

**COMMITTEE OF ADJUSTMENT
RESULTS**



Location: COUNCIL CHAMBER

Hearing: SEPTEMBER 19, 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

MOTIONS

None

NEW APPLICATIONS - (CONSENT)

B-58/19	MISSISSAUGA ERINDALE	3451 ERINDALE STATION RD	6	Approved
A-373/19	PROPERTIES INC.			(AC)
				Approved
				(AA)

DEFERRED APPLICATIONS - (CONSENT)

B-43/18	RICHARD & VALERIE STOVE	1262 QUEEN VICTORIA AVE	2	Deferred
				(Feb 20)

NEW APPLICATIONS - (MINOR VARIANCE)

A-369/19	ALFRED SHLLAKU	4108 MARTLEN CRES	8	Deferred
				(Nov 7)
A-370/19	2725312 CANADA INC	6974 FINANCIAL DR	11	Approved
				(AA)
A-371/19	EDWARD SOWA	1301 TWIN OAKS DELL	2	Approved
				(ACP)
A-372/19	945324 ONTARIO INC	4665 CENTRAL PKY E	4	Deferred
				(Nov 21)

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-207/19	HARDCO REAL ESTATE HOLDINGS LTD	1180 AEROWOOD DR	5	Deferred
				(Nov 21)
A-257/19	1893723 ONTARIO INC	8 THOMAS ST	11	
	FILE WITHDRAWN			

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 **MISSISSAUGA ERINDALE PROPERTIES INC.** for the property located at **3451
ERINDALE STATION ROAD and 1000 Central Parkway West.**

Date of Hearing on Thursday September 19, 2019

Date Decision Signed by the Committee September 26, 2019

The hearing commenced at approximately 1:31p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:42p.m.

APPLICATION DETAILS

The applicant requests 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 approximately 68.09m (approx. 223.39ft) and an area of approximately 15,810sq.m (approx. 170,177.42sq.ft).

F. Ali, and M. Bisset, attended and presented evidence and comment in support of the application.

COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated September 11, 2019)
- City of Mississauga, Transportation and Works Department (dated September 13, 2019)
- City of Mississauga, Community Services Department, Park Planning (dated September 6, 2019)
- Region of Peel (dated September 3, 2019)

CORRESPONDENCE & DISCUSSION

No public 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 Applicant agreed with the conditions requested by city and agency staff.

DECISION

Committee has taken into consideration 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. George CARRIED

The Decision of the Committee is:

APPLICATION APPROVED ON CONDITIONS AS STATED IN APPENDIX A:

To sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 68.09m and an area of approximately 15,810sq.m.

Committee Decision dated at the City of Mississauga on September 26, 2019 |

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>"W. SHAHRUKH"</u> W. SHAHRUKH	ABSENT D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (VICE-CHAIR)	<u>"J. KWAST"</u> J. KWAST
<u>"D. COOK"</u> D. COOK	

I certify this is copy of the decision of the Committee's decision given on September 26, 2019.

"S. KENNEY"

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

SEAN KENNEY - SECRETARY-
TREASURER

or email

Committee.Adjustment@mississauga.ca

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

Date of Mailing: September 30, 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 **October 20, 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 September 30, 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. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding (A373/19).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 13, 2019.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 6, 2019.
6. A letter shall be received from the Region of Peel, Development Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 19, 2019.

Lot Creation

- a. The variance application approved under File A373/19 must be been finalized.

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

City of Mississauga
Memorandum
Revised Comment



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 13, 2019

RE: **Applicant:** Mississauga Erindale Properties Inc
Location: 3451 Erindale Station Road
Date of Hearing: September 19, 2019
Our File: 'B' 58/19, Ward 6 (Z-23)

The intent of this Consent Application is to create a new lot to facilitate the future development of the severed lands (easterly portion). A Site Plan Application (SP 19-44) has been circulated to the city proposing a three-storey building addition to the existing building and the construction of two free standing self-storage facilities on the retained lands. From our review of the Site Grading and Servicing Plans submitted we note that there are some shared services between the properties which may require private servicing easements, or alternatively the services could be relocated.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Functional Servicing Proposal

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

Upon the review of the Functional Servicing Proposal it will be determined if any servicing easements will have to be established in order to support this severance proposal.

2. 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

3. Servicing Plan

A Servicing Plan is to be submitted for our review/approval which would identify the location of any existing underground services located on this property. Upon the review of the Servicing Plan we can determine the location of any existing underground services located on the severed lands which service the existing building on the residual lands.

From our preliminary review of the Site Grading and Servicing Plans submitted for the proposed development under Site Plan SP 19-44 there appears to be a watermain and catch basins with the associated leads located on the severed lands which service the residual lands which may have to be relocated or alternatively private servicing easements will have to be established.

4. Required Easement(s)

Upon the review of Item's A1 & A3 and the confirmation of any required easement(s), the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

5. Environmental Site Screening Questionnaire and Declaration (ESSQD)

The Transportation and Works Department reviews development applications for potential contamination to ensure that contaminated sites are identified and appropriately addressed by the proponent of development. Accordingly, this Department requires studies to be submitted that assess the potential for contamination, in accordance with Provincial regulations and standards, as well as City policies, prior to development proceeding.

A completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form, signed by the Owner and a Commissioner of Oaths, must be submitted to the Transportation and Works Department for review. If the ESSQD form indicates a potential for contamination, a Phase I Environmental Site Assessment will be required. The report must be signed by a Qualified Person as defined in Ontario Regulation 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.

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 should you require further information.

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

6. Existing Certificate of Property Use (CPU) with the Ministry of Environment Conservation and Parks (MECP)

The certificate of property use (CPU), document # 27557-9ABRD6, has been filed for the property; therefore, prior to the approval of the Committee to sever a parcel of land for the creation of a new lot. The following comments should be addressed:

Provide a copy of the following figures/drawings/documents:

- Trench Plug Design, dated July 2, 2013, prepared by Franz Environmental Inc.
- Trench Plug Locations, dated April 17, 2014, prepared by Franz Environmental Inc.
- Areas Requiring Fill Cap or Hard Cap, dated October 24, 2013, prepared by Franz Environmental Inc.
- Provide 'as-built' drawings signed and stamped by a Professional Engineer for Trench Plugs Locations or a copy of all records to the installation of the trench plugs barriers.
- A copy of all records related to the inspection and maintenance program for the Fill and Hard Cap barriers.
- When there are any changes in the ownership of the Property, the owner shall report, in writing, to the Director any changes of the ownership of the property. Please provide written confirmation that this condition will be addressed.
- The provision of the CPU requires that any person with an interest in the property, before dealing with the property in any way, to give a copy of the order /CPU to every person who will acquire an interest in the property as a result of the dealing. Please provide written confirmation that this condition will be addressed.
- Confirmation that there is no off-site contamination that may affect City-owned property. The confirmation must be prepared by a Qualified Person (as defined by section 5 or 6 of O. Reg. 153/04, as applicable), and include a clause or be accompanied by a letter signed by the author of the reports or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the reports to the same extent as to the property owner.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@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

September 3, 2019

Sean Kenney, Secretary Treasurer
Committee of Adjustment
City of Mississauga
2nd Floor, Clerk's Office
Mississauga, ON – L5B 3C1

**Re: Region of Peel Consolidated Comments
City of Mississauga Committee of Adjustment Hearing
September 19th, 2019**

Dear Mr. Kenney,

Consent Application: B-058/19
Development Engineering: Camila Marczuk (905) 791-7800 x8230


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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

Condition: Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Sincerely,



Tracy Tang
Junior Planner
Development Services, Region of Peel

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 **MISSISSAUGA ERINDALE PROPERTIES INC.**

for the property located at **3451 ERINDALE STATION ROAD & 1000 CENTRAL PARKWAY WEST.**

Date of Hearing on Thursday September 19, 2019

Date Decision Signed by the Committee September 26, 2019

The hearing commenced at approximately 1:31p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:42p.m.

APPLICATION DETAILS

The applicant requests the Committee to approve a minor variance to permit a land severance subject to Consent application B58/19 proposing on the retained lands:

1. A landscape buffer of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance; and
2. 54 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 107 parking spaces in this instance.

F. Ali, and M. Bisset, attended and presented evidence and comment in support of the application.

COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated September 11, 2019)
- City of Mississauga, Transportation and Works Department (dated September 13, 2019)
- Region of Peel (dated September 3, 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 the majority of the members have determined 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 AS AMENDED:

To permit a land severance subject to Consent application B58/19 proposing on the retained lands:

1. A landscape buffer of 0.57m; whereas, By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m, in this instance; and,
2. 52 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 107 parking spaces, in this instance.

Committee Decision dated at the City of Mississauga on September 26, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>"W. SHAHRUKH"</u> W. SHAHRUKH	ABSENT D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (VICE-CHAIR)	<u>"J. KWAST"</u> J. KWAST
<u>"D. COOK"</u> D. COOK	

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"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 **October 16, 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 **2725312 CANADA INC** for the property located at **6974 FINANCIAL DRIVE**.

Date of Hearing on Thursday September 19, 2019

Date Decision Signed by the Committee September 26, 2019

The hearing commenced at approximately 1:31p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:52p.m.

APPLICATION DETAILS

The applicant requests the Committee to approve a minor variance to allow the operation of a restaurant on the subject property proposing 625 parking spaces for all uses on site whereas By-law 0225-2007, as amended, requires a minimum of 887 parking spaces for all uses on site in this instance.

D. Nelson, agent, attended and presented evidence and comment in support of the application.

COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated September 11, 2019)
- City of Mississauga, Transportation and Works Department (dated September 6, 2019)
- Region of Peel (dated September 3, 2019)

CORRESPONDENCE & DISCUSSION

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

A local business owner appeared before the Committee and expressed support for the subject application.

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 the majority of the members have determined 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 AS AMENDED:

To allow the operation of a restaurant on the subject property, proposing 625 parking spaces for all uses on site; whereas, By-law 0225-2007, as amended, requires a minimum of 854 parking spaces for all uses on site, in this instance.

Committee Decision dated at the City of Mississauga on September 26, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>"W. SHAHRUKH"</u> W. SHAHRUKH	ABSENT D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (VICE-CHAIR)	<u>"J. KWAST"</u> J. KWAST
<u>"D. COOK"</u> D. COOK	

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"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 **October 16, 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 **EDWARD SOWA** for the property located at **1301 TWIN OAKS DELL**.

Date of Hearing on Thursday September 19, 2019

Date Decision Signed by the Committee September 26, 2019

The hearing commenced at approximately 1:31p.m.

No Member declared a pecuniary interest for this application.

The subject application was heard at approximately 1:58p.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 dwelling depth of 23.25m (approx. 76.28ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. An eave encroachment into an interior side yard of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into an interior side yard of 0.45m (approx. 1.48ft) in this instance; and
3. An eave encroachment into an exterior side yard of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into an exterior side yard of 0.45m (approx. 1.48ft) in this instance.

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

COMMENTS

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated September 11, 2019)
- City of Mississauga, Transportation and Works Department (dated September 6, 2019)
- Region of Peel (dated September 3, 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 the majority of the members have determined 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: J. Kwast CARRIED

The Decision of the Committee is:

APPLICATION APPROVED SUBJECT TO CONDITIONS:

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

1. A dwelling depth of 23.25m whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m in this instance;
2. An eave encroachment into an interior side yard of 0.57m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into an interior side yard of 0.45m in this instance; and
3. An eave encroachment into an exterior side yard of 0.66m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into an exterior side yard of 0.45m in this instance.

CONDITIONS:

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 September 26, 2019.

<u>"S. PATRIZIO"</u> S. PATRIZIO	<u>"D. GEORGE"</u> D. GEORGE
<u>"W. SHAHRUKH"</u> W. SHAHRUKH	ABSENT D. KENNEDY
<u>"J. PAGE"</u> J. PAGE (VICE-CHAIR)	<u>"J. KWAST"</u> J. KWAST
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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.