



Committee of Adjustment

The following staff reports are current as of September 26th, 2019 at 1:00pm.

Any staff reports received after this time may be obtained by
emailing committee.adjustment@mississauga.ca

Please note: resident comments are not posted online and may be obtained by
emailing the above.

Location: COUNCIL CHAMBERS
Hearing: OCTOBER 03, 2019 AT 1:30 P.M.

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

NEW APPLICATIONS (CONSENT)

NONE

NEW APPLICATIONS (MINOR VARIANCE)

| File | Name of Applicant | Location of Land | Ward |
|-------------|---|--|-------------|
| A-377/19 | AMACON DEVELOPMENT (CITY CENTRE) CORP | 4130 PARKSIDE VILLAGE DR & 430 SQUARE ONE DR | 4 |
| A-383/19 | 19649887 ONTARIO LTD | 6169 NETHERHART RD | 5 |
| A-384/19 | AKGROUP PROPERTIES INC. | 21 & 25 DUNDAS ST W | 7 |
| A-385/19 | 1574626 ONTARIO INC. | 3986-3990 EGLINTON AVE W | 8 |
| A-386/19 | BOLLU VENKATESWARLU & YATHIPATI SUMATHI | 422 MARF AVE | 1 |
| A-387/19 | 2590204 ONTARIO INC | 5590 TENTH LINE WEST | 10 |

DEFERRED APPLICATIONS (MINOR VARIANCE)

| File | Name of Applicant | Location of Land | Ward |
|-------------|------------------------------|-------------------------|-------------|
| A-132/19 | GURMAIL & GOBINDO SINDHU | 11 KNASEBORO ST | 5 |
| A-160/19 | LIFE FOUNTAIN MINISTRIES INC | 1606 SEDLESCOMB DR | 3 |
| A-209/19 | 2573903 ONTARIO INC | 2355 ROYAL WINDSOR DR | 2 |
| A-286/19 | DARIUSZ PRZEMYSŁAW SAJDA | 504 AVONWOOD DR | 1 |

Note: If you wish to receive a copy of the Committee's decision, please complete the form entitled "Request for Written Notice of Decision". This form is located on the table adjacent to the entrance doors to your right. (Please do not remove that form from the table. Thank you.)

Date: September 25th, 2019

File: C of A – 'A' 377/19
(Ward 4 – 4130 Parkside Village Drive)

Agenda: **October 3rd, 2019**

New Item

Recommendation

The Planning and Building Department recommends that the application, as requested, be deferred to allow the Applicant the opportunity to submit the requested information.

Background

Mississauga Official Plan

Character Area: Downtown Core
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: **CC4-1** (City Centre)
(H) CC4-1 (City Centre)
(H) CC4-2 (City Centre)

Other Applications:

Site Plan Approval: 18-149 W4

Comments

Zoning

The Building Department is currently processing a Site Plan Approval application under file 18-149 W4. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Planning

The subject lands are multi-block, mixed-use condominium site located north-west of the Burnhamthorpe Road and Confederation Parkway intersection. The subject lands provide a mid-rise transition buffer between the high-rise structures located along this portion of Confederation Parkway and the detached dwellings that dominate the area west of Wellenberg Crescent.

The property, as a whole, was the subject of both an Official Plan and Zoning By-law Amendment application (OZ/OPA 04/13), which received Council Approval in 2005; permitting, in principle, a series of towers and low-rise buildings and created over 5,000 residential units, as well as commercial, office, and hotel units across the entirety of the site. As part of this Zoning By-law Amendment application, block-specific schedules were incorporated into the Zoning By-law which regulated podium and tower heights; massing; as well as overall design requirements.

In order to facilitate the extension of Square One Drive, the resulting transfership of lands between the Applicant and the City of Mississauga significantly reduced Block 1, as proposed. Consequently, the tower and podium configuration originally envisioned, and subsequently captured as part of both the Zoning By-law amendment and site specific schedules, was forced to be altered, with the towers and podiums switching parcel blocks. Despite conceptually remaining similar, this switch from towers to podiums, and vice versa, has resulted in the proposal being deficient in relation to several portions of the By-law.

As such, the Applicant has requested to seek the following relief from By-law 0225-2007, as amended, permitting:

1. A maximum of 30% of the length of the streetwall set back beyond the build-to area; whereas, By-law 0050-2013, as amended, requires each building, structure and or use to comply with all regulations related to build-to area, in this instance;
2. A minimum of 20% of the area of the first storey streetwall of a building containing a non-residential use facing a B Street Frontage containing glazing; whereas, By-law 0050-2013, as amended, requires a minimum of 50% of the area of the first storey streetwall of a building containing a non-residential use facing a B Street Frontage to contain glazing, in this instance;
3. Not requiring pedestrian access to units above/below the first storey of a building with a first storey streetwall facing an A Street frontage through a main front entrance facing the A Street frontage; whereas, By-law 0050-2013, as amended, requires pedestrian access to units above/below the first storey of a building with a first storey streetwall facing an A Street frontage through a main front entrance facing the A Street frontage, in this instance;
4. Not requiring pedestrian access to units above/below the first storey of a building with a first storey streetwall facing both A & B Street frontages through a main front entrance facing the A Street frontage; whereas, By-law 0050-2013, as amended, requires pedestrian access to units above/below the first storey of a building with a

- first storey streetwall facing an A Street frontage through a main front entrance facing the A Street frontage, in this instance;
5. Each individual unit with a first storey streetwall facing both a B Street Frontage and internal road shall provide a pedestrian access through a main front entrance facing either the B Street Frontage or internal road; whereas' By-law 0050-2013, as amended, requires each individual unit with a first storey streetwall facing a B Street Frontage to provide a pedestrian access through a main front entrance facing the B Street Frontage, in this instance;
 6. The first three storeys of a podium in a residential building projecting beyond or behind the first storey of the streetwall a maximum of 2.80m; whereas, By-law 0050-2013, as amended, does not permit the first three storeys of a podium in a residential building to project beyond or behind the first storey of the streetwall, in this instance;
 7. A minimum setback from the exterior face of a podium of residential buildings and structures, or parts thereof, located above the podium of 0.00m; whereas, By-law 0050-2013, as amended, requires a minimum setback from the exterior face of a podium of residential buildings and structures, or parts thereof, located above the podium of 3.00m, in this instance;
 8. A maximum encroachment of portions of a residential building or structure into the required setback in parcel 1G of 2.80m; whereas' By-law 0050-2013, as amended, permits a maximum encroachment of portions of a residential building or structure into the required setback of 1.50m, in this instance;
 9. The calculation of height to be exclusive of mechanical or architectural components such as mechanical equipment, mechanical penthouses, elevator machine rooms, stairwell enclosures, telecommunication equipment, parapets, turrets, cupolas, stairs and stair enclosures located on the roof provided that the maximum height if such components is no higher than 7.50m above the height limit otherwise applicable; whereas, By-law 0225-2007, as amended, permits the calculation of height to be exclusive of mechanical or architectural components such as mechanical equipment, mechanical penthouses, elevator machine rooms, stairwell enclosures, telecommunication equipment, parapets, turrets, cupolas, stairs and stair enclosures located on the roof provided that the maximum height if such components is no higher than 6.00m above the height limit otherwise applicable, in this instance;
 10. A parking rate of 4.3 parking spaces per 100sq.m gross floor area – non-residential for all non-residential uses; whereas. By-law 0225-2007, as amended, requires parking to be provided for all uses in accordance with Table 3.1.2.2, in this instance;
 11. The height of the podium to be measured as the vertical distance between established grade and the top of the roof surface of the podium but shall not include mechanical equipment, mechanical penthouses, elevator machine rooms, stairwell enclosures, telecommunication equipment, parapets, turrets, cupolas, stairways and structures providing access to the roof tops; whereas, By-law 0225-2007, as amended, defines the height of the podium as to the vertical distance between established grade and the top of the roof surface of the podium, in this instance;
 12. The height of buildings with a flat roof to be measured from the established grade to the highest point of the flat roof but not including mechanical penthouses, mechanical equipment, stairways and structures providing access to roof tops;

- whereas, By-law 0225-2007, as amended, requires the height of buildings with a flat roof to be measured from the established grade to the highest point of the flat roof but not including mechanical penthouses, stairways and structures providing access to roof tops in this instance;
13. A maximum building height on Parcel Block 1G of 122.5m and 38 storeys; whereas, By-law 0225-2007, as amended, permits a maximum building height on Parcel Block 1G of 18.0m and 5 storeys, in this instance;
 14. A maximum building height on Parcel Block 1H of 158.0m and 50 storeys; whereas, By-law 0225-2007, as amended, permits a maximum building height on Parcel Block 1H of 18.0m and 5 storeys, in this instance;
 15. A maximum podium height on Parcel Block 1G of 29.0m and 7 storeys; whereas, By-law 0225-2007, as amended, permits a maximum podium height on Parcel Block 1G of 18.0m and 5 storeys, in this instance;
 16. A maximum podium height on Parcel Block 1H of 35.5m and 9 storeys; whereas, By-law 0225-2007, as amended, permits a maximum podium height on Parcel Block 1H of 18.0m and 5 storeys, in this instance;
 17. A maximum podium height on Parcel Block 1I of 35.5m and 9 storeys; whereas, By-law 0225-2007, as amended, permits a maximum podium height on Parcel Block 1I of 25.0m and 7 storeys, in this instance;
 18. Balconies, bay windows, canopies, and architectural features including but not limited to coping, sills, and pilasters encroaching a maximum of 2.50m into the required streetline setback; whereas, By-law 0225-2007, as amended, permits balconies and bay windows to encroach a maximum of 1.50m into the required streetline setback, in this instance;
 19. An open staircase and porch located on the ground floor encroaching a maximum of 2.50m into the required streetline setback; whereas, By-law 0225-2007, as amended, permits an open staircase and porch located on the ground level to encroach a maximum of 1.50m into the required streetline setback, in this instance;
 20. A setback to an internal road of 1.25m; whereas, By-law 0225-2007, as amended, requires a minimum setback to an internal road of 4.50m, in this instance;
 21. Balconies, open staircases, porches, bay windows, canopies, and architectural features including but not limited to coping, sills and pilasters encroaching a maximum of 1.25m into the required streetline setback; whereas, By-law 0225-2007, as amended, permits only balconies, open staircases, porches, and bay windows to encroach a maximum of 1.25m into the required streetline setback, in this instance;
 22. Encroachments permitted by Sentence 7.2.5.1.12 where a building, structure, or part thereof abutting an internal road has a minimum separation distance of 16.25m from another building, structure, or part thereof located on the opposite side of the same internal road; whereas, By-law 0225-2007, as amended, only permits encroachments permitted by Sentence 7.2.5.1.12 where a building, structure, or part thereof abutting an internal road has a minimum separation distance of 18.50m from another building, structure, or part thereof located on the opposite side of the same internal road; and,
 23. A maximum setback to an internal road of 13.50m; whereas, By-law 0225-2007, as amended, permits a maximum setback to an internal road of 6.00m, in this instance.

Through discussions with the Zoning Examiner responsible for reviewing the associated Site Plan Approval application, additional deficiencies have been identified pertaining to the submitted drawings – specifically, regarding the lack of dimensioned parking space areas; reduced aisle widths; and, unknown building height, resultant of the inclusion of a mechanical room.

As the required information has yet to be submitted, and the requested variances are all inter-related, as it pertains to final site design, Planning Staff cannot determine whether the requested variances meet the criteria established by Section 45 of the Planning Act.

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

<http://teamsites.mississauga.ca/sites/18/CofA/Comments/2019/October/Oct 3/oct 3.rv.docx>

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 377/19
Amacon Development (City Centre) Corp
4130 Parkside Village Dr & 430 Square One Drive
Ward 4

We are noting for Committee's information that Transportation and Works Department concerns/requirements for the proposed property are being addressed through the Site Plan Application process, File SP-18/149.

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Minor Variance Application: A-377/19
Development Engineering: Iwona Frandsen (905) 791-7800 x7920

Region of Peel reviewed the notice and with respect to variances 13 to 17, please be advised that through application T-14001Mb, the Region is undergoing a functional servicing review addressing the increase in units for this development. The most current review for this development determined that the municipal water system cannot meet the calculated required fire flow and that water system servicing strategies are to be put in place. It was also determined that the proposed population is not within the Region's planned growth. These comments have been communicated through the Subdivision file.

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 25th, 2019

File: C of A – 'A' 383/19
(Ward 5 – 6169 Netherhart Road)

Agenda: **October 3rd, 2019**

New Item

Recommendation

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

Background

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3 (Employment)

Other Applications:

Pre-Zoning: 19-7135

Comments

Zoning

The Building Department is currently processing a Pre-Zoning application under file 19-7135. Based upon review of the information currently available through this application, the Variance, as requested, is correct.

Planning

The subject property is located north-west of the Britannia Road and Courtneypark Drive East intersection, and currently houses a two-storey industrial structure with attached mobile office.

The neighbourhood context is exclusively industrial, with a multitude of employment uses within the immediate area. The properties along this portion of Netherhart Road are situated on large parcels, with lot frontages ranging from +/-50m to +/-102m.

The Applicant operates a commercial motor vehicle repair facility and is proposing to construct a two-storey, wrap-around addition. As a result of the proposed construction, the Applicant is required to seek the following relief, permitting:

1. An interior side yard of 3.6m; whereas, By-law 0225-2007, as amended, requires a minimum interior yard of 6.24m, in this instance.

The site is located within the Northeast Employment Area, and designated Industrial by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11(o) (Industrial), this designation shall permit a motor vehicle repair facility. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject lands will continue to be used for motor vehicle repair purposes, with the proposed construction supplementing this aforementioned use. To this end, the proposed addition respects the designated land use, and, despite requiring relief for the interior side yard setback, nevertheless has regard for the distribution of massing on the property as a whole. The requested variance meets the purpose and general intent of the Official Plan.

Pursuant to Table 8.2.1(9.1)(E1 to E3 Permitted Uses and Zone Regulations), the proposed addition is required to maintain an interior side yard setback of 6.24m; whereas, the Applicant has requested 3.6m. The general intent of this portion of the By-law is to ensure that an adequate buffer exists between the massings of primary structures on adjoining properties and that access to the rear yard ultimately remains unencumbered. The requested 3.6m represents a small portion of the interior side lot line, and, with its gently sloping roof, is designed in a manner to mitigate massing. Access to the rear yard will be maintained by the existing 11.9m found on the southerly side of the structure. The variance, as requested, maintains the purpose and general intent of the Zoning By-law.

The proposed structure is located adjacent to an industrial service centre; separated by adequate fencing; and, does not pose significant massing within the interior side yard. Staff further note, the non-compliant structure represents a minor portion of the shared interior lot line (35.35m vs 91.44m) and is unlikely to cause any manner of negative externalities resultant of its location. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as request.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: **C.A. 'A' 383/19**
19649887 Ontario Ltd
6169 Netherhart Rd
Ward 5

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

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

A 383/19



A 383/19



Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Dear Mr. Kenney,

Regional Planning staff have reviewed the applications listed on the October 3rd, 2019 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-209/19

Minor Variance Applications: A-383/19, A-384/19, A-385/19, A-387/19

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 25th, 2019

File: C of A – 'A' 384/19
(Ward 7 – 21 & 25 Dundas Street West)

Agenda: **October 3rd, 2019**

New Item

Recommendation

The Planning and Building Department recommends that the application be deferred to allow the Applicant the opportunity to submit the requested information.

Background

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications:

Occupancy Permit: 19-6509

Comments

Zoning

The Building Department is currently processing an Occupancy Permit application under file 19-6509. Based upon review of this Application, Staff notes that the Application be amended as follows, permitting:

1. A Financial Institution on the subject property, proposing no parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 16 spaces, and one accessible parking space, in this instance.

Planning

The subject property is located north-west of the Dundas Street West and Hurontario Street intersection, and houses an existing commercial retail use (Tradak's Western Wear Boots). The site is adjacent to low density commercial units that serve to form the entirety of this portion of Dundas Street West. The Applicant is proposing to repurpose the existing commercial retail use to a Financial Institution. No additions or alterations have been proposed to the building's footprint.

As a result of the proposed conversion, the Applicant is requesting the above-noted relief, as amended by the Zoning Department.

The site is located within Special Site 1 of the Downtown Cooksville Character Area, and designated Mixed Use by the Mississauga Official Plan (MOP). Special Site 1 enacts developmental polices not applicable to this application. Pursuant to Section 11.2.6.1(b) (Mixed Use), this designation shall permit financial institutions. This application meets the purpose and general intent of the Official Plan.

In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses) and Table 3.1.3.1 (Accessible Parking Regulations), this zone regulates the required quantity of parking spaces and accessible spaces for this site. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking and servicing accommodations based upon its intended use.

As the proposed parking reduction is larger than 10%, a Parking Justification Study is required. Alternatively, the Applicant can address the parking deficiency through the City's Payment-In-Lieu (PIL) process.

City Planning Strategies contacted the Agent on September 11th, 2019, informing the Agent of the above and has yet to receive a response regarding how they wish to proceed.

As the requested supplemental information has yet to be submitted and reviewed by City Planning Strategies, Planning Staff cannot determine whether the required variances truly represents the orderly development of the lands, or whether the resulting effects are in fact minor in nature.

Based upon the preceding information, it is the opinion of Staff that the application should be deferred to allow the Applicant the opportunity to submit the requested information.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 384/19
Akgroup Properties Inc
21 & 25 Dundas St W
Ward 7

Enclosed for Committee's reference are some photos depicting the subject property.

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







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L6T 4B9
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September 20, 2019

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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
 October 3rd, 2019**

Dear Mr. Kenney,

Regional Planning staff have reviewed the applications listed on the October 3rd, 2019 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-209/19

Minor Variance Applications: A-383/19, A-384/19, A-385/19, A-387/19

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 24, 2019

File: C of A – 'A' 385/19
(Ward 8 – 3986 Eglinton Avenue West)

Agenda: **October 3, 2019**

New Item

Recommendation

The Planning and Building Department has no objections to the requested variance, as amended. However, the applicant may choose to defer the application to verify the accuracy of the requested variance and ensure that additional variances are not required.

Background

Mississauga Official Plan

Character Area: Churchill Meadows Employment Area
Designation: Mixed Use & Motor Vehicle Commercial

Zoning By-law 0225-2007

Zoning: C3 & C5 (Commercial)

Other Applications:

Site Plan: 19-25

Comments

Zoning

The Planning and Building Department is currently processing a site plan approval application under file 19-25. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

To permit a convenience/take out restaurant associated with a retail and service kiosk with a floor area of 145 m² whereas By-law 0225-2007, as amended permits a maximum floor area for a take-out restaurant associated with a convenience retail and service kiosk of 30 m².

It should be noted that more information has been requested to verify the proposed 145 m² floor area. Additional information has also been requested with respect to established grade calculations for height and gross floor area.

Planning

The subject site is located within the Churchill Meadows Employment Area, located on the southeast quadrant of Eglinton Avenue West and Ninth Line. Immediately south of the subject site is a motor vehicle auto spa and service facility with townhouse dwellings located to the north of Eglinton Avenue West. The subject site is currently vacant. The application proposes an accessory take-out restaurant having a floor area of 90 m² whereas a maximum area of 30 m² is permitted.

The subject site is currently undergoing a site plan application which proposes a gas bar with an accessory take-out restaurant. Through discussions with the applicant's agent, the proposed variance should be amended to propose a floor area of 145 m².

The subject site is designated "Mixed Use" and "Motor Vehicle Commercial" in Schedule 10 of the Mississauga Official Plan (MOP) which permits a gas bar, restaurant and motor vehicle sales, among other uses. Pursuant to Section 11.2.10.2 of MOP, retail stores and take-out restaurants which may include a drive-through facility are permitted as an accessory use to a permitted Motor Vehicle Commercial Use such as a gas bar. The proposed take-out restaurant is accessory to the primary principle use of the subject site and therefore maintains the general intent and purpose of the official plan.

The intent of limiting the floor area in the zoning by-law is to ensure that a take-out restaurant is accessory to the primary principle use. Although the application proposes an additional floor area of 115 m², this calculation includes common areas such as the garbage enclosure, washroom and public area as labelled on the submitted floor plan. Despite the increased floor area for the take-out restaurant, the primary use of the site will still be the gas bar and the take-out restaurant will act as a subordinate use. Furthermore, the take-out restaurant does not propose to have any seats/tables, as such, the take-out restaurant will be used to order food/beverages and leave, resulting in the use being accessory to the principle use. There are many examples throughout the City of Mississauga that have accessory take-out restaurants to a gas bar. The primary intent of these sites is still used for the dispensing of fuel for motor vehicles. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The subject site will be primarily used as a gas bar with an accessory take-out restaurant contained within the building on-site. Despite the proposed increase in floor area for the take-out restaurant, the primary use of the site will still be for the dispensing of fuel for motor vehicles. The City of Mississauga has many examples of gas bars with similar accessory uses which supports the primary use of the property being a gas bar. Staff is of the opinion that the proposed application represents orderly development of the lands and is minor in nature.

Based on the preceding information, the Planning and Building Department has no objections to the requested variance, as amended. However, the applicant may choose to defer the application to verify the accuracy of the requested variance and ensure that additional variances are not required.

<http://teamsites.mississauga.ca/sites/18/CofA/Comments/2019/October/Oct 3/oct3.lp.doc>

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 385/19
1574626 Ontario Inc
3986-3990 Eglinton Ave W
Ward 8

We are noting for Committee's information that Transportation and Works Department concerns/requirements for the proposed property are being addressed through the Site Plan Application process, File SPI-19/025.

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

A 385/19



Public Works

10 Peel Centre Dr.
Suite A
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L6T 4B9
tel: 905-791-7800

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September 20, 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
 October 3rd, 2019**

Dear Mr. Kenney,

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Deferred Applications: DEF-A-209/19

Minor Variance Applications: A-383/19, A-384/19, A-385/19, A-387/19

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Alexander Davies

From: Caple, Corey (MTO) <Corey.Caple@ontario.ca>
Sent: 2019/09/10 9:08 AM
To: Committee Adjustment
Cc: Iannacito, Phil (MTO)
Subject: RE: FILE: COA for package dated 3rd October 2019

Good Morning City of Mississauga,

RE: FILE: COA for package dated 3rd October 2019, All Properties Minus 3986-3990 Eglinton Ave W.

All the Projects\Properties Minus3986-3990 Eglinton Ave W., in the package dated for 3rd October 2019meeting are outside MTO Permit Control Area (PCA) therefore the Ministry has no comments, at this time.

RE: FILE: COA for package dated 3rd October 2019, 3986-3990 Eglinton Ave W.

The property 3986-3990 Eglinton Ave W., in the package dated for i3rd October 2019s within MTO Permit Control Area (PCA) any changes-development will require MTO review and approval\comments (as well as a MTO permit) before any project can proceed.

Regards,

Mr. Corey Caple
Corridor Management Officer

Ministry of Transportation
Central Region, Corridor Management Section
159 Sir William Hearst Ave., 7th Floor
Toronto, Ontario
M3M 0B7
Tel. 416-235-4351
Fax. 416-235-4267

Date: September 24, 2019

File: C of A – 'A' 386/19
(Ward 1 – 422 Marf Avenue)

Agenda: **October 3, 2019**

New Item

Recommendation

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: **R3-1 (Residential)**

Comments

Zoning

This Division notes that a building permit application and a site plan approval application are required. In the absence of one of these permit applications we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. It should be noted that a zoning review has not been completed.

Planning

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Atwater Avenue and Cawthra Road. The immediate neighbourhood consists of one and two storey detached dwellings with little mature vegetation. The subject property contains a one storey detached dwelling and a shed abutting the rear property line. The subject property also contains vegetation in the front yard.

The application proposes a new two storey dwelling and requires a variance related to a deficient setback to a railway right-of-way. The south side of Marf Avenue consists of dwellings with similar setbacks as the subject application.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature. The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 386/19
Bollu Venkateswarlu & Yathipati
422 Marf Ave
Ward 1

We are noting for Committee's information that Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed through the future required Site Plan Application process.

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

A 386/19



Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Comments for Conditions of Approval:

Minor Variance Application: A-386/19

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

There is an approximately 6m wide Regional sanitary sewer easement on the subject property (Part 4 on the attached plan 43R-10185). 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.

Region of Peel requires all encroachments to be removed, and easement kept free and clear, Region of Peel also requires submission of paper and digital copies of servicing, landscape, grading drawings for review, comment and approval. Servicing drawing shall include cross sections along the easement in respect to foundation. Additional comments may be provided during review.

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWSERVICERequests@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Condition: Existing easements dedicated to the Region of Peel for the purpose of sanitary sewer, on the lands must be maintained or relocated to the satisfaction to the Region of Peel.

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Sincerely,



Tracy Tang
Junior Planner
Development Services, Region of Peel

cc. Marylu Javed, City of Mississauga
Umar Mahmood, City of Mississauga
Lucas Petricca, City of Mississauga
Roberto Vertolli, City of Mississauga

ORIGINAL PLAN MATERIAL
PLASTIC MATERIAL - CRONAFLEX
GAUGE - 0.003 INCH
INK - SPECIAL 'T'

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE REGISTRY ACT.

DATE: JULY 8, 1982

John Wintle
JOHN WINTLE
ONTARIO LAND SURVEYOR

PLAN 43R-10185

RECEIVED AND DEPOSITED

DATE: JULY 20, 1982

11:49 A.M.

D.C. Caporaso
LAND REGISTRAR FOR THE
REGISTRY DIVISION OF PEEL
(Nº 43)

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN
THE MEANING OF THE PLANNING ACT.

| SCHEDULE | | | | |
|--|-----------------|-------------|--|-------------------------------------|
| PART | ROAD | REG'D. PLAN | OWNER | AREA |
| 1 | CANTERBURY ROAD | F-20 | THE CORPORATION OF THE CITY OF MISSISSAUGA | 4348 ⁰¹ / ₁₀₀ |
| 2 | | | | 1490 ⁰¹ / ₁₀₀ |
| 3 | | | | 211 ⁰¹ / ₁₀₀ |
| 4 | | | | 2635 ⁰¹ / ₁₀₀ |
| PART 4 IS SUBJECT TO AN EASEMENT BY INST. Nº 608213. | | | | |

PLAN OF SURVEY OF
PART OF CANTERBURY ROAD
REGISTERED PLAN F-20

(AS STOPPED UP BY CITY OF MISSISSAUGA BY-LAW
Nº 725-81, REGISTERED AS BY-LAW Nº 599528)
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEEL

SCALE: 1 INCH = 20 FEET
JOHN WINTLE, O.L.S.
1982

- BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED TO THE SOUTHEASTERLY LIMIT OF MARF AVENUE AS SHOWN ON REGISTERED PLAN F-20, ON A COURSE OF N.37°41'30"E.
- S.D.S., DENOTES SOUTH OF DUNDAS STREET.
- IRON BARS (1/2"x1/2"x24") FOUND
- IRON TUBES FOUND
- STANDARD IRON BARS (1"x1"x48") PLANTED
- IRON BARS (5/8"x5/8"x24") PLANTED
- (MEAS) DENOTES MEASURED.
- (WIT) DENOTES WITNESS.
- (U) DENOTES UNKNOWN.

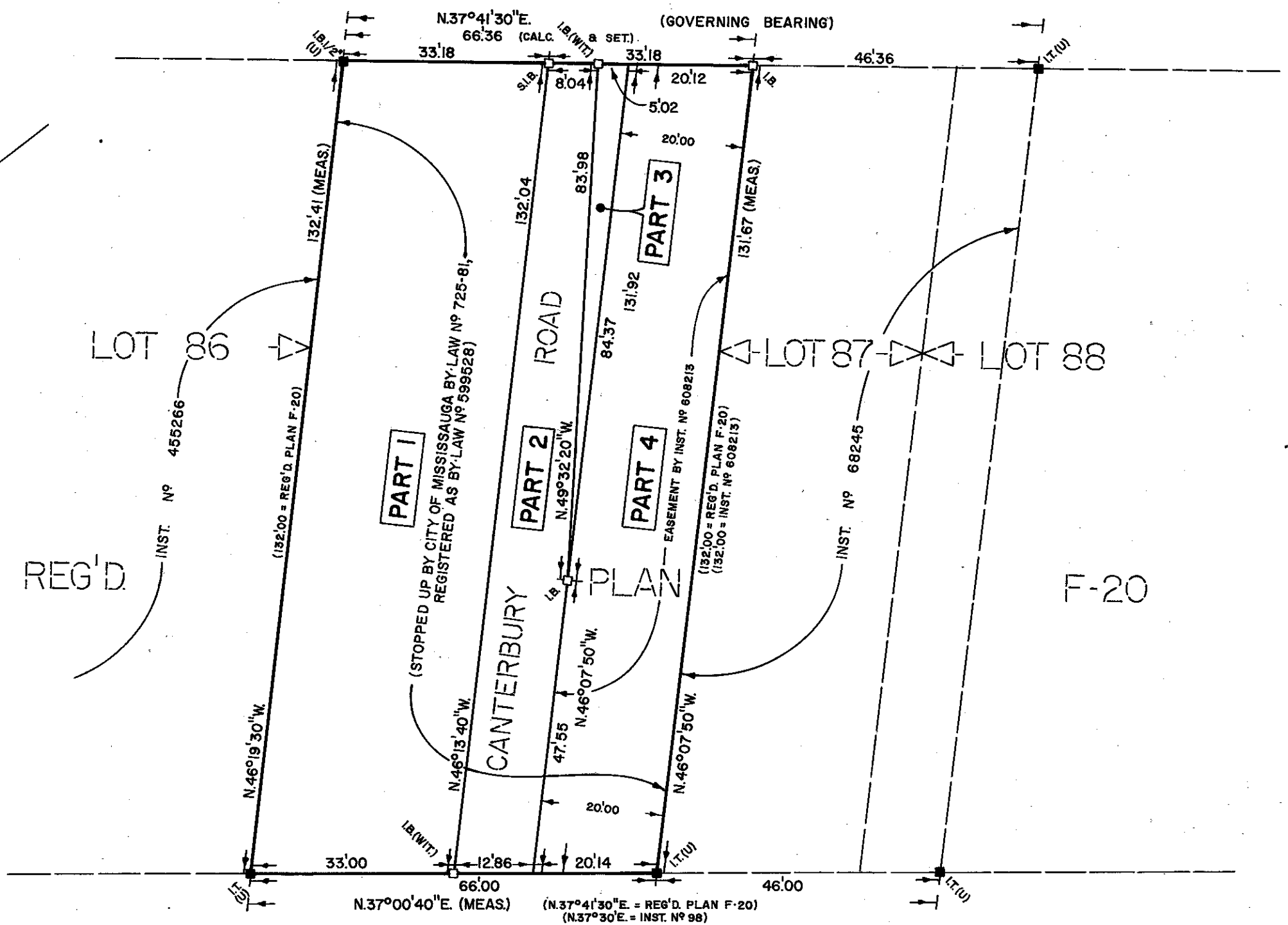
SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 - THE SURVEY WAS COMPLETED ON THE 29 TH. DAY OF JUNE 1982.

JULY 8, 1982

John Wintle
JOHN WINTLE
ONTARIO LAND SURVEYOR

CITY OF MISSISSAUGA
ENGINEERING DEPARTMENT
ONE CITY CENTRE DRIVE
MISSISSAUGA, ONTARIO



PART OF LOT 12
INST. Nº 98 (1853)
CANADIAN NATIONAL RAILWAYS
CONCESSION 2, SDS

**CITY OF
MISSISSAUGA**

DATED this 15th day of February, 1982.

608213

Land Registry Division of Peel (No. 43)

whereby this instrument is registered as
of 1982 MAY 6 AM 9 55

In the

608213

BETWEEN:

THE CORPORATION OF THE CITY OF
MISSISSAUGA

Land Registry
Office at
Brampton,
Ontario.

D. Connor

- and -

THE REGIONAL MUNICIPALITY OF PEEL

Entered F-20

PROPERTY OF LAND REGISTRY OFFICE
PEEL (No. 43)

| | | | |
|------------|-------------|--|--|
| REGISTERED | <i>Inds</i> | | |
| INDEXED | | | |
| FILED | | | |

Legal Department,
City of Mississauga,
1 City Centre Drive,
Mississauga, Ontario.
L5B 1M2

REGION OF PEEL

JEA/jalf

150-

608213

THIS INDENTURE made in duplicate this 26th day of February, one thousand nine hundred and eighty-two.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT, R.S.O. 1980, Chapter 472 and amendments thereto.

B E T W E E N:

THE CORPORATION OF THE CITY OF MISSISSAUGA
herein called the "GRANTOR"

OF THE FIRST PART

- and -

THE REGIONAL MUNICIPALITY OF PEEL
herein called the "GRANTEE"

OF THE SECOND PART

WHEREAS the Grantor wishes to convey to the Grantee an easement over certain lands;

AND WHEREAS the servient tenement of the Grantor is described herein in Schedule "A" to this Indenture and the dominant tenement of the Grantee consists in the system of pipes of the Regional Municipality of Peel situate in the Region together with buildings and plants of the Region situate on land owned by the Grantee;

WITNESSETH that in consideration of other good and valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by each of the parties hereto to the other (the receipt whereof is hereby admitted) the Grantor hereby grants, conveys and transfers unto the Grantee its successors and assigns, forever, the right, interest and easement on, over, under and through the land of the Grantor described in Schedule "A" hereto for the following purposes, namely: to construct, install, operate, maintain, inspect, alter, remove, replace, reconstruct, enlarge and repair sewers and drains and appurtenances for every such purpose and for all purposes necessary or incidental to the exercise of the rights hereby created, the Grantee shall have access to the said land at all times by its servants, agents, contractors and its or their vehicles, supplies, and equipment.

The Grantor hereby promises the Grantee that no other easement will be granted over the land in Schedule "A" prior to registration of this document.

The Grantor, for itself, its successors and assigns, covenants with the Grantee, its successors and assigns, to remove from and keep the said land free and clear of any trees, buildings, structures or obstructions; to use the said land only as a lawn, farm operation, garden, flower bed, roadway, driveway or parking area, none of which shall be paved with a hard concrete surface; not to deposit on or remove any fill from said land and not to do or suffer to be done any other thing which might injure or damage the said sewers or drains.

The Grantor covenants with the Grantee that it has the right to convey the said easement to the Grantee notwithstanding any act of the said Grantor.

The Grantor covenants with the Grantee that it will execute such further assurances of the said lands in respect of this Grant as may be requisite.



The Grantor releases to the Grantee all its claims upon the estate herewith conveyed.

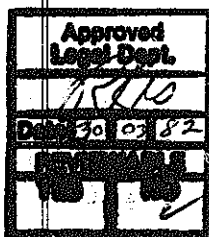
IN WITNESS WHEREOF the Grantor has caused its corporate seal to be hereunto affixed attested by the hands of its proper officers in that behalf.

THE CORPORATION OF THE CITY OF MISSISSAUGA

Document Execution
Authorized by
City of Mississauga

By-Law No. 247-82


MAYOR

CLERK



SCHEDULE "A"

ALL AND SINGULAR, that certain parcel or tract of land and premises situate, lying and being in the City of Mississauga, Regional Municipality of Peel, (formerly in the Township of Toronto, County of Peel), Province of Ontario and being composed of part of Canterbury Road according to a plan registered in the Land Registry Office for the Registry Division of Peel (No. 43) as F-20, closed by City of Mississauga By-law 725-81, Registered By-law 599528, and which said parcel may be described as a strip of land 20.0 feet in perpendicular width lying southwesterly of and adjacent to the following described line and line produced;

COMMENCING at the Northeasterly angle of that part of Canterbury Road closed by said By-law 725-81, being also the most Westerly angle of Lot 87, Registered Plan F-20 aforesaid;

THENCE Southeasterly along the Northeasterly limit of that part of Canterbury Road closed by said By-law 725-81, being also along the Southwesterly limit of said Lot 87, 132.0 feet more or less to the intersection with the Northwesterly limit of the lands of the Canadian National Railways, being also the most Southerly angle of said Lot 87 and the end of the said line.

AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part of Canterbury Road on Plan F-20,
closed by City of Mississauga By-law 725-81, Registered By-law 599528

BY (print names of all transferors in full) THE CORPORATION OF THE CITY OF MISSISSAUGA

TO (see instruction 1 and print names of all transferees in full) THE REGIONAL MUNICIPALITY OF PEEL

I, (see instruction 2 and print name(s) in full) James K. Dundas, of the City of Brampton,
Regional Municipality of Peel

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)
- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☐ (c) A transferee named in the above-described conveyance;
- ☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) The Regional Municipality of Peel

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

☐ (f) A transferee described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable)

and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1 (1)(f) and (g) of the Act. (see instruction 3).

3. The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act. (see instruction 4) none

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

| | | |
|---|--------|--------|
| (a) Monies paid or to be paid in cash | \$2.00 | |
| (b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price) | \$nil | |
| (ii) Given back to vendor | \$nil | |
| (c) Property transferred in exchange (detail below) | \$nil | |
| (d) Securities transferred to the value of (detail below) | \$nil | |
| (e) Liens, legacies, annuities and maintenance charges to which transfer is subject | \$nil | |
| (f) Other valuable consideration subject to land transfer tax (detail below) | \$nil | |
| (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (TOTAL OF (a) to (f)) | \$2.00 | \$2.00 |
| (h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended) | \$nil | |
| (i) Other consideration for transaction not included in (g) or (h) above | \$nil | |
| (j) TOTAL CONSIDERATION | \$2.00 | \$2.00 |

ALL BLANKS
MUST BE
FILLED IN.
INSERT "NIL"
WHERE
APPLICABLE.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 5) n/a
6. If the consideration is nominal, is the land subject to any encumbrance? n/a
7. Other remarks and explanations, if necessary Easement to Municipality. No taxable consideration is passing.

SWORN before me at the City of Brampton
in the Regional Municipality of Peel
this 5th day of May 1982

J. J. Munster
A Commissioner for taking Affidavits, etc.
FRANCES ISOBEL MUNSTER, A Commissioner
etc. for The Regional Municipality of Peel
Expires August 15, 1982.

19 82

signature(s)

PROPERTY INFORMATION RECORD

- A. Describe nature of instrument: Grant of Easement
- B. (i) Address of property being conveyed (if available) n/a
- (ii) Assessment Roll No. (if available) n/a
- C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 6). 10 Peel Centre Drive, Brampton, Ontario, L6T 4B9
- D. (i) Registration number for last conveyance of property being conveyed (if available) n/a
- (ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☐ No ☒ Not Known ☐
- E. Name(s) and address(es) of each transferee's solicitor
James K. Dundas
Regional Solicitor
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date



September 18, 2019

Committee of Adjustment – Office of the City Clerk
Corporate Services Department
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Attention: Sean Kenney

Dear Mr. Kenney:

**Re: CVC File No. A 19/386
Municipality File No. A 386/19
Bollu Venkateswarlu & Yathipati Sumathi
422 Marf Avenue
Part of Lot 12, Concession 2 SDS
City of Mississauga**

Staff of Credit Valley Conservation (CVC) have had the opportunity to review the above-noted application and the following comments are provided for your consideration.

SITE CHARACTERISTICS:

Based on the CVC mapping, the subject property appears to be regulated because of a floodplain associated with Cooksville Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

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

September 18, 2019

Re: CVC File No. A 19/386
Municipality File No. A 386/19
Bollu Venkateswarlu & Yathipati Sumathi
422 Marf Avenue, Mississauga
Part of Lot 12, Concession 2 SDS
City of Mississauga

PROPOSAL:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a setback to a railway right-of-way of 9.58m (approx. 31.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00m (approx. 90.43ft) in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please note that the subject property is within a CVC Regulated Area and a permit from this Authority is required for the proposed development.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 296) should you have any further questions or concerns.

Sincerely,



Iftekhar Ahmad
Junior Planner

Cc:

Lindsey Bruce
lindsey@smpldesignstudio.com (via email only)

Date: September 25th, 2019

File: C of A – 'A' 387/19
(Ward 10 – 5590 Tenth Line West)

Agenda: **October 3rd, 2019**

New Item

Recommendation

The Planning and Building Department has no objection to the variances, as amended.

Background

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Office

Zoning By-law 0225-2007

Zoning: O-15 (Office)

Other Applications:

Site Plan Approval: 19-48

Comments

Zoning

The Building Department is currently processing a Site Plan Approval application under file 19-48. Based upon review of this Application, Staff notes that the Application be amended as follows, permitting:

1. A height of 16.70m and 4 storeys; whereas, By-law 0225-2007, as amended, permits a maximum height of 13.0m and 4 storeys, in this instance.

This Department also notes, Variance 6, as requested, is not required.

Planning

The subject lands are a vacant exterior property located on the south-west corner of the Tenth Line West and Thomas Street intersection. With the exception of the commercial plaza located directly to the north, the neighbourhood area context is primarily residential, with a mixture of housing types that range from detached dwellings to townhouse units. Planning Staff note, the subject lands are contiguous to a residential zone to the south; however, their configuration and orientation facing away from the subject property somewhat isolates these structures from the overall context area. To the west, the subject property is adjacent to the Mississauga Fire Station (122) facility.

The Applicant is proposing to construct a four-storey, office structure for which the lands are zoned.

As a result of the proposed construction, the Applicant is required to seek the following relief from By-law 0225-2007, as amended, permitting:

1. A height of 16.70m and 4 storeys; whereas, By-law 0225-2007, as amended, permits a maximum height of 13.0m and 4 storeys, in this instance;
2. An exterior side yard of 4.5m; whereas, By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.5m, in this instance;
3. A centre line setback from Tenth Line of 19.4m; whereas, By-law 0225-2007, as amended, requires a minimum centre line setback from Tenth Line of 25.0m, in this instance;
4. A landscape buffer of 2.1m; whereas, By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m, in this instance; and,
5. A garbage enclosure setback of 2.1m to residential zone; whereas, By-law 0225-2007, as amended, requires a minimum garbage enclosure setback of 6.0m to residential zone, in this instance.

The site is located within the Churchill Meadows Neighbourhood Character Area, and designated Office by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.7 (Office), this designation permits both major and secondary office uses. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject lands will be used for office use purposes, with the proposed construction supplementing this aforementioned use. To this end, the application respects the designated land use and has regard for the distribution of massing on the property, as a whole. The variances, as requested, meet the purpose and general intent of the Official Plan.

Variance 1 (Height)

As per Zoning By-law 0225-2007, the subject property is zoned O-15 (Office). Pursuant to Table 5.2.2.15.6 (O Exception Zones), this zone permits a maximum building height of 13.0m and 4 storeys; whereas, the Applicant is proposing 16.70m and 4 storeys. Planning Staff note,

as the number of storeys remains in compliance with the Zoning By-law, Variance 1 is required to facilitate an increased ceiling height per floor. The intent of this regulation is to both govern the overall height of a building, as well as to ensure that such structures do not become overbearing from either a streetscape or neighbourhood perspective. While the Applicant has requested an alteration to the permitted maximum building height of 3.7m, the combination of the nominal lot coverage proposed, as well as the building's location away from existing structures, mitigates massing concerns. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 2 & 3 (Setbacks)

Pursuant to Table 5.2.2.15.5 (O Exception Zones), the proposed structure is required to maintain an exterior side yard setback of 7.5m; whereas, the Applicant has requested 4.5m. The general intent of this portion of the By-law is to ensure that an adequate buffer exists between a structure's massings and, in this case, the public realm. Planning Staff note, neither the existing bike lane, nor the municipal boulevard / sidewalk, will in any way be affected by the proposed structure, and that ample soft landscaping has been proposed within the exterior side yard to buffer the two land uses. Further, the requested 4.5m represents a small portion of the exterior side lot line, with the remainder of the yard being free of massing. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

Pursuant to Table 2.1.14 (Centreline Setbacks), the proposed structure is required to maintain a centre line setback (from Tenth Line) of 25.0m; whereas, the Applicant is proposing 19.4m. The intent of this portion of the Zoning By-law is to ensure that any proposed construction will not come at the expense of a potential road widening. Planning Staff note, this portion of Tenth Line has received a comprehensive review through the recent subdivision approval adjacent to the subject lands and that any future road widenings are extremely unlikely. Variance 3, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 4 (Landscape Buffer)

In accordance with Table 5.2.1 (9.0) (O Zone Permitted Uses and Zone Regulations), this zone requires a minimum landscape buffer of 4.5m; whereas, the Applicant is proposing 2.1m, in this instance. The general intent of this portion of the By-law is to both provide a visual buffer between properties, as well as to mitigate obnoxious externalities (noise, dust, visual pollution, etc.) resultant of the associative office uses. Planning Staff note, despite the requested relief, ample visual buffering nevertheless remains on the site as a whole, with ample trees and vegetation being proposed. Further, the requested reduced buffer setback occurs only within the interior side yard, adjacent to the fire station, where such concerns are inherently minimized. Variance 4, as requested, maintains the general intent and purpose of the Zoning By-law.

Variance 5 (Garbage Enclosure)

In accordance with Table 2.1.19(1.0) (Outdoor Garbage Enclosures in Non-Residential Zones), this zone requires a minimum setback for a garbage enclosure to a Residential Zone of 6.0m; whereas, the Applicant is proposing 2.1m, in this instance. The general intent of this portion of

the By-law is to provide a suitable buffer between residential dwellings and garbage enclosures to mitigate obnoxious externalities associated with their use and their servicing (smell, noise, visual pollution, etc.). Planning Staff note, the requested reduced buffer setback occurs only within the interior side yard, adjacent to the fire station property, where such concerns are inherently minimized. Further, all residential dwellings are setback further than the required 6.0m specified by through the Zoning Bylaw. Variance 5, as requested, maintains the general intent and purpose of the Zoning By-law.

The proposed construction is in scale with the overall property as a whole, and does not result in the over massing of the site. While the Applicant is required to seek relief from multiple portions of the By-law, when viewed either individually or collectively, these are nominal in nature, and do not pose significant negative impacts; nor are the impacts resultant of the proposed construction made worse due to the requested variances. As such, this application results in both the orderly development of the lands, and whose impacts are minor in nature.

Based upon the preceding information, it is the opinion of Staff that the application meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. The Planning and Building Department has no objection to the variances, as requested

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 387/19
2590204 Ontario Inc
5590 Tenth Line West
Ward 10

We are noting for Committee's information that Transportation and Works Department concerns/requirements for the proposed property are being addressed through the Site Plan Application process, File SP-19/48.

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Dear Mr. Kenney,

Regional Planning staff have reviewed the applications listed on the October 3rd, 2019 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-209/19

Minor Variance Applications: A-383/19, A-384/19, A-385/19, A-387/19

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 25th, 2019

File: C of A – 'A' 132/19
(Ward 5 – 11 Knaseboro Street)

Agenda: **October 3rd, 2019**

Deferred Item

Recommendation

The Planning and Building Department recommends that the variances, as requested, be refused.

Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 (Residential)

Other Applications:

Building Permit: 18-4382

Comments

Zoning

The Building Department is currently processing a Preliminary Zoning application under file 18-4382. Based upon review of this application, Staff notes that the variances, as requested, are correct.

Planning

The property is located north-west of the Airport Road and Derry Road East intersection, and currently houses a one-storey, bungalow structure. The immediate neighbourhood is primarily comprised of detached dwellings; however, semi-detached residences are also present. Architecturally, the shared built-form is predominately post-war, 1.5 storey dwellings; however, newer construction, in the form of replacement dwellings, are present to a very minor extent on both Knaseboro Street, as well as within the surrounding neighbourhood as a whole. The properties within the immediate area possess lot frontages of +/-15.5m.

This application was brought before the Committee on April 11th, 2019, under application 'A' 132/19. At this time, Staff recommended refusal, as the design of the proposed structure did not have significant regard for the shared communal characteristics of the existing neighbourhood.

Subsequent to this meeting, Staff met with the Applicant to discuss a more modest proposal. The Applicant resubmitted this revised design as part of the July 18th, 2019 hearing; however, the Applicant failed to amend the necessary variances as part of this resubmission, consequently resulting in the application being once again deferred.

In the interim, despite several consultations with Staff, the Applicant has increased the massing of the proposed structure, resulting in an unsupportable design.

As a result of the proposed construction, the Applicant is requesting the following relief from By-law 0225-2007, as amended, permitting:

1. A gross floor area - infill residential of 356.0m²; whereas, By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 268.98m², in this instance;
2. A lot coverage of 31.6%; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0%, in this instance; and,
3. A height of 9.3m; whereas, By-law 0225-2007, as amended, permits a maximum height of 9.0m, in this instance.

The site is located within the "Malton Neighbourhood" Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed detached dwelling respects the designated residential land use; however, has little regard for either the proportional distribution of massing on the property as a whole, or the landscape of the character area. The variances, as requested, do not maintain the purpose or general intent of the Official Plan.

Arising from public input expressed through the 'MyMalton' Community Visioning exercise undertaken in 2015, the Malton Infill Housing Study was undertaken in 2016, and resulted in Council's adoption of new zoning regulations, principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. The requested relief, especially as it pertains to the proposed maximum gross floor area increase, itself necessitating subsequent lot coverage variances, represents a significant alteration to these updates and ultimately are not in line with the intent of the Zoning By-law. Staff further notes, significant redundancies in the design with three generously sized washrooms on the upper-floor, as well as liberally dimensioned living rooms, dining rooms, dens, and family rooms. The variances, as requested, do not maintain the purpose or general intent of the Zoning By-law.

Planning Staff note, within the broader context area there are examples of larger replacement dwellings constructed under the previous zoning regime which could influence the local character; including replacement dwellings located upon Cattrick Street. Despite this being the case, the proposed structure has insufficient regard for the planned character of the community, nor the immediate contextual area; which, for the most part, is devoid of any such redevelopment. The variances, as requested, represent an alteration significantly larger than what has previously been supported by Staff, and what subsequently has been approved by Committee, and whose impacts are neither minor in nature, nor represent the desirable development of the land.

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, do not meet the general intent or purpose of either the MOP or Zoning By-law; are not minor in nature; and, are undesirable for the orderly development of the lands. To this end, the Planning and Building Department recommends that the variance, as requested, be refused.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 132/19
Gurmail & Gobindo Sindhu
11 Knaseboro St
Ward 5

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

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Deferred Minor Variance Application: DEF-A-132/19
Development Engineering: Camila Marczuk (905) 791-7800 x8230

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 25th, 2019

File: C of A – 'A' 160/19
(Ward 3 – 1606 Sedlescomb Drive)

Agenda: October 3rd, 2019

Deferred Item

Recommendation

The Planning and Building Department recommends that the variance, as requested, be refused.

Background

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-1 (Employment)

Other Applications:

Occupancy Permit: 17-8396

Comments

Zoning

Staff is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. To this end, a full zoning review has not been completed.

Planning

The property is located north-east of the Dixie Road and Dundas Street East intersection. The immediate neighbourhood is comprised of a variety of uses, including both small scale commercial units, as well as industrial uses. The property currently operates as a Place of Religious Assembly (PRA), situated within a multi-unit industrial building. The Applicant is requesting parking relief to facilitate this use.

This application was brought before the Committee on May 2nd, 2019, and again on July 11th, 2019, under application 'A' 160/19. Committee deferred the application both times to allow the Applicant the opportunity to submit a satisfactory Parking Utilization Study and a Shared Parking agreement executed upon the City's template. Planning Staff note, as a result of continual deferrals, Committee has chosen to make the application peremptory.

On May 2nd, 2019, a Parking Supply Analysis Report and Shared Parking Agreement was submitted to the City; however, after review, City Planning Strategies (CPS) Staff, deemed this submission inadequate. CPS subsequently contacted the Applicant's Agent on May 10th, 2019, requesting the following information:

- A satisfactory Parking Utilization Study justifying the total requirement of 34 parking spaces for the Place of Religious Assembly accommodated at the off-site location(s).
- A satisfactory Shared Parking Agreement signed by the respective site owners entering into the off-site parking arrangement with the respective schedules as mentioned in the agreement.

The City's standard template for Shared Parking Agreement has been provided to the Agent.

For the past several months, City Planning Strategy Staff have corresponded with the agent numerous times and outlined the necessary information required to be submitted to the City.

The following provides a brief outline of the requested information, and subsequent correspondence, between Staff and the Applicant:

- A satisfactory off-site shared parking agreement using the City's template.
- The City's revised template for the agreement seeking off-site shared parking arrangement was provided to the applicant on May 10th, 2019. The same document was forwarded again to the applicant on September 6th and September 10th, 2019.
- Staff offered to meet with the Agent and on September 10th 2019, Planning Staff met with Mr. Matt Esekie to explain and clarify the required documents to be submitted for review. Staff reiterated the need to provide a satisfactory off-site parking agreement and further explained that the agreement has to be executed with the 'Owner' of the property with whom the applicant (i.e. 8-1606 Sedlescomb Drive) is

seeking the off-site parking for 34 spaces. The Agent agreed to provide an updated off-site parking agreement indicating an arrangement for 34 parking spaces located off-site at 1575 Dundas Street East).

On September 19th, 2019, the Applicant's Agent submitted a copy of the off-site shared parking agreement; a lease agreement; and, a copy of the approved site plan of 1575 Dundas Street East, by email. City Planning Strategy Staff has reviewed the two agreements and have the following concerns:

- The Applicant has not provided a satisfactory off-site shared parking agreement. The Agent has instead, submitted two incomplete agreements, which contain many errors including incorrect street addresses and the number of parking spaces leased.
- The off-site parking agreement that the Applicant has submitted is with Eddie's Meat and Deli Market located at 1575 Dundas Street East for a total of 94 off-site parking spaces. The off-site parking agreement differs from the letter prepared by the Agent, dated September 18th, 2019 stating that the subject site requires 32 off-site parking spaces. Planning staff notes that Zoning staff has confirmed that 34 off-site parking spaces are required. The off-site parking agreement should be clear and indicate the same requirement.
- The City's template of the agreement specifies that the Applicant is required to execute the off-site shared parking agreement with the 'Owner' of the property. According to the City's property records, "Eddie's Meat and Deli" is not the owner 1575 Dundas Street East. Furthermore, 1577 Dundas Street East does not exist as a property on record.
- Staff clarified to the Applicant's Agent that he is required to mark the 34 off-site parking spaces on an approved site plan for 1575 Dundas Street East which must be attached as Schedule 'C' of the off-site parking agreement. Although a site plan has been submitted, it does not indicate the 34 parking spaces that would be utilized by the Applicant on the property of 1575 Dundas Street East.
- It should be noted that the Applicant's Agent has submitted a copy of a lease agreement titled, 'Agreement to Lease' on Form no. 511 of Ontario Real Estate Association (OREA). This agreement is executed between Life Fountain Ministries Inc. (the applicant) as a tenant and Eddie's Meat and Deli Meat Market located at 1575 Dundas St. E. as a landlord wherein the tenant and landlord agree that the premise of 1575 Dundas St. E. will be used for Place of worship parking. The lease agreement is in effect from October 1st, 2019 to October 31st, 2024.

Staff contacted Legal Services to seek their opinion on the validity of the 'agreement to lease', to which Legal Services have opined as below:

- It is recommended that the applicant use the City's template for off-site parking.

- The lease can only be entered into with the owner of the property, and not another tenant (unless it were to be a sublease where the tenant has the authority in the main lease to enter into a sublease, for which the City staff would need to see documentary evidence).
- The difficulty with the renewed lease submitted by the Applicant on the OREA form is that the City would have no means of monitoring whether the lease had been prematurely terminated or whether it otherwise is still in effect.

Given both that the requested information, in its required form, remains outstanding, as well as the peremptory nature of this application, the Planning and Building Department recommends that the variance, as requested be refused.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: COMMITTEE OF ADJUSTMENT- October 03, 2019 – 1:30pm

This Department has no objections, comments or requirements with respect to C.A. 'A' 160/19.

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Deferred Minor Variance Application: DEF-A-160/19
Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land is located within an area the Regional Official Plan (ROP) designates as a Core Woodland and Core Valley of the Greenlands System in Peel, under Policy 2.3.2. The subject land is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

April 18, 2019

CFN 60813.03

BY EMAIL: committee.adjustment@mississauga.ca

Mr. Sean Kenney
Committee of Adjustments
City of Mississauga
300 City Centre Drive, 2nd Floor
Mississauga, ON L5B 3C1

Dear Mr. Kenney:

**Re: Committee of Adjustment Minor Variance Application A 160/19
1606 Sedlescomb Drive, Unit 8
City of Mississauga
Life Fountain Ministries (Agent: Matt Esekie)**

This letter will acknowledge receipt of the above noted application. Thank you for the opportunity to review this application (received on March 29, 2019). Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS)*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

It is our understanding that the purpose of this Minor Variance Application is to permit the following variance to support interior renovations to the subject building:

1. All parking off-site whereas by-law 0225-2007, as amended, requires a minimum of 86 parking spaces on site in this instance.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to the above noted application.

Application Specific Comments

Dixie-Dundas Special Policy Area (SPA):

The subject property is located within the Dixie-Dundas Special Policy Area (SPA), which is within the boarder Etobicoke Creek Watershed. The SPA designation recognizes areas within community which have historically existed in the floodplain and where strict adherence to Province wide policies concerning new development would result in social and economic hardship for the community. Under the SPA criteria certain development may be allowed within the flood plain provided the proposal does not contemplate new land uses and/or intensified development and TRCA and

Provincial technical requirements to address and reduce risks associated with flood hazards have been met.

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to Little Etobicoke Creek and associated valley corridor and Regulatory Floodplain, and there is currently no safe access to the property as the access intersection at Dundas Street East at Jarrow Avenue is entirely within the floodplain. Therefore, the property is subject to Ontario Regulation 166/06 (as amended) and the policies within TRCA's LCP, and a TRCA permit will be required prior to any works commencing on the subject property.

It is the understanding of TRCA staff that the requested variance is required in order to allow all parking off-site to support interior renovations to the subject building. Based on our review, the only proposed changes to the subject site are internal, and the existing parking lot is to remain unchanged. As such, a permit pursuant to Ontario Regulation 166/06 is not required at this time and our policy interests do not appear to be impacted. TRCA staff have no concerns with the proposed variance, as currently submitted.

However, TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Fees

In addition to regulatory responsibilities, TRCA has a role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA.

By copy of this letter, TRCA staff thanks the applicant for providing the \$1100 review fee (2018 TRCA Planning Fees Schedule – Minor Variance – Industrial/Commercial/Subdivision/Institutional).

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Colleen Bain
Planner I
Planning and Development
Tel: (416) 661-6600, Ext.5657
colleen.bain@trca.on.ca

CB/jw

Cc (by email): Sean Kenney, City of Mississauga

Date: September 24, 2019

File: C of A – 'A' 209/19
(Ward 2 – 2355 Royal Windsor Drive)

Agenda: **October 3, 2019**

Deferred Item

Recommendation

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

Background

Mississauga Official Plan

Character Area: Southdown Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: **E2-108** (Employment)

Comments

Zoning

This Division notes that a certificate of occupancy permit application is required. In the absence of a certificate of occupancy permit application we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required. It should be noted that the variance, as requested, have been reviewed based on information provided, however a full zoning review has not been completed.

Notwithstanding the above, it appears that the variance, as requested, is incorrect. A motor vehicle repair facility is already permitted within the E2-108 zone so does not need to be included in the request and automobile repair and restoration is considered to be motor vehicle body shop under By-law 225-2007, as amended so this use should be identified using the by-law terms.

It should also be noted that, based on the information provided, that the applicant is seeking a reduction in the required parking rate that would apply to these uses from 4.3 spaces per 100m²

to 1.6 spaces per 100m². This variance has not been requested and we are unable to confirm the need for this variance without submission of a certificate of occupancy application.

Planning

The subject property is located within the Southdown Employment Character Area, west of Royal Windsor Drive and Southdown Road. The immediate area consists of multi-unit industrial buildings containing a mix of uses fronting onto Royal Windsor Drive. The subject property contains a two storey multi-unit building consisting of a mix of commercial, office and motor vehicle uses. The application proposes a motor vehicle repair garage, leasing and sales, and repair and restoration in Unit 1 of the multi-unit industrial building whereas the uses are not permitted.

The subject property is designated "Business Employment" in Schedule 10 of the Mississauga Official Plan which permits motor vehicle body repair facilities, motor vehicle rental, motor vehicle commercial, among other uses. The application proposes the continuance of a motor vehicle repair facility with ancillary leasing and sales and body repair. Motor vehicle sales are not permitted within the Business Employment designation; however, due to the use being accessory to a permitted motor vehicle use, the proposed motor vehicles sales use would conform to the official plan. Pursuant to Section 10.3 (Prohibited Uses) of the Southdown Local Area Plan, motor vehicle body repair facilities for lands that front onto Royal Windsor Drive are not permitted. As such, staff is of the opinion that an accessory use of a motor vehicle body repair facility does not conform to the official plan. However, the primary use of a motor vehicle repair facility with accessory motor vehicle sales maintains the general intent and purpose of the official plan.

The application states that the proposed uses will operate based on a parking rate of 1.6 spaces per 100 m² of gross floor area (GFA) as previously approved pursuant to minor variance application 'A' 81/10. Staff are unable to identify if an additional variance for a reduced parking rate is required for this application.

The zoning by-law permits a 'Motor Vehicle Repair Facility – Restricted' as of right. This use is intended for lower scale motor vehicle services on such as the repair and installation of windshields, rustproofing, detailing etc. As such, a motor vehicle repair facility does not need to be included within the proposed variance. The application proposes an accessory leasing and sales and motor vehicle body repair facility use which are not permitted in the E2-108 (Employment) zone. Motor vehicle leasing and sales are only permitted in the 'C3 – General Commercial' zone and a motor vehicle body repair facility is only permitted in an E3 zone. The intent and purpose of the zoning by-law is to permit motor vehicle retail uses in a commercial zone with other retail uses and to not create precedence in establishing retail car dealerships in employment zones as of right. Regarding the motor vehicle repair facility, the zoning by-law intended to restrict more intense motor vehicle uses to the E3 – Industrial zone while encouraging the less severe retail and leasing uses. Therefore, the proposed variance does not maintain the general intent and purpose of the zoning by-law.

Should Committee see merit in the application, staff recommends that the following condition be added to the application:

- A maximum of 20% gross floor area - non-residential be used for motor vehicle leasing and sales and body repair facility.
- Motor vehicle displays used for sales and leasing shall be wholly contained within Unit 1 of the building

The surrounding area consists of a mix of uses which partly includes an industrial environment. The requested uses are contained wholly upon the site. Additional variances for parking may be required which has not been reviewed by staff. The Zoning Division cannot confirm if this variance is required without a submission of a certificate of occupancy permit. The uses itself represents orderly development of the lands and is minor in nature; however, staff is unable to determine if the unit would be self-sufficient to maintain a reduced parking rate as outlined in the application.

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

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 209/19
2573903 Ontario Inc
2355 Royal Windsor Dr
Ward 2

Enclosed for Committee's information you will find pictures of the area where the automobile repair facility is proposed.

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

A 209/19



A 209/19





Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Dear Mr. Kenney,

Regional Planning staff have reviewed the applications listed on the October 3rd, 2019 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-209/19

Minor Variance Applications: A-383/19, A-384/19, A-385/19, A-387/19

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga

Date: September 24, 2019

File: C of A – 'A' 286/19
(Ward 1 – 504 Avonwood Drive)

Agenda: **October 3, 2019**

Deferred Item

Recommendation

The Planning and Building Department has no objections to variances #1-5 and 7, as amended. However, staff recommends that variance #6 be refused.

Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications:

Building Permit: 13-5479

Comments

Zoning

The Planning and Building Department is currently processing a building permit application under file 13-5479 R1. Based on review of the information currently available for this building permit, we advise that the following variance should be amended as follows:

1. A Lot coverage of 14.0% for the Detached garage whereas By-law 0225-2007 as amended, requires a maximum lot coverage of 10% in this instance.

The following variances are to be added to variance list:

5. To permit a driveway width of 10.18m whereas By-law 0225-2007, as amended, requires a maximum driveway width of 6.0m in this instance.
6. To permit a driveway setback to side lot line of 0.0m whereas By-law 0225-2007, as amended, requires a minimum driveway setback to side lot line of 0.6m in this instance.
7. To allow a walkway attachment to the driveway of 3.6m at the rear of the dwelling whereas By-law 0225-2007, as amended, requires a maximum walkway attachment to a driveway of 1.5m in this instance.

Planning

The subject property is located within the Mineola Neighbourhood Character Area, east of Cawthra Road and Atwater Avenue. The neighbourhood consists of one and two storey detached dwellings with limited vegetation in the front yard. The subject property contains a two storey detached dwelling with a detached garage in the rear yard and vegetation in the front yard. The application requests variances related to lot coverage, area and height to legalize the existing detached garage, as well as driveway width and setback.

The subject property is designated "Residential Low Density II" in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. As per Section 9.1 of MOP, site design is encouraged to respect the experience, identity and character of the surrounding context. The proposed detached garage respects the designated land use and is accessory to the primary principle use. The proposed detached garage does not have additional undue impact to the existing and planned area context from what can legally exist. The requested variances maintain the purpose and general intent of the official plan.

The intent of the detached garage regulations is to ensure that a detached garage maintains an appropriate size/scale to the lot itself and is accessory to the dwelling. In this instance, the garage is located in the rear yard and maintains an appropriate buffer to the dwelling. The building separation defines the garage as an accessory structure to the principle residential use. The increased height, area and lot coverage of the detached car does not create additional undue impact to neighbouring lots and is similar to other detached garages within the immediate neighbourhood. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The application proposes a driveway width of 10.18 m whereas 6 m is required. The intent of this portion of the By-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. In this instance, the widened driveway is in the rear yard and does not have the same impact from a streetscape perspective if the driveway was widened in the front yard. As such, the widened driveway would not be visible from the street, resulting in the proposed variance preserving the character area streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

It should be noted that the Transportation and Works Department have concerns regarding the amount of hard surfacing in the rear yard. The previous site plan dated June 10, 2019 proposed a soft landscaped area on the westerly portion of the rear yard which was meant to help with drainage. As such, should Committee see merit in the application, staff recommends the following condition be added to the application:

- The applicant provides a soft landscaped area on the westerly portion of the driveway in the rear yard in accordance with the proposed site plan dated June 10, 2019.

Variance #6 proposes a driveway setback of 0 m whereas 0.60 m is required. The intent of this portion of the by-law is to ensure that there is an appropriate buffer to the lot line, ensuring proper drainage and to provide a visual separation from the neighbouring lot. The proposed driveway setback of 0 m eliminates the intent of the by-law in this instance as the variance does not allow for a sufficient buffer between property lines which may result in drainage concerns. Staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

Regarding variance #7, the application proposes a walkway attachment of 3.6 m whereas 1.50 m is required. The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. Although the proposed walkway attachment is wide enough for vehicular parking, there is an existing elevated deck in the rear yard where the walkway attachment is located, restricting access for parking. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The application proposes to legalize existing on-site conditions related to the detached garage, driveway width and walkway attachment. The detached garage does not create any additional undue impact to neighbouring lots and is similar to other detached garages within the immediate area. The proposed driveway width is located in the rear yard and will not negatively impact the character of the streetscape as the proposed width will not be visible from the street. . However, staff cannot support a 0 m driveway setback as the intent of the by-law is to provide for a visual separation between adjoining properties while also maintaining a sufficient buffer for drainage is eliminated.

Based on the preceding information, the Planning and Building Department has no objections to variances #1-5 and 7, as amended. However, staff recommends that variance #6 be refused.

City of Mississauga Memorandum



TO: S. Kenney, Secretary Treasurer
Committee of Adjustment

FROM: D. Martin
Transportation and Works

DATE: September 23, 2019

RE: Takebacks – October 03, 2019
File - C.A. Agendas

Re: C.A. 'A' 286/19
Dariusz Przemyslaw Sajda
504 Avonwood Dr
Ward 1

This Department has reviewed the application and the submitted revised drawings. We note that the revised plans now show an increased footprint for the paved area in the rear yard than what was shown on the previous plans. This current plan would have a greater negative impact with regards to being able to accommodate the surface drainage for the surrounding neighbours. In the previous comments, we had recommended that the existing paved area on site be decreased to match the previous plan prepared by Gabris Associates and that the garage be equipped with eaves troughs and down spouts such that the front portion of the roof drains internally to the rear yard on the northerly side of the lot and that the rear portion of the roof be equipped with an eaves trough and the downspouts are directed to drain to the front of the garage internally to the rear yard on the southerly side of the lot. We included a sketch which depicted the location of downspouts to be installed and direction of discharge.

This Department cannot support the current sketch and we recommend that the applicant comply with the original plan prepared by Gabris Associates which had a grassed landscape area in front of the garage to accept the roof drainage to the recommended down spout location requirements this Department had identified previously..

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

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

September 20, 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
 October 3rd, 2019**

Deferred Minor Variance Application: DEF-A-286/19
Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land is located within the limits of the regulated area of the Credit Valley Conservation (CVC). The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

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

cc. Marylu Javed, City of Mississauga
 Umar Mahmood, City of Mississauga
 Lucas Petricca, City of Mississauga
 Roberto Vertolli, City of Mississauga