kennedy 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

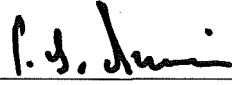

D. GEORGE (CHAIR)


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 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

PHUNG PHAM

on Thursday December 15, 2016

Phung Pham is the owner of 2132 Springbank Road being Part of Lot 13, Range 3, CIR, zoned R2, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a gazebo and pergola in the rear yard of the subject property and permit the existing driveway to remain proposing:

1. a gazebo having a floor area of 42.36 m² (455.97sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00 m² (1,076.42 sq. ft.) in this instance,
2. a pergola having a floor area of 27.20 m² (292.78 sq. ft.) ; whereas By-law 0225-2007, as amended, permits a maximum floor area for a pergola of 10.00 m² (1,076.42 sq. ft.) in this instance,
3. a gazebo height of 3.45 m (11.31 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of a gazebo of 3.00 m (9.84 ft.) in this instance,
4. a pergola height of 3.80 m (12.46 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of a pergola of 3.00 m (9.84 ft.) in this instance,
5. a combined width of two access points of a driveway of 10.48 m (34.38 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width of two access points of a driveway of 8.50 m (27.88 ft.) in this instance,
6. two walkway attachments having a width of 2.54 m (8.33 ft.) and 5.74 m (18.83 ft.); whereas By-law 0225-2007, as amended, permits a maximum of one walkway connection having a maximum width of 1.50 m (4.92 ft.) in this instance; and,
7. a driveway having a width of 11.83 m (38.81 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Ms. H. Moynihan, the authorized agent, attended and presented the subject application to permit the existing site conditions to remain on the property. Ms. Moynihan explained that an oversized driveway and walkway attachments were constructed within the front yard. She noted that her client also wished to construct an oversized gazebo and pergola structures within the rear yard.

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 submit updated drawings through the Building Permit application to ensure that all variances are correctly expressed.

Background

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2 (Residential)

Other Applications:

Building Permit File: 16-3425

Comments

Zoning

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

Planning

The applicant is requesting approval of four variances related to accessory structures and three variances related to the driveway and walkway attachments. A number of the variances appear to be significant at first glance; however, the subject property is a very large lot and the layout of the lot, as well as the orientation of the accessory structures, minimizes any negative impacts that could be present from the increases in Gross Floor Area (GFA) of the accessory structures, height of the accessory structures, and width of the hard surfaced areas.

Aside from the residential lot to the east of the property, the majority of the lot is adjacent to a large open space area that will not be impacted by the accessory structures. The gazebo, the larger of the two structures, is located on the opposite side of the lot from the adjacent dwelling and the pergola is located in a central position. The proposed location of these structures allow for a significant separation distances from the adjacent residential property and will not create any negative impacts on the neighbouring lot. Similarly, the proposed location of each structure mitigates potential impacts of the increased height of the structures.

The intent of the Zoning By-law provisions limiting the height and GFA of accessory structures is to ensure that accessory structures are proportional to the dwelling, the lot on which they're located, and that they are not imposing on neighbouring properties. The Department is of the opinion that no negative impacts will be created by allowing for the proposed gazebo and pergola to be constructed on this lot.

The subject property has a significant lot frontage and lot area which allows for increased hard surfaced area while still maintaining significant soft landscaped area across the front yard. Relative to the frontage of the lot, the width of the access points is minimal and will not appear to be out of character with the street or the lot.

The increased width of the driveway is located at only one point on an angle along the west side of the property and the majority of the rest of the driveway either complies with the Zoning By-law provisions or marginally exceeds the permissions.

The walkway attachments are located off the end of the driveway and directly in front of the dwelling. The walkway in front of the dwelling is very short and provides direct access to the front entrance way. The walkway of the end of the driveway is proportional to the lot and the patio which it provides access too. Neither walkway adds significant additional hard surfaced area or allows for additional parking.

The intent of the Zoning By-law in limiting driveway widths and walkway sizes is to ensure that low density residential neighbourhoods maintain their character by having an adequate



MISSISSAUGA

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WARD 8

relationship between the hard surfaced areas and the soft landscaped areas. In this instance, the Department is of the opinion that the lot is large enough to accommodate the requested increases while maintaining an appropriate amount of soft landscaped area.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances; however, the applicant may wish to defer the application to submit updated drawings through the Building Permit application to ensure that all variances are correctly expressed."

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

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

A letter was received from J. Daszkowski, a resident of 2126 Springbank Road, expressing his concerns with subject application.

No other persons expressed any interest in the application.

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

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

The Committee after considering the submissions put forward by Ms. Moynihan 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 was of the opinion that the subject property was sufficient in size to accommodate the driveway and accessory structures.

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" 510/16
WARD 8

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

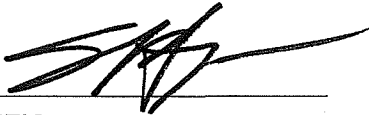
MOVED BY: P. Quinn SECONDED BY: S. Patrizio CARRIED

Application Approved.

Dated at the City of Mississauga on 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.



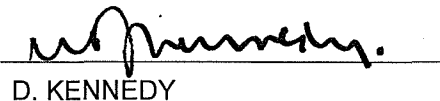
S. PATRIZIO



D. GEORGE (CHAIR)



J. ROBINSON

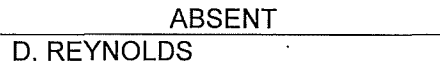


D. KENNEDY



J. PAGE

ABSENT

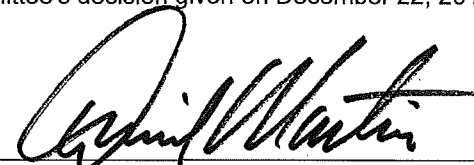


D. REYNOLDS



P. QUINN

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

KARL FAY INVESTMENTS LTD

on Thursday December 15, 2016

Karl Fay Investments Ltd. is the owner of 1484 Hurontario Street being Part of Lots 1 and 2, Range 2 CIR, zoned R2-55, Residential. The applicant requests the Committee to authorize a minor variance to permit the use of the subject property for office building purposes and to permit the construction of an office building and detached garage proposing:

1. to permit an office building and business operation; whereas By-law 0225-2007, as amended, only permits an office component in conjunction with a dwelling unit (4.2.3.55.1) in this instance,
2. an office building having a gross floor area – non-residential of 390.00m² (4,198.06 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – non-residential of 175.00 m² (1,883.74 sq. ft.) for an office or medical office – restricted only in this instance,
3. an office building and detached garage proposing a lot coverage of 21.20% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 15.00 % for a detached dwelling, office with one (1) dwelling unit or medical office – restricted with one (1) dwelling unit in this instance,
4. site development not in accordance with Schedule R2-55; whereas By-law 0225-2007, as amended, requires site development in accordance with Schedule R2-55 in this instance,
5. a height of 6.83 m (22.41ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 m (21.00ft.) to the underside of the eaves in this instance,
6. a dwelling height of 10.70 m (35.10 ft.) to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50 m (31.17ft.) in this instance,
7. a front yard of 4.43 m (14.53 ft.) and 2.95 m (9.68 ft.) to the daylight triangle; whereas By-law 0225-2007, as amended, requires a 7.50m (24.61ft.) front yard in this instance,
8. an exterior side yard of 4.89 m (16.04 ft.) to the building and 2.15 m (7.05 ft.) to the covered porch steps; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.60 ft.) in this instance,
9. a setback of 1.10 m (3.61 ft.) to an accessory structure located in an interior side yard; whereas By-law 0225-2007, as amended, requires a minimum interior side yard 1.80 m (5.91 ft.) from the lot line to the accessory structure in this instance,



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File: "A" 371/16
WARD 1

10. an driveway aisle width of 6.00 m (19.69 ft.); whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00 m (22.97 ft.) adjacent to a parking space in this instance,
11. no driveway aisle for parking spaces 9 and 10 (in garage); whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00 m (22.97 ft.) for all parking spaces on site in this instance; and,
12. to provide no loading space on site; whereas By-law 0225-2007, as amended, requires one (1) loading space for the office use in this instance.

On September 15, 2016, Mr. W. Oughtred, authorized agent, attended and advised that revised plans have been submitted through the Site Plan Approval process and requested that the application be deferred to allow the revised plans to be circulated and reviewed by staff.

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

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

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I, Special Site #2

Zoning By-law 0225-2007

Zoning: R2-55 (Residential)

Other Applications:

Building Permit File: Required
Site Plan Approval File: SP 12/84

Comments

Zoning

N/A

Planning

Through a meeting with the applicant we understand that they will be requesting a deferral of the application to allow for time to receive a round of comments on the recent Site Plan Approval application submission. The Planning and Building Department supports this request."

The City of Mississauga Transportation and Works Department (September 6, 2016):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for the proposed office building and detached garage will be addressed through the Site Plan Approval and Building Permit process."

The City of Mississauga Community Services Department (September 13, 2016):

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

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

In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval for the variances."

Ms. C. Grindley, a resident of 17 Indian Valley Trail, attended and expressed her interest in the application.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to October 13, 2016.

On October 13, 2016, Mr. W. Oughtred, authorized agent, attended and advised that the technical review for a concurrent Site Plan Approval application had not been completed. He further advised that amendments to the Zoning By-law had been passed that changed the provisions with respect to dwelling height and that additional changes to the proposal may be required. Mr. Oughtred requested that the application be deferred to allow him an opportunity to address the concerns.

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

The City of Mississauga Planning and Building Department (October 12, 2016):

"Recommendation

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

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density I, Special Site #2

Zoning By-law 0225-2007

Zoning: R2-55 (Residential)

Other Applications:

Building Permit File: Required

Site Plan Approval File: SP 12-84

Comments

Zoning

N/A

Planning

The Planning and Building Department has been working with the applicant following previous Ontario Municipal Board hearings to finalize the Site Plan Approval for the subject property. Staff are still reviewing the Site Plan Approval submission and the application should be deferred until the review can be completed to ensure the decisions of the Board have been appropriately incorporated."

The City of Mississauga Transportation and Works Department (October 6, 2016):

"Please refer to our comments submitted for the September 15, 2016 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department (October 7, 2016):

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



MISSISSAUGA

File: "A" 371/16
WARD 1

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

In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval for the variances."

A letter was received from A. Choi, a resident of 1495 Hurontario Street, expressing an interest in the application.

No other persons expressed any interest in the application.

The Committee consented to the request and the application was deferred to November 17, 2016.

On November 17, 2016, Mr. W. Oughtred, authorized agent, was in attendance to present the application.

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

The City of Mississauga Planning and Building Department (November 16, 2016):

"Recommendation

The Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer the application to verify the accuracy of the requested variances and ensure that all variances have been captured.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I, Special Site #2

Zoning By-law 0225-2007

Zoning: R2-55 (Residential)

Other Applications:

Site Plan Approval File: SP 12-84
Building Permit File: Required

Comments

Zoning

The Planning and Building Department is currently processing a Site Plan Approval application and based on the review of the application, we require more information to verify the accuracy of the requested variance and to determine whether any additional variances will be required. A number of items have been identified through the Site Plan Approval review; however, the Minor Variance application has not been updated to reflect the applicant's amendments.

Planning

Notwithstanding the above, the applicant will require additional variances to address deficiencies to the R2-55 Zoning. The applicant's proposal remains the same as it was originally applied for, but they have indicated that they will be requesting to amend the application as follows to address the specific R2-55 deficiencies:

1. to permit an office building and business operation; whereas By-law 0225-2007, as amended, only permits an office component in conjunction with a dwelling unit (4.2.3.55.1)
2. same as applied for on the application

3. an office building and detached garage proposing a lot coverage of 21.20% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 15.00 % for a detached dwelling, office with one (1) dwelling unit or medical office – restricted with one (1) dwelling unit in this instance.
4. same as applied for on the application
5. a height of 6.83 m (22.41 ft.) to the underside of the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 m (21.00 ft.).
6. a height of 10.70 m (35.10 ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum height of 9.50 m (31.17 ft.)
7. a front yard setback of 4.43 m (14.53 ft.) and 2.95 m (9.68 ft.) to the daylight triangle; whereas By-law 0225-2007, as amended, requires a 7.50 m (24.61 ft.) front yard setback.
8. an exterior side yard setback of 4.89 m (16.04 ft.) to the building and 2.15 m (7.05 ft.) to the covered porch steps; whereas By-law 0225-2007, as amended, requires 7.50 m (24.61 ft.).
9. a setback of 1.10 m (3.61 ft.) to an accessory structure located in an interior side yard; whereas By-law 0225-2007, as amended, requires a 1.80 m (5.91 ft.) setback from the lot line.
10. an aisle width of 6.00 m (19.69 ft.) whereas By-law 0225-2007, as amended, requires an aisle width of 7.00 m (22.97 ft.) adjacent to a parking stall.
11. no aisle for parking spaces 9 and 10 (in garage); whereas By-law 0225-2007, as amended, requires 7.00 m (22.97 ft.) for all parking spaces on site.
12. to provide no loading space on site; whereas By-law 0225-2007, as amended, requires one (1) loading space for the office use in this instance.

Although this is a substantial list of variances to be added and amended, the proposal has not changed since the original submission. Staff will provide comment on the applicant's request, although, as previously noted, we cannot confirm the accuracy of the requests at this time.

Office uses are common along this stretch of Hurontario and this site has already been contemplated for office use; however, the exception zone requires that a dwelling unit be provided in conjunction with the office component. All of the office uses in the immediate area have exception zones similar to the R2-55 zoning with specific lists of permissions and standards based on the proposal at the time. Since the applicant is proposing a new building on site that is slightly different than what currently exists, many of the variances are required as a result of the development not being exactly in accordance with the exception schedule.

The subject property is part of Special Site #2 within the Mineola Neighbourhood policies of the Official Plan that permits office development in this corridor. The Official Plan policies do not require that a residential use be provided in conjunction with the office use. Further, the Special Site policies speak specifically to limits on lot coverage, dwelling height, parking, and Gross Floor Area (GFA) of office uses; the applicant's proposal is within all of these parameters. The Department is of the opinion that the intent of the Official Plan is maintained in this instance and the proposed office building will maintain the character of this portion of Hurontario Street as well fit with the surrounding neighbourhood.

Although there are a number of variances associated with the proposal, the building proposal is very similar to what currently exists on site and what the exception zoning considered. Many of the setbacks have altered slightly, primarily as a result of a road widening and daylight triangle which were implemented on Hurontario Street; the office still



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maintains the general position that the Zoning By-law intended. The intent of the exception zoning for this property is to permit some type of office development as the primary use of the site in a way that blends with the existing residential character of the area. The applicant's proposal maintains the residential appearance of the building and the lack of a dwelling unit should not have an impact on the appearance or general functionality of the site; the dwelling unit was always intended to be a secondary use to the office development so its removal is minor in this instance.

The increased height of the building is minor in nature given the location away from the lot lines that are adjacent to other properties and the significant mature vegetation present. There will not be any negative massing impacts on neighbours as a result of the requested variances.

The applicant's proposal is for a use of the property that is consistent with the intent of the Official Plan and Zoning By-law and is consistent with the general character of this part of the Mineola Neighbourhood. The proposal is significantly similar to the R2-55 zoning of the property and the planned intent and function of the site is maintained.

Based on the preceding information, the Planning and Building Department has no objection to the requested variances, as amended; however, the applicant may wish to defer the application to verify the accuracy of the requested variances and ensure that all variances have been accurately applied for."

The City of Mississauga Transportation and Works Department (November 10, 2016):

"Please refer to our comments submitted for the September 15, 2016 hearing of this application as those comments are still applicable."

The Region of Peel, Public Works, Development Services Division (November 11, 2016):

"We have no comments or objections."

The City of Mississauga Community Services Department, Culture Division (November 1, 2016):

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

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

In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval of the variances."

A letter was received from S. Tang, a resident of 30 Indian Valley Trail, expressing objection to the application and noting that the property has been subject to several previous hearings without success.

No other persons expressed any interest in the application.

The Committee advised that the Planning and Building Department comments indicated that additional variances were required and recirculation of the application would be required for compliance with the requirements of the *Planning Act*.

Mr. Oughtred requested that the application be deferred so that the amended application may be circulated.

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



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On December 15, 2016, Mr. W. Oughtred, the authorized agent, attended and presented the subject application to construct a new office building on the subject property. Mr. Oughtred noted that the subject property had been subject to several development applications and although his client had previously secured approval for the development of the property, his client wished to construct a revised proposal without the restrictions imposed by a site specific schedule of the Zoning By-law.

Mr. Oughtred noted that the proposed detached garage would be constructed in accordance with the intent of the schedule. He suggested that the current proposal offered enhanced landscaping in comparison to the previous proposal.

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: Mineola Neighbourhood
Designation: Residential Low Density I, Special Site #2

Zoning By-law 0225-2007

Zoning: R2-55 (Residential)

Other Applications:

Site Plan Approval Application File: 12-84

Comments

Planning

The applicant deferred the application at the Committee's request to allow for the updated variances to be recirculated to the neighbourhood. The application has not changed since the previous hearing on November 17, 2016, therefore the Departments prior comments remain applicable."

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

"Please refer to our comments submitted for the September 16, 2016 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department, Culture Division (December 11, 2016):

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

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

In this case, Heritage Planning recommends that the owner obtain a Heritage Permit as a condition of approval of the variances."



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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."

Ms. C. Grindley, a resident of 17 Indian Valley Trail, attended and expressed an interest in the subject application

No other persons expressed any interest in the application.

The Secretary-Treasurer advised the Committee that \$600 in deferral fees remained outstanding.

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 indicated that the revised proposal was appropriate for the property and better reflected the character of the area.

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

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



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

1. The applicant shall proceed in accordance with the site plan reviewed by the Committee.
2. The applicant shall pay the \$600 of outstanding deferral fees.


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


Application Approved on conditions as stated.

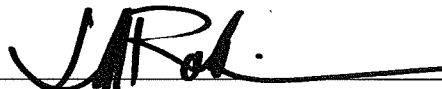
Dated at the City of Mississauga on December 22, 2016.

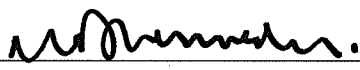
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 11, 2017**.

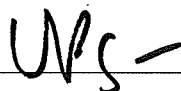
Date of mailing is December 23, 2016.


S. PATRIZIO

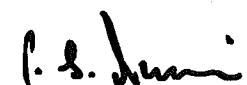

D. GEORGE (CHAIR)


J. ROBINSON

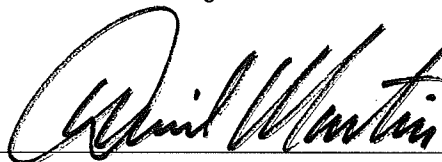

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

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