



## Committee of Adjustment

The following staff reports are current as of February 13<sup>th</sup>, 2019 at 2:00pm.

Any staff reports received after this time may be obtained by emailing  
[committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca)

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

**Location: COUNCIL CHAMBERS**  
**Hearing: FEBRUARY 20, 2020 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)**

<b>File</b>	<b>Name of Applicant</b>	<b>Location of Land</b>	<b>Ward</b>
B-8/20 A-61/20 A-62/20	IWONA REMBACZ	1318 ALEXANDRA AVE	1
B-9/20 B-10/20	2209449 ONTARIO INC 2569536 ONTARIO INC	455 GIBRALTAR DR 6950 KENNEDY RD	5
B-11/20 B-12/20 A-68/20 TO A-70/20	FRANK AND VITA MERULLA, & MACRI CATERINA	1414 SOUTH SERVICE RD	1

**DEFERRED APPLICATIONS (CONSENT)**

NONE

**NEW APPLICATIONS (MINOR VARIANCE)**

<b>File</b>	<b>Name of Applicant</b>	<b>Location of Land</b>	<b>Ward</b>
A-32/20	OKSANA MOUDRAK-CHRZANOWSKI	914 HAMPTON CRES	1
A-56/20	SHARON CHILDS	366 REVUS AVE	1
A-57/20	ANAN & FIDAA ZAQA	4105 CREDIT POINTE DR	6
A-58/20	ROHIT UPPAL	7626 REDSTONE RD	5
A-59/20	INDERJIT & GURVIR DHALIWAL	7684 REDSTONE RD	5
A-60/20	AAMOLI DHALIWAL	1842 BALSAM AVE	2
A-63/20	ROMAN BOYKO & LESIA TSOMYK	1300 MINEOLA GDNS	1
A-64/20	CASA DOAN	1314 CAWTHRA RD	1
A-65/20	CHRISTOPHER & ANGELA GORALSKI	1422 ALDO DR	2
A-66/20	ROGERS TELECOMMUNICATIONS LTD	448 BURNHAMTHORPE RD W	7
A-67/20	JULIE ROWE	86 OAKES DR	1

**DEFERRED APPLICATIONS (MINOR VARIANCE)**

NONE

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.)

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B8/20 A61/20 A62/20 Ward: 1
	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested consent and associated minor variance applications. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and if additional variances are required.

## Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.62m (28.28ft) and an area of approximately 389.54sq.m (4,192.97sq.ft).

A minor variance is requested for the severed lands (A61/20) proposing:

- A lot frontage of 8.62m (approx. 28.28ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
- A southerly side yard of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance;
- A side yard measured to the eaves of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 0.75m (approx. 2.46ft) in this instance;
- A side yard measured to a front porch of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance;
- A side yard measured to a rear deck of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance; and
- A height measured to the eaves of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance.

A minor variance is requested for the retained lands (A62/20) proposing:

1. A lot frontage of 8.62m (approx. 28.28ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A northerly side yard of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance;
3. A side yard measured to the eaves of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 0.75m (approx. 2.46ft) in this instance;
4. A side yard measured to a front porch of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance;
5. A side yard measured to a rear deck of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance; and
6. A height measured to the eaves of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance.

#### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A61/20 & A62/20 must be finalized.

#### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A61/20 & A62/20 shall lapse if the consent application under file B8/20 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1318 Alexandra Avenue

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

#### **Zoning By-law 0225-2007**

**Zoning:** RM1-26 (Residential)

#### **Other Applications**

Pre-Application: 19-8545

## Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Atwater Avenue. The neighbourhood mostly consists of long narrow lots containing a mix of one and two storey detached or semi-detached dwellings with limited mature vegetation within the front yard. The lot frontages within the immediate area range between +/- 9 m to +/- 17 m. The subject property contains a one storey detached dwelling with vegetation in the rear yard. The application proposes to sever the existing lot, requiring variances for lot frontage, side yards and eave height.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

#### Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The application proposes to sever the lot creating two new lots for the purpose of developing new detached dwellings. Both the retained and severed lot will have a lot frontage of approximately 8.62 m and lot area of approximately 389.54 m<sup>2</sup>. The zoning by-law requires a lot frontage of 12 m and lot area of 365 m<sup>2</sup>.

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 16.1.2.1 of MOP, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. The surrounding area contains an eclectic lot fabric with a mix of dwelling types. As a result, the proposed lots will reflect the existing lot fabric of the surrounding area and contribute to its eclectic lot pattern. Furthermore, there was a recent severance at 943 Halliday Avenue which proposed a 9 m lot frontage for the purpose of developing a detached dwelling, similar to the subject application. The proposed severance and lot frontages maintain compatibility with the existing and planned character of the neighbourhood.

The Lakeview Local Area Plan also contains policies related to the Lakeview Neighbourhood Character Area. As per Section 9.2.2 (Road Network) paragraph (i), a future multi-modal connection has been identified to connect Seventh Street to Alexandra Avenue. Should the consent application be approved, staff is of the opinion that this application will not impact this future road connection.

Based on the preceding information, staff is of the opinion that the application conforms to Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan and that the dimensions of the proposed lots are appropriate.

**Does the proposal maintain the general intent and purpose of the Official Plan?**

As per Section 10.1 (Neighbourhoods) of the Lakeview Local Area Plan, development is to be sensitive to the existing low rise context and reinforce the planned character of the area. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, maintaining the existing low rise context of the neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Both minor variance applications 'A' 61/20 and 'A' 62/20 propose lot frontages of 8.62 m whereas 12 m is required. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The surrounding area contains varied lot frontages ranging from approximately 9 m to 17 m. The proposed frontages maintain the eclectic lot fabric and are compatible with the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2, 4 and 5 on both minor variance applications propose reduced side yards measured to the dwelling, porch and deck. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. In this instance, the reduced side yards on both applications are interior to both of the proposed dwellings and do not negatively impact abutting properties. The setback on the opposite side of the dwellings maintains the by-law requirements of 1.20 m, resulting in a sufficient buffer to the neighbouring properties and allowing for sufficient access to the rear. The surrounding area consists of similar existing deficiencies and is not out of character with the existing and planned context of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a side yard setback to the eaves. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. The proposed variances are a minor deviation from the zoning by-law and will not create additional undue impact to

neighbouring lots. Furthermore, the eave encroachment will not cause any additional concerns regarding massing. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #6 proposes an eave height of 6.97 m whereas 6.40 m is required. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground which would lower the overall pitch of the roof, thus keeping the dwelling within a human scale. The proposed eave height is measured from average grade which is 0.21 m below finished grade, resulting in an eave height of 6.76 m which is a minor deviation from the zoning by-law and would not have any additional undue impact from a streetscape perspective. The dwelling maintains an overall height of 9.50 m, consistent with the permitted height within the zoning by-law and mitigating any further impact from the increased eave height. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The application proposes detached dwellings, maintaining the existing low rise context of the neighbourhood. The proposed lot frontages are compatible and appropriate within the context of the surrounding area and will not negatively impact the character streetscape. The reduced side yards maintain an appropriate buffer to the proposed dwellings and will not impede access to the rear yard as the other side yard maintains a setback of 1.20 m. The increased eave height is partly due to the calculation of average grade which is 0.21 m below finished grade. From a streetscape perspective, the increased eave height will have minimal impact as it is a minor deviation from the zoning by-law. Staff is of the opinion that the applications represent orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department have no objections to the requested consent and associated minor variance applications. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and if additional variances are required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

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

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

##### 1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval. We note that based on the existing drainage pattern, increased hard surface areas and roof drainage of both lots and existing soils conditions, it is suggested that a rear lot catch basin be provided at the south west corner of the rear yard of the proposed retained lands. This should be reflected in the proposed grading and drainage plan to be submitted.

##### 2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto:susie.tasca@mississauga.ca).

#### B. GENERAL INFORMATION

##### 1. Lot Grading and Drainage

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

##### 2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the

owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

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

4. Storm Sewer Outlet

The applicant is advised that the storm sewer outlet for these lands is the existing 525mm dia. Storm sewer on Alexandra Ave.

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

We note that any Transportation and Works Department concerns/requirements for for the Minor Variance applications for this property will be addressed under Consent Application 'B' 8/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

## **Appendix 2 – Zoning Comments**

The Planning and Building Department is currently processing a preliminary zoning review application under file 19-8545. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 3 – Forestry and Parks

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

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

- 26cm DBH Norway Maple – Good Condition

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

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. The applicant shall provide a cash contribution of \$1,178.88 for planting of two (2) street trees on Alexandra Avenue. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
3. The applicant shall provide tree protection securities in the amount of \$1,700.00 for the Norway Maple tree.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538.

Comments Prepared by: Jim Greenfield, Park Planner

## Appendix 4 – Region of Peel Comments

### Consent Application: B-008/20

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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

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](mailto:PWServiceRequests@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](mailto:tracy.tang@peelregion.ca)

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

### Consent Application: B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

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**Appendix A – Conditions of Provisional Consent**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 61/20 & "A"62/20)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.

**Notes:**

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be March 2, 2021.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): B9/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

The City 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 50(3) of the Planning Act.

## Application Details

The applicant requests the approval of the Committee for the creation of an easement on the subject property. The easement has an approximate area of 679.02m<sup>2</sup> (7308.91sq.ft).

### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 455 Gibraltar Drive

### Mississauga Official Plan

Character Area: Gateway Employment Area  
Designation: Business Employment  
**Zoning By-law 0225-2007**

**Zoning:** E2-52 (Employment)

### Site and Area Context

The subject lands associated with applications B9/20 and B10/20 are adjacent properties located south-west of the Derry Road East and Kennedy Road intersection, and currently house a two-storey, industrial structure with attached parking/storage area. The neighbourhood context is exclusively industrial, with a multitude of employment uses located within the immediate area. The properties along this portion of Gibraltar Drive are situated on large parcels, with lot frontages ranging from +/-40m to +/-130m.



## Comments

### Planning

#### Planning Act

Section 51(24) of the *Planning Act* establishes the criteria for land division within the Province of Ontario. In evaluating such requests, the Committee must be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also any municipal requirements identified in local legislation.

#### Provincial Matters

Both the Provincial Policy Statement 2014 (PPS 2014), and the Growth Plan for the Greater Golden Horseshoe, promote efficient development and land use; directing such focus towards intensification and redevelopment. The proposal is consistent with the general directives of provincial policy.

#### Planning Analysis

Staff comments concerning the application are as follows:

Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

## Conclusion

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 50(3) of the Planning Act.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to establish the required private easements for shared access between the subject properties. The City is currently processing Site Plan Application (SP 16/159) for a 6 storey hotel (6950 Kennedy Road) and Site Plan Application (SP 19/54) for the conversion of the existing warehouse to a banquet hall (455 Gibraltar Drive). The proposed reciprocal right-of-way shared access easements are requirements of the Site Plan Approval Process and necessary to ensure for proper site ingress and egress to both properties.

In view of the above we have no objections to the applicant's request and are providing the following conditions/requirements for Committee's consideration:

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

##### 1. Draft Reference Plan Required

A draft reference plan is to be submitted for our review/approval which would clearly show the location of the shared access easements/rights-of-ways.

##### 2. Required Easement(s)

The applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established for access purposes. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Division has no objection to the consent application, provided that the proposed easement location(s) comply with the provisions of By-law 225-2007, as amended, regarding, amongst other regulations: minimum lot frontage, minimum lot area, setbacks, on-site parking, etc.; or alternatively, that any minor variance is approved, final and binding; and/or the demolition of any existing buildings is complete.

Comments Prepared by: Sandra Morrison, Zoning Examiner

### **Appendix 3 – Region of Peel Comments**

**Consent Application: B-009/20**

Traffic Development: Catherine Barnes (905) 791-7800 x7999

Please be advised that all traffic related matters are being addressed through the on-going associated site plan application SP-19-054M.

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

**Appendix A – Conditions of Provisional Consent**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 61/20 & "A" 62/20)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.

**Notes:**

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be March 2, 2021.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): B10/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

The City 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 50(3) of the Planning Act.

## Application Details

The applicant requests the approval of the Committee for the creation of an easement on the subject property. The easement has an approximate area of 828.70sq.m (8920.05sq.ft).

### Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 6950 Kennedy Road

### Mississauga Official Plan

Character Area: Gateway Employment Area  
Designation: Business Employment  
**Zoning By-law 0225-2007**

**Zoning:** E2-52 (Employment)

## Site and Area Context

The subject lands associated with applications B9/20 and B10/20 are adjacent properties located south-west of the Derry Road East and Kennedy Road intersection, and currently house a two-storey, industrial structure with attached parking/storage area. The neighbourhood context is exclusively industrial, with a multitude of employment uses located within the immediate area. The properties along this portion of Gibraltar Drive are situated on large parcels, with lot frontages ranging from +/-40m to +/-130m.



## Comments

### Planning

#### Planning Act

Section 51(24) of the *Planning Act* establishes the criteria for land division within the Province of Ontario. In evaluating such requests, the Committee must be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also any municipal requirements identified in local legislation.

#### Provincial Matters

Both the Provincial Policy Statement 2014 (PPS 2014), and the Growth Plan for the Greater Golden Horseshoe, promote efficient development and land use; directing such focus towards intensification and redevelopment. The proposal is consistent with the general directives of provincial policy.

#### Planning Analysis

Staff comments concerning the application are as follows:

Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

## Conclusion

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 50(3) of the Planning Act.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to establish the required private easements for shared access between the subject properties. The City is currently processing Site Plan Application (SP 16/159) for a 6 storey hotel (6950 Kennedy Road) and Site Plan Application (SP 19/54) for the conversion of the existing warehouse to a banquet hall (455 Gibraltar Drive). The proposed reciprocal right-of-way shared access easements are requirements of the Site Plan Approval Process and necessary to ensure for proper site ingress and egress to both properties.

In view of the above we have no objections to the applicant's request and are providing the following conditions/requirements for Committee's consideration:

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

##### 1. Draft Reference Plan Required

A draft reference plan is to be submitted for our review/approval which would clearly show the location of the shared access easements/rights-of-ways.

##### 2. Required Easement(s)

The applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established for access purposes. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Division has no objection to the consent application, provided that the proposed easement location(s) comply with the provisions of By-law 225-2007, as amended, regarding, amongst other regulations: minimum lot frontage, minimum lot area, setbacks, on-site parking, etc.; or alternatively, that any minor variance is approved, final and binding; and/or the demolition of any existing buildings is complete.

Comments Prepared by: Sandra Morrison, Zoning Examiner

**Appendix 3 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner



**Appendix A – Conditions of Provisional Consent**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 61/20 & "A"62/20)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.

**Notes:**

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be March 2, 2021.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): B11/20
To: Committee of Adjustment	B12/20
From: Committee of Adjustment Coordinator	A68/20
	A69/20
	A70/20
	Ward: 1
	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City recommends that the application be deferred.

## Application Details

### B11/20

The applicant request the approval of the Committee to sever a parcel of land for the creation of a new lot. The severed parcel of land (parcel C) has a frontage of approximately 13.61m (44.65ft) and an area of approximately 634.90sq.m (6834.01sq.ft).

### B12/20

The applicant request the approval of the Committee to sever a parcel of land for the creation of a new lot. The severed parcel (parcel B) of land has a frontage of approximately 13.73m (45.05ft) and area of 560.20sqm (6029.94sq.ft).

### A68/20 - Retained parcel A

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot proposing a frontage of 13.68m (approx. 44.88ft) whereas By-law 0225-2007, as amended, requires a minimum frontage of 15.00m (approx. 49.21ft) in this instance.

### A69/20 - Severed parcel B

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot proposing a frontage of 13.73m (approx. 45.05ft) whereas By-law 0225-2007, as amended, requires a minimum frontage of 15.00m (approx. 49.21ft) in this instance.

**A70/20 - Severed parcel C**

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot proposing a frontage of 13.61m (approx. 44.65ft) whereas By-law 0225-2007, as amended, requires a minimum frontage of 15.00m (approx. 49.21ft) in this instance.

**Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A68/20, A69/20 & A70/20 must be finalized

**Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A68/20, A69/20 & A70/20 shall lapse if the consent application under file B11/20 & B12/20 is not finalized within the time prescribed by legislation.

**Background**

**Property Address:** 1414 South Service Road

**Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R3-75 (Residential)

**Other Applications**

Pre-Zoning Application: 19-5922

**Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, east of South Service Road and Dixie Road. The Ministry of Transportation (MTO) is currently undergoing an improvement plan which involves an extension of South Service Road from Dixie Road, which impacts the subject property. The proposed plans take into consideration the proposed extension by MTO. The immediate area consists of one and two storey detached

dwelling with mature vegetation. The subject property is a wide lot with mature vegetation in the front yard, containing an existing two storey detached dwelling. The application proposes to sever the parent lot in order to create three lots for the purpose of developing detached dwellings, requiring variances for deficient lot frontage.



## Comments

### Planning

### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal

meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

### **Provincial Matters**

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications are as follows:

The application proposes to create three parcels of land for the development of detached dwellings. The retained parcel proposes a lot frontage of 13.68 m and lot area of 560.20 m<sup>2</sup>. The severed lot identified as 'Parcel B', has a lot frontage of 13.73 m and lot area of 598.18 m<sup>2</sup>. The third parcel identified as 'Parcel C', has a lot frontage of 13.61 m and lot area of 634.86 m<sup>2</sup>.

Through discussions with MTO, a 14 m setback is required from the front property line. The applicant has revised the proposed site plan to reflect this setback. However, comments are based on the plans that were submitted with the Committee of Adjustment application. A full review could not be completed on the revised proposal. It should also be noted that based on preliminary review of the revised site plan, additional variances would be required for dwelling depth and rear yard setback. If the dwellings were proposed to be within the maximum permitted dwelling depth of 20 m, these additional variances would not be required.

### **Conclusion**

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has reviewed the subject application and also recently received a revised site plan showing the 3 lots having individual driveway entrances versus one access fronting onto South Service Road with shared easements to access the driveway entrance. The revised site plan provided does not reflect the existing conditions along South Service Road as they are today. All plans must be revised to reflect both existing and future conditions along the South Service Road frontage.

We have received comments from The Ministry of Transportation (MTO) who have advised that they are enforcing a 14m setback requirement for all construction from the South Service Road property limit which also precludes the common shared driveway configuration. The proposed plans submitted will need to be revised to accurately reflect this setback MTO setback.

This department would request that the application **be deferred** to allow the applicant an opportunity to submit the revised site plan which would reflect the existing and ultimate driveway configurations proposed and submit a Safety and Operations Assessment of the driveways in the existing and ultimate configuration.

Should Committee see merit in the applicant's request and has sufficient information received to proceed with the request, we are providing the following conditions/requirements for Committee's consideration:

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

##### 1. Functional Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal and Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the subject property. Upon the review of the Functional Servicing Proposal it will be determined if any servicing easements will have to be established in order to support this severance proposal.

##### 2. Overall Grading and Drainage Plan

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

### 3. Revised Site Plan and an Operations & Safety Assessment to be Submitted

The Site Plan provided with the application is to be revised to reflect the existing conditions along South Service road frontage of the site (in a lite font), the future conditions once the realignment of South Service Road has be completed as well as the required 14.0m setback from the South Service Road limit for MTO. In addition, an Operations and Safety Assessment is to be provided for our review.

For further information regarding the above noted comments, please contact Christopher Fiacco at (905) 615-3200 ext. 3923 or [christopher.fiacco@mississauga.ca](mailto:christopher.fiacco@mississauga.ca)

### 4. Acoustical Report

Due to the proximity and noise emanating from South Service Road and The Queen Elizabeth Way, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units are installed for the dwellings to be constructed.

### 5. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from South Service Road and The Queen Elizabeth Way may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

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

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

**B. General Information****1. Lot Grading and Drainage**

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

**2. Servicing**

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

**3. Access**

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

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

We note that any Transportation and Works Department concerns/requirements with respect to the Minor Variance applications for this property will be addressed under Consent Application 'B' 11-12/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

**Appendix 2 – Zoning Comments**

The Planning and Building Department is currently processing a building permit application under file 19-5922. Based on review of the information currently available for this building permit, the variances, as requested are correct.



Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line

Comments Prepared by: Adam McCormack, Zoning Examiner

### **Appendix 3 – Forestry and Parks**

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

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

1. The applicant shall provide a cash contribution of \$2,357.76 for planting of four (4) street trees on South Service Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

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

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538.

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 4 – Heritage**

The property is listed on the City's Heritage Register. As such a Heritage Impact Assessment is required. The terms of reference are available at [https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment\\_TermsOfReference2017.pdf](https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment_TermsOfReference2017.pdf). More comments may be forthcoming.

Comments Prepared by: Brooke Herczeg, Heritage Analyst

## Appendix 5 – Region of Peel Comments

### Consent Applications: B-011/20, B-012/20

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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

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](mailto:PWServiceRequests@peelregion.ca)

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

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

**Appendix A – Conditions of Provisional Consent**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A"68/20, "A"69/20 & "A"70/20)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, Forestry & Parks, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.
6. A letter shall be received from the City of Mississauga, Community Services Department, Heritage, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.
7. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 13, 2020.

**Notes:**

- The Decision to give Consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled within one year of the mailing date of the Decision of the Committee of Adjustment. [See subsection 53(17), (24) and (41) of the Planning Act.] One year from the mailing date of the Decision is expected to be March 2, 2021.
- Money in lieu of conveyance of land for park or other public recreational purposes and Development Charges may be payable at the time of the issuance of a Building Permit.

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A32/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested variances. However, the applicant may choose to defer the application to submit a building permit and verify the requested variances.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a two storey dwelling on the subject property proposing:

1. A building height measured to the highest ridge (north side) of 10.19m (approx. 33.43ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
2. A building height measured to the highest ridge (south side) of 9.76m (approx. 32.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. A building height measured to a flat roof of 8.38m (approx. 27.49ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance;
4. A building height measured from average grade to lower edge of eaves (north side) of 7.33m (approx. 24.05ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured from average grade to lower edge of eaves of 6.40m (approx. 21.00ft) in this instance;
5. A building height measured from average grade to lower edge of eaves (south side) of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured from average grade to lower edge of eaves of 6.40m (approx. 21.00ft) in this instance;
6. An interior side yard setback measured to the second storey (north side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback measure to the second storey of 1.81m (approx. 5.94ft) in this instance; and
7. An interior side yard setback measured to the second storey (south side) of 1.33m (approx. 4.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior

side yard setback measure to the second storey of 1.81m (approx. 5.94ft) in this instance; and

8. A driveway width of 9.58m (approx. 31.43ft) (including hammerhead) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

## Background

**Property Address:** 914 Hampton Crescent

### Mississauga Official Plan

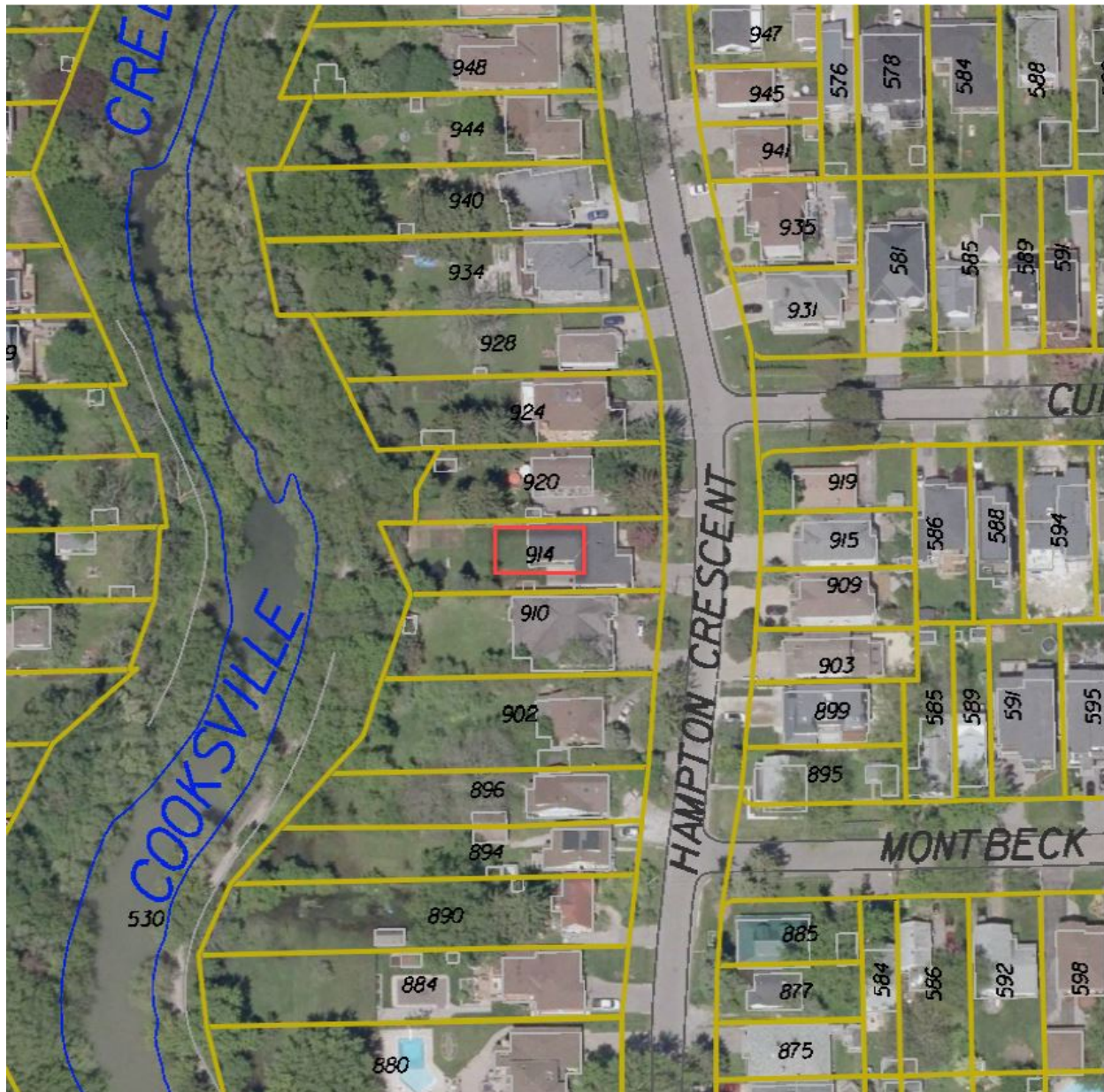
Character Area: Lakeview Neighbourhood  
Designation: Greenlands & Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 (Residential)

### Site and Area Context

The subject property is located with the Lakeview Neighbourhood Character Area, southwest of Cawthra Road and Lakeshore Road West. The neighbourhood consists of one and two storey detached dwellings with mature vegetation. The subject property contains a one storey detached dwelling with mature vegetation in the front yard. The application proposes a new two storey dwelling, requiring variances related to increased heights, driveway width and deficient interior side yard setbacks.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated “Greenlands” and “Residential Low Density II” in Schedule 10 of the Mississauga Official Plan (MOP). The Greenlands designation does not permit development of lots of record that can negatively impact abutting hazard lands and natural features. The residential designation permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The Credit Valley Conservation Authority has reviewed the minor variance application and has no objections to the requested variances. The Greenlands designation will not be negatively impacted due to this development. The proposed dwelling contains a number of variances related to height as a result of the design. The proposed design does not adversely affect the neighbourhood streetscape and does not continue throughout the entire roofline of the dwelling, maintaining the character of the surrounding area. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variances #1-5 proposes increased heights to the highest ridge, eave height and flat roof height. The intent of the infill height regulations is to lessen the visual massing of a dwelling while lowering the overall pitch of the roof and brining the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. Additionally, the reduced heights attempt to limit dwellings to two storeys to maintain compatibility with new and older dwellings. In this instance, the variances are a result of the design of the proposed dwelling. The highest ridge of the roof due to the slope has a peak of 10.19 m which does not continue throughout the entire roofline of the dwelling. One portion of the roof contains a height measured to the southerly ridge of 9.76 m which is a minor deviation from the zoning by-law that will not negatively impact the character streetscape. The flat roof portion of the dwelling makes up a small percentage of the front façade and does maintain a height of 8.38 m throughout the entire dwelling, mitigating any additional massing concerns. The proposed dwelling is also limited to two storeys, maintaining a human scale. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #6 and 7 propose a deficient interior side yard measured to the first and second storey of the dwelling. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. In this instance, the proposed side yards maintain the setbacks of the existing dwelling. The new two storey dwelling does not encroach further into the side yards, maintaining a sufficient setback to neighbouring properties. Furthermore, the proposed setback preserves access to the rear yard. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #8 proposes a driveway width of 9.58 m whereas 6 m is permitted. The increased width is due to the hammerhead portion of the driveway. The intent of the zoning 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 (front yard). The submitted site plan indicates that the subject property will have a soft landscaped area of 44.73%, greater than the 40% required within the by-law. Furthermore, the proposed width does not continue throughout the entire length of the driveway and is only extended for one portion of the driveway due to the hammerhead configuration. The proposed variance maintains a sufficient amount of soft landscaping within the front yard and does not represent excessive hard surfacing. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed dwelling contains features of varying sloped roofs and a flat roof requiring variances for increased heights. In this instance, the height of the sloped roof is broken up and does not continue at a height of 10.19 m throughout the entire dwelling. There is also a flat roof component that makes up a small percentage of the roof plan. Due to the design of the dwelling, the height is limited to two storeys and does not present any massing concerns to the character streetscape. The deficient interior side yard maintains the existing building footprint and does not encroach further than what currently exists. Furthermore, the proposed side yards maintain a sufficient separation to neighbouring properties and preserves access to the rear yard. The increased driveway width is measured to the widest point which does not continue through the entire length of the driveway. Additionally, the application maintains a sufficient soft landscaped area, reducing the impact of the additional hard surfacing. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances. However, the applicant may choose to defer the application to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

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.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Division notes that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variances may be required. It should be noted that a zoning review has not been completed.

Comments Prepared by: Sandra Morrison, Zoning Examiner

### Appendix 3 – Region of Peel Comments

#### Minor Variance Application: A-032/20

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](mailto:siteplanservicing@peelregion.ca)

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A56/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a Service Establishment use on the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

## Background

**Property Address:** 366 Revus Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Business Employment

### Zoning By-law 0225-2007

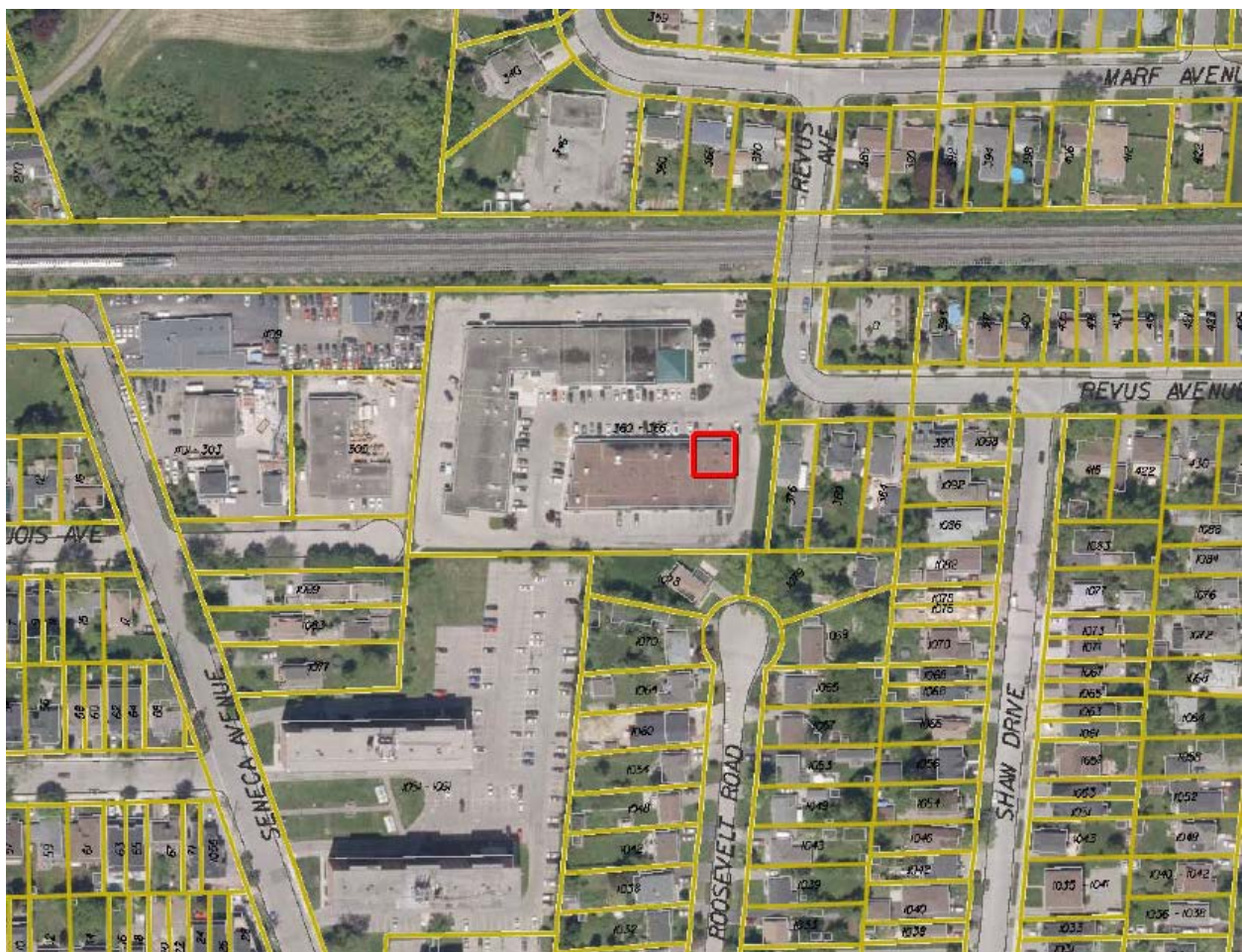
**Zoning:** E2-57 (Employment)

### Other Applications

Occupancy Permit: 20-216

## Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Lakeshore Road East and Seneca Avenue. The neighbourhood mostly consists of one and two storey residential dwellings. However, employment uses immediately about the subject property to the west. The subject property contains two, one storey employment buildings which contain commercial and office uses. The application proposes a new service establishment use whereas a service establishment is not permitted.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated “Business Employment” in Schedule 10 of the Mississauga Official Plan (MOP) which permits manufacturing, secondary office, research and development, among other uses. A personal service establishment use is only permitted in the Mixed Use and Convenience Commercial designations. The Business Employment designation is meant to limit commercial uses that would be more suited for mixed use areas involving commercial plazas that have more of a retail atmosphere. As a personal service establishment was not envisioned in the Business Employment designation, staff is of the opinion that the general intent and purpose of the official plan is not maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The subject property is zoned E2-57 (Employment) which permits uses similarly identified within the official plan such as manufacturing, office, technology facilities, etc. A personal service establishment as a primary use is only permitted in commercial zones. The intent of the by-law is to limit the type of commercial uses that are permitted on this site that would be more suitable for commercial plazas that contain more of a mixture of uses and retail element. The E2-57 is meant for higher order employment uses as a primary use. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The subject property is located within a neighbourhood, surrounded by mostly residential dwellings. The proposed use is a hypnosis clinic that would operate in a similar fashion to a medical clinic, thereby, not generating the same amount of traffic as other commercial uses. Furthermore, the proposed use can be used to serve the immediate neighbourhood. However, the application proposes to add a use in a zone that did not envision a personal service establishment. As such, while the proposed use may represent orderly development of the lands, the nature of the application is not minor.

## Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-216. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Comments Prepared by: Marco Palerma, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A57/20 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The Applicant requests the Committee to allow the existing stairs within the side yard to remain, proposing a side yard of 0.32m (approx. 1.05ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 0.60m (approx. 1.96ft), in this instance.

## Background

**Property Address:** 4105 Credit Pointe Drive

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R4 (Residential)

### Other Applications:

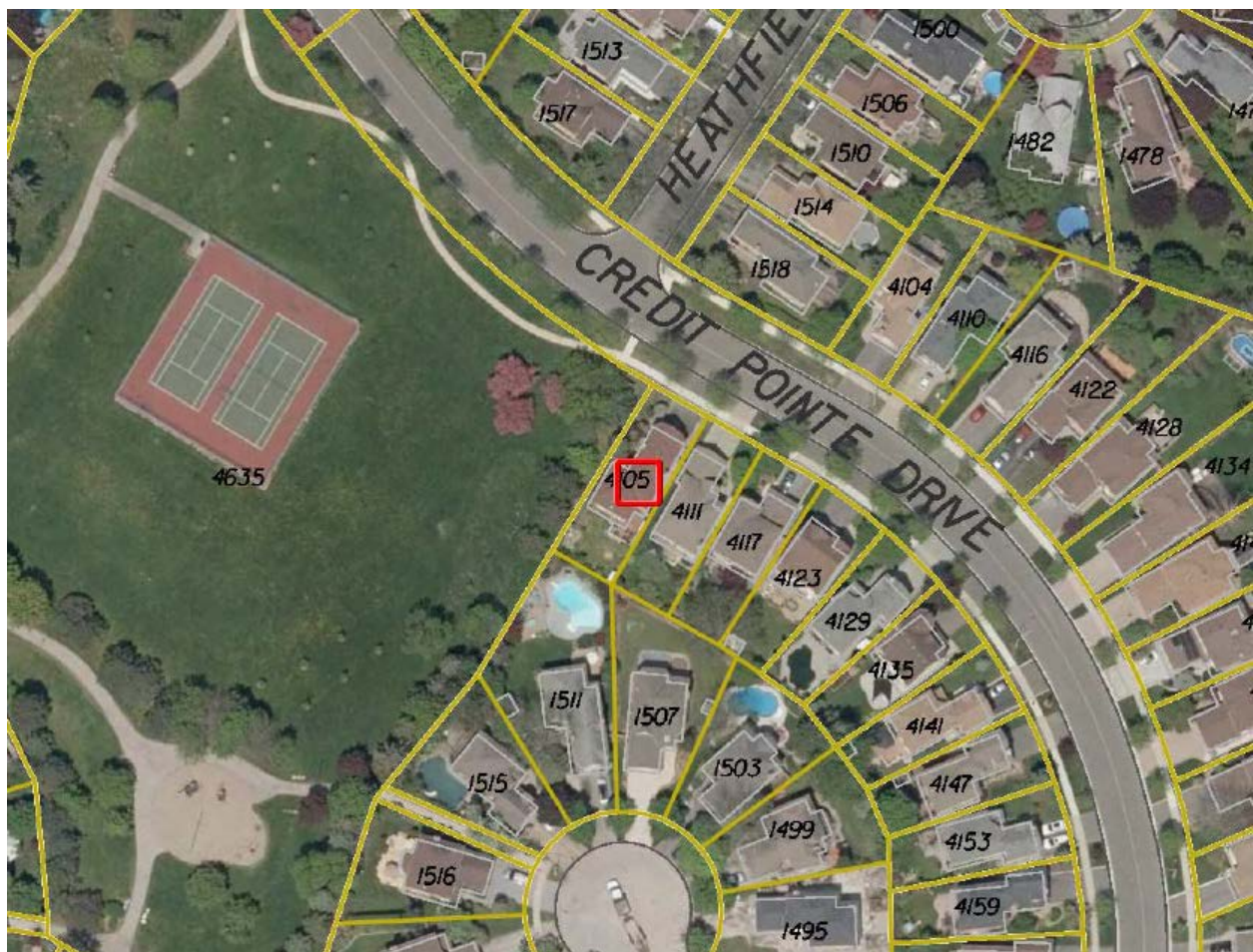
None



## Site and Area Context

The property is located south-west of the Creditview Road and Eglinton Avenue West intersection, and currently houses a two-storey detached dwelling, with an attached two-car garage. The subject lands are adjacent to the Credit Pointe Village park area to the east.

Contextually, the immediate area is comprised exclusively of detached dwellings of a mixed architectural style. The property in-question is an interior parcel, with a lot area of +/- 460m<sup>2</sup> and a lot frontage of 12.4m.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

Through a detailed review, 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.

## **Conclusion**

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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner



Comments Prepared by: David Martin, Supervisor Development Engineering

**Appendix 2 – Zoning Comments**

This Department notes that a Building Permit application is required. In the absence of a Building Permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Sandra Morrison, Zoning Examiner

**Appendix 3 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A58/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

The City has no objection to the variances, as requested.

## Application Details

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

1. A lot coverage of 33.50% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance; and,
2. A gross floor area of 336.03m<sup>2</sup> (approx. 3,617.00sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 276.13m<sup>2</sup> (approx. 2,972.24sq.ft), in this instance.

## Background

**Property Address:** 7626 Redstone Road

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II  
**Zoning By-law 0225-2007**

**Zoning:** R3-69 (Residential)

### Other Applications:

Building Permit: 19-9544

## Site and Area Context

The property is located north-east of the Airport Road and Thamesgate Drive intersection, and currently houses a one-storey, detached dwelling with a detached front-loaded garage. The immediate neighbourhood is predominantly detached dwellings; however, semi-detached dwellings are also present. Architecturally, the area is comprised primarily of post-war, 1 and 1.5 storey structures; however, this area of Malton has seen recent redevelopment in the form of larger, more contemporary styled replacement dwellings – prevalent on both Redstone Road as well as within the surrounding neighbourhood as a whole. The properties within the immediate area possess lot frontages of +/-15.7m. The Applicant is proposing to demolish the existing structure and replace it with a larger detached dwelling.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the Malton Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. 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 are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, 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.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(1) (R3 Exception Zones), the Zoning By-law permits a maximum lot coverage of 30.0%; whereas, the Applicant has proposed 33.5%. The general intent of this portion of the By-law is to ensure that individual lots are not visibly or disproportionately developed as it pertains to the overall size of a property. Staff note, no subsequent variances have been requested as it pertains to the associative setback regulations, and that the entirety of the massing is centrally located, whereby the proposed increase is somewhat mitigated. It is the opinion of Planning Staff that no additional undue impact is created as a result of the requested variance. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the By-law, as it pertains to infill development, is to ensure that individual properties are not overdeveloped, and that additional massing resultant of construction will not negatively impact the character of the neighbourhood. Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by multiple defined sections – the projecting bay windows and garage areas; the multiple roof sections, etc. – resulting in an unobtrusive design from a streetscape perspective. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

While the residential design of this neighbourhood has historically been single storey, or storey and a half structures, the proposed dwelling is in scale with the overall property as a whole, and, does not result in the over massing of the site. Staff further note, while infill zoning regulations

were enacted to restrict over-massing of dwellings within this community, the presence of larger developments within the immediate contextual area, especially as it pertains neighbouring properties, predate these regulations and support the proposal of a larger structure in this instance. The variances, as requested, result in both the orderly development of the lands, and whose impacts are minor in nature.

## Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-9544. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

#### Minor Variance Application: A-058/20

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](mailto:siteplanservicing@peelregion.ca)

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Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A59/20
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

The City has no objection to the variances, as amended.

## Application Details

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

1. A lot coverage of 33.67% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance; and,
2. A gross floor area of 327.76m<sup>2</sup> (approx. 3,527.98sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 266.41m<sup>2</sup> (approx. 2,867.61sq.ft), in this instance.

## Amendments

1. A lot coverage of 33.68% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance.

## Background

**Property Address:** 7684 Redstone Road

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-69 (Residential)

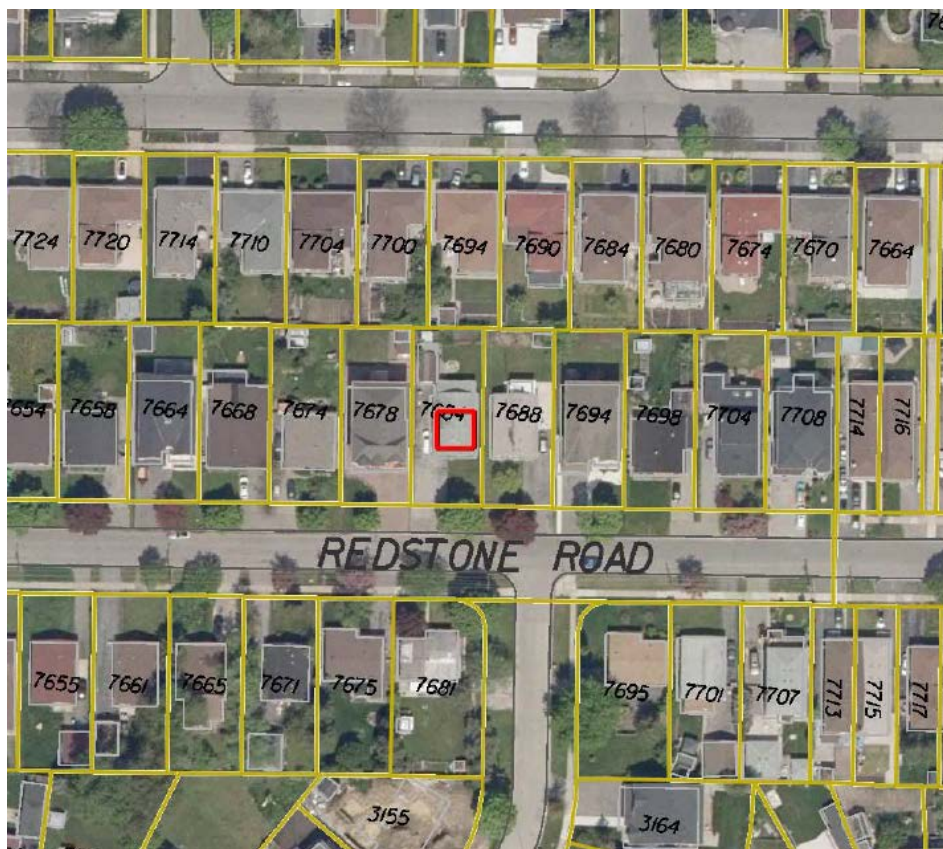


**Other Applications:**

Building Permit: 19-9545

**Site and Area Context**

The property is located north-east of the Airport Road and Thamesgate Drive intersection, and currently houses a one-storey, detached dwelling with a detached front-loaded garage. The immediate neighbourhood is predominantly detached dwellings; however, semi-detached dwellings are also present. Architecturally, the area is comprised primarily of post-war, 1 and 1.5 storey structures; however, this area of Malton has seen recent redevelopment in the form of larger, more contemporary styled replacement dwellings – prevalent on both Redstone Road as well as within the surrounding neighbourhood as a whole. The properties within the immediate area possess lot frontages of +/-15.7m. The Applicant is proposing to demolish the existing structure and replace it with a larger detached dwelling.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the Malton Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. 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 are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, has regard for the distribution of massing on the property as a whole. The variances, as amended, meet the purpose and general intent of the Official Plan.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(1) (R3 Exception Zones), the Zoning By-law permits a maximum lot coverage of 30.0%; whereas, the Applicant has proposed 33.68%. The general intent of this portion of the By-law is to ensure that individual lots are not visibly or disproportionately developed as it pertains to the overall size of a property. Staff note, no subsequent variances have been requested as it pertains to the associative setback regulations, and that the entirety of the massing is centrally located, whereby the proposed increase is somewhat mitigated. It is the opinion of Planning Staff that no additional undue impact is created as a result of the requested variance. Variance 1, as amended, maintains the purpose and general intent of the Zoning By-law.

Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the By-law, as it pertains to infill development, is to ensure that individual properties are not overdeveloped, and that additional massing resultant of construction will not negatively impact the character of the neighbourhood. Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by multiple defined

sections – the projecting bay windows and garage areas relative to the recessed entrance; the multiple roof sections, etc. – resulting in an unobtrusive design from a streetscape perspective. Variance 2, as amended, maintains the purpose and general intent of the Zoning By-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

While the residential design of this neighbourhood has historically been single storey, or storey and a half structures, the proposed dwelling is in scale with the overall property as a whole, and, does not result in the over massing of the site. Staff further note, while infill zoning regulations were enacted to restrict over-massing of dwellings within this community, the presence of larger developments within the immediate contextual area, especially as it pertains neighbouring properties, predate these regulations and support the proposal of a larger structure in this instance. The variances, as amended, result in both the orderly development of the lands, and whose impacts are minor in nature.

## **Conclusion**

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Pre-Zoning Permit application under file 19-9545. Based upon review of this Application, Staff notes that the Application should be amended as follows, permitting:

1. A lot coverage of 33.68% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

#### Minor Variance Application: A-059/20

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](mailto: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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A60/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City recommends that the application be deferred.

## Application Details

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

1. A gross floor area - infill residential of 409.60sq.m (approx. 4,408.90sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 352.19sq.m (approx. 3,790.94sq.ft) in this instance;
2. A height of 10.28m (approx. 33.73ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.16ft) in this instance;
3. A height measured to a flat roof of 7.90m (approx. 25.92ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to a flat roof of 7.50m (approx. 24.60ft) in this instance;
4. A maximum height measured to the eaves of 7.50m (approx. 24.60ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard of 7.00m (approx. 22.96ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.60ft) in this instance;
6. A garage projection of 0.71m (approx. 2.33ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance; and
7. A setback to a railway right of way of 11.11m (approx. 36.45ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right of way of 30.00m (approx. 98.43ft) in this instance.

## Amendments

1. A gross floor area - infill residential of 409.60m sq whereas By-law 0225-2007, as amended permits a maximum gross floor area - infill residential of 352.12m sq in this instance;

2. A height to the highest ridge of 10.64m whereas By-law 0225-2007, as amended, permits a maximum height - highest ridge of 9.50m in this instance;

3. A height measured to the flat roof of 8.26m whereas By-law 0225-2007, as amended, permits a maximum height to the flat roof of 7.50m in this instance;

6. A garage projection of 0.10m whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance;

7. A setback to a railway right of way of 13.47m whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right of way of 30.00m in this instance;

The flooring additional variances are required:

-A setback to the garage face of 7.00m whereas By-law 0225-2007, as amended, requires a minimum setback to a garage face of 7.50m in this instance;

-Excessive encroachment of a porch, inclusive of stairs, of 1.77m whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, of 1.60m in this instance;

## Background

**Property Address:** 1842 Balsam Avenue

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R3-2 (Residential)

### Other Applications

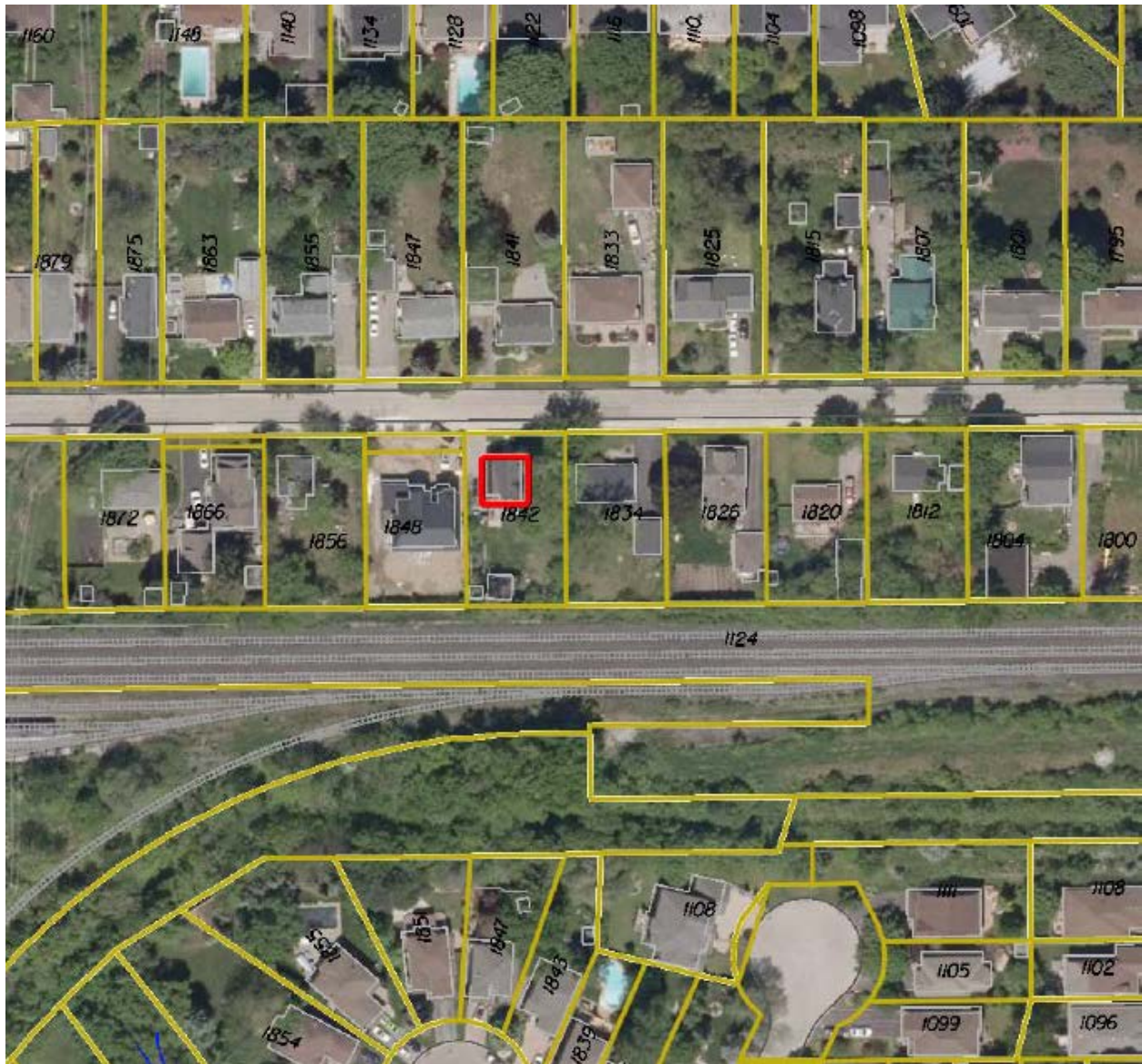
Pre-Zoning Application: 19-9634

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Clarkson Road North and the railway corridor. The neighbourhood consists of one



and two storey detached dwellings with mature vegetation. The subject property contains a two storey detached dwelling with mature vegetation along the easterly interior side yards. The applicant proposes to construct a new two storey dwelling, requiring variances for gross floor area (GFA), height, front yard setback, garage projection and railway setback.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

Through discussions with the Zoning Division, it appears additional variances will be required. The zoning comments in Appendix 2, has amended the application which has increased the height of the sloped roof and flat roof. A variance for a front yard setback measured to the garage and porch encroachment has been identified by zoning as additional variances. Furthermore, additional information has been requested to verify if further variances are required. Furthermore, planning staff notes that there are concerns with the overall height of the dwelling.

## Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under the future Site Plan application.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a pre-zoning application under file 19-9634. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

The following variances are to be revised as follows:

1. A gross floor area - infill residential of 409.60m sq whereas By-law 0225-2007, as amended permits a maximum gross floor area - infill residential of 352.12m sq in this instance;
2. A height to the highest ridge of 10.64m whereas By-law 0225-2007, as amended, permits a maximum height - highest ridge of 9.50m in this instance;
3. A height measured to the flat roof of 8.26m whereas By-law 0225-2007, as amended, permits a maximum height to the flat roof of 7.50m in this instance;
6. A garage projection of 0.10m whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance;
7. A setback to a railway right of way of 13.47m whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right of way of 30.00m in this instance;

The flooring additional variances are required:

-A setback to the garage face of 7.00m whereas By-law 0225-2007, as amended, requires a minimum setback to a garage face of 7.50m in this instance;

-Excessive encroachment of a porch, inclusive of stairs, of 1.77m whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, of 1.60m in this instance;

Comments Prepared by: Adam McCormack, Zoning Examiner

### **Appendix 3 – Region of Peel Comments**

#### **Minor Variance Application: A-060/20**

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](mailto:siteplanservicing@peelregion.ca)

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

### **Appendix 4 - Conservation Authority Comments**

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2014);
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;

5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

**SITE CHARACTERISTICS:**

The subject property is located within the Regulatory Storm Floodplain associated with Turtle 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).

**PROPOSAL:**

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A gross floor area - infill residential of 409.60sq.m (approx. 4,408.90sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 352.19sq.m (approx. 3,790.94sq.ft) in this instance;
2. A height of 10.28m (approx. 33.73ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.16ft) in this instance;
3. A height measured to a flat roof of 7.90m (approx. 25.92ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to a flat roof of 7.50m (approx. 24.60ft) in this instance;
4. A maximum height measured to the eaves of 7.50m (approx. 24.60ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
5. A front yard of 7.00m (approx. 22.96ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.60ft) in this instance;
6. A garage projection of 0.71m (approx. 2.33ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance; and
7. A setback to a railway right of way of 11.11m (approx. 36.45ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right of way of 30.00m (approx. 98.43ft) in this instance.

**COMMENTS:**

Based on the review of the information, CVC staff have **no concerns** to the requested minor variances. It should be noted however that CVC outstanding concerns related to floodproofing of the proposed house are to be addressed at the Site Plan approval stage. On this basis, CVC staff have **no objection** to the approval of this minor variance application by the Committee at this time.

A CVC permit is required for the proposed development as it is located within CVC Regulated Area.

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.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Iftekhan Ahmad, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A63/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested variance. However, the applicant may choose to defer the application to verify the accuracy of the requested variance.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new dwelling proposing a gross floor area of 386.07sq.m (approx. 4155.62sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 347.58sq.m (approx. 3741.32sq.ft) in this instance.

## Background

**Property Address:** 1300 Mineola Gardens

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

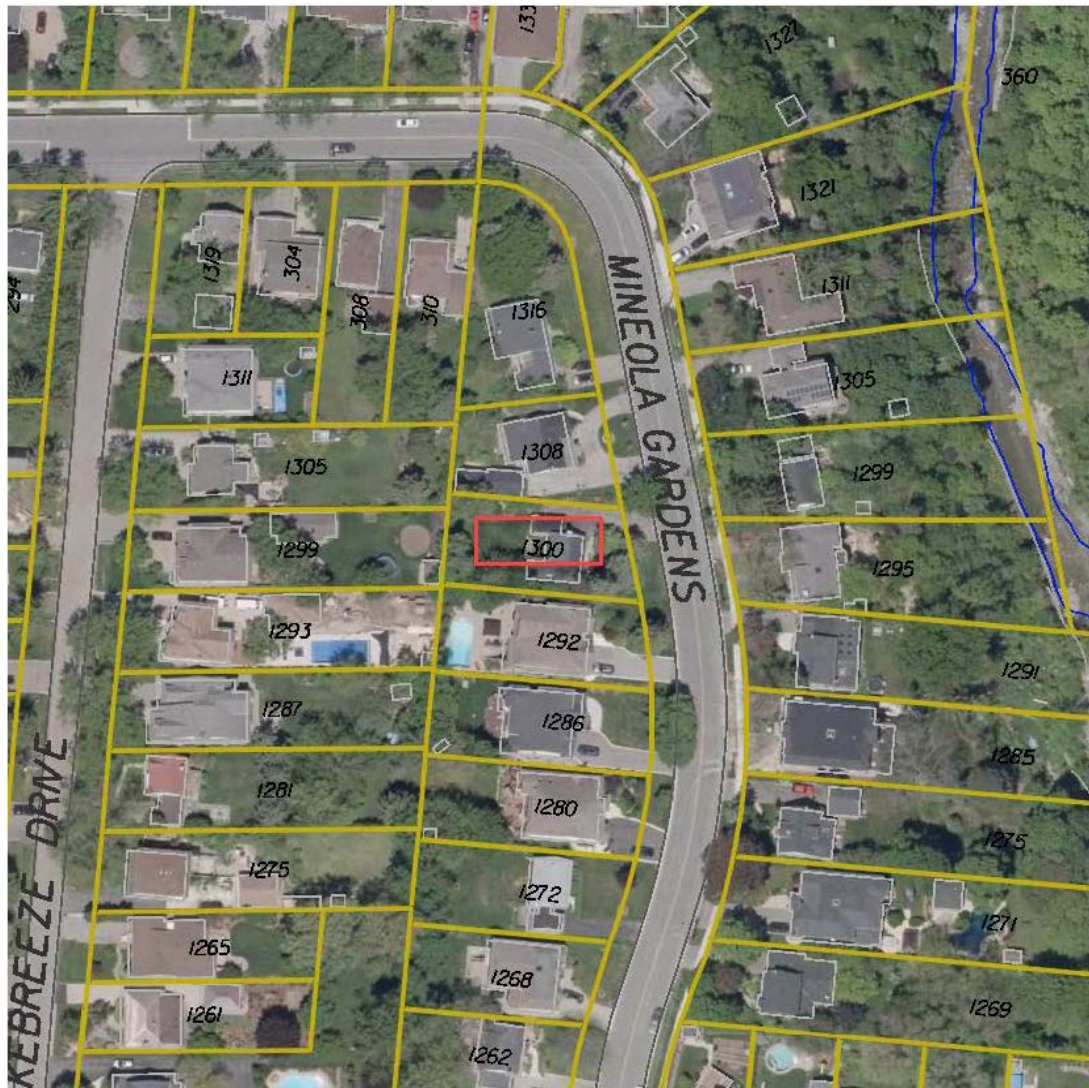
**Zoning:** R3-1 (Residential)

### Other Applications

Site Plan: 19-129

## Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, east of Hurontario Street and Mineola Road East. The neighbourhood consists of one and two storey detached dwellings with mature vegetation. The subject property contains a one storey detached dwelling with mature vegetation in the front yard. The application proposes a new two storey dwelling, requiring an increased gross floor area (GFA).



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

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 16.18.1.1 (Infill Housing), new development is to ensure that it has minimal impact on adjacent neighbours and fits the scale and character of the surrounding neighbourhood. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The requested variances maintain the general intent and purpose of the official plan.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The application proposes a GFA of 386.07 m<sup>2</sup> whereas a maximum of 347.58 m<sup>2</sup> is permitted. The intent in restricting GFA is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The proposed dwelling is similar to newer two storey dwellings within the immediate neighbourhood. The proposed dwelling maintains the remaining infill regulations and is sufficiently setback from adjacent properties, mitigating any potential impact. The sloped roof makes up 84.70% of the roofline, while the remaining portion of the roof is flat. The sloped roof mitigates the overall massing of the dwelling, maintaining compatibility of the character streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

#### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed dwelling is similar to newer two storey dwellings within the immediate neighbourhood, maintaining the existing and planned character of the neighbourhood. The proposed dwelling is sufficiently separated from adjacent properties and maintains the remaining infill regulations, thereby, mitigating the overall impact of the increased GFA. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variance, however, the applicant may choose to defer the application to verify the accuracy of the requested variance.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed through the Site Plan Application process, File SPI-19/129.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 19-129. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

### Appendix 3 – Region of Peel Comments

#### Minor Variance Application: A-063/20

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](mailto: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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A64/20
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested variances.

## Application Details

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

1. A building height measured to a flat roof of 7.59m (approx. 24.90ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
2. A building height measured to the eaves of 7.29m (approx. 23.92ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
3. A garage projection of 0.27m (approx. 1.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m (approx. 00.00ft) in this instance; and
4. A gross floor area of 380.35sq.m (approx. 4,094.05sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 333.74sq.m (approx. 3,592.35sq.ft) in this instance.

## Background

**Property Address:** 1314 Cawthra Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

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

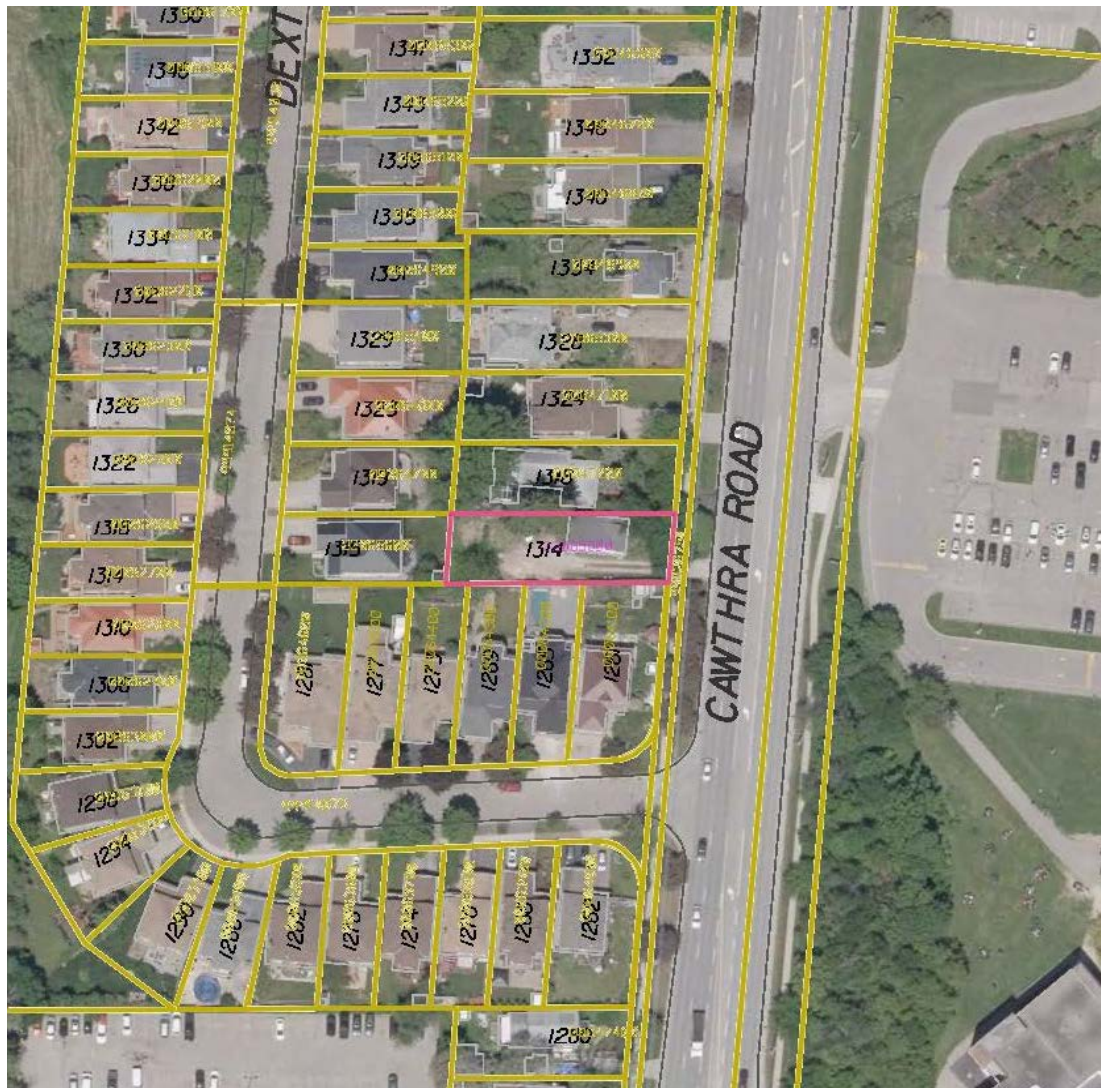
**Other Applications**

Pre-Zoning Application: 19-8211

**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, north of Atwater Avenue and Cawthra Road. The neighbourhood mostly consists of one and two storey detached dwellings with mature vegetation. The east side of Cawthra Road, across the subject property is Cawthra Park Secondary School. The subject property contains an older two storey detached dwelling with mature vegetation in the front and side yard.

The application proposes a new two storey dwelling, requiring variances related to height, garage projection and GFA.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

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 16.18.1.1 (Infill Housing), new development is to ensure that it has minimal impact on adjacent neighbours and reflects the scale and character of the surrounding neighbourhood. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The requested variances maintain the general intent and purpose of the official plan.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variances #1 and 2 proposes an increased height measured to the flat roof and eaves. The intent of the infill height regulations is to lessen the visual massing of a dwelling while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground, thus keeping the dwelling within a human scale. Additionally, the reduced heights attempt to limit dwellings to two storeys to maintain compatibility with new and older dwellings. The increased flat roof height is a minor deviation from the zoning by-law that will not have any additional undue impact to neighbouring lots. Most of the proposed roof is sloped and has a total height of 8.53 m, less than the 9 m permitted within the by-law, mitigating any potential impact of the increased eave height and maintaining a human scale. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a garage projection of 0.27 m whereas 0 m is permitted. The intent of this provision of the by-law is to ensure that the garage is not the main feature of the dwelling and is in line with the main face of the dwelling creating a consistent streetscape. In this instance, the proposed projection is in line with the porch and is a minor deviation from the zoning by-law which will not create an inconsistent streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes a GFA of 380.35 m<sup>2</sup> whereas a maximum of 333.74 m<sup>2</sup> is permitted. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. The proposed dwelling contains features such as a flat roof, sloped roof and parapets that break up the overall roofline, mitigating the overall massing of the dwelling. The proposed dwelling maintains the remaining infill regulations and is sufficiently setback from adjacent properties, mitigating any potential impact. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed dwelling is sufficiently setback from neighbouring lots mitigating any potential massing impacts. Furthermore, the proposed increased flat roof height is a minor deviation from the zoning by-law and will not cause any additional undue impact to abutting properties. The subject property fronts onto Cawthra Road and is located across Cawthra Park Secondary School, resulting in the proposed dwelling having minimal impact on the character of the

surrounding area. The proposed dwelling is compatible with the existing and planned area context. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## **Conclusion**

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under the future Site Plan application.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a preliminary zoning review application under file 19-8211. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 3 – Region of Peel Comments

#### Minor Variance Application: A-064/20

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](mailto: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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A65/20
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested variance, as amended. However, the applicant may choose to defer the application to verify if additional variances are required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing:

- A dwelling unit depth of 23.50m (approx. 77.10ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance; and
- A side yard measured to a pool shed (existing) of 1.75m (approx. 5.74ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a pool shed of 2.20m (approx. 7.22ft) in this instance.

### Amendments

- A dwelling unit depth of 23.52m (approx. 77.17ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;

## Background

**Property Address:** 1422 Aldo Drive

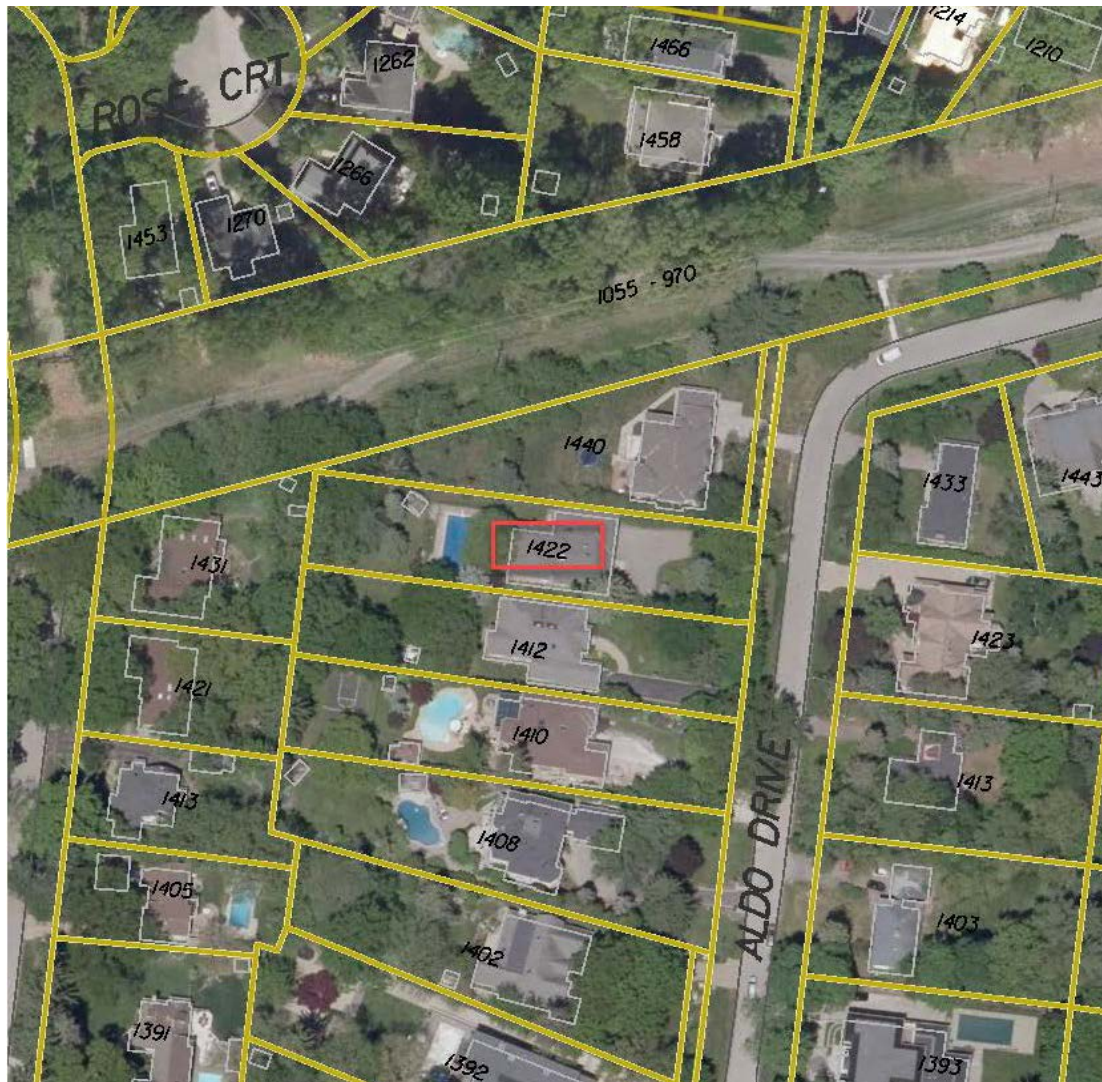
### Mississauga Official Plan

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



**Zoning By-law 0225-2007****Zoning:** R2-4 (Residential)**Other Applications****Site Plan:** 19-122**Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road and Indian Road. The neighbourhood consists of large lots with mature vegetation, containing one and two storey detached dwellings. The subject property contains a two storey dwelling with mature vegetation in the front and interior side yards. The application proposes variances related to an increased dwelling depth due to a second storey addition and a side yard measured to a pool shed.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated "Residential Low Density I" in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings.

As per Section 16.5.1.4 (Infill Housing) of MOP, the infill housing policies guide development to ensure that new development has minimal impact on its adjacent neighbours and encourages housing to fit the scale and character of the surrounding area. The proposed dwelling depth is similar to other dwellings within the immediate area and will not create additional massing impacts to the neighbouring lot. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The application proposes a dwelling depth of 23.52 m whereas a maximum of 20 m is permitted. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls along neighbouring lots as a direct result of the building massing. The addition encroaches an additional 3.65 m into the rear yard and is only located on the second storey. The ground floor maintains a depth of 19.76 m. There are similar existing conditions present throughout the immediate neighbourhood. The subject property maintains a southerly interior side yard setback of 2.76 m and is sufficiently setback from the neighbouring property, mitigating any potential massing impact of a long continuous wall. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Through discussions with the Zoning Division, variance #2 is not required. However, it is noted that more information has been requested to verify the height and area of the shed.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed addition encroaches an additional 3.65 m into the rear yard. The second storey within the front portion of the dwelling is setback from the covered porch and garage and does not represent a continuous depth of 23.52 m. The immediate area consists of dwellings with similar depths; therefore, the increased depth is not out of character with the surrounding area. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## **Conclusion**

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 if additional variances are required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed through the Site Plan Application process, File SPI-19/122.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 19-122. Based on review of the information currently available for this application, we advise that the following variance should be amended as follows:

2. A dwelling unit depth of 23.52m (approx. 77.17ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance;

More information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A66/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

The City recommends that the application be deferred to allow the Applicant the opportunity to submit the requested Parking Utilization Study.

## Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a condominium on the subject property proposing:

1. A floorplate of 920m<sup>2</sup> (approx. 9,902.80sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum floor plate of 850m<sup>2</sup> (approx. 9,149.32sq.ft), in this instance;
2. Glazing on 56% of the area of the 'A' Street Frontage streetwall; whereas, By-law 0225-2007, as amended, requires a minimum of 65% glazing of the area of the 'A' Street Frontage streetwall, in this instance;
3. Glazing on 22% of the area of the 'B' Street Frontage streetwall; whereas, By-law 0225-2007, as amended, requires a minimum of 50% glazing of the area of the 'B' Street Frontage streetwall, in this instance;
4. The first three storeys of the podium projecting beyond and behind the first storey of the streetwall by a maximum of 2.50m (approx. 8.20ft); whereas, By-law 0225-2007, as amended, does not permit the first three storeys of the podium to project beyond or behind the first storey of the streetwall, in this instance;
5. Parking to be provided at a rate of 0.9 resident spaces per unit and 0.147 visitor spaces per unit; whereas, By-law 0225-2007, as amended, requires parking to be provided at a rate of 1.0 resident spaces per unit and 0.15 visitor spaces per unit, in this instance;
6. Parking for restaurant uses to be included in the shared parking arrangement when less than 220m<sup>2</sup> of non-residential gross floor area; whereas, By-law 0225-2007, as amended, does not permit parking for restaurant uses to be included in the shared parking arrangement, in this instance; and,
7. 4.3 parking spaces per 100m<sup>2</sup> for restaurant uses; whereas, By-law 0225-2007, as amended, requires a minimum of 16 parking spaces per 100m<sup>2</sup> for restaurant uses, in this instance.

## Background

**Property Address:** 448 Burnhamthorpe Road West

### Mississauga Official Plan

**Character Area:** Downtown Core

**Designation:** Mixed Use

### Zoning By-law 0225-2007

**Zoning:** CC2-5 (City Centre)

### Other Applications:

**Site Plan Approval:** 19-36

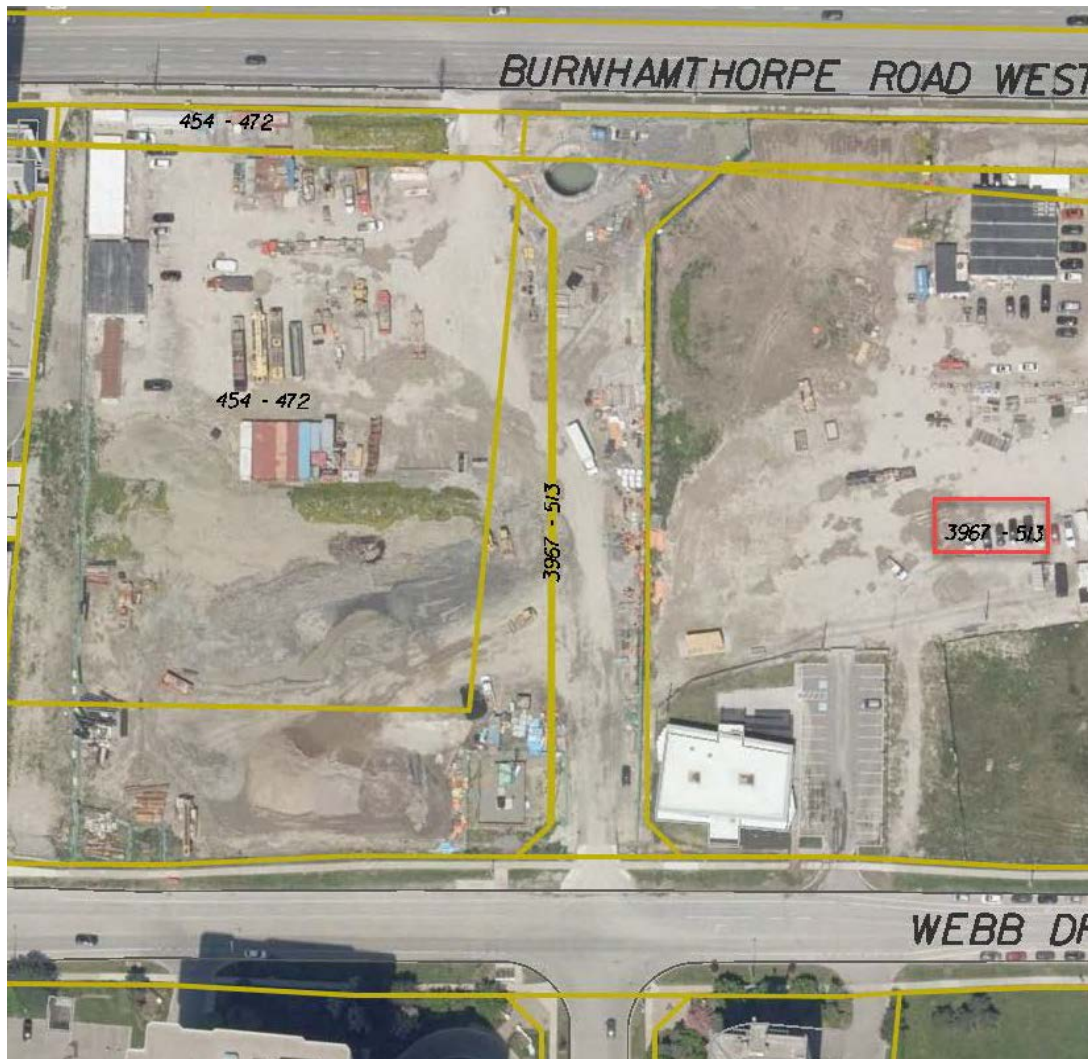
### Site and Area Context

The subject lands are a vacant exterior property located upon the south-west corner of the Burnhamthorpe Road West and Confederation Parkway intersection. In general, this area provides a transitional buffer between the high-rise structures of the downtown core and the detached dwellings that dominate both the surrounding southerly and westerly lands. The Applicant is proposing to erect three mixed-used buildings, consisting of: an 81-storey building; a 63-storey building; and, a 21-30 storey building.

As with most properties located within the Downtown Core, this property is subject to a Holding (H) Provision to ensure that any proposed development will, amongst other things, maintain the overall streetscape integrity of the surrounding area, as well as serve to facilitate the provision of adequate pedestrian connectivity points and amenity areas to the satisfaction of the City.

To this end, the Applicant is pursuing both a Zoning By-law Amendment application (HOZ 18-06), to lift the aforementioned H provision, as well as a Site Plan Approval application (SP 19-36), to facilitate the above proposal; with both applications under review by the Development Planning and Urban Design teams.





## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

#### Variances 1 – 4 (Structural Variances)

While the Applicant has proposed several amendments to the underlying zoning regulations; Planning Staff note, the nature of Variances 1 - 4 are inherently to address minor deficiencies to

the base zone for a design which has conceptually been approved by both the Urban Design and Development Planning team through their review of the Zoning By-law Amendment application HOZ 18-06 and Site Plan Approval application SP 19-36. To this end, the requested variances represent prescribed functional changes, reviewed in consultation with Municipal Staff, that in no way fundamentally change the underlying zoning.

To this end, the Planning and Building Department is of the opinion that the application is appropriate to be handled through the minor variance process. Further, Variances 1 – 4, as requested, raise no concerns of a planning nature.

Planning Staff recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if Variances 1 - 4, as requested, meet the requirements of Section 45(1) of the Planning Act.

#### Variances 5 - 7 (Parking)

In accordance with Table 3.1.2.1 (Required Number of Parking Spaces for Residential Uses), this zone regulates the required parking rate for various uses and dwelling types on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

While a Transportation Report (BA Group, Oct/2019) was prepared and submitted in conjunction to Site Plan Application SP 19-36; City Planning Strategies Staff note, the data provided as part of this study was incomplete and did not suitably justify the requested parking reduction.

City Planning Strategies contacted the Agent on February 4<sup>th</sup>, 2020, informing the Agent of the above and has yet to receive the requested information.

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 impacts are in fact minor in nature.

## **Conclusion**

Based upon the preceding information, the Planning and Building Department recommends that the application be deferred to allow the Applicant the opportunity to submit the requested information.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any that any Transportation and Works Department concerns/requirements for the proposed condominium will be addressed through the Site Plan Application and Building Permit Process. It should also be acknowledged that the city is currently processing and not yet finalized Application H-OZ 18 6 which would remove the existing 'H' Holding Zone Category on this property.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file 19-36. 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.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 20<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Consent Application:** B-010/20

**Minor Variance Applications:** A-056/20, A-057/20, A-061/20, A-062/20, A-065/20, A-066/20, A-067/20, A-068/20, A-069/20, A-070/20

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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-02-13	File(s): A 67/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-02-20

## Consolidated Recommendation

- The City does not object to the requested variance.

## Application Details

The applicant requests the Committee to approve a minor variance proposing a walkway attachment of 5.58m (approx. 18.31ft) whereas By-law 0225-2007, as amended, permits a walkway attachment of 1.50m (approx. 4.92ft) in this instance.

## Background

**Property Address:** 86 Oakes Drive

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-2

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northeast of Hurontario Street and Mineola Road East. The neighbourhood consists of large lots with significant mature vegetation that contain one or two storey detached dwellings. The subject

## Comments

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated "Residential Low Density I" in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings. As per Section 9.1 (Introduction) of MOP, site development will respect the experience, identity and character of the surrounding context. The proposed walkway attachment width does not negatively impact the soft landscaped area within the front yard, resulting in a consistent streetscape that maintains the character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The application proposes a walkway attachment of 5.58 m whereas 1.50 m is permitted. 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. While the 5.58 m is larger than what the by-law contemplates, the walkway does not maintain a width of 5.58 m throughout the entire walkway and significantly narrows preventing vehicular access. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The subject property has a lot frontage of 22.84 m which allows a larger driveway width as of right. The site plan indicates that currently there is a driveway width of 7.62 m, less than the maximum driveway width permitted by the by-law permits. The zoning by-law allows for an increased driveway width resulting in additional vehicular parking. In this instance, the proposed walkway attachment narrows to a width less than 2.60 m which is too narrow to allow for vehicular access. At the widest point, the walkway attachment does not add significant hard surfacing within the front yard of the subject property and will not negatively impact the soft landscaped area. Staff is of the opinion that the application represents orderly development and is minor in nature.

## **Conclusion**

The Planning and Building Department has no objections to the requested variance.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 67/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Division notes that a building permit is not required in this instance. It should be noted that a zoning review has not been completed. Based on information provided with this application, we are unable to confirm the accuracy of the requested variance or determine whether additional variances may be required.

Comments Prepared by: Sandra Morrison, Zoning Examiner

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Comments Prepared by: Tracy Tang, Junior Planner