

# COMMITTEE OF ADJUSTMENT RESULTS



**Location: COUNCIL CHAMBER**  
**Hearing: JANUARY 17, 2019 AT 1:30 P.M.**

File	Name of Applicant	Location of Land	Ward	Decision
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| AA = Approved as Amended | ACP= Condition Plan | AC= Approved on Condition | AT = Approved Temporarily | D = Deferred | AIP=Approved in Part

### NEW APPLICATIONS - (CONSENT)

B-005/19 A-011/19 A-012/19	DAVID ADAMCZYK, MARGARET ZBIGNIEW	9 BRIARWOOD AVE	1	Approved (AC)
				Approved (ACP, AA)
				Approved (ACP, AA)

### DEFERRED APPLICATIONS - (CONSENT)

B-033/17 A-202/17 B-047/18 A-288/18 A-289/18	ROLAND & SYLVIA SMITAS, SIMONE BRADLEY	990 LAKESHORE RD W	2	Approved (AC)
				Approved
				Approved (AC)
				Approved
				Approved
B-043/18	RICHARD & VALERIE STOVE	1262 QUEEN VICTORIA AVE	2	D (Mar 7)

### NEW APPLICATIONS - (MINOR VARIANCE)

A-445/18	J.W. INVESTMENT	896 BURNHAMTHORPE RD W	6	Approved (AC)
A-446/18	1666426 ONTARIO INC	914 BURNHAMTHORPE RD W	6	Approved (AC)
A-13/19	MARY BUFFA	7266 WINDRUSH CRT	9	Approved
A-14/19	AL-MOHAMMEDI MEDICINE PROFESSIONAL CORPORATION	1435 HURONTARIO ST	1	Approved (AA)
A-15/19	KEVIN SWERSKY	771 MONTBECK CRES	1	Approved
A-16/19	GANANG & MARTINI DANARDOJO	76 MORGON AVE	11	Approved
A-17/19	TONY NAPOLITANO	869 RIBSTON RD	1	Approved (ACP)
A-19/19	LINDA ZHAO & DAVID WANG	500 ARROWHEAD RD	2	D (Apr 11)
A-20/19	DARINA & DARMOT PHILLIPS	2195 OBECK CRES	8	Approved

### DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-400/18	1302396 ONTARIO LTD	2199 DUNWIN DR	8	D (Apr 4)
A-436/18	HURONTARIO CENTRE LTD	5029, 5031, 5033, 5035 HURONTARIO ST	5	D (TBD)

Decision of the Mississauga Committee of Adjustment under  
Section 53 of The Planning Act R.S.O. 1990, C.P.13, as amended.  
Application by **DAVID ADAMCZYK & MARGARET ZBIGNIEW** for the property located at  
**9 BRIARWOOD AVENUE.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:39p.m.

### APPLICATION DETAILS

The applicant requests the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 7.62m (25.00ft) and an area of approximately 290.37sq.m (3125.52sq.ft).

F. Romano, agent, attended and presented evidence in support of the application.

### COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- City of Mississauga, Community Services Department, Park Planning (dated January 3, 2019)
- Region of Peel (dated January 11, 2019)
- Bell Canada, Right-of-Way (dated January 17, 2019)

### CORRESPONDENCE & DISCUSSION

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the following residents who objected to the subject application: 12 Brant Avenue, 27 Briarwood Avenue, 23 Briarwood Avenue, 17 Briarwood Avenue, 15 Briarwood Avenue, 14 Briarwood Avenue, and 10 Briarwood Avenue.
- A petition of support was submitted signed by 1 area resident.

The resident of 11 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding architecture, drainage, trees, and sunlight.

The resident of 24 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding the necessity of the variances.

Committee asked questions of the agent who appeared before the Committee.

The Applicant agreed with the conditions requested by city and agency staff.

**DECISION**

Committee has taken into consideration correspondence received from 8 area residents and 2 residents who presented at the hearing.

The Committee, having considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, 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 conditions of Appendix A being fulfilled.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED ON CONDITIONS AS STATED IN APPENDIX A:**

The applicant requests the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 7.62m and an area of approximately 290.37sq.m.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

For a signed copy of this document

please call 905-615-3200 ext. 2408  
or email

[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

A copy of Section 53 of the Planning Act, as amended, is attached.

Date of Mailing: January 28, 2019

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 **February 17, 2019**.

**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 January 28, 2020.

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

Appendix A – Conditions of Provisional Consent

Appendix B – City and Agency comments that relate to items on Appendix A



Appendix A – Conditions of Provisional Consent

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. If any city department or external agency (e.g. Region of Peel, Conservation Authority, etc.) determines that an easement or right-of-way is required that was not included in the provisional approval it may be added prior to the final approval of the application.  
To clear this condition please send an email indicating no easement/right-of-way is required or, if required, provide details of the easement/right-of-way and who requested it to Committee of Adjustment staff (email address [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca)).
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. ("A"11/19 & "A"12/19)
4. A letter shall be received from the City of Mississauga, Geospatial Solutions Division, indicating that satisfactory arrangements have been made with respect to any required address changes or assignments (905-615-3200 x5381).
5. 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 January 4, 2019.
6. 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 January 3, 2019.
7. A letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 17, 2019.

Appendix B – City and Agency comments that relate to items on Appendix A

**TO:** S. Kenney, Secretary Treasurer  
Committee of Adjustment

**FROM:** D. Martin  
Transportation and Works

**DATE:** January 4, 2019

**RE:** **Applicant:** David Adamczyk, Margaret Adamczyk, Zbigniew Adamczyk  
**Date of Hearing:** January 17, 2019  
**Location:** 9 Briarwood Avenue  
**Our File:** 'B' 5/19 Ward 1 (Z-7)

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Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

**A. Items Required Prior to the Issuance of Final Consent**

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Upon the review of an Overall Grading and Drainage Plan it may be determined that a catch basin may be required and satisfactory arrangements will have to be made for the construction of any required catch basin.

**B. GENERAL INFORMATION**

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access



Appendix B – City and Agency comments that relate to items on Appendix A

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 300mm Dia. Storm sewer located on Briarwood Avenue.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

D. Martin  
Supervisor, Development Engineering South  
905-615-3200, ext. 5833



Appendix B – City and Agency comments that relate to items on Appendix A

DATE: January 3<sup>rd</sup>, 2019

FILES: "B" 5/19

SUBJECT: CONSENT APPLICATION  
 9 Briarwood Avenue  
 DAVID ADAMCZYK, MARGARET ADAMCZYK, AND ZBIGNIEW ADAMCZYK WARD  
 1  
 January 17, 2019 PUBLIC HEARING OF THE COMMITTEE OF ADJUSTMENT

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The Park Planning Section of the Community Services Department has reviewed the above noted consent application, and advises as follows:

1. The applicant shall provide a cash contribution of \$574.50 for planting of one (1) street tree on Briarwood Avenue. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

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

- one (1) Serviceberry

Due to the location of the proposed driveway, the above noted tree will need be removed. Should the application be approved, Community Services wishes to impose the following condition:

2. The applicant shall provide \$1203.50 to the City for tree removal and replacement.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Ibrahim Dia, Planner, Community Services Department at 905-615-3200 ext. 3108.





MISSISSAUGA

File: "B" 5/19  
WARD 1

Appendix B – City and Agency comments that relate to items on Appendix A

Bell Canada  
FI-2, 140 Bayfield St.  
Barrie, Ontario  
L4M 3B1

Fax: 705-722-2263  
Tel: 705-722-2244  
E-mail: [carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)

January 17, 2019

Mississauga Committee of Adjustment  
Office of the City Clerk  
300 City Centre Drive  
Mississauga, ON  
L5B 3C1

Attention: Secretary-Treasurer  
Email only: [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca)

Dear Sir/Madame:

**Subject: Application for Consent – Severance  
9 Briarwood Avenue**

**CofA File: B 5/19 Ward 1**

**Bell File: 905-19-017**

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Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing aerial facilities, supply service to the property and to maintain service in the area.

Bell Canada would like to confirm that both parts, severed and retained, as shown on the Severance Plan, or a 3.0m wide corridor to be measured 1.5m on either side of the aerial facilities located along the eastern property boundary of said Parts, as can be accommodated, would satisfy our needs. Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the Owner.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us.

If there are any questions or concerns, please do not hesitate to call.

Yours truly,

Carrie Gordon  
Right of Way Associate

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **DAVID ADAMCZYK & MARGARET ZBIGNIEW** for the property located at  
**9 BRIARWOOD AVENUE.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:39p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the construction of a semi-detached dwelling proposing:

1. A lot area of 290.37sq.m (approx. 3125.52sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00sq.m (approx. 4951.40sq.ft) in this instance;
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
3. A building height measured to the eaves of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, permits a maximum building height measure to the eaves of 6.40m (approx. 21.00ft) in this instance; and
4. A building height measured to a flat roof of 8.08m (approx. 26.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

F. Romano, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2018)
- City of Mississauga, Transportation and Works Department (dated January 4, 2018)
- Region of Peel (dated January 11, 2018)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the following residents who objected to the subject application: 12 Brant Avenue, 27 Briarwood Avenue, 23 Briarwood Avenue, 17 Briarwood Avenue, 15 Briarwood Avenue, 14 Briarwood Avenue, and 10 Briarwood Avenue.
- A petition of support was submitted signed by 1 area resident.

The resident of 11 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding architecture, drainage, trees, and sunlight.

The resident of 24 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding the necessity of the variances.

Committee asked questions of the agent who appeared be for the Committee.

### **DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration correspondence received from 8 area residents and 2 residents who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.



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

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

The Decision of the Committee is:

**APPLICATION APPROVED AS AMENDED SUBJECT TO CONDITION:**

To allow the construction of a semi-detached dwelling proposing:

1. A building height measured to the eaves of 7.67m whereas By-law 0225-2007, as amended, permits a maximum building height measure to the eaves of 6.40m in this instance; and
2. A building height measured to a flat roof of 8.08m whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m in this instance.

**CONDITION(S):**

1. Construction related to this variance shall be in general conformance with the plans approved by the Committee.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

For a signed copy of this document  
please call 905-615-3200 ext. 2408  
or email

Committee.Adjustment@mississauga.ca

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **DAVID ADAMCZYK & MARGARET ZBIGNIEW** for the property located at  
**9 BRIARWOOD AVENUE.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:39p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the construction of a semi-detached dwelling proposing:

1. A lot area of 290.37sq.m (approx. 3125.52sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00sq.m (approx. 4951.40sq.ft) in this instance;
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
3. A building height measured to the eaves of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, permits a maximum building height measure to the eaves of 6.40m (approx. 21.00ft) in this instance; and
4. A building height measured to a flat roof of 8.08m (approx. 26.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

F. Romano, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2018)
- City of Mississauga, Transportation and Works Department (dated January 4, 2018)
- Region of Peel (dated January 11, 2018)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the following residents who objected to the subject application: 12 Brant Avenue, 27 Briarwood Avenue, 23 Briarwood Avenue, 17 Briarwood Avenue, 15 Briarwood Avenue, 14 Briarwood Avenue, and 10 Briarwood Avenue.
- A petition of support was submitted signed by 1 area resident.



The resident of 11 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding architecture, drainage, trees, and sunlight.

The resident of 24 Briarwood Avenue appeared before the Committee and objected to the subject application. He expressed concerns regarding the necessity of the variances.

Committee asked questions of the agent who appeared be for the Committee.

### **DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration correspondence received from 8 area residents and 2 residents who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.



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

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

The Decision of the Committee is:

**APPLICATION APPROVED AS AMENDED SUBJECT TO CONDITION:**

To allow the construction of a semi-detached dwelling proposing:

1. A building height measured to the eaves of 7.47m whereas By-law 0225-2007, as amended, permits a maximum building height measure to the eaves of 6.40m in this instance; and
2. A building height measured to a flat roof of 8.08m whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m in this instance.

**CONDITION(S):**

1. Construction related to this variance shall be in general conformance with the plans approved by the Committee.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

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"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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Committee.Adjustment@mississauga.ca

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 53 of The Planning Act R.S.O. 1990, C.P.13, as amended.  
Application by **ROLAND & SYLVIA SMITAS & SIMONE BRADLEY** for the property located at  
**990 LAKESHORE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:18p.m.

### APPLICATION DETAILS

The applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 18.00m (59.06ft.) and an approximate area of 457.40sq.m (4,923.57sq.ft.).

B. Oughtred, agent, attended and presented evidence in support of the application.

### BACKGROUND

On July 19<sup>th</sup> 2018, B. Oughtred, agent, requested deferral to provide additional time for the review of an environmental assessment.

The Committee consented to the request and deferred the application to the October 18<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated July 13, 2018)
- City of Mississauga, Transportation and Works Department (dated July 12, 2018)
- City of Mississauga, Community Services Department, Culture Division (dated June 29, 2018)
- Region of Peel (dated July 17, 2018)
- Bell Canada, Right-of-Way (dated July 18, 2018)
- A letter of objection was received from the resident of 992 Whittier Crescent.

On October 18<sup>th</sup>, 2018, B. Oughtred, agent, requested deferral in order to make revisions to the application.

The Committee consented to the request and deferred the application to the January 17<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated October 10, 2018)
- City of Mississauga, Transportation and Works Department (dated October 5, 2018)
- City of Mississauga, Community Services Department, Park Planning (dated October 5, 2018)
- Region of Peel (dated October 5, 2018)



- A letter of objection was received from the residents of 976 Red Pine Crescent.

## COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- City of Mississauga, Community Services Department, Park Planning (dated January 3, 2019)
- Region of Peel (dated January 11, 2019)

## CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of this public circulation of this application.

Committee asked questions of the agent who appeared be for the Committee.

D. Martin, Manager, Transportation and Works, addressed the Committee and indicated that he had been working with the Credit Valley Conservation Authority and that their concerns would be addressed through the capital works project.

Committee asked if the conditions could be cleared within the one year timeframe. D. Martin indicated that he believed the timeline could be met.

The Applicant agreed with the conditions requested by city and agency staff.

The resident of 986 Whittier Crescent appeared before the Committee and objected to the subject application. She expressed concerns regarding the significance of the variances, grading, and whether the lands would be appropriate for development.

The resident of 1032 Lakeshore Road West appeared before the Committee and objected to the subject application. She expressed concerns regarding the environmental impact on local species. D. Martin indicated an Environmental Assessment would be completed as part of the capital works project. She also expressed concern regarding lot and potential dwelling sizes.

## DECISION

Committee has taken into consideration correspondence received from 2 area residents and 2 residents who presented at the hearing.

The Committee, having considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, 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 conditions of Appendix A being fulfilled.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED ON CONDITIONS AS STATED IN APPENDIX A:**

The applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 18.00m and an approximate area of 457.40sq.m.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

For a signed copy of this document  
please call 905-615-3200 ext. 2408  
or email

[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

A copy of Section 53 of the Planning Act, as amended, is attached.

Date of Mailing: January 28, 2019

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 **February 17, 2019**.

**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 January 28, 2020.

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

Appendix A – Conditions of Provisional Consent

Appendix B – City and Agency comments that relate to items on Appendix A

Appendix A – Conditions of Provisional Consent

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. If any city department or external agency (e.g. Region of Peel, Conservation Authority, etc.) determines that an easement or right-of-way is required that was not included in the provisional approval it may be added prior to the final approval of the application.  
To clear this condition please send an email indicating no easement/right-of-way is required or, if required, provide details of the easement/right-of-way and who requested it to Committee of Adjustment staff (email address [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca)).
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. ("A"202/17 & "A"288/18 & "A"289/18)
4. A letter shall be received from the City of Mississauga, Geospatial Solutions Division, indicating that satisfactory arrangements have been made with respect to any required address changes or assignments (905-615-3200 x5381).
5. 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 January 4, 2019.
6. 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 January 3, 2019.



Appendix B – City and Agency comments that relate to items on Appendix A

**TO:** S. Kenney, Secretary Treasurer  
Committee of Adjustment

**FROM:** D. Martin  
Transportation and Works

**DATE:** January 4, 2019

**RE:** **Applicant:** Roland Smitas, Sylvia Smitas and Simone Bradley  
**Date of Hearing:** January 17, 2019  
**Location:** 990 Lakeshore Rd W  
**Our File:** 'B' 33 & 47/18, Ward 2 (Z-2)

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We note for the Committees information that previously we had identified that a portion of the subject lands were subject to a City Capital Works Project for the enclosure of a channelized drainage feature across the frontage of a significant portion of the subject lands. This project is currently in the design and approval stage where approval is also required from the Ministry of the Environment, Conservation and Parks (MECP). As the proposed retained lands would require the enclosure of the drainage feature to create a viable building lot, the timing of the subject applications was premature.

Subsequent to the Committee meeting of October 18, 2018, T&W staff, CVC staff and Ward Councillor Ras met with the applicant and their consultant to review the new proposed alignment of the storm sewer outside of the applicant's lands and indicated what would be included within the project realignment. Based on these further discussions with the applicant, this department has no concerns with the application proceeding at this time; however, both the City and the applicant acknowledged in the meeting that should timing issues arise with the construction of the storm sewer, the applicant may not be able to satisfy all conditions of approval should the application proceed and be approved by the Committee.

Should Committee see merit in the subject applications, we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

**A. Items Required Prior to the Issuance of Final Consent**

1. Final Completion and Operation of the Re-Aligned Storm Sewer

Prior to issuance of final consent, the decommissioning of the exiting storm sewer outlet and activation of the new re-aligned storm sewer must be completed and operational.

2. Overall Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for any dwelling to be constructed on the subject lands.

3. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.



Appendix B – City and Agency comments that relate to items on Appendix A

Upon the review of an Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

4. Geotechnical Report

As part of the existing drainage feature is proposed to be filled to create developable lands, a Geotechnical Report is to be provided which identifies what requirements/ recommendations will be needed to provide adequate engineered fill for the existing drainage channel feature to ensure that these lands are suitable for development purposes. Any restrictions/ requirements for the subject lands may be incorporated within the Development Agreement.

5. Development Agreement

The owner may be required to enter into a Development Agreement which may contain the appropriate Warning Clauses relating to grading, drainage, storm sewer outlet, access and any potential acoustical noise requirements for the subject development.

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement. The fee amount payable will be in accordance with the current fees and charges bylaw.

7. Site Plan and Access Locations

An overall Site Plan (for the entire lands) depicting the proposed building envelopes, driveway locations and top of bank of Moore Creek, etc. for the 3 proposed lots is to be provided for our review and approval.

8. Environmental Site Assessment (ESA) for Greenlands Dedication of Moore Creek

It is anticipated that Community Services will be requesting the gratuitous dedication of lands below the top of bank of Moore Creek; therefore, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Appendix B – City and Agency comments that relate to items on Appendix A

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng, Environmental Technologist at 905 615-3200 ext. 5930 or [valeriya.danylova@mississauga.ca](mailto:valeriya.danylova@mississauga.ca) should you require further information.

**B. GENERAL INFORMATION**

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. Access

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

4. Storm Sewer Outlet

We advise that the storm sewer outlet is the proposed 900mm storm sewer pipe proposed to be constructed across the frontage of these lands on Lakeshore Road West.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

D. Martin  
Supervisor, Development Engineering South  
905-615-3200, ext. 5833

Appendix B – City and Agency comments that relate to items on Appendix A

DATE: January 3<sup>rd</sup>, 2019

FILES: "B" 33/17

SUBJECT: CONSENT APPLICATION  
990 Lakeshore Road West  
Roland & Sylvia Smitas and Simone Bradley  
WARD 2  
January 17<sup>th</sup>, 2019 PUBLIC HEARING OF THE COMMITTEE OF ADJUSTMENT

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Please refer to Community Services comments submitted for the October 18<sup>th</sup>, 2018 Committee of Adjustment Hearing as those comments are still applicable.

Additionally, should the application be approved, the Community Services Department wishes to impose the following conditions:

1. A site visit shall be organized by the applicant to stake the top-of-bank to the satisfaction of the pertinent Conservation Authority and the City. A Qualified Land Surveyor (OLS) must be present, in addition to staff from the Community Services Department, Transportation and Works Department, and the Credit Valley Conservation Authority
2. All established hazard lands below the top-of-bank or long term stable slope, whichever is greater, shall be gratuitously dedicated to the City as Greenlands (G1) for conservation purposes. These lands, zoned G1, are classified as Residential Woodlands within the City's Natural Heritage System. As per the Section 6.3.24 of the Mississauga Official Plan, the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Furthermore, the Transportation and Works Department has identified that the eastern portion of the subject lands are subject to a Capital Works Project for an open drainage channel and therefore land dedication supports the protection and restoration of the Greenlands.

3. Submit a draft Reference plan identifying the lands to be dedicated to the City.
4. Submit a Site Servicing and Restoration plan that is to the satisfaction of the Community Services Department.
5. Submit a Grading plan that is to the satisfaction of the Community Services Department.
6. Prior to Greenlands dedication, the Applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands. Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

Should further information be required, please contact Ibrahim Dia, Planner, Community Services Department at 905-615-3200 ext. 3108.



Appendix B – City and Agency comments that relate to items on Appendix A

DATE: October 5<sup>th</sup>, 2018

FILES: "B" 33/17

SUBJECT: CONSENT APPLICATION  
990 Lakeshore Road West  
Roland & Sylvia Smitas and Simone Bradley  
WARD 2  
October 18<sup>th</sup>, 2018 PUBLIC HEARING OF THE COMMITTEE OF ADJUSTMENT

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The Park Planning Section of the Community Services Department has reviewed the above noted consent application, and advises as follows:

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

1. The applicant shall provide a cash contribution of \$1,071.64 for planting of two (2) street tree on Lake Shore Road West. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment of street tree contributions can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Ibrahim Dia, Planner, Community Services Department at 905-615-3200 ext. 3108.



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **ROLAND & SYLVIA SMITAS & SIMONE** for the property located at  
**990 LAKESHORE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:18p.m.

### APPLICATION DETAILS

The applicants request the Committee to approve a minor variance to allow the construction of a single-detached dwelling on the subject property being the severed land of Consent application "B"33/17 proposing:

1. A lot frontage of 18.00m (59.06ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (98.42ft.) in this instance;
2. A lot area of 457.40m<sup>2</sup> (4,923.57sq.ft) for the subject property whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m<sup>2</sup> (7,481.16sq.ft.) in this instance;
3. A front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance; and,
4. A rear yard of 5.00m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

B. Oughtred, agent, attended and presented evidence in support of the application.

### BACKGROUND

On July 19<sup>th</sup> 2018, B. Oughtred, agent, requested deferral to provide additional time for the review of an environmental assessment.

The Committee consented to the request and deferred the application to the October 18<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated July 13, 2018)
- City of Mississauga, Transportation and Works Department (dated July 12, 2018)
- City of Mississauga, Community Services Department, Culture Division (dated June 29, 2018)
- Region of Peel (dated July 17, 2018)
- A letter of objection was received from the resident of 992 Whittier Crescent.

On October 18<sup>th</sup>, 2018, B. Oughtred, agent, requested deferral in order to make revisions to the application.

The Committee consented to the request and deferred the application to the January 17<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated October 10, 2018)
- City of Mississauga, Transportation and Works Department (dated October 11, 2018)
- Region of Peel (dated October 5, 2018)
- A letter of objection was received from the residents of 976 Red Pine Crescent.

### COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of this public circulation of this application.

Committee asked questions of the agent who appeared be for the Committee.

D. Martin, Manager, Transportation and Works, addressed the Committee and indicated that he had been working with the Credit Valley Conservation Authority and that their concerns would be addressed through the capital works project.

Committee asked if the conditions could be cleared within the one year timeframe. D. Martin indicated that he believed the timeline could be met.

The Applicant agreed with the conditions requested by city and agency staff.

The resident of 986 Whittier Crescent appeared before the Committee and objected to the subject application. She expressed concerns regarding the significance of the variances, grading, and whether the lands would be appropriate for development.

The resident of 1032 Lakeshore Road West appeared before the Committee and objected to the subject application. She expressed concerns regarding the environmental impact on local species. D. Martin indicated an Environmental Assessment would be completed as part of the capital works project. She also expressed concern regarding lot and potential dwelling sizes.

### DECISION

Committee has taken into consideration correspondence received from 2 area residents and 2 residents who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To allow the construction of a single-detached dwelling on the subject property being the severed land of Consent application "B"33/17 proposing:

1. A lot frontage of 18.00m whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m in this instance;
2. A lot area of 457.40m<sup>2</sup> for the subject property whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m<sup>2</sup> in this instance;
3. A front yard of 6.00m whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m in this instance; and,
4. A rear yard of 5.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>ABSENT</u> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<u>ABSENT</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 53 of The Planning Act R.S.O. 1990, C.P.13, as amended.  
Application by **ROLAND & SYLVIA SMITAS & SIMONE BRADLEY** for the property located at  
**990 LAKESHORE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:18p.m.

### APPLICATION DETAILS

The applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 18.00m (59.06ft.) and an approximate area of 457.40sq.m (4,923.57sq.ft.).

B. Oughtred, agent, attended and presented evidence in support of the application.

### BACKGROUND

On July 19<sup>th</sup> 2018, B. Oughtred, agent, requested deferral to provide additional time for the review of an environmental assessment.

The Committee consented to the request and deferred the application to the October 18<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated July 13, 2018)
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The Committee consented to the request and deferred the application to the January 17<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

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- City of Mississauga, Community Services Department, Park Planning (dated October 5, 2018)
- Region of Peel (dated October 5, 2018)
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## COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
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## CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of this public circulation of this application.

Committee asked questions of the agent who appeared before the Committee.

D. Martin, Manager, Transportation and Works, addressed the Committee and indicated that he had been working with the Credit Valley Conservation Authority and that their concerns would be addressed through the capital works project.

Committee asked if the conditions could be cleared within the one year timeframe. D. Martin indicated that he believed the timeline could be met.

The Applicant agreed with the conditions requested by city and agency staff.

The resident of 986 Whittier Crescent appeared before the Committee and objected to the subject application. She expressed concerns regarding the significance of the variances, grading, and whether the lands would be appropriate for development.

The resident of 1032 Lakeshore Road West appeared before the Committee and objected to the subject application. She expressed concerns regarding the environmental impact on local species. D. Martin indicated an Environmental Assessment would be completed as part of the capital works project. She also expressed concern regarding lot and potential dwelling sizes.

## DECISION

Committee has taken into consideration correspondence received from 2 area residents and 2 residents who presented at the hearing.

The Committee, having considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, 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 conditions of Appendix A being fulfilled.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED ON CONDITIONS AS STATED IN APPENDIX A:**

The applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 18.00m and an approximate area of 457.40sq.m.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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Date of Mailing: January 28, 2019

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**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 January 28, 2020.

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

Appendix A – Conditions of Provisional Consent

Appendix B – City and Agency comments that relate to items on Appendix A

Appendix A – Conditions of Provisional Consent

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. If any city department or external agency (e.g. Region of Peel, Conservation Authority, etc.) determines that an easement or right-of-way is required that was not included in the provisional approval it may be added prior to the final approval of the application.  
To clear this condition please send an email indicating no easement/right-of-way is required or, if required, provide details of the easement/right-of-way and who requested it to Committee of Adjustment staff (email address [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca)).
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. ("A"202/17 & "A"288/18 & A"A289/18)
4. A letter shall be received from the City of Mississauga, Geospatial Solutions Division, indicating that satisfactory arrangements have been made with respect to any required address changes or assignments (905-615-3200 x5381).
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6. 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 January 3, 2019.





Appendix B – City and Agency comments that relate to items on Appendix A

**TO:** S. Kenney, Secretary Treasurer  
Committee of Adjustment

**FROM:** D. Martin  
Transportation and Works

**DATE:** January 4, 2019

**RE:** **Applicant:** Roland Smitas, Sylvia Smitas and Simone Bradley  
**Date of Hearing:** January 17, 2019  
**Location:** 990 Lakeshore Rd W  
**Our File:** 'B' 33 & 47/18, Ward 2 (Z-2)

We note for the Committees information that previously we had identified that a portion of the subject lands were subject to a City Capital Works Project for the enclosure of a channelized drainage feature across the frontage of a significant portion of the subject lands. This project is currently in the design and approval stage where approval is also required from the Ministry of the Environment, Conservation and Parks (MECP). As the proposed retained lands would require the enclosure of the drainage feature to create a viable building lot, the timing of the subject applications was premature.

Subsequent to the Committee meeting of October 18, 2018, T&W staff, CVC staff and Ward Councillor Ras met with the applicant and their consultant to review the new proposed alignment of the storm sewer outside of the applicant's lands and indicated what would be included within the project realignment. Based on these further discussions with the applicant, this department has no concerns with the application proceeding at this time; however, both the City and the applicant acknowledged in the meeting that should timing issues arise with the construction of the storm sewer, the applicant may not be able to satisfy all conditions of approval should the application proceed and be approved by the Committee.

Should Committee see merit in the subject applications, we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

**A. Items Required Prior to the Issuance of Final Consent**

1. Final Completion and Operation of the Re-Aligned Storm Sewer

Prior to issuance of final consent, the decommissioning of the exiting storm sewer outlet and activation of the new re-aligned storm sewer must be completed and operational.

2. Overall Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for any dwelling to be constructed on the subject lands.

3. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Appendix B – City and Agency comments that relate to items on Appendix A

Upon the review of an Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

4. Geotechnical Report

As part of the existing drainage feature is proposed to be filled to create developable lands, a Geotechnical Report is to be provided which identifies what requirements/ recommendations will be needed to provide adequate engineered fill for the existing drainage channel feature to ensure that these lands are suitable for development purposes. Any restrictions/ requirements for the subject lands may be incorporated within the Development Agreement.

5. Development Agreement

The owner may be required to enter into a Development Agreement which may contain the appropriate Warning Clauses relating to grading, drainage, storm sewer outlet, access and any potential acoustical noise requirements for the subject development.

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement. The fee amount payable will be in accordance with the current fees and charges bylaw.

7. Site Plan and Access Locations

An overall Site Plan (for the entire lands) depicting the proposed building envelopes, driveway locations and top of bank of Moore Creek, etc. for the 3 proposed lots is to be provided for our review and approval.

8. Environmental Site Assessment (ESA) for Greenlands Dedication of Moore Creek

It is anticipated that Community Services will be requesting the gratuitous dedication of lands below the top of bank of Moore Creek; therefore, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.





Appendix B – City and Agency comments that relate to items on Appendix A

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng, Environmental Technologist at 905 615-3200 ext. 5930 or [valeriya.danylova@mississauga.ca](mailto:valeriya.danylova@mississauga.ca) should you require further information.

**B. GENERAL INFORMATION**

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. Access

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

4. Storm Sewer Outlet

We advise that the storm sewer outlet is the proposed 900mm storm sewer pipe proposed to be constructed across the frontage of these lands on Lakeshore Road West.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

D. Martin  
Supervisor, Development Engineering South  
905-615-3200, ext. 5833



Appendix B – City and Agency comments that relate to items on Appendix A

DATE: January 3<sup>rd</sup>, 2019

FILES: "B" 47/18

SUBJECT: CONSENT APPLICATION  
990 Lakeshore Road West  
Roland & Sylvia Smitas and Simone Bradley  
WARD 2  
January 17<sup>th</sup>, 2019 PUBLIC HEARING OF THE COMMITTEE OF ADJUSTMENT

---

Please refer to Community Services comments submitted for the October 18<sup>th</sup>, 2018 Committee of Adjustment Hearing as those comments are still applicable.

Additionally, should the application be approved, the Community Services Department wishes to impose the following conditions:

1. A site visit shall be organized by the applicant to stake the top-of-bank to the satisfaction of the pertinent Conservation Authority and the City. A Qualified Land Surveyor (OLS) must be present, in addition to staff from the Community Services Department, Transportation and Works Department, and the Credit Valley Conservation Authority
2. All established hazard lands below the top-of-bank or long term stable slope, whichever is greater, shall be gratuitously dedicated to the City as Greenlands (G1) for conservation purposes. These lands, zoned G1, are classified as Residential Woodlands within the City's Natural Heritage System. As per the Section 6.3.24 of the Mississauga Official Plan, the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Furthermore, the Transportation and Works Department has identified that the eastern portion of the subject lands are subject to a Capital Works Project for an open drainage channel and therefore land dedication supports the protection and restoration of the Greenlands.

3. Submit a draft Reference plan identifying the lands to be dedicated to the City.
4. Submit a Site Servicing and Restoration plan that is to the satisfaction of the Community Services Department.
5. Submit a Grading plan that is to the satisfaction of the Community Services Department.
6. Prior to Greenlands dedication, the Applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands. Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

Should further information be required, please contact Ibrahim Dia, Planner, Community Services Department at 905-615-3200 ext. 3108.



Appendix B – City and Agency comments that relate to items on Appendix A

DATE: October 5<sup>th</sup>, 2018  
FILES: "B" 47/18  
SUBJECT: CONSENT APPLICATION  
990 Lakeshore Road West  
Roland & Sylvia Smitas and Simone Bradley  
WARD 2  
October 18<sup>th</sup>, 2018 PUBLIC HEARING OF THE COMMITTEE OF ADJUSTMENT

---

The Park Planning Section of the Community Services Department has reviewed the above noted consent application, and advises as follows:

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

1. The applicant shall provide a cash contribution of \$1,071.64 for planting of two (2) street tree on Lake Shore Road West. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment of street tree contributions can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Ibrahim Dia, Planner, Community Services Department at 905-615-3200 ext. 3108.

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **ROLAND & SYLVIA SMITAS & SIMONE** for the property located at  
**990 LAKESHORE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:18p.m.

### APPLICATION DETAILS

The applicants request the Committee to approve a minor variance to allow the construction of a single-detached dwelling on the subject property being the severed land of Consent application "B"47/18 proposing:

1. a lot frontage of 18.00m (59.06ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (98.42ft.) in this instance;
2. a lot area of 458.00m<sup>2</sup> (4,930.03sq.ft) for the subject property whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m<sup>2</sup> (7,481.16sq.ft.) in this instance;
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance; and
4. a rear yard of 5.00m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

B. Oughtred, agent, attended and presented evidence in support of the application.

### BACKGROUND

On July 19<sup>th</sup> 2018, B. Oughtred, agent, requested deferral to provide additional time for the review of an environmental assessment.

The Committee consented to the request and deferred the application to the October 18<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated July 13, 2018)
- City of Mississauga, Transportation and Works Department (dated July 12, 2018)
- City of Mississauga, Community Services Department, Culture Division (dated June 29, 2018)
- Region of Peel (dated July 17, 2018)
- A letter of objection was received from the resident of 992 Whittier Crescent.

On October 18<sup>th</sup>, 2018, B. Oughtred, agent, requested deferral in order to make revisions to the application.

The Committee consented to the request and deferred the application to the January 17<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated October 10, 2018)
- City of Mississauga, Transportation and Works Department (dated October 11, 2018)
- Region of Peel (dated October 5, 2018)
- A letter of objection was received from the residents of 976 Red Pine Crescent.

## COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

## CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of this public circulation of this application.

Committee asked questions of the agent who appeared be for the Committee.

D. Martin, Manager, Transportation and Works, addressed the Committee and indicated that he had been working with the Credit Valley Conservation Authority and that their concerns would be addressed through the capital works project.

Committee asked if the conditions could be cleared within the one year timeframe. D. Martin indicated that he believed the timeline could be met.

The Applicant agreed with the conditions requested by city and agency staff.

The resident of 986 Whittier Crescent appeared before the Committee and objected to the subject application. She expressed concerns regarding the significance of the variances, grading, and whether the lands would be appropriate for development.

The resident of 1032 Lakeshore Road West appeared before the Committee and objected to the subject application. She expressed concerns regarding the environmental impact on local species. D. Martin indicated an Environmental Assessment would be completed as part of the capital works project. She also expressed concern regarding lot and potential dwelling sizes.

## DECISION

Committee has taken into consideration correspondence received from 2 area residents and 2 residents who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To allow the construction of a single-detached dwelling on the subject property being the severed land of Consent application "B"47/18 proposing:

1. a lot frontage of 18.00m whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m in this instance;
2. a lot area of 458.00m<sup>2</sup> for the subject property whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00m<sup>2</sup> in this instance;
3. a front yard of 6.00m whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m in this instance; and
4. a rear yard of 5.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>ABSENT</u> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<u>ABSENT</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

For a signed copy of this document  
please call 905-615-3200 ext. 2408  
or email

[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **ROLAND & SYLVIA SMITAS & SIMONE** for the property located at  
**990 LAKESHORE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:18p.m.

### **APPLICATION DETAILS**

The applicants request the Committee to authorize a minor variance to permit the construction of a single-detached dwelling on the subject property being the retained land of Consent application "B"47/18 proposing:

1. A lot frontage of 27.82m (91.27ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (98.42ft.) in this instance;
2. A front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (29.52ft.) in this instance; and,
3. A rear yard of 5.00m (16.40ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

B. Oughtred, agent, attended and presented evidence in support of the application.

### **BACKGROUND**

On July 19<sup>th</sup> 2018, B. Oughtred, agent, requested deferral to provide additional time for the review of an environmental assessment.

The Committee consented to the request and deferred the application to the October 18<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated July 13, 2018)
- City of Mississauga, Transportation and Works Department (dated July 12, 2018)
- City of Mississauga, Community Services Department, Culture Division (dated June 29, 2018)
- Region of Peel (dated July 17, 2018)
- A letter of objection was received from the resident of 992 Whittier Crescent.

On October 18<sup>th</sup>, 2018, B. Oughtred, agent, requested deferral in order to make revisions to the application.

The Committee consented to the request and deferred the application to the January 17<sup>th</sup> hearing.

Comments were received and entered into evidence from the following:

- City of Mississauga, Planning and Building Department (dated October 10, 2018)
- City of Mississauga, Transportation and Works Department (dated October 11, 2018)
- Region of Peel (dated October 5, 2018)
- Enbridge Pipelines (dated September 20, 2018)
- A letter of objection was received from the residents of 976 Red Pine Crescent.

## **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

## **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of this public circulation of this application.

Committee asked questions of the agent who appeared be for the Committee.

D. Martin, Manager, Transportation and Works, addressed the Committee and indicated that he had been working with the Credit Valley Conservation Authority and that their concerns would be addressed through the capital works project.

Committee asked if the conditions could be cleared within the one year timeframe. D. Martin indicated that he believed the timeline could be met.

The Applicant agreed with the conditions requested by city and agency staff.

The resident of 986 Whittier Crescent appeared before the Committee and objected to the subject application. She expressed concerns regarding the significance of the variances, grading, and whether the lands would be appropriate for development.

The resident of 1032 Lakeshore Road West appeared before the Committee and objected to the subject application. She expressed concerns regarding the environmental impact on local species. D. Martin indicated an Environmental Assessment would be completed as part of the capital works project. She also expressed concern regarding lot and potential dwelling sizes.

## **DECISION**

Committee has taken into consideration correspondence received from 2 area residents and 2 residents who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.



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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To permit the construction of a single-detached dwelling on the subject property being the retained land of Consent application "B"47/18 proposing:

1. A lot frontage of 27.82m whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m in this instance;
2. A front yard of 6.00m whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m in this instance; and,
3. A rear yard of 5.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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or email

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.

Application by **J.W. INVESTMENT** for the property located at  
**896 BURNHAMTHORPE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019

Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:50p.m.

### APPLICATION DETAILS

The applicant requests the Committee to approve a minor variance to allow the existing 6 parking spaces to remain on the west side of the building proposing:

1. An aisle width of 1.0m (approx. 3.3ft) on site and 5.2m (approx. 17.1ft) off site at 914 Burnhamthorpe Road West whereas By-law 0225-2007, as amended, requires an aisle width of 7.0m (approx. 23.0ft) to be provided wholly on site in this instance; and
2. To permit these parking spaces to be exclusively used by the adjacent site for their required parking by virtue of the off-site parking agreement whereas By-law 0225-2007 as amended, makes no provisions for parking to be leased to an adjacent site.

M. Starr, agent, attended and presented evidence in support of the application.

### COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2018)

### CORRESPONDENCE & DISCUSSION

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee regarding the parking availability on the subject and adjacent sites as well as the concerns raised by Zoning.

Committee asked questions of staff regarding the comments and the history of approvals on the property.

**DECISION**

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED SUBJECT TO CONDITION:**

To allow the existing 6 parking spaces to remain on the west side of the building proposing:

1. An aisle width of 1.0m on site and 5.2m off site at 914 Burnhamthorpe Road West whereas By-law 0225-2007, as amended, requires an aisle width of 7.0m to be provided wholly on site in this instance; and
2. To permit these parking spaces to be exclusively used by the adjacent site for their required parking by virtue of the off-site parking agreement whereas By-law 0225-2007 as amended, makes no provisions for parking to be leased to an adjacent site.

**CONDITION(S):**

1. A Certificate of Occupancy shall be obtained for the Medical Office.
2. A shared parking agreement shall be entered into to the satisfaction of the Secretary-Treasurer on the advice of Legal Services.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>ABSENT</u> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<u>ABSENT</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-TREASURER

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please call 905-615-3200 ext. 2408

or email

Committee.Adjustment@mississauga.ca

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **1666426 ONTARIO INC** for the property located at  
**914 BURNHAMTHORPE ROAD WEST.**

Date of Hearing on Thursday January 17, 2019

Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 2:50p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the existing medical office/clinic to remain proposing:

1. 32 parking spaces, of which 18 are to be provided off-site, whereas By-law 0225-2007, as amended, requires a minimum of 47 parking spaces to be provided wholly on site in this instance;
2. One accessible parking space whereas By-law 0225-2007, as amended, requires a minimum of two accessible parking spaces in this instance;
3. A driveway aisle of 3.36m (approx. 11.02ft) to access parking spaces at 896 Burnhamthorpe Road West whereas By-law 0225-2007, as amended, requires a minimum driveway aisle of 7.00m (approx. 22.97ft) in this instance; and
4. A landscape buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer 4.50m (approx. 14.76ft) along the front property line and 1.50m (approx. 4.92ft) along the rear property line in this instance.

M. Starr, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2018)

### **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee regarding the parking availability on the subject and adjacent sites as well as the concerns raised by Zoning.

Committee asked questions of staff regarding the comments and the history of approvals on the property.

**DECISION**

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED SUBJECT TO CONDITION:**

To allow the existing medical office/clinic to remain proposing:

1. 32 parking spaces, of which 18 are to be provided off-site, whereas By-law 0225-2007, as amended, requires a minimum of 47 parking spaces to be provided wholly on site in this instance;
2. One accessible parking space whereas By-law 0225-2007, as amended, requires a minimum of two accessible parking spaces in this instance;
3. A driveway aisle of 3.36m to access parking spaces at 896 Burnhamthorpe Road West whereas By-law 0225-2007, as amended, requires a minimum driveway aisle of 7.00m in this instance; and
4. A landscape buffer of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer 4.50m along the front property line and 1.50m along the rear property line in this instance.

**CONDITION(S):**

1. A Certificate of Occupancy shall be obtained for the Medical Office.
2. A shared parking agreement shall be entered into to the satisfaction of the Secretary-Treasurer on the advice of Legal Services.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>ABSENT</u> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<u>ABSENT</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

For a signed copy of this document  
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[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **MARY BUFFA** for the property located at **7266 WINDRUSH COURT**.  
Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:06p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the existing accessory structures to remain proposing:

1. Two accessory structures whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance; and
2. A rear yard measured to a Greenbelt zone for both accessory structures of 1.5m (approx. 4.9ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a Greenbelt zone of 5.0m (approx. 16.4ft) in this instance.

M. Buffa, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- City of Mississauga, Community Services Department, Park Planning (dated January 3, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the resident of 7250 Windrush Court stating an objection to the subject application and from the resident of 7267 Windrush Court stating no objection to the subject application.

Committee asked questions of the owner and staff who appeared before the Committee regarding the easement on the property.

The Committee discussed the easement and did not implement a condition requiring the sheds to be moved off the easement as easements are not the jurisdiction of the Committee.

**DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration correspondence received from 2 area residents and all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To allow the existing accessory structures to remain proposing:

1. Two accessory structures whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance; and
2. A rear yard measured to a Greenbelt zone for both accessory structures of 1.5m whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a Greenbelt zone of 5.0m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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or email

Committee.Adjustment@mississauga.ca

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **AL-MOHAMMEDI MEDICINE PROFESSIONAL CORPORATION**  
for the property located at **1435 HURONTARIO STREET.**  
Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:20p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the existing medical office to remain proposing 4 tandem parking spaces whereas By-law 0225-2007, as amended, does not permit tandem parking spaces in this instance.

N. Dell, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee.

The Secretary-Treasurer stated that an additional variance to allow 8 tandem spaces should be added as a variance cannot vary a variance.

### **DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED AS AMENDED:**

To allow the exiting medical office to remain proposing an additional four (4) Tandem parking spaces on site, to a total of eight (8) Tandem parking spaces on site, whereas By-law 0225-2007, as amended, does not permit Tandem parking in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

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"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **KEVIN SWERSKY** for the property located at **771 MONTBECK CRESCENT**.  
Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:25p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A front yard of 5.81m (approx. 19.06ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (approx. 19.69ft) in this instance;
2. An exterior side yard of 5.51m (approx. 18.08ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance;
3. A building depth of 23.90m (approx. 78.41ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
4. A height measured to the eaves of 6.64m (approx. 21.78ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance; and
5. An eave encroachment of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance.

S. Totten, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- The agent submitted a petition of support signed by 8 neighbours.

Committee asked questions of the owner(s)/agent/resident(s) who appeared before the Committee.



**DECISION**

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To allow the construction of a new house on the subject property proposing:

1. A front yard of 5.81m whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m in this instance;
2. An exterior side yard of 5.51m whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m in this instance;
3. A building depth of 23.90m whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m in this instance;
4. A height measured to the eaves of 6.64m whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m in this instance; and
5. An eave encroachment of 0.56m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>ABSENT</u> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<u>ABSENT</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn	

I certify this is copy of the decision of the Committee's decision given on January 24, 2019.

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **GANANG & MARTINI DANARDOJO** for the property located at  
**76 MORGON AVENUE.**

Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:27p.m.

### **APPLICATION DETAILS**

The applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing an exterior side yard of 2.38m (approx. 7.81ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance.

J. Zhai, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the resident of 70 Morgon Avenue expressing concerns regarding the subject application.

The resident of 270 Hillside Drive appeared before the Committee and expressed concerns regarding the subject application. She expressed concern regarding the increased height, sunlight and traffic.

### **DECISION**

Committee has taken into consideration correspondence received from 1 area resident and 1 resident who presented at the hearing. They have also considered all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.



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

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

The Decision of the Committee is:

**APPLICATION APPROVED:**

To allow the construction of a new house on the subject property proposing an exterior side yard of 2.38m whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **TONY NAPOLITANO** for the property located at **869 RIBSTON ROAD**.  
Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:33p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow an accessory structure on the subject property proposing:

1. An occupied floor area of 26.86sq.m (approx. 289.12sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied floor area of 10.00sq.m (approx. 107.64sq.ft) in this instance; and
2. An exterior side yard of 1.584m (approx. 5.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance.

S. Spiolo, agent, attended and presented evidence in support of the application. He noted that the neighbours that had supported the previous application were supportive of this application as well.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee.

### **DECISION**

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED SUBJECT TO CONDITION:**

To allow an accessory structure on the subject property proposing:

1. An occupied floor area of 26.86sq.m whereas By-law 0225-2007, as amended, permits a maximum occupied floor area of 10.00sq.m in this instance; and
2. An exterior side yard of 1.584m whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m in this instance.

**CONDITION(S):**

1. Construction related to this variance shall be in general conformance with the Site Plan approved by the Committee.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

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

This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **DARINA & DARMOT PHILLIPS** for the property located at **2195 OBECK CRESCENT**.  
Date of Hearing on Thursday January 17, 2019  
Date Decision Signed by the Committee January 24, 2019

The hearing commenced at approximately 1:32p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 3:36p.m.

### **APPLICATION DETAILS**

The applicant requests the Committee to approve a minor variance to allow an addition proposing a front yard of 10.71m (approx. 35.14ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance.

R. Frost, agent, attended and presented evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated January 14, 2019)
- City of Mississauga, Transportation and Works Department (dated January 4, 2019)
- Region of Peel (dated January 11, 2019)

### **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee.

### **DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration all relevant materials including: information provided by the applicant, plans submitted, and staff and agency comments, and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

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

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

The Decision of the Committee is:

**APPLICATION APPROVED AS AMENDED:**

To allow an addition proposing:

1. A front yard of 11.41m measured to the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m in this instance; and
2. A front yard setback of 10.68m to the pilaster along the front wall of the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 11.39m in this instance.

Committee Decision dated at the City of Mississauga on January 24, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<b>ABSENT</b> J. ROBINSON	<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (CHAIR)	<b>ABSENT</b> D. REYNOLDS
<u>" P. QUINN"</u> P. Quinn	

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"S. KENNEY"

SEAN KENNEY - SECRETARY-  
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This decision is subject to appeal to the Local Planning Appeal Tribunal 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 February 13, 2019.

**NOTES:**

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