



Committee of Adjustment

The following staff reports are current as of March 5th, 2020 at 3:30pm.

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

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

Location: COUNCIL CHAMBERS
Hearing: MARCH 12, 2020 AT 1:30 P.M.

1. CALL TO ORDER
2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST
3. REQUESTS FOR WITHDRAWAL/DEFERRAL
4. HEARINGS AS BELOW
5. OTHER BUSINESS & ANNOUNCEMENTS
6. ADJOURNMENT

NEW APPLICATIONS (CONSENT)

File	Name of Applicant	Location of Land	Ward
B-18/20 A-96/20 A-97/20	1751504 ONTARIO INC	795 FIRST ST	1

DEFERRED APPLICATIONS (CONSENT)

File	Name of Applicant	Location of Land	Ward
B-5/20 A-25/20 A-26/20	2647372 ONTARIO INC	185 – 187 WYNDHAM ST	11

NEW APPLICATIONS (MINOR VARIANCE)

File	Name of Applicant	Location of Land	Ward
A-83/20	ELSE & PAUL GRECH	2300 THORN LODGE DR	2
A-84/20	BARBARA GLADYSZ	1408 BROADMOOR AVE	1
A-85/20	SANDRA LYNN FALLON	900 CALDER RD	2
A-86/20	CASSIAN & MARINA FERREIRA	6353 WESTERN SKIES WAY	11
A-87/20	SAKUNTHALA BASKARAN & MUTHUKUMARASAMY BHASKARAN	1550 SOUTH GATEWAY RD # 217	3
A-91/20	222 LAKESHORE LTD	222 LAKESHORE RD E	1
A-92/20	ANNABELLA & KEVIN MAYNARD	1873 DELANEY DR	2
A-93/20	BALJINDER K DEOL/ DALJIT SINGH/ RANJIT KAUR WASAKHA SINGH	28 CATTRICK ST	5
A-94/20	1930378 ONTARIO INC-91 EGLINTON LIMITED PARTNERSHIP	91 EGLINTON AVE E	5
A-95/20	KAGAWONG ENTERPRISES INC	6950 TOMKEN RD	5
A-98/20	DANIEL & LETICIA MULLIN	281 LAKESHORE RD E & 3 HIAWATHA PARKWAY	1

DEFERRED APPLICATIONS (MINOR VARIANCE)

File	Name of Applicant	Location of Land	Ward
A-303/19	2688616 ONTARIO INC.	376 REVUS AVE	1
A-460/19	ANTONETTE BORG ESTRELA & JOSE B ESTRELA	1499 TROTWOOD AVE	1
A-66/20	ROGERS TELECOMMUNICATIONS LTD	448 BURNHAMTHORPE RD W	7

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: 2020-03-04 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B18/20 A96/20 & A97/20 Ward: 1
	Meeting date: 2020-03-12

Consolidated Recommendation

The City recommends that the application be deferred to submit the required site plan and building elevations.

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 8.36m (27.43ft) and an area of approximately 334.00sq.m (3,595.15sq.ft).

A minor variance has been requested for the Severed lands (A97/20) proposing:

1. A lot frontage of 8.36m (approx. 27.43ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 334.00sq.m (approx. 3,595.15sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot coverage of 38% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance;
4. An interior side yard (southerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the first storey of 1.81m (approx. 5.94ft) in this instance;
5. An interior side yard measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measure to the second storey of 2.41m (approx. 7.91ft) in this instance
6. An interior side yard (northerly) measured to the first storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the first storey of 1.81m (approx. 5.94ft) in this instance; and

City Department and Agency Comments	Files: B18/20, A96/20, A97/20	2020/03/04	2
-------------------------------------	-------------------------------	------------	---

7. An interior side yard (northerly) measured to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance.

A minor variance has been requested for the Retained lands (A96/20) proposing:

1. A lot frontage of 11.65m (approx. 38.22ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance;
2. A lot area of 501.90sq.m (approx. 5,402.41sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq.m (approx. 7,750.01sq.ft) in this instance;
3. An interior side yard measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the first storey of 1.81m (approx. 5.94ft) in this instance;
4. An interior side yard measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 2.41m (approx. 7.91ft) in this instance; and
5. An exterior side yard of 4.50m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.68ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A96/20 & A97/20 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A96/20 & A97/20 shall lapse if the consent application under file B18/20 is not finalized within the time prescribed by legislation.

Background

Property Address: 795 First Street

Mississauga Official Plan

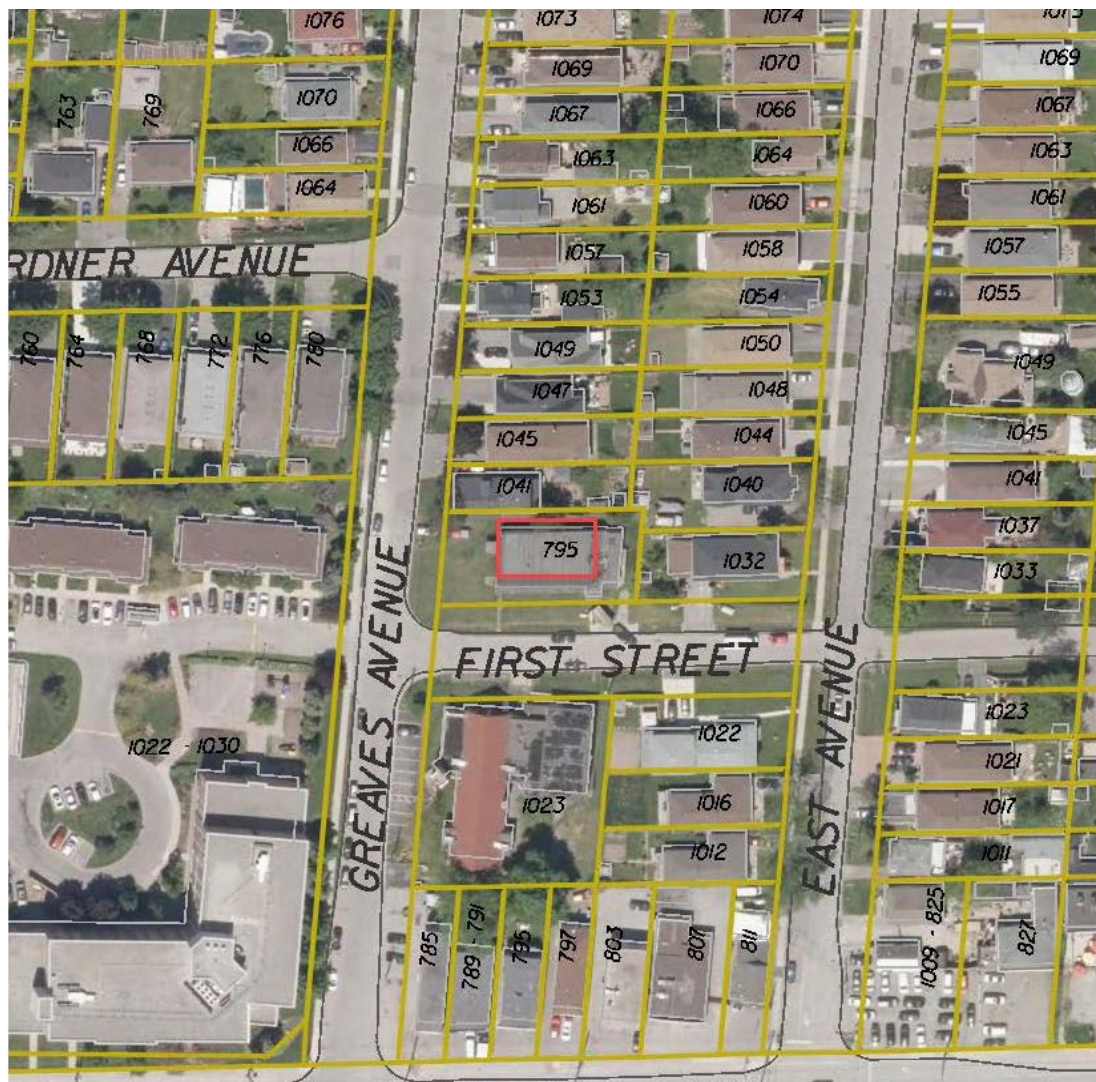
Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood contains a mix of lot frontages ranging from +/- 9 m to +/- 15 m, housing one and two storey detached dwellings. The subject property contains a one storey detached dwelling, with no mature vegetation. The application proposes to sever the existing lot for the purpose of developing two detached dwellings, requiring variances related to lot frontages, areas, lot coverage and side yards.



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 retained parcel proposes a lot frontage of approximately 11.72 m and lot area of 501.90 m² whereas a lot frontage of 19.50 m and lot area of 720 m² is required.

The severed parcel proposes a lot frontage of approximately 8.36 m and lot area of 334 m² whereas a lot frontage of 15 m and lot area of 550 m² is required.

The subject property is designated "Residential Low Density II" in Schedule 10 of the Mississauga Official Plan, 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, 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. Furthermore, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area due to the eclectic lot fabric. The immediate area consists of lots that have frontages as low as approximately 9 m. The proposed lots are generally in line with the existing and planned character of the area. Recognizing that intensification does not have to mirror existing development, the proposed severance is sensitive to the existing and planned character of the neighbourhood and will not result in significant adverse impacts to the community.

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 is suitable for the purpose of developing two detached dwellings.

Through a review of the minor variances, staff cannot determine the appropriateness of the requested variances as site plans and elevations were not submitted with the application.

Conclusion

The Planning and Building Department recommends that the applications be deferred to submit a site plan and building elevations.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have reviewed the application and have a concern with the proposed severance line. We question why the applicant is proposing a staggered property line between the two parcels. There are no plans/drawings included with the application to support the requested lot configuration. This department would recommend that the application be **deferred** until such time as the applicant provides further information to support the requested severance.

Should Committee receive sufficient information from the applicant and wish to proceed with the application and see merit in the applicant's request, we provide the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Site Plan Requirement

An overall Site Plan (for the entire lands) depicting the proposed building/structures on site, access geometrics, parking spaces, driveways and access areas, etc. is to be provided in order to better clarify the 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. 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.

4. Environmental Site Assessment (ESA)

There have been Minor Variances for the storage and warehousing of non-perishable food items on this property; therefore, a completed Environmental Site Screening Questionnaire Declaration (ESSQD) form (Rev. 2015-02-09), signed and dated by the owner, and witnessed

by a commissioner of oaths, must be submitted to the Transportation and Works Department for review.

Upon review of the ESSQD, a Phase 1 Environmental Site Assessment (ESA) may be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

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

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

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 375mm dia. Storm sewer on First Street. Please note where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

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

We note that any Transportation and Works Department concerns/requirements for the Minor Variance applications for this property will be addressed under Consent Application 'B' 18/20.

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 – Parks, Forestry & Environment

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 \$3,536.64 for the planting of six (6) street trees on First Street and Greaves 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.

City Department and Agency Comments	Files: B18/20, A96/20, A97/20	2020/03/04	9
-------------------------------------	-------------------------------	------------	---

In addition, Community Services notes the following:

1. 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.
2. 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.
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 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

Consent Application: B-018/20

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

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang

City of Mississauga

Memorandum:

City Department and Agency Comments

Appendix 5 – Bell Canada

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

Bell Canada would like to confirm that the severed and the retained lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial facilities as can be accommodated would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Comments Prepared by: Carrie Gordon, External Liaison

Appendix A – Conditions of Provisional Consent

Schedule 1

Conditions

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"96/20 & "A"97/20)
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 March 4, 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 March 4, 2020.
6. A letter shall be received from Bell Canada, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 4, 2020.

Lot Creation

- a. The variance application approved under File(s) A96/20 & A97/20 must be finalized.

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 23, 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: 2020-03-05 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B5/20 A25/20 & A26/20 Ward: 11
	Meeting date: 2020-03-12

Consolidated Recommendation

The City recommends that the application be deferred to allow the Credit Valley Conservation Authority to complete their review.

Application Details

The applicants request the approval of the Committee to sever a parcel of land for the creation of a new lot. The severed parcel of land has a frontage of approximately 18.29m (60.01ft) and an area of approximately 569.10sq.m (1867.13sq.ft).

A minor variance is requested for the Retained lands (file A25/20), proposing:

1. A rear yard of 7.23m (approx. 23.72ft); whereas, By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft), in this instance; and,
2. A driveway setback of 0.00m; whereas, By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 19.67ft), in this instance.

A minor variance is requested for the Severed lands (file A26/20) proposing:

1. A setback to a G1 Zone of 0.90m (approx. 2.95ft); whereas, By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone of 7.50m (approx. 24.61ft), in this instance;
2. A front yard of 5.39m (approx. 17.68ft); whereas, By-law 0225-2007, as amended, requires a minimum front yard 7.50m (approx. 24.61ft), in this instance; and,
3. A driveway setback of 0.00m whereas; By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 19.67ft), in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A25/20 & A26/20 must be finalized

City Department and Agency Comments	Files: B5/20, A25/20, A26/20	2020/03/05	2
-------------------------------------	------------------------------	------------	---

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A25/20 & A26/20 shall lapse if the consent application under file B5/20 is not finalized within the time prescribed by legislation.

Background

Property Address: 185 - 187 Wyndham Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I, Greenlands

Zoning By-law 0225-2007

Zoning: R3 (Residential), G1 (Greenland)

Other Applications:

Pre-Zoning: 19-5878

Site and Area Context

The subject lands associated with applications 'B' 5/20, 'A' 25/20, and 'A' 26/20, are located north-east of the Main Street and Queen Street intersection, and currently house two detached dwellings. The immediate neighbourhood consists of a variety of residential uses ranging from detached dwellings to apartment units. The subject lands are bounded to the rear by a portion of the Credit River.

The Applicant is proposing to sever the subject lands to create two individual properties. The severed lands will have a lot frontage of 18.29m and a lot area of 569.1m²; whereas, the retained lands, as submitted, will have a lot frontage of 74.21m and a lot area of 7,646.1m². Neither resulting properties, as submitted, require variances pertaining to lot creation; however, as both existing structures are to remain, variances are required to legalize the existing site conditions, as well as to provide relief due the newly created rear lot line resultant of a land conveyance to the City.



Comments

Planning

Planning Staff note, the above application was brought before the Committee on January 23rd, 2020, under applications: 'B' 5/20; 'A' 25/20; and, 'A' 26/20. At this time, Committee deferred the application to allow the Applicant the opportunity to submit supplementary information to the satisfaction of the Credit Valley Conservation Authority (CVC). At the time of writing, this requested information remains outstanding.

In their submission to Planning Staff, the Applicant has failed to identify the stable top of bank, as it pertains to the retained parcel. Planning Staff would highlight Community Service Department's Memorandum to Committee (Feb/28/2018), requesting the gratuitous dedication

of environmentally sensitive lands to the City's benefit, which may serve to potentially significantly decrease the lot area of the retained parcel. As such, Planning Staff's comments are based solely upon the submitted site plan (Tony Stauskas Surveying Inc., Jan/2019), which identifies no required variances for lot creation. This Department would not support any variance resulting in the creation of undevelopable parcels of land.

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.

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 must be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

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

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

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

The site is situated within the Streetsville Neighbourhood Character Area, and designated Residential Low Density I and Greenlands by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings.

Chapter 5 of MOP states that when new development is set to occur within Neighbourhoods, such construction is to be sensitive to the existing and planned character of the area. It is the opinion of Planning Staff that the lot sizes, as proposed, are both consistent and compatible to the existing character area; noting, no variances have been requested at this time for either lot frontage or lot area. To this end, the Applicant's proposal has sufficient regard for the existing lot fabric and is reflective of the contemporary proprieties found within the immediate area. It is the opinion of Planning Staff that, based on the submitted information, 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?

As per Zoning By-law 0225-2007, the subject property is zoned R3 (Residential). Pursuant to Table 4.2.1 (R1 to R5 Permitted Uses and Zone Regulations), the Zoning By-law requires a minimum lot area of 550m², and a minimum lot frontage of 15.0m; whereas, the Applicant is proposing properties with areas of 569.1m² (severed) and 7,646.1m² (retained); and frontages of 18.29m (severed) and 74.21m (retained), at this time. The proposed lots, as submitted, are appropriately sized for the context of the neighbourhood and represent the appropriate development of the lands, exceeding the requirements of the Zoning By-law. This consent application, as submitted, maintains the general intent and purpose of the Zoning By-law.

Yard Setbacks

The general intent of the Zoning By-law in regulating associative yard setbacks on a property is to ensure that adequate buffers between primary structures on adjoining properties are maintained, as well as to create appropriate amenity areas within the resulting associate yards. While the proposal does result in subsequent deficiencies in this regard; Planning Staff note, in the case of the 'A' 25/20, the proposed amendment is extremely marginal in nature, especially in view of the overall size of the property as a whole; or, in the case, of 'A' 26/20, represents a legal non-conforming condition. It is the view of Planning Staff that Variance 1 ('A' 25/20), and Variance 2 ('A' 26/20), meet all criteria established by Section 45(1) of the Planning Act.

Driveway Setbacks

Pursuant to Table 4.1.9(4) (Driveways and Parking) and Table 4.2.1 (12.4) (R1 to R5 Permitted Uses and Zone Regulations), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the Applicant has proposed 0.0m, in this instance. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and that it is large enough to mitigate any potential drainage concerns. While Planning Staff recognize that the relief sought represents an existing condition; this Department cannot support a 0m setback, noting that such a variance does not have sufficient regard for the intent of the Zoning By-law, nor representative of the orderly development of the lands.

Setback to G1-Zone

The Zoning By-law requires a setback to a G-1 Zone of 7.5m; whereas, the Applicant has proposed 0.9m, in this instance. The intent of this portion of the By-law is to ensure that proposed development will not pose a significant or lasting negative impact to the neighbouring environmentally sensitive lands. Planning Staff note, satisfactory review of the Applicant's evidence in this regard remains outstanding by the Credit Valley Conservation Authority (CRCA). As such, Planning Staff cannot determine the extent in which the proposed setback will negatively influence the adjacent G-1 zone, and, consequently, if the variance maintains the purpose and general intent of the Zoning By-law in protecting these environmental features.

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

As the appropriate environmental studies have yet to be satisfactory reviewed, and it has yet to be determined the nature in which the proposal may negatively impact the environmentally sensitive features of the site; Planning Staff are unable to determine whether this application 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 Credit Valley Conservation Authority to complete their review.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

A. Items Required Prior to the Issuance of Final Consent

1. Establishment of Top of Bank Approved by the City and Credit Valley Conservation

Confirmation will be required that satisfactory arrangements have been made with regards to the establishment of the top of bank and gratuitous dedication to the City as Greenlands (G1). The Community Services Department and Credit Valley Conservation Authority are to stake out the top-of-bank and natural features in order to establish the limits of the top of bank lands to be dedicated gratuitously the City.

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. It should also be acknowledged that any drainage is to be directed towards Wyndham Street and not towards the valley lands to the rear as direct concentrated or channelized surface runoff flowing directly over the slope of the valley lands will not be permitted.

3. Geotechnical Reports

A Geotechnical Investigation/Slope Stability & Streambank Erosion Study prepared by Terraprobe Inc. (dated November 15, 2019) has been prepared for this property to determine the prevailing subsurface soil and ground water conditions and detailed visual slope inspection of the site. Acknowledging that the applicant has submitted a Geotechnical Report which is currently being reviewed by the Credit Valley Conservation and our department, we are advising that any Slope Protection and Maintenance Considerations identified in the report such as the site grading and drainage being designed to prevent direct concentrated or channelized surface runoff from flowing over the slope must be implemented in the site development and construction of any dwellings on the subject lands.

4. Road Widening on Wyndham Street

The applicant is to gratuitously dedicate to the City of Mississauga a road allowance widening of only 1.20m towards the ultimate 15.0 m right-of-way for Wyndham Street as identified in the City's Official Plan. The proposed road widening will allow for the future construction of a municipal sidewalk across the frontage of the subject lands. The dimensions related to right-of-way width and required widening are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Christopher Fiacco from our Traffic Section at 905 615-3200 ext. 3923.

5. Environmental Site Assessment (ESA) for Greenlands (G1) Dedication of Credit River

As this department is requesting the gratuitous dedication of lands below the established top of bank or stable slope line of the Credit River, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required only for the lands to be dedicated to the City of Mississauga. The report must include the following:

- a) Specifically reference lands to be dedicated to the City;
- b) the boundaries of conveyance lands must be overlaid on top of a legal survey to scale in order to represent the legal boundaries of these lands;
- c) be completed in accordance with O. Reg. 153/04 ;
- d) be signed and dated by a Qualified Person (as defined by section 5 and 6 under O. Reg. 153/04, as applicable);
- e) Include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the reports to the same extent as to the property owner. The wording of the reliance must meet the City's sole and unfettered satisfaction.

The template is provided on the City's website under Terms of

Reference: <http://www.mississauga.ca/portal/residents/terms-of-reference>

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that

appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

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

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 land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

7. Services to Existing Dwellings

The owner of the subject lands is to review their records and be satisfied that any underground services to 185 and 187 Wyndham Street are located such that the services are confined within the limits of their own property. Should it be determined that there are any services which will conflict with the new property limits, the owner would have the option of abandoning that service(s) and arranging for the construction of a new service(s) in the proper location, or alternatively protect it by means of a private easement.

8. Development Agreement

A Development Agreement may be required for Warning Clauses or any potential restrictions based on the review of items A.1.-A.4.. Should a Development Agreement not be required, this condition would be deemed satisfied.

B. GENERAL INFORMATION

1. Servicing

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

2. Access

We advise the applicant that all costs incurred in providing any new driveway entrance 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

City Department and Agency Comments	Files: B5/20, A25/20, A26/20	2020/03/05	10
-------------------------------------	------------------------------	------------	----

3. Lot Grading and Drainage

We advise the applicant that issuance of a building permit for any new dwelling 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.

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

We note that any Transportation and Works Department concerns/requirements for the Minor Variance applications for this property will be addressed under Consent Application 'B' 5/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Applicant is advised that a full zoning review has not been completed. This Division has no objection to the consent application, provided that the severed and retained lands 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.

Further, the Building Department is currently processing a Building Permit application under file 19-5878. 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: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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 at \$589.44) street trees on Wyndham Street. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
2. Prior to the preparation of plans, the applicant is to contact Community Services - Park Planning to coordinate a site visit for site staking with appropriate staff from the Conservation Authority and the City. The plans must identify the top of bank, Regional storm floodline, stable valley slope, and/or woodland boundary/dripline to the satisfaction of the pertinent Conservation Authority and the City.
3. All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including any associated buffers, shall be gratuitously dedicated to the City for conservation purposes to the satisfaction of the Conservation Authority and City.

The proposed greatest environmental constraint shall be consistent with the Greenlands Overlay which are designated Significant Natural Area in the Mississauga Official Plan. The Greenlands Overlay also applies to lands within the Regulatory Floodplain, Special Policy Areas and the Lake Ontario Waterfront as identified in the Official Plan. Deviation from this established framework may require additional studies to assess the environmental impact on the Natural Heritage System.

The lands to the rear of the property are identified as Significant Natural Area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

The subject property is located directly adjacent to Significant Natural Hazard Lands known as the Credit River. Placing the natural hazard lands into public ownership will strengthen the connection to Credit River and contribute to the protection and enhancement of the Natural Heritage System.

4. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards, along City Owned lot lines. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
5. The applicant shall provide securities for the fencing in the amount of \$8,750.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section. Gates will not be permitted in the fence.
6. Submit a draft Reference Plan identifying the lands to be dedicated to the City.

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

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.
3. The applicant shall address conditions required by the City of Mississauga's Transportation and Works Department prior to the issuance of final consent.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Comments for Informational Purposes:

Deferred Consent Application: DEF-B-005/20

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

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or

retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. 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

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

Development Planning: Tracy Tang (905) 791-7800 x7190

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

Deferred Minor Variance Applications: DEF-A-025/20, DEF-A-026/20

Development Planning: Tracy Tang (905) 791-7800 x7190

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

Comments Prepared by: Tracy Tang

City of Mississauga

Memorandum:

City Department and Agency Comments

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"25/20 & "A"26/20)
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 March 5, 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 March 5, 2020.

Lot Creation

- a. The variance application approved under File(s) A25/20 & A26/20 must be finalized.

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 23, 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: 2020-03-05	File(s): A83/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

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 45 (1) of the Planning Act.

Application Details

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

1. A walkway width of 7.01m (approx. 23.00ft), whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
2. A setback to a G1 Zone (Greenlands) measured to a driveway of 3.75m (approx. 12.30ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a driveway of 5.00m (approx. 16.40ft) in this instance;
3. A setback to a G1 Zone (Greenlands) measured to a one storey addition (rear) of 2.91m (approx. 9.54ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to the first storey of 5.00m (approx. 16.40ft) in this instance;
4. A setback to a G1 Zone (Greenlands) measured to a second storey addition (side yard) of 3.31m (approx. 10.86ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a second storey of 5.00m (approx. 16.40ft) in this instance;
5. A setback to a G1 Zone (Greenlands) measured to a garage roof overhang of 4.26m (approx. 14.00ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a garage roof overhang of 5.00m (approx. 16.40ft) in this instance;
6. A setback to a G1 Zone (Greenlands) measured to the eaves of the first storey addition of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to the eaves of a first storey of 5.00m (approx. 16.04ft) in this instance;
7. A setback to a G1 Zone (Greenlands) measured to the eaves of a second storey addition of 2.68m (approx. 8.80ft) whereas By-law 0225-2007, as amended, requires a

minimum setback to a G1 Zone (Greenlands) measured to the eaves of a second storey of 5.00m (approx. 16.04ft) in this instance;

8. A setback to G1 Zone (Greenlands) measured to a concrete patio of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a concrete patio of 5.00m (approx. 16.04ft) in this instance; and
9. A front yard porch encroachment of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, permits a maximum front yard porch encroachment of 1.60m (approx. 5.25ft) in this instance.

Recommended Conditions and Terms

Given that the subject lands are not subject to site plan control, should the application be approved, Community Services provides the following notes:

1. The applicant shall provide horizontal tree hoarding to the dripline adjacent to G1 lands to the satisfaction of City of Mississauga Park Planning Staff. Please call Jim Greenfield at 905-615-3200 ext. 8538 to arrange a hoarding inspection.
2. Stockpiling of construction materials and encroachment in the adjacent park is not permitted including construction access.

Background

Property Address: 2300 Thorn Lodge Drive

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R2 (Residential)

Other Applications

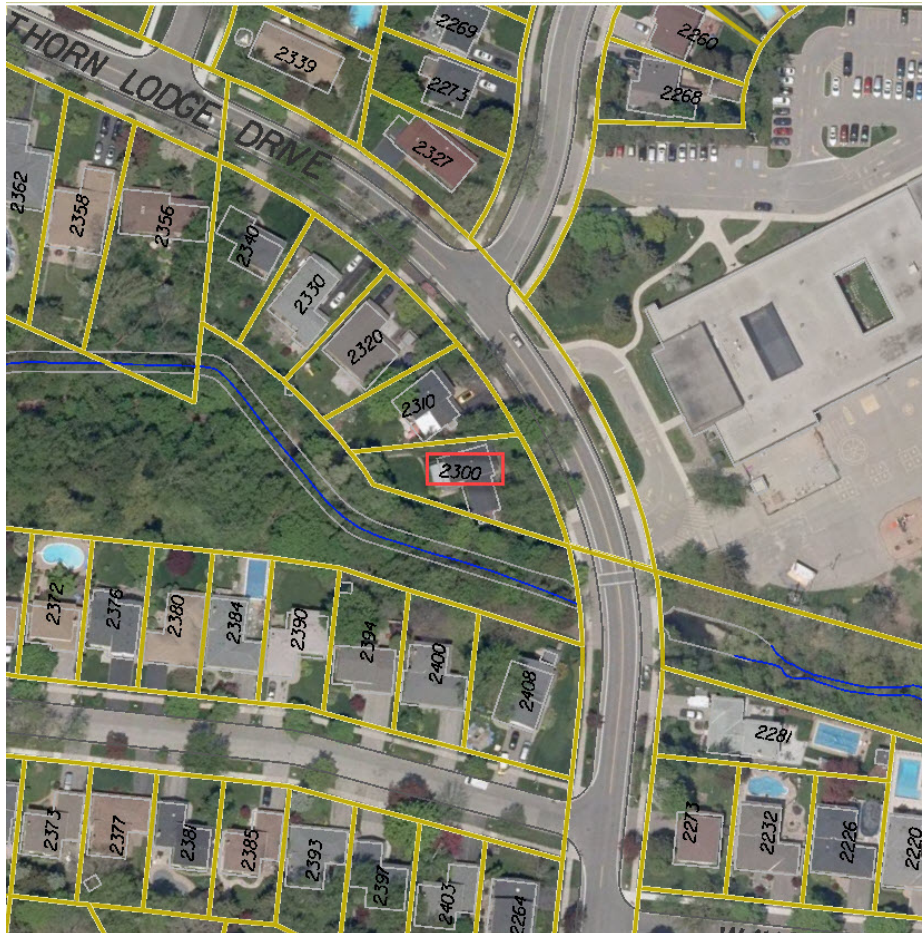
Pre-Zoning Application: 19-8506

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southwest of Dundas Street West and Erin Mills Parkway. The immediate neighbourhood consists of one and two storey detached dwellings with significant mature vegetation. However, across the subject site is an institutional use known as Sheridan Park Public School. The subject property

contains a two storey dwelling adjacent to Thorn Lodge Park, which contains Loyalist Creek and is designated and zoned Greenland.

The application proposes an addition to the existing dwelling, requiring variances relates to walkway attachment width and setbacks to the G1 (Greenlands) zone.



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 of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

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.

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 future Building Permit process.

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 19-8506. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process, these comments may no longer be valid.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

1. The lands to the rear of the property are City owned lands, identified as Thornlodge Park (P #051) and within the Natural Hazard Lands, zoned G-1, that are also classified as a Significant Natural Area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given that the subject lands are not subject to site plan control, should the application be approved, Community Services provides the following notes:

3. The applicant shall provide horizontal tree hoarding to the dripline adjacent to G1 lands to the satisfaction of City of Mississauga Park Planning Staff. Please call Jim Greenfield at 905-615-3200 ext. 8538 to arrange a hoarding inspection.
4. Stockpiling of construction materials and encroachment in the adjacent park is not permitted including construction access.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-083/20

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.

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 5- 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 regulated due to floodplain and valley slope associated with Loyalist Creek. In addition, the property is located adjacent to the City of Mississauga Natural Heritage System (NAS) and within the Credit River Watershed Natural Heritage System (CRWNHS). 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 an addition on the subject property proposing:

1. A walkway width of 7.01m (approx. 23.00ft), whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
2. A setback to a G1 Zone (Greenlands) measured to a driveway of 3.75m (approx. 12.30ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a driveway of 5.00m (approx. 16.40ft) in this instance;
3. A setback to a G1 Zone (Greenlands) measured to a one storey addition (rear) of 2.91m (approx. 9.54ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to the first storey of 5.00m (approx. 16.40ft) in this instance;
4. A setback to a G1 Zone (Greenlands) measured to a second storey addition (side yard) of 3.31m (approx. 10.86ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a second storey of 5.00m (approx. 16.40ft) in this instance;
5. A setback to a G1 Zone (Greenlands) measured to a garage roof overhand of 4.26m (approx. 14.00ft), whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a garage roof overhang of 5.00m (approx. 16.40ft) in this instance;
6. A setback to a G1 Zone (Greenlands) measured to the eaves of the first storey addition of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to the eaves of a first storey of 5.00m (approx. 16.04ft) in this instance;
7. A setback to a G1 Zone (Greenlands) measured to the eaves of a second storey addition of 2.68m (approx. 8.80ft) whereas By-law 0225-2007, as amended, requires a

minimum setback to a G1 Zone (Greenlands) measured to the eaves of a second storey of 5.00m (approx. 16.04ft) in this instance;

8. A setback to G1 Zone (Greenlands) measured to a concrete patio of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a G1 Zone (Greenlands) measured to a concrete patio of 5.00m (approx. 16.04ft) in this instance; and
9. A front yard porch encroachment of 2.17m (approx. 7.12ft) whereas By-law 0225-2007, as amended, permits a maximum front yard porch encroachment of 1.60m (approx. 5.25ft) in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** to the requested minor variances. Please note that the applicant has pre-consulted with CVC and CVC staff are satisfied the proposed development will meet our requirements. On this basis, CVC has **no objection** to the approval of these minor variances by the Committee at this time

The applicant is aware the property is regulated by CVC and a CVC permit will be required for the development proposed on the submitted site plan.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Planning Technician

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A84/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City does not object to the requested variances, as amended.

Application Details

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

1. A gross floor area of 517.63sq.m (approx. 5,571.72sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 494.43sq.m (approx. 5,322.00sq.ft) in this instance;
2. A lot coverage of 25.09% (381.90sq.m) of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (380.54sq.m) of the lot area in this instance;
3. An eave encroachment of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;
4. A building height measured to the eaves of 7.01m (approx. 23.00ft) 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;
5. A building height of 10.00m (approx. 32.81ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance; and
6. A building depth of 25.00m (approx. 82.02ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Amendments

The following variances should be amended as follows:

3. An eave encroachment of 0.76m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;

4. A building height measured to the eaves of 7.20 m whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40 m in this instance;

5. A building height of 10.19 m whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50 m in this instance; and

Background

Property Address: 1408 Broadmoor Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-2 (Residential)

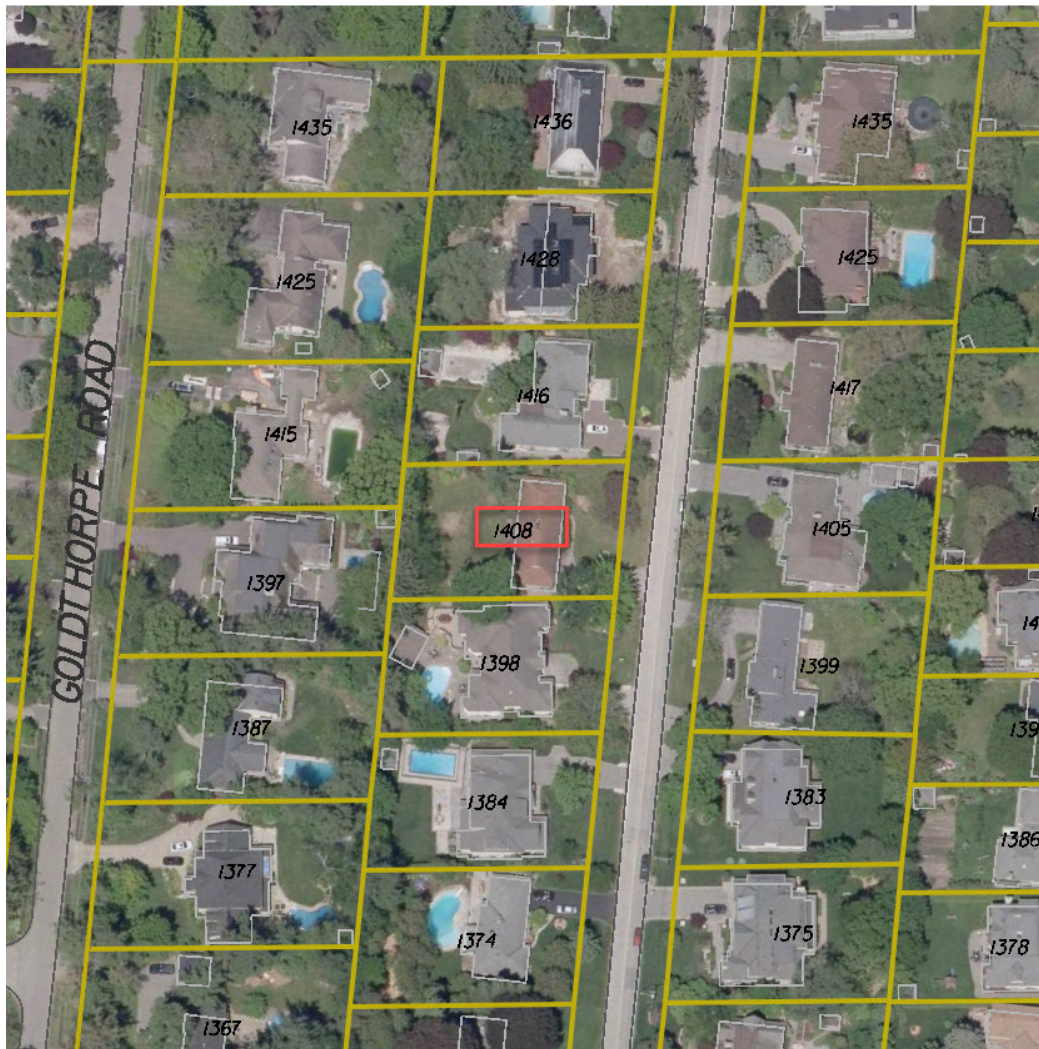
Other Applications

Site Plan Application: 19-112

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 containing one and two storey detached dwellings with mature vegetation. The subject property contains a one storey dwelling with mature vegetation in the front and rear yard. The application proposes a two storey dwelling, requiring variances related gross floor area (GFA), height, eave encroachment, dwelling depth and lot coverage.

Through discussions with the Zoning Division, variance #4 and 5 should be amended to reflect an eave height of 7.20 m and dwelling height of 10.19 m.



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 16.18.1.1 (Infill Housing), new housing is encouraged to fit the scale and

character of the surrounding area and is to ensure there is minimal impact of its adjacent neighbours with respect to overshadowing and overlook. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. As such, 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, 4 and 5 propose an increased GFA, dwelling height and height to eaves. The intent of the infill regulations regarding GFA and height is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling and bringing the edge of the roof closer to the ground, giving the dwelling a more human scale. The proposed dwelling contains a staggered front façade which helps to break up portions of the roofline. Additionally, the dwelling contains architectural features such as dormers which help to mitigate the overall massing of the dwelling, resulting in the dwelling maintaining a human scale. Furthermore the height variances are due to the calculation of average grade. From established grade, the proposed dwelling maintains the maximum permitted overall dwelling and eave height, mitigating any potential impact to the character streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 and 6 proposes an increased lot coverage of 25.09% whereas 25% is required and a dwelling depth of 25 m whereas 20 m is permitted. The intent of the zoning by-law is to ensure that there isn't an overdevelopment of the lot and to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, the increase in lot coverage will not have any additional undue impact to neighbouring properties as it is a slight deviation from the zoning by-law. However, the overage is due to the eaves and rear covered porch which make up a total of 85.11 m². Excluding these features, the lot coverage of the dwelling is approximately 20%. The increased dwelling depth is due to the basement extending an additional 6.71 m into the rear yard. The rear covered porch is not included in the calculation of dwelling depth and is permitted as of right. If the basement of the proposed dwelling met the maximum permitted dwelling depth of 20 m, no additional variances would be required. The extension of the basement does not present any massing concerns to the neighbouring property as only a portion of the basement wall is located above established grade by less than 1.40 m and maintains all setback requirements. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Regarding variance #3, the intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. The application proposes an additional eave encroachment of 0.31 m which is a minor deviation from the zoning by-law and would not create additional undue impact to neighbouring lots and 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.

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

The proposed variances maintain the existing and planned character of the neighbourhood as the proposed dwelling contains architectural features, such as dormers and a staggered front façade, mitigating the overall massing of the dwelling. The increased heights will not negatively impact the character streetscape, as from established grade, the proposed dwelling maintains the maximum permitted height within the by-law. The increase in heights is due to the calculation of average grade. Regarding the lot coverage, the overage is attributed to the covered porch and eaves, the dwelling itself has a lot coverage of approximately 20% which does not represent overdevelopment of the lot. The increased dwelling depth is only due to the basement extending an additional 6.71 m. The ground floor maintains a dwelling depth of 18.29 m, maintaining the provision of the zoning by-law. As a result, the extension of the basement does not add any significant massing concerns relating to a long continuous wall. 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, as amended.

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-19/112.

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 19-112. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

3. An eave encroachment of 0.76m whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m in this instance;

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Minor Variance Application: A-084/20

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

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A85/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

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 an addition and accessory struture on the subject property proposing:

1. A building height measured to a chimney of 3.90m (approx. 12.80ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 3.00m (approx. 9.84ft) in this instance;
2. An eave encroachment into a side yard of 0.54m (approx. 1.77ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment into a side yard of 0.45m (approx. 1.48ft) in this instance; and
3. An accessory building (cabana) coverage of 52.00sq.m (approx. 559.72sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory building coverage of 20.00sq.m (approx. 215.28sq.ft) in this instance.

Background

Property Address: 900 Calder Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

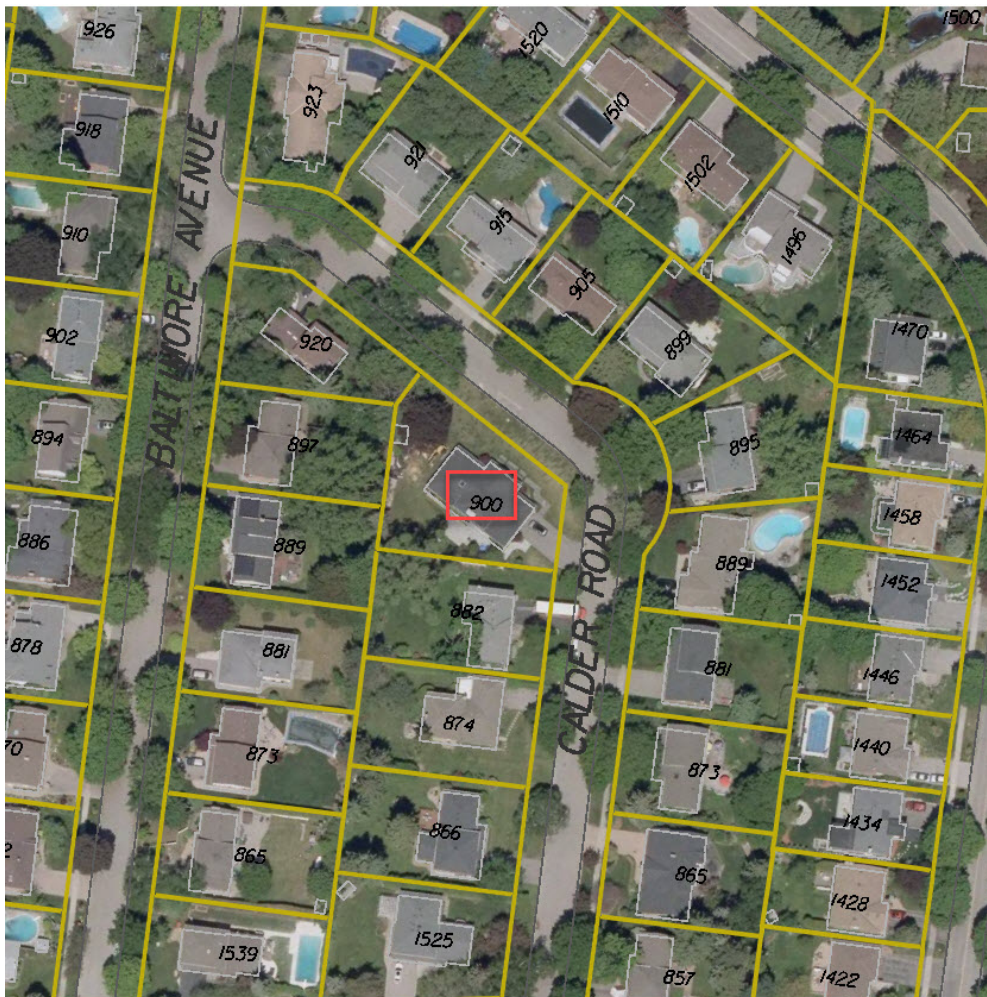
Zoning: R2-4 (Residential)

Other Applications

Building Permit: 19-9159

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lakeshore Road West and Meadow Wood Road. The neighbourhood consist of one and two storey detached dwellings with mature vegetation. The subject property contains a one storey dwelling with mature vegetation in the exterior side and rear yard. The application proposes an accessory structure, requiring variances related to height, eave encroachment and area.



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. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed structure is accessory to the principle residential use and is sufficiently setback from neighbouring properties, preserving the surrounding context of the 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?

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. In this instance, the increased height is measured to peak of the chimney which is 3.90 m. The remaining portion of the accessory structure maintains a height of 3.16 m, less than the maximum permitted 3.50 m, thereby lessening the visual impact to neighbouring properties. The increased area of the accessory structure is mostly due to the eave encroachment. The structure itself has an area of 33 m², however, due to eave encroachment; the occupied area of the structure is increased to 52 m². The proposed accessory structure is proportional to the dwelling and sufficiently setback from neighbouring properties, mitigating any massing concerns. Staff is of the opinion that variances #1 and 3 maintain the general intent of the zoning by-law.

Regarding variance #2, the application proposes an eave encroachment of 0.54 m whereas .45 m is permitted. The intent of this portion of the by-law is to ensure that eaves are sufficiently setback from all property lines. The application proposes an additional eave encroachment of 0.09 m which is a minor deviation from the zoning by-law and would not create additional undue impact to neighbouring lots and 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.

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

The proposed accessory structure is sufficiently setback from neighbouring properties and makes up approximately 3.80% of the total lot coverage, remaining proportional and accessory

to the primary residential use. The increased height is measured to chimney with the remaining portion of the accessory structure having a height less than what the by-law permits. The total occupied area includes the overhang of the eaves which makes up approximately 20 m² and does not add significant massing to the structure, mitigating the overall impact of the proposed structure. 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 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 dwelling are being addressed through the Building Permit process, File BP-19-9159.

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 19-9159. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process, these comments may no longer be valid.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-05	File(s): A86/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

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 45(1) of the Planning Act.

Application Details

The Applicants request the Committee to approve a minor variance to allow alterations to the rear deck on the subject property, proposing a lot coverage of 39.66% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area, in this instance.

Background

Property Address: 6353 Western Skies Way

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II, Greenlands

Zoning By-law 0225-2007

Zoning: R9 (Residential), G2-2 (Greenlands)

Other Applications:

Building Permit: 19-8506

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*.

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.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no grading and drainage concerns with the proposed alterations to the rear deck.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-8506. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

Should the application be approved, Community Services notes the following:

1. Fletcher's Flats (Park #428) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-086/20

Development Planning: Tracy Tang (905) 791-7800 x7190

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

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-06	File(s): A87/20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City has no objection to the variance, as amended, subject to the conditions outlined below.

Application Details

The Applicants request the Committee to approve a minor variance to permit a place of religious assembly on the subject property, proposing 304 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 352 parking spaces, in this instance.

Amendments

City Planning Strategies requests the variance to be amended as follows, permitting:

- An overall parking rate of 3.6 spaces per 100m², for all of the uses on site.

Recommended Conditions and Terms

- The maximum GFA - non-residential for medical office uses shall not exceed 1285m²;
- The maximum GFA - non-residential for take-out restaurant uses shall not exceed 280m²;
- The maximum GFA - non-residential for restaurant uses shall not exceed 398m²;
- The maximum GFA - non-residential for places of religious assembly uses shall not exceed 956m²;
- The following uses are excluded from the varied parking ratio and shall require parking as per requirements contained within Table 3.1.2.2 of Zoning By-law 0225-2007:
 - Entertainment Establishment;
 - Funeral Establishment;
 - Night Club; and,
 - Overnight Accommodation.

- A temporary period of 1 year to allow the Applicant time to update the Parking Allocation Report with the Zoning Department.

In regards to the last condition, as part of their initial review, City Planning Strategies Staff had requested the Applicant provide a list of all current businesses, and their associative GFA's, located upon the subject lands; this list was then compared to the City's Parking Allocation Report (June 2019), which showed a discrepancy.

In order to ensure that the reduced parking rate will not adversely impact the site as a whole, and avoid a subsequent deferral, City Planning Strategies has requested that the property owner provide the necessary information to Zoning Staff to update the parking file (Parking Allocation Report) to correct this discrepancy.

Background

Property Address: 1550 South Gateway Road

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 (Employment)

Other Applications:

Occupancy Permit: 19-6954

Site and Area Context

The subject property is located south-east of the Dixie Road and Eglinton Avenue East intersection, and currently houses a three-storey, multi-tenant office structure. The neighbourhood context is exclusively industrial, with a multitude of employment uses located within the immediate area. Planning Staff note, residential uses are present in the form of detached dwellings to the south; however, their lot configuration and orientation, coupled with the intervening dedicated transit line, results in their presence not directly influencing the area context, as it pertains to the subject lands. The properties along this portion of South Gateway Road are situated upon large parcels, with lot frontages ranging from +/- 20m to +/- 70m.



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 Northeast Employment Area Character Area, and designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11.1 (Business Employment), this designation shall permit places of religious assembly. This application meets 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 E2 (Employment), which permits as-of-right places of religious assembly. In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this zone regulates the required number of parking spaces. The intent in quantifying this regulation is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon a units intended use. As per Zoning By-law 0225-2007, 352 parking spaces are required; whereas, the Applicant is providing 304. Due to the diverse nature of the site, City Planning Strategies Staff recommends that a blanket rate for parking be established, with on-site uses, and subsequent parking requirements, being controlled through gross floor area caps.

As per the Parking Utilization Study (JD Engineering, Dec/2019) provided by the Applicant, and reviewed to the satisfaction of City Planning Strategies Staff, the proposed parking rates are suitable to adequately accommodate peak parking demands for the intended use. The variance, 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?

As per the aforementioned provided Parking Utilization Study, the subject property has ample room to accommodate the proposed parking and internal traffic circulation. As such, the proposed reduction serves to pose no significant negative impact to the surrounding neighbourhood, with all parking set to occur on site. The variance, as amended, results 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 variance, as amended, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as amended, subject to the above conditions.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Zoning Comments

The Building Department is currently processing an Occupancy Permit application under file 19-6954. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 2 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A91/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

To approve a minor variance to allow renovations to the existing building on the subject property proposing:

1. 9 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 17 parking spaces in this instance; and
2. A parking space length of 5.0m (approx. 16.4ft) whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.2m (approx. 17.1ft) in this instance.

Amendments

1. To increase the number of rental units from 8 to 15 providing no additional parking whereas By-law 0225-2007, as amended requires a minimum of 8 spaces (7 regular and 1 accessible) in this instance
2. To reduce the minimum length of existing parking spaces to 5.0m whereas By-law 0225-2007, as amended requires a minimum parking space length of 5.2m.

Background

Property Address: 222 Lakeshore Road East

Mississauga Official Plan

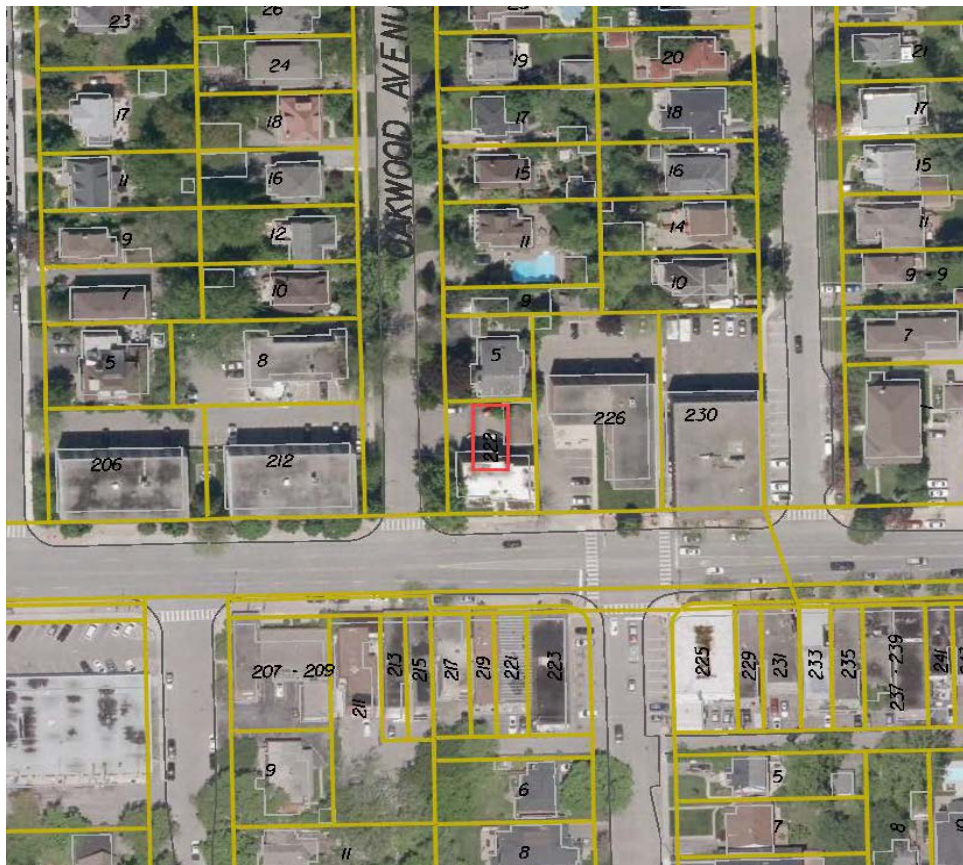
Character Area: Port Credit Neighbourhood East
Designation: Mixed Use

Zoning By-law 0225-2007**Zoning:** C4-66 (Commercial)**Other Applications**

Pre-Zoning Application: 19-9207

Site and Area Context

The subject site is located within the Port Credit Neighbourhood Character Area, east of Hurontario Street and Lakeshore Road East. The north side of this portion of Lakeshore Road East consists of low rise apartment buildings and commercial uses surrounding the subject property, with a mix of low density residential uses further north on Oakwood Avenue. The south side of Lakeshore Road East consists of two storey mixed use buildings with commercial on the ground floor and residential above. The subject property contains a three storey apartment building containing 8 rental units. The application proposes interior renovations to increase the unit count to 15 rental units, requiring variances related to parking and parking space length.



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:

The subject property is designated “Mixed Use” in Schedule 10 of the Mississauga Official Plan, which permits a restaurant among other uses. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the Mainstreet Neighbourhood precinct of the South Residential Neighbourhood.

The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 17 parking spaces are required; whereas, the applicant is providing 9 parking spaces. Through discussions with City Planning Strategies, the parking study provided by Trans-Plans does not adequately justify the proposed parking reduction. As a result, staff cannot determine whether the proposed parking reduction meets the four tests. It should be noted that the applicant may choose to pay the parking deficiency through Payment-in-Lieu (PIL).

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 no objections, comments or requirements with respect to C.A. 'A' 91/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a pre-application zoning review under file 19-9207. Based on review of the information currently available for this building permit, we advise that the following variances should be amended as follows:

1. To increase the number of rental units from 8 to 15 providing no additional parking whereas By-law 0225-2007, as amended requires a minimum of 8 spaces (7 regular and 1 accessible) in this instance
2. To reduce the minimum length of existing parking spaces to 5.0m whereas By-law 0225-2007, as amended requires a minimum parking space length of 5.2m.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A 92/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City does not object to the requested variances.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an accessory structure on the subject property proposing:

1. A floor area of 37.0sq.m (approx. 398.3sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.0sq.m (approx. 107.6sq.ft) in this instance;
2. A combined occupied area for all accessory buildings of 37.0sq.m (approx. 398.3sq.ft) whereas By-law 0225-2007, as amended, permits a maximum combined occupied area for all accessory buildings of 30.0sq.m (approx. 322.9sq.ft) in this instance; and
3. A height of 3.8m (approx. 12.5ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.0m (approx. 9.8ft) in this instance.

Background

Property Address: 1873 Delaney Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Other Applications

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. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed structure is accessory to the principle residential use and is sufficiently setback from neighbouring properties, preserving the surrounding context of the 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?

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. Although the application proposes an increased floor area and height, the proposal provides a setback of 1.80 m greater than the 0.60 m permitted within the by-law. Additionally, within this setback, the site plan proposes the planting of vegetation to screen the structure to abutting properties, mitigating the increased area and height of the structure. The proposed structure also contains a sloped roof, mitigating the increased height. The proposed accessory structure is sufficiently setback to abutting properties and will not cause any significant concerns related to massing. Staff is of the opinion that the application maintains the general intent and purpose of the zoning by-law.

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

The proposed accessory structure is sufficiently setback from abutting properties as the application proposes a setback of 1.80 m whereas the zoning by-law requires a minimum of 0.60 m. The application proposes vegetation along the interior side and rear of the structure, lessening the impact of the increased floor area and height. The proposed accessory structure contains a sloped roof, further mitigating the overall impact of the increased height and any potential massing concerns to abutting properties. 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 are noting that any Transportation and Works Department concerns/requirements for the proposed new dwelling will be addressed through the Building Permit Process, File BP-20-162.

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 20-162. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process, these comments may no longer be valid.

Comments Prepared by: Shahrzad Takaloo, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-05	File(s): A93/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City has no objection to the variances, as requested; however the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicants request the Committee to approve a minor variance to allow the existing roof to remain on the subject property proposing:

1. A height to the highest ridge of 9.29m (approx. 30.48ft); whereas, By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00m (approx. 29.52ft), in this instance; and,
2. A height measured to the eaves of 7.27m (approx. 23.85ft); whereas, By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft), in this instance.

Background

Property Address: 28 Cattrick Street

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

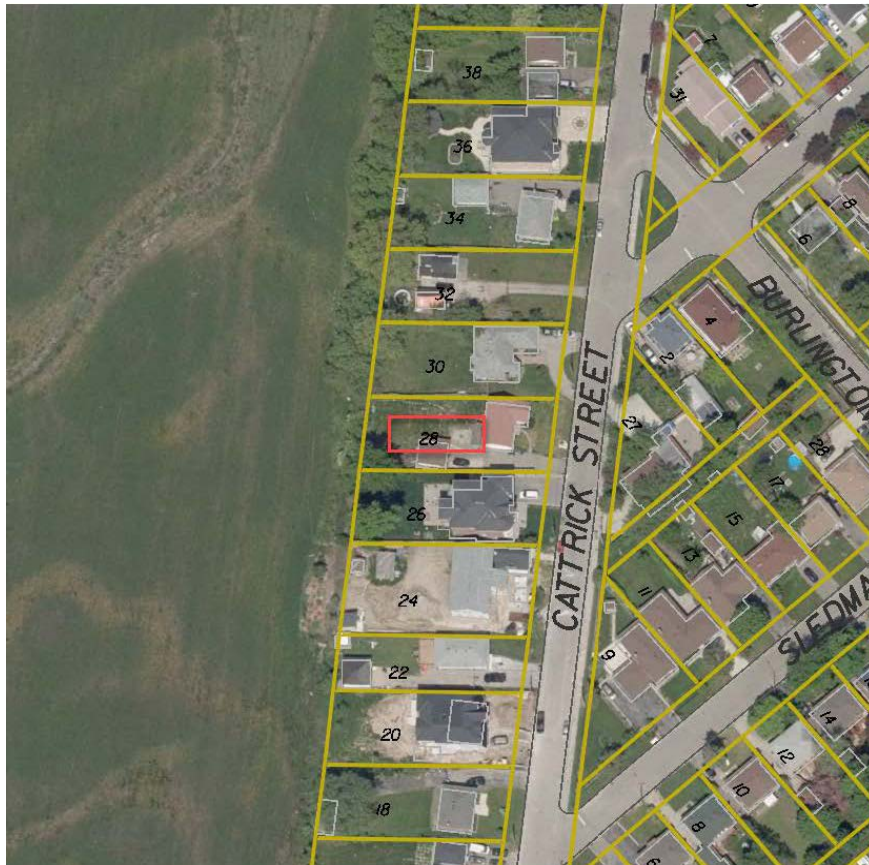
Zoning By-law 0225-2007

Zoning: R3-69 (Residential)

Site and Area Context

The subject property is located north of the Airport Road and Derry Road East intersection and currently house a one-storey, detached dwelling with a detached front-loaded garage. The immediate neighbourhood is primarily detached dwellings. Architecturally, the area is comprised mainly of post-war, 1.5 storey dwellings; however, new construction, to a very minor extent, is also present both on Knaseboro Street and Cattrick Street. The properties along this portion of Cattrick Street possess lot frontages of +/-20m.

The Applicant is proposing to demolish the existing structure and replace it with a larger detached dwelling.



Comments

Planning Staff note, a proposed detached dwelling of an almost identical design was brought before the Committee on January 24th, 2020, under application 'A' 35/19. At this time, Committee approved the following variances, permitting:

- A gross floor area of 359m²; whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 351m², in this instance; and,

- A height measured to the eaves of 7.14m; whereas, By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m, in this instance.

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 I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The 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(3) (R3 Exception Zones), this zone regulates a detached dwelling's maximum building height, measured to a sloped roof, of 9.0m; whereas the Applicant has proposed 9.29m. The intent in restricting the overall height of a roof is to ensure that structures do not become overbearing from a massing perspective to the detriment of the neighbouring properties. While a variance is required, the requested relief remains nominal, and the resulting roof slope is appropriate. Variances 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Pursuant to Table 4.2.4.69(5), the Applicant has requested an alteration to the permitted maximum building height, measured to the eaves, of 0.87m (7.27m to average grade). The intent of this regulation is to govern both the overall height of the building, as well as the interior storey height for structures that utilize a sloped roof – where in the absence of such regulations, resultant 1 or 2 storey dwellings can become overbearing from a streetscape perspective. While the Applicant is proposing a sloped roof, the designed pitch remains appropriate. As discussed, the proposed design is fundamentally the same to Committee's earlier approval of 7.14m, which now utilises a full peak versus the mansard-esq proposal previously submitted. Further, Planning Staff note the incorporation of multiple peak roof elements, which serve to moderately break up the height of the structure 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 application, as amended, meets the general intent and purpose of both MOP and the Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested; however 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

Appendices

Appendix 1 – Transportation and Works Comments

We are noting 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 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 March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-05	File(s): A94/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

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 45(1) of the Planning Act. Should Committee see merit in this proposal, Planning Staff requests that the identified condition below be imposed.

Application Details

The Applicant requests the Committee to approve a minor variance to allow a temporary sales centre in a Development Zone; whereas, By-law 0225-2007, as amended, permits only legally existing uses to be permitted in a Development Zone, in this instance.

Recommended Conditions and Terms

- Approval be in general conformity to the proposed sales trailer location, as identified by the submitted Site Plan ("Site Plan, Statistics, & OBC Matrix", Jan/27/2020).

Background

Property Address: 91 Eglinton Avenue East

Mississauga Official Plan

Character Area: Uptown Major Node
Designation: Residential High Density, Residential Medium Density

Zoning By-law 0225-2007

Zoning: D (Development)

Other Applications:

Building Permit: 20-402

Site and Area Context

The subject lands are located north-east of the Eglinton Avenue East and Hurontario Street intersection and currently house a vacant farm structure. With the exception of the commercial plaza located directly to the west, the neighbourhood context is comprised primarily of residential uses, with housing types ranging from detached dwellings to townhouse units. Planning Staff note the transitional nature of this area, with lands to the north approved for the future construction of 49 on-street townhome units; 60 common element condominium townhome units; 4 apartment buildings; and, a combination of 8000m² GFA of grade-related retail commercial and office uses (OZ/OPA 09/11).

The property as a whole is the subject to a Zoning By-law Amendment application (OZ/18/16), which will eventually permit 2654 apartment units and 14 townhouses structures. In the interim, the Applicant is requesting relief to temporarily permit a sales centre until such a time that the aforementioned zoning comes into effect.



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:

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

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.

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 permit the temporary sales centre in a Development Zone. We are noting that the City is currently processing a number of Development Applications on the subject and adjacent lands and the proposed interim use will remain up to and until the subject and adjacent lands are developed.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-402. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Kevin Barry, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-05 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A95/20 Ward: 5
	Meeting date: 2020-03-12

Consolidated Recommendation

The City recommends that the application be deferred to allow the Applicant the opportunity to submit the requested Planning Justification Letter and Occupancy Permit.

Application Details

The Applicant requests the Committee to permit a motor vehicle sales facility; whereas, By-law 0225-2007, as amended, does not permit a motor vehicle sales facility use in an E2 zone, in this instance.

Amendments

It should be noted that it is unclear from this application which unit this use is proposed in. It should also be noted that the reference made to “motor vehicle sales”, should in fact be to “motor vehicle sales – RESTRICTED”.

Background

Property Address: 6950 Tomken Road

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment, Greenlands

Zoning By-law 0225-2007

Zoning: E2 (Employment), G1 (Greenlands)

Site and Area Context

The subject property is located south-east of the Derry Road East and Tomken Road intersection and currently houses a multi-tenant industrial structure. The immediate neighbourhood is exclusively industrial in nature, being comprised entirely of various employment-type uses. As it pertains to the relief sought by the Applicant, Planning Staff do note the presence of existing automotive service and repair uses within the immediate contextual area. The properties along this portion of Tomken Road are situated upon large parcels, with lot frontages ranging from +/- 35m to +/- 440m.



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:

The Applicant is requesting permission to operate a “motor vehicle sales – restricted” use on the subject lands. Planning Staff note, no information, or associative justification from a land-use perspective was submitted in support of this application. As such, Planning Staff are unable to determine the extent in which the application meets the criteria established by Section 45 of the *Planning Act*.

In the absence of any supportive documentation illustrating how the site will operate, Planning Staff are of the opinion that any variance in this regard is premature until such time that the requested information is provided.

Conclusion

Based upon on the preceding, the Planning and Building Department recommends that the application be deferred to allow the Applicant the opportunity to submit the requested Planning Justification Letter and Occupancy Permit.

Comments Prepared by: Roberto Vertolli, 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' 95/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Department notes that an Occupancy Permit application is required. In the absence of an Occupancy 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.

Notwithstanding the above, it should be noted that it is unclear from this application which unit this use is proposed in. It should also be noted that the reference made to “motor vehicle sales”, should in fact be to “motor vehicle sales – RESTRICTED”.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

Minor Variance Application: A-095/20

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.

Comments Prepared by: Tracy Tang

Appendix 4- Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on February 6, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s

commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014* (PPS); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

We understand that the purpose of this Minor Variance Application A 95/20 is to permit the establishment of a motor vehicle sales facility whereas By-law 0225-2007, as amended, does not permit a motor vehicle sales facility use in E2 Zone in this instance.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to the Minor Variance Application A 95/20.

Application Specific Comments

Ontario Regulation 166/06:

A portion of the subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is located within the spill area of the Regional Flood Plain associated with a tributary of the Etobicoke Creek. In accordance with Ontario Regulation 166/06, as amended (*Development, Interference with Wetlands and Alteration to Shorelines and Watercourses*), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the requested variance is required in order to facilitate the establishment of a motor vehicle sales facility. Based on our review of the materials provided, it appears that no new development is proposed at this time. As such, a TRCA permit pursuant to

Ontario Regulation 166/06 will not be required at this time and TRCA staff have no concerns with the proposed variance, as submitted.

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

Fees

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

By copy of this letter, TRCA staff thanks the applicant for providing the \$1,100 review fee (2018 TRCA Planning Fees Schedule – Variance – Industrial Minor).

Conclusion

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

Sincerely,

Lina Alhabash

Tel: (416) 661-6600, Ext.5657

Lina.Alhabash@trca.on.ca

Comments Prepared by: Lina Alhabash, Planner I

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-05 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A98/20 Ward: 1
	Meeting date: 2020-03-12

Consolidated Recommendation

The City does not object to the requested variances, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to permit a yoga studio proposing:

1. 1 legal sized parking space (garage) whereas By-law 0225-2207, as amended, requires a minimum of 15 legal sized parking spaces;
2. Insufficient parking space size dimensioned 2.60m (approx. 8.53ft) x 4.67m (approx. 15.32ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.60m (approx. 8.53ft) x 5.20m (approx. 17.06ft) in this instance; and
3. An aisle width of 0.00m whereas By-law 0225-2007 as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

Variance #1 and 2 to be amended as follows:

6 parking spaces (1 existing garage space and 5 spaces through Payment-in-Lieu) whereas By-law 0225-2007, as amended requires 13 parking spaces for all uses on-site in this instance.

Three substandard parking spaces size, 2.60 (approx. 8.53ft) X 4.67m (approx. 15.32ft) whereas By-law 0225-2007, as amended, requires a minimum parking size of 2.60m (approx. 8.53ft) X 5.20m (approx. 17.06ft) in this instance

Background

Property Address: 281 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 (Commercial)

Other Applications

Occupancy Permit: 19-8192

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, east of Hurontario Street and Lakeshore Road East. The south side of Lakeshore consists of a mix of commercial and retail uses which includes restaurant uses. The subject property contains a two story building with commercial occupying the ground floor and residential above. The commercial uses fronting onto Lakeshore Road East contain municipal parking in front of the units, however, designated parking spaces for each unit are located at the rear, abutting the public laneway.

The application proposes a yoga studio and requires variances related to reduced parking, parking space dimension and aisle width.



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 "Mixed Use" in Schedule 10 of the Mississauga Official Plan, which permits a restaurants, personal service establishments and retail stores, among other uses. The official plan policies for lands within the Port Credit Community Node Character Area are contained within the Port Credit Local Area Plan and are within the Mainstreet Neighbourhood precinct. The Port Credit Local Area Plan encourages related commercial uses

and closely spaced storefronts lining the street in order to encourage and foster an active pedestrian street. The proposed variances are consistent with these policies and maintain the existing and planned character of the area. The minor variance application maintains the general intent and purpose of the official plan.

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

Through discussions with the applicant, the site plan has been revised to provide an additional 3 parking spaces in the rear of the site, abutting the public laneway. The proposed variances are existing conditions and are similar to other uses within the immediate area. The south side of Lakeshore Road East contains a mix of commercial uses which consists of retail and restaurant uses. Each site along Lakeshore Road East operates in a similar fashion to the subject property regarding parking.

The intent in quantifying the required number of parking spaces is to ensure that each unit is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 13 parking spaces are required; whereas, the applicant is providing 1. Currently, there is one parking space existing on site; however, the applicant is proposing to modify the site to accommodate an additional 3 substandard parking spaces. Pending approval of the variances, the number of on-site parking spaces will increase from 1 to 4 parking spaces. The applicant was given the option of submitting a parking study to adequately justify the parking reduction/reduce the amount of spaces through Payment-in-Lieu (PIL) or apply for a PIL application for the entire parking deficiency. It was determined that the applicant would proceed through way of PIL and provide a parking study to ensure that off-site parking could accommodate the deficiency of spaces paid through PIL. The City Planning Strategies Division has reviewed the parking study and has determined that the studies indicate a deficiency of 5 parking spaces. As a result, should the Committee see merit in the application, staff is requesting that variance #1 be amended as follows:

- 6 parking spaces (1 existing garage space and 5 spaces through Payment-in-Lieu) whereas By-law 0225-2007, as amended requires 13 parking spaces for all uses on-site in this instance.

Variance #2 proposes a parking space dimension of 2.60 m x 4.67 m whereas 2.60 m x 5.20 m is required. The intent of this portion of the by-law is to ensure a parking space can accommodate vehicular parking. By regulating the size of the individual space to a length of 5.2 m, the by-law ensures that even atypical vehicles can park. The proposed parking space length represents similar conditions throughout the immediate area. The properties that contain parking spaces abutting the public laneway have similar deficiencies. The subject site will operate in a similar fashion to other uses within the area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes an aisle width of 0 m whereas a minimum aisle width of 7 m is required. The intent of this portion of the by-law is to ensure that a sufficient aisle width is provided to

allow for two way vehicle movement. The subject property does not provide sufficient room for two way vehicular access. However, this portion of Lakeshore Road East contains units that operate in a similar fashion to the subject property and is reflective of the area as a whole. To access the parking in the rear, there is a public laneway that connects from Hiawatha Parkway to Wenonah Drive. The subject property will continue to operate as intended and will not negatively impact the day to day operations of the site. As such, 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 variances represent existing conditions that are present throughout each unit along this portion of Lakeshore Road East. The south side of Lakeshore Road East consists of retail and restaurant uses that have similar existing conditions. Historically, properties along this portion of Lakeshore Road East have operated in a similar fashion with parking in the rear portion of the property that can only be accessed by the public laneway. The proposed variances maintain the existing and planned character of the area and do not negatively impact the day to day operations of the site. As such, 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, as amended.

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' 98/20.

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 19-8192. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

Three substandard parking spaces size, 2.60 (approx. 8.53ft) X 4.67m (approx. 15.32ft) whereas By-law 0225-2007, as amended, requires a minimum parking size of 2.60m (approx. 8.53ft) X 5.20m (approx. 17.06ft) in this instance

Comments Prepared by: Kevin Barry, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A303/19 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

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 45 (1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject property proposing an interior side yard (easterly) of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 2.42m (approx. 7.94ft) in this instance.

Background

Property Address: 376 Revus Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

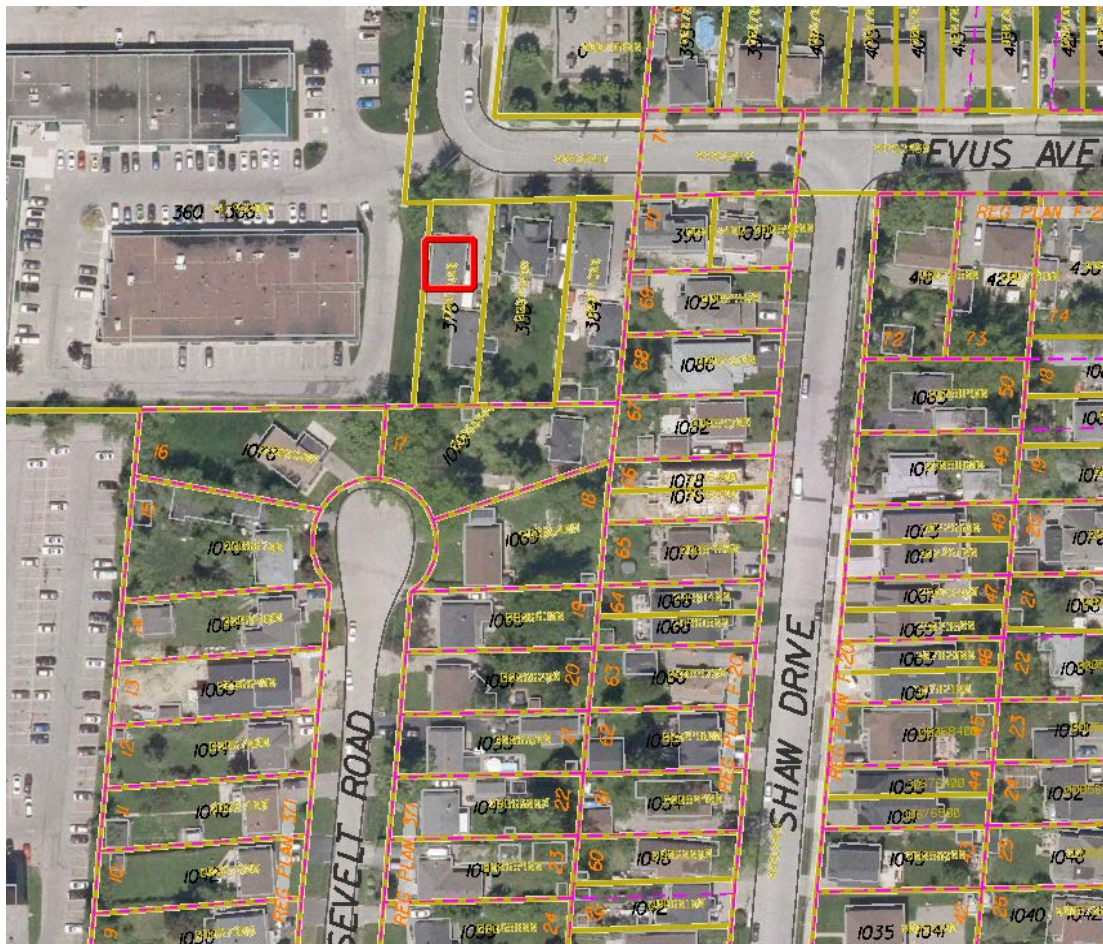
Other Applications

Pre-Zoning Application: 19-9172

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Seneca Avenue and Lakeshore Road East. The residential uses within the immediate area consist of single detached and semi-detached dwellings with lot frontages ranging from 11 m to 15 m and contain little mature vegetation. Immediately west of the subject property are two single storey multi-unit employment buildings known as "Revus Business Centre". The subject property contains a one storey detached dwelling with mature vegetation in the front yard.

The application was deferred from the January 30th, 2020 Committee of Adjustment hearing to submit revised plans that resulted in eliminating variances related to height. The subject application only requires a variance related to a deficient side yard 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 of the four tests to this minor variance request are as follows:

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

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*.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting 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 19-9172. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process, these comments may no longer be valid.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang, Junior Planner

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-04	File(s): A460/19 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City does not object to variances #1 and the proposed walkway attachments, as amended. However, staff recommends that the remaining variances be refused.

Application Details

The applicants request the Committee to approve a minor variace to allow the existing driveway to remain proposing:

1. A driveway width of 19.39m (approx. 63.62ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;
2. A front yard landscaped area of 35% of the front yard whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped area of 40% of the front yard in this instance;
3. An easterly driveway setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance;
4. A westerly driveway setback of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance; and
5. A driveway width of 11.50m (approx. 37.73) beyond 6.00m (approx. 19.69ft) of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) beyond 6.00m (approx. 19.69ft) of the garage face in this instance.

Amendments

Variance #1 should be amended as follows:

A driveway width of 11.50 m within 6 m of the front garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50 m within 6 m of the front garage face.

Variance #2 and 3 should be removed from the application.

The following variance should be added to the application:

A walkway connection of 1.80 m on the east side of the driveway, whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50 m in this instance;

A walkway connection of 3.70 m on the west side of the driveway, whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50 m in this instance;

Background

Property Address: 1499 Trotwood Avenue

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: 19-7136

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and Queen Elizabeth Way (QEW) interchange. The subject property contains a two storey detached dwelling with little mature vegetation. The neighbourhood consists of one and two storey detached dwellings containing mature vegetation in the front yard. The immediate area also consists of generous soft landscaping within the front yard and minimal hard surfacing. The applicant is proposing an increased driveway width, walkway attachments and reduced soft landscaped area.

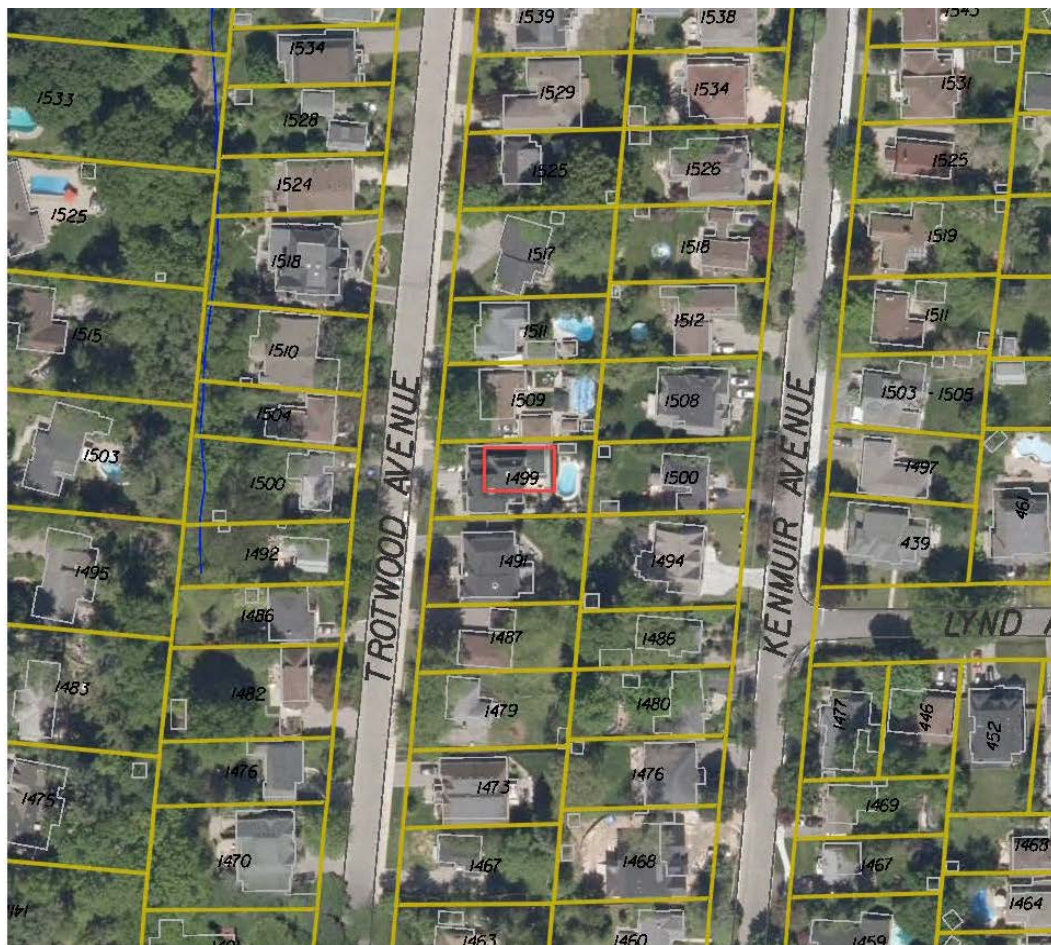
The application was previously deferred to work with staff and reduce the proposed driveway width.

Through a review of the application with the Zoning Division, the additional variance below is required for the increased walkway attachment width.

- A walkway connection of 1.80 m on the east side of the driveway, whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50 m in this instance;
- A walkway connection of 3.70 m on the west side of the driveway, whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50 m in this instance;

It should also be noted that variance #1 should be amended as follows:

- A driveway width of 11.50 m within 6 m of the front garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50 m within 6 m of the front garage face.



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. Pursuant to Section 9.5.1.1 of MOP, buildings and site design will be compatible with site conditions, the surrounding area context and surrounding landscape of the existing or planned character of the area. Variance #5 proposes excessive hard landscaping on the subject property which adversely affects the soft landscaped area which is out of context with this neighbourhood as many of the lots have generous soft landscaped areas within the front yard. Staff is of the opinion that variances #2 and 5 do not 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 driveway width of 11.50 m whereas 10.50 m is permitted within 6 m of the front garage face and whereas 8.50 m is permitted beyond 6 m of the front garage face. The applicants have reduced the overall driveway width, however, the application still remains deficient in soft landscaped area, proposing of 35% whereas 40% is required. The intent of this portion of the by-law is to give larger lots permission for increased driveway widths, recognizing that these lots can accommodate larger driveways while still maintaining a sufficient soft landscaped area. In this instance, variance #1 does not significantly alter the hard landscaping on the driveway from what is permitted as of right. However, variance #5 proposes an excessive amount of hard landscaping which negatively impacts the required amount of soft landscaping. The application proposes excessive hard landscaping within the front yard which negatively impacts the required area for soft landscaping. The neighbourhood consists of lots with generous soft landscaped areas and little hard landscaping within the front yard. As such, the proposal does not preserve the existing and planned character of the neighbourhood, resulting in the general intent and purpose of the zoning by-law not being maintained.

Regarding the additional variances walkway attachment variances, the application proposes a width of 1.80 m on the east side of the driveway and 3.70 m on the west side whereas 1.50 m on either side of the driveway 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 3.70 m is larger than what the by-law contemplates, the walkway attachment narrows and would not allow for full vehicular access. On the east side of the driveway, the increased width of 1.80 m is a minor deviation from the zoning by-law and will not allow for 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 neighbourhood is characterized by generous soft landscaping within the front yard and little hard surfacing. The driveway width proposes excessive hard surfacing within the front yard, negatively impacting the soft landscaped area which does not maintain the existing and planned context of the neighbourhood. Regarding the walkway attachment width, the proposed width is a minor deviation from the zoning by-law and does not allow for additional vehicular parking. As such, staff is of the opinion that variances #2 and 5 does not represent orderly development of the lands and are not minor in nature.

Conclusion

The Planning and Building Department has no objections to variances #1 and the proposed walkway attachments, as amended. However, staff recommends that the remaining variances be refused.

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' 460/19.

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 19-7136. 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.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the March 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-303/19, DEF-A-460/19

Minor Variance Applications: A-085/20, A-087/20, A-091/20, A-092/20, A-093/20, A-094/20, A-096/20, A-097/20, A-098/20

Comments Prepared by: Tracy Tang

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-03-06	File(s): A66/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-03-12

Consolidated Recommendation

The City has no objection to the variances, as amended; however 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 approve a minor variance to allow the construction of a condominium on the subject property, proposing:

1. A floorplate of 920m² (approx. 9,902.80sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum floor plate of 850m² (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 0.85 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 220m² 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 100m² for restaurant uses; whereas, By-law 0225-2007, as amended, requires a minimum of 16 parking spaces per 100m² for restaurant uses, in this instance.

Amendments

5. A minimum parking rate of 0.86 resident spaces per apartment dwelling unit; whereas, By-law 0225-2007, as amended, requires parking to be provided at a minimum rate of 1.0 resident spaces per apartment dwelling unit, in this instance;
7. A minimum parking rate of 4.3 spaces per 100m² of gross floor area – non-residential for a restaurant less than 220m² gross floor area – non-residential, and a minimum parking rate of 9.0 for a restaurant greater than 220m² gross floor non-residential; whereas, By-law 0225-2007, as amended, requires a minimum of 16 parking spaces per 100m² gross floor area – non-residential for a restaurant, in this instance.

As it pertains to Variance 5, as per discussion with City Planning Strategies Staff, the Applicant has chosen to provide additional parking to forego any subsequent conditions (Payment-in-lieu, etc.) being imposed.

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

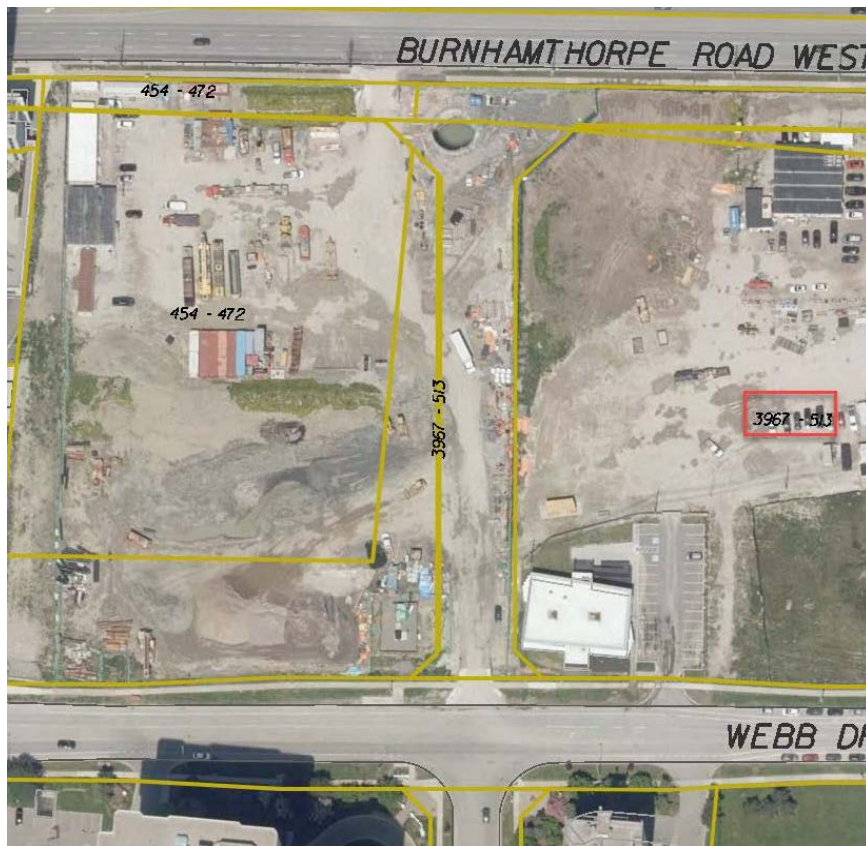
Site and Area Context

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, ensuring 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 rates 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. As per the Parking Utilization Study (Nextrans, May/9/2019) submitted by the Applicant, the proposed parking rates are suitable to adequately accommodate the peak parking demands of the subject lands. Variances 5-7, as amended, maintain the purpose and general intent of the Zoning By-law.

The subject property is both well serviced by the public transit system and has ample room to accommodate required parking. The structure remains self-sufficient, with the majority of parking handled on-site, and with the requested variance serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. Variances 5 - 7, 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 requested; however 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

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