
Committee of Adjustment

Date: April 8, 2021
Time: 3:00 PM
Location: Online Video Conference

Members

Sebastian Patrizio (Chair)
David George
John Page
David Kennedy
Wajeeha Shahrukh
David Cook
John Kwast

Contacts

Umar Mahmood, Committee of Adjustment Coordinator, Legislative Services
905-615-3200 ext.5209
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PUBLIC MEETING STATEMENT: While some planning matters, such as consent or minor variance applications, do not specifically require that you participate in the process in order to appeal, the LPAT has the power to dismiss an appeal without holding a hearing if the person or public body that in circumstances such as appeal is not based on any apparent land use planning grounds and appeal is not made in good faith or is frivolous or vexatious, or is made only for the purpose of delay.

Send written submissions or request notification of future meetings to:

Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, Attn: Committee of Adjustment Coordinators – 2nd Floor 300 City Centre Drive, Mississauga, ON, L5B 3C1 or Email:
committee.adjustment@mississauga.ca

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1. CALL TO ORDER
 2. DECLARATION OF CONFLICT OF INTEREST
 3. DEFERRALS OR WITHDRAWALS
 4. MATTERS TO BE CONSIDERED
 - 4.1. B16/21
4130 PARKSIDE VILLAGE DR (WARD 4)
AMACON DEVELOPMENT (CITY CENTRE) CORP
 - 4.2. B17/21-A97/21-A98/21
960 MEADOW WOOD RD (WARD 2)
2728095 ONTARIO INC
 - 4.3. B18/21
1434 CAWTHRA RD (WARD 1)
NEZAR FREENY & CASHCOW HOLDING INC
 - 4.4. B19/21-A104/21-A105/21
17 BEN MACHREE DR (WARD 1)
MUHAMMAD ASIF
 - 4.5. A113/21
3654 EAST PARK CRT (WARD 8)
KAREN & DEAN WOODMAN
 - 4.6. A114/21
35 KING ST. E. (WARD 7)
NAM INTERNATIONAL INC.
 - 4.7. A116/21
43 ORIOLE AVE (WARD 1)
BRYAN AND BETH BUTCHER
 - 4.8. A394/20
1330 EGLINTON AVE E (WARD 3)
GREYCAN 6 PROPERTIES GP INC C/O PANATTONI DEVELOPMENT CO

5. OTHER BUSINESS

6. ADJOURNMENT

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 4130 Parkside Village Drive, zoned CC4-1 - City Centre, has applied for Consent under Section 53 of the Planning Act. 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 115m (377ft) and an area of approximately 1.05ha (2.59ac).

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

Written comments to the Committee must be received no later than 4:30pm the Tuesday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and application number or address of the property you are providing comments on.

Advance registration is required to participate in the electronic hearing:

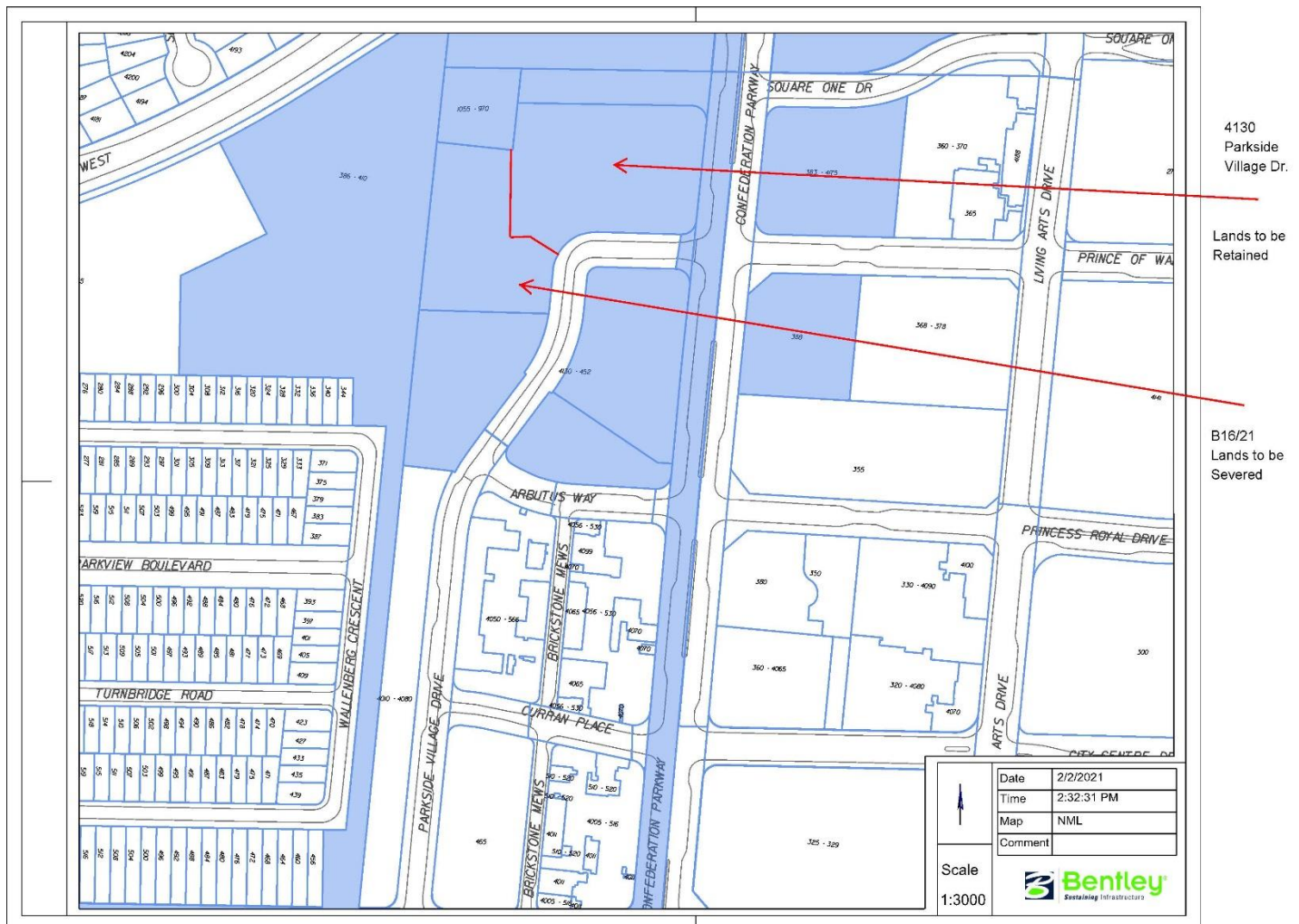
To participate electronically (computer, tablet or smartphone): Please email committee.adjustment@mississauga.ca no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.

To participate by telephone: To register, please call 905-615-3200 x5209 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

Legal notice:

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5209.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B16.21 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

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

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 115m (377ft) and an area of approximately 1.05ha (2.59ac).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 4130 Parkside Village Drive

Mississauga Official Plan

Character Area: Downtown Core
Designation: Downtown Mixed Use

Zoning By-law 0225-2007

Zoning: CC4-1 - City Centre

Other Applications: SP 18-149
A377/19
04-001

Site and Area Context

The subject property is currently vacant and located north-west of the Burnhamthorpe Road West and Confederation Parkway intersection. The subject site is an exterior parcel with a lot area of +/- 19,006.00m² and a lot frontage of +/- 266.49m possessing little to no vegetation. From a land-use perspective, the surrounding area consists of a mix of uses including; residential towers, employment and commercial businesses. Minimal vegetation is present throughout the area and is located along the periphery of these parcels.

The applicant proposes to sever the subject property to create a mixed-use residential building consisting of a podium and two residential towers of 50 and 38 storeys.



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 of land, 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 severed lands will have a lot frontage of 115.0m and a lot area of 10,509.0m² while the retained lands will have a lot frontage of 107.92m and a lot area of 8,497.0m².

The site is located within the Downtown Core, and is designated Downtown Mixed Use by the Mississauga Official Plan (MOP). Section 5 of MOP promotes development with appropriate urban form and site design, directing that such development is compatible with the surrounding context and the landscape of the character area. To this end, the proposed lots are of a comparable to the established lot fabric, remaining in scale and character with the surrounding area.

As per Zoning By-law 0225-2007, the subject property is zoned CC4-1 (City Centre). In accordance with Table 7.2.1 (CC1-CC4 and CCOS Permitted Uses and Zone Regulations), this zone does not require a minimum lot frontage or lot area. The proposed lots are appropriately sized for the context of the neighbourhood and represent the appropriate development of the lands.

Conclusion

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the *Planning Act*, specifically that it conforms to the official plan. The dimensions of the proposed lots are suitable for the purposes for which they are to be subdivided and are consistent with the character of the area.

Based upon the preceding information, the Planning and Building Department has no objections to the requested consent applications.

City Department and Agency Comments	File:B16.21	2021/03/31	4
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Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this Consent application indicates that the intent is to create a new lot and if required establish any easement(s). Private easements may have to be established to ensure functionality between the severed and residual lands to facilitate any pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services), construction requirements, etc.

The city is currently processing a Site Plan Application for the retained parcel, reference SP 18-149 for the construction of two residential towers, to date approval has not been issued for this Site Plan Application. There was a Subdivision Agreement under T-04001 PH3 which has been registered and there is currently a lifting of the 'H' Application ('H'OZ 19 001) for the removal of the 'H' Holding Zone Category on this property. For the severed lands the city has recently reviewed a DARC application, reference DARC 20-232.

It should be acknowledged that a condition of SP 18-149 requires that an interconnection through the drive aisles to facilitate a Public Pedestrian and Vehicular Access Easement in favor of the City of Mississauga is required. The Public Easement is to provide an interconnection between Parkside Village Drive and the future Square One Drive. The width of the easement is to be consistent with the condo road abutting the sidewalk.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

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

1. Site Plans/Servicing Plans/43R-Plans

Prior to the issuance of final consent the applicant/owner will be required to provide a Site Plan, Servicing Plan and 43R-Plan for our review. The requested information will be reviewed to determine if any private easements would be required between the severed and residual lands.

2. Required Easement

Upon the review of Item A1 and the confirmation of any required easements, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment to our

clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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

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

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

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

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

Comments Prepared by: Marco Palermo

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the consent application and advises as follows:

In addition, Community Services notes the following:

City Department and Agency Comments	File:B16.21	2021/03/31	7
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- Comments and conditions are being addressed through a future Site Plan Control Application and will be reviewed by the Park Planning Section.

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

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

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

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

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

Comments Prepared by: Carrie Gordon, External Liaison

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

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.
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 31, 2021.
5. A letter shall be received from the Region of Peel, Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.



COMMITTEE OF ADJUSTMENT NOTICE OF APPLICATION

File: B17.21 A97.21 A98.21

Ward: 2

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 960 Meadow Wood Road, zoned R2-1 - Residential, has applied for Consent under Section 53 of the Planning Act. 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 17.27m (56.66ft) and an area of approximately 1,312.0sq.m (14,122.3sq.ft).

A minor variance is requested for the Severed lands (A97/21) proposing a lot frontage of 17.27m (approx. 56.66ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance.

A minor variance is requested for the Retained lands (A98/21) proposing a lot frontage of 17.27m (approx. 56.66ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance.

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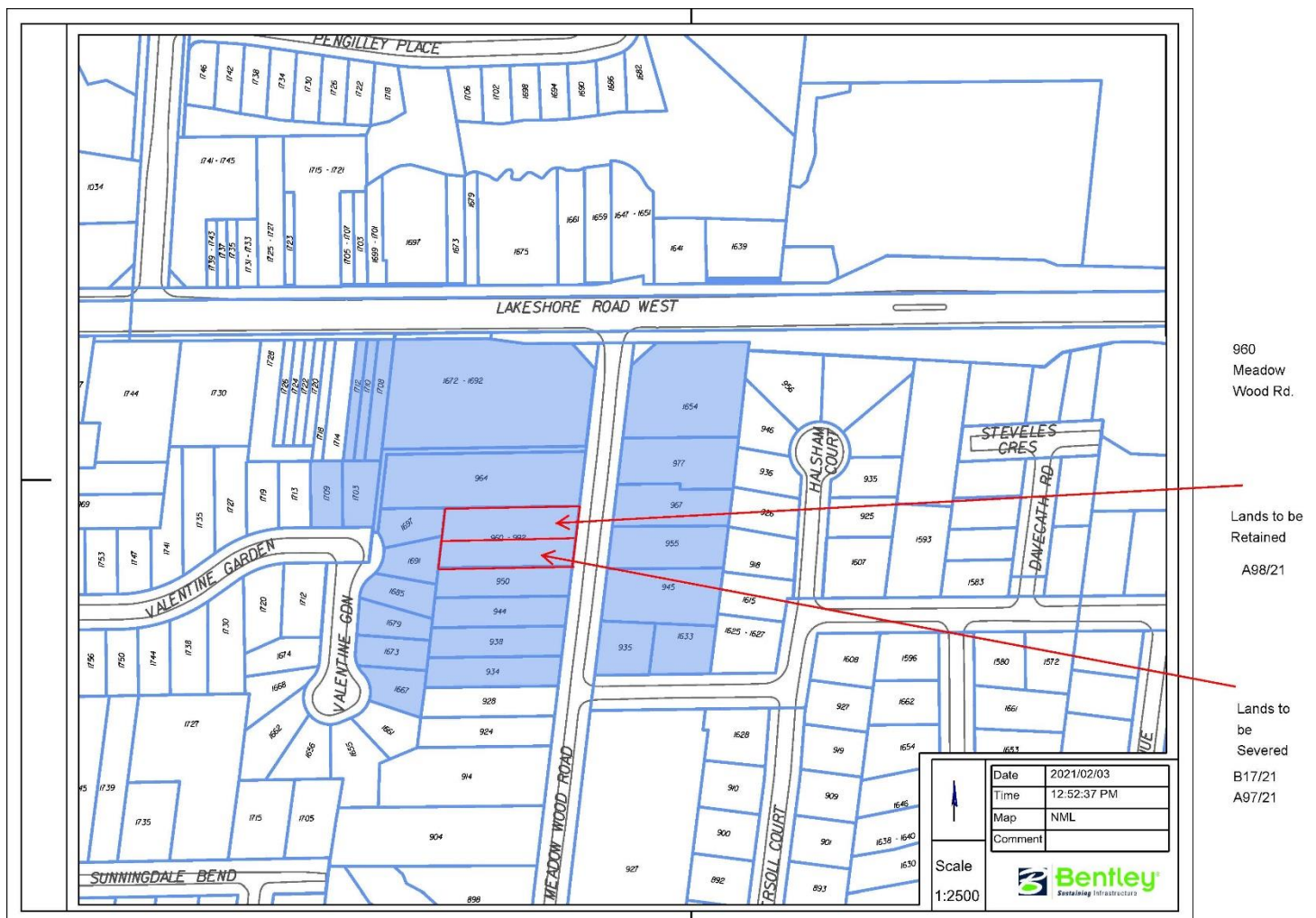
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B17.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to verify the requested variances.

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 17.27m (56.66ft) and an area of approximately 1,312.0sq.m (14,122.3sq.ft).

A minor variance is requested for the Severed lands (A97/21) proposing a lot frontage of 17.27m (approx. 56.66ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance.

A minor variance is requested for the Retained lands (A98/21) proposing a lot frontage of 17.27m (approx. 56.66ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A97.21 & A98.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A97.21 & A98.21 shall lapse if the consent application under file B17.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 960 Meadow Wood Road

Mississauga Official Plan

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

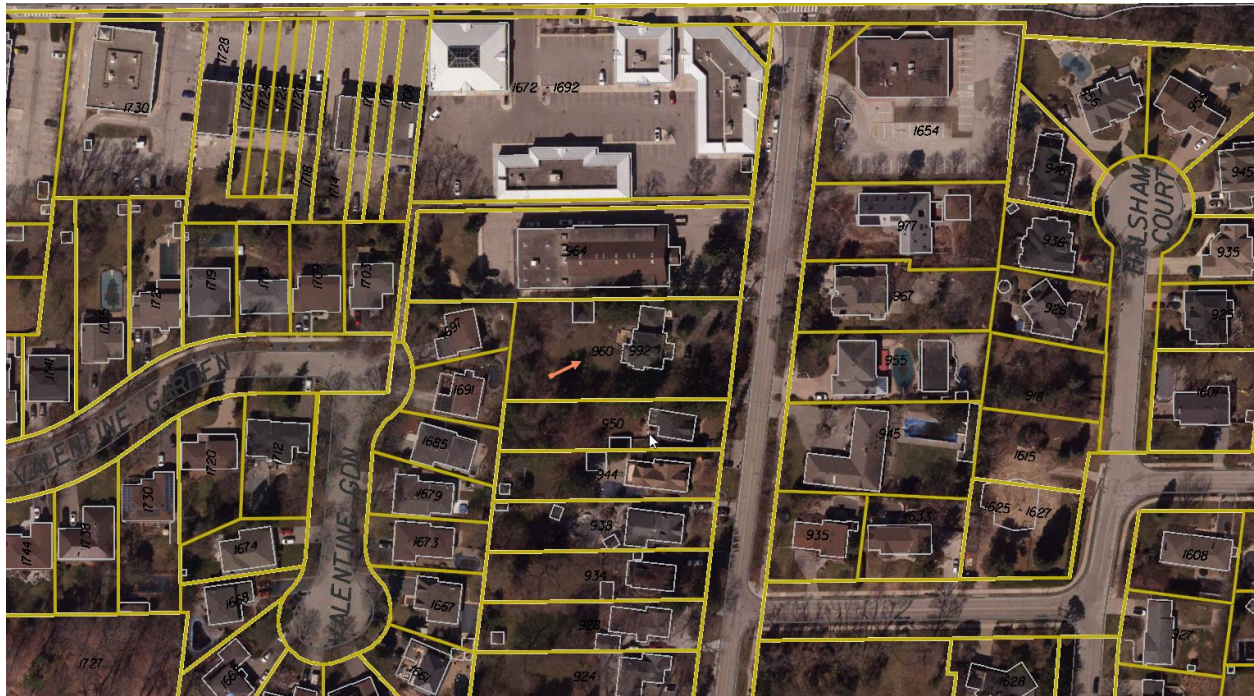
Zoning By-law 0225-2007

Zoning: R2-1 (Residential)

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and Meadow Wood Road. The neighbourhood south of Lakeshore Road West is primarily residential, consisting of large lots with one and two storey detached dwellings and significant mature vegetation. Immediately north of the subject property is an institutional use known as Peel Montessori School. The lot frontages within the neighbourhood range from approximately 17 m to 30 m and greater. The subject property contains an existing two storey detached dwelling with mature vegetation throughout the lot.

The applicant is proposing to sever the lot for the purpose of creating two new parcels to develop detached dwellings. As a result, variances for lot frontage are required.



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 severed and retained parcels propose lot frontages 17.27 m and lot areas of approximately 1,312 m². The zoning by-law requires lot frontages of 18 m and lot areas of 695 m².

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 16.1.2.1, 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. Additionally, 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. 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. The immediate neighbourhood contains lots that have a similar frontages to the subject application and do not result in a negative impact to the established community. The proposed severance represents sensitive intensification that is compatible with the existing and planned character of the neighbourhood.

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 the lot sizes are suitable for the purpose of developing two detached dwellings.

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

The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the area context. The surrounding area contains a number of lots with similar frontages which do not destabilize the existing and planned area context. The proposed lot frontages are consistent with these lots and have a similar impact to what the zoning by-law planned. 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 intent of the application is to create two lots for the purpose of developing detached dwellings, maintaining the existing low rise context of the neighbourhood. The proposed lots maintain the general context of the surrounding area and will not result in any significant adverse impacts to the existing and planned character of the community. The application represents the efficient use of land by promoting sensitive intensification that is compatible within the neighbourhood. Staff is of the opinion that the applications represent orderly development of the lands and are minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to verify the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

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

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

2. Overall Site Servicing Plan

We request that the applicant submit a Site Servicing Plan prepared by a Consulting Engineer for this department's review/approval. The Site Servicing Plan is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

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.

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

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

2. Servicing

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

3. Access

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

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

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Meadow Wood Road. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 17/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 3 – Parks, Forestry & Environment

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

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

1. The applicant shall provide tree protection securities for public and private trees as part of a future site plan control application.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documenting, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Heritage, Sport, Tourism, and Culture Industries confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Letters to this effect from said Ministry corresponding to each archaeological assessment report and activity are required to be submitted to the Culture Division for review. This should be a condition of approval if the proposal is approved.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

Consent Application: B-17/21

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

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

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the severance at 960 MEADOW WOOD RD, Bell Canada's engineering department have determined that there are no concerns or issues with the application.

Comments Prepared by: Carrie Gordon, External Liaison

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

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 (A97.21 & A98.21).
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 31, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.



COMMITTEE OF ADJUSTMENT NOTICE OF APPLICATION

File: B18.21

Ward: 1

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 1434 Cawthra Road, zoned R3-1 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has a width of approximately 15.24m (50.00ft) and an area of approximately 551.7sq.m (5,938.4sq.ft).

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

Written comments to the Committee must be received no later than 4:30pm the Tuesday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and application number or address of the property you are providing comments on.

Advance registration is required to participate in the electronic hearing:

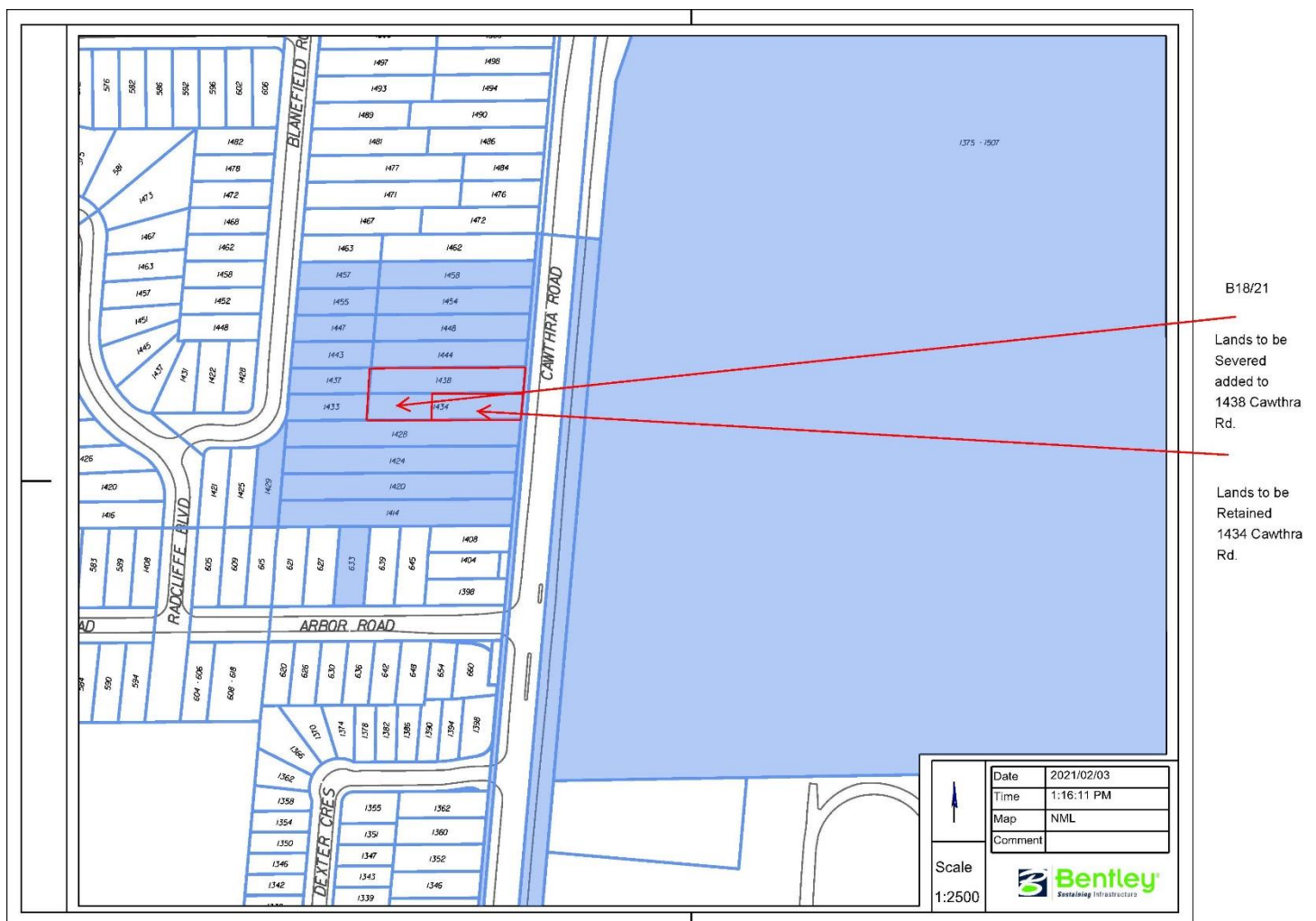
To participate electronically (computer, tablet or smartphone): Please email committee.adjustment@mississauga.ca no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.

To participate by telephone: To register, please call 905-615-3200 x5209 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

Legal notice:

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5209.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B18.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-08 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has a width of approximately 15.24m (50.00ft) and an area of approximately 551.7sq.m (5,938.4sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1434 Cawthra Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

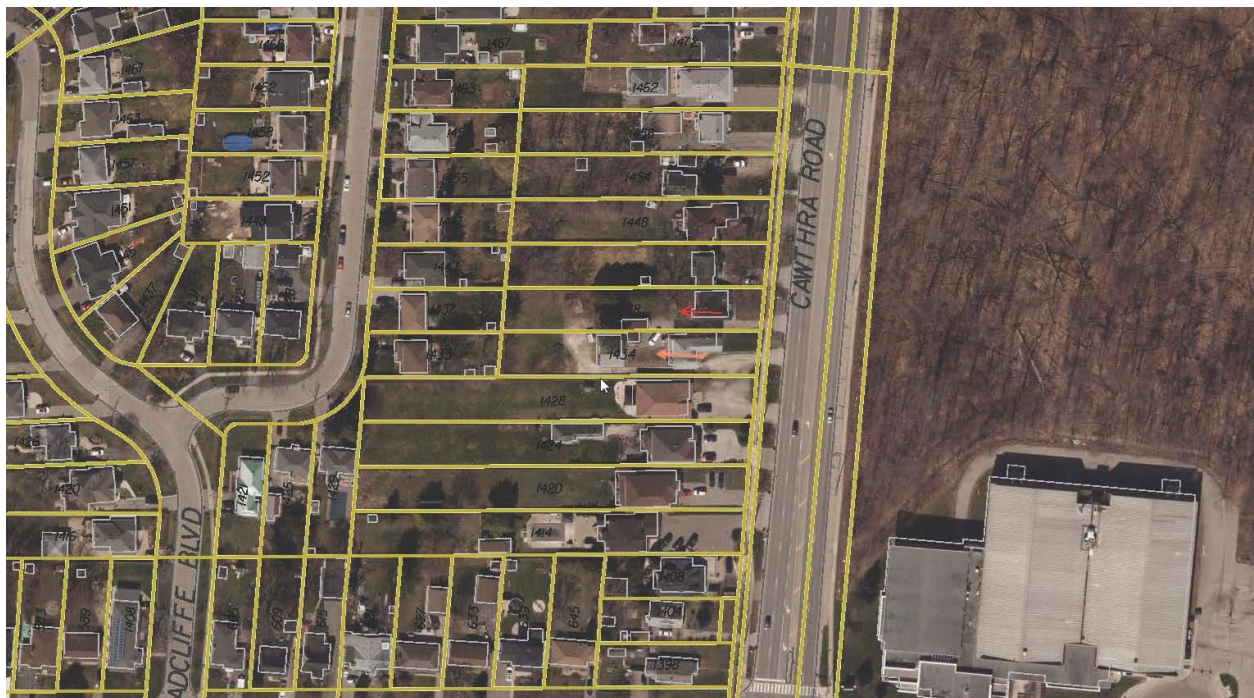
Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, north of Cawthra Road and Atwater Avenue. The immediate area west of Cawthra Road consists mostly of one and two storey detached dwellings. However, a Place of Religious Assembly and stacked back to back townhouse development is located south of the subject property, at the corner of Cawthra Road and Atwater Avenue. The subject property contains an existing two storey dwelling with mature vegetation within the front yard.

The application proposes to sever the rear portion of the subject property and add the severed lands to 1438 Cawthra Road, creating a flag shaped lot.



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 are as follows:

The severed parcel proposed to be added to 1438 Cawthra Road has a width of 15.24 m and area of approximately 551.70 m². The application states that the purpose of the lot addition is to extend the development lands to the north which is currently going through a Plan of Subdivision (T-M19002) review and associated Official Plan and Zoning By-law Amendment (OZ 18-10) application.

The development to the north proposes 12 townhouses and 4 detached dwellings accessed by a Common Element Condominium (CEC) Road. The application was received for information at the Planning and Development Committee (PDC) hearing on February 19th, 2019. To date, a PDC hearing has not been scheduled for the recommendation report.

Should the development applications to the north be approved by Council, a rezoning application would be required on the subject lands in order to proceed with a similar type of development. As such, the proposed consent application is premature as it is based on the development to the north being approved by Council. Furthermore, the extension of the CEC road requires a successful rezoning application. Finally, staff are not supportive of flag shaped lots on their own as they can present an undesirable feature of a dwelling directly abutting another dwellings rear yard.

Based on the preceding information, staff is of the opinion that the application should be refused under Section 51(24) of the *Planning Act*, more specifically, that the application is premature.

Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the application submitted and consider the application **premature** at this time and cannot support the request. We advise Committee that there are active Draft Plan of Subdivision and Rezoning applications for the lands immediately to the north of the subject property at 1438 Cawthra Road under Files T-19002 and OZ 18/010 for 4 detached and 12 townhouse dwellings fronting onto a Common Element Condominium Road (CEC). These applications have not proceeded to a recommendation report at Planning and Development Committee to determine if the use and plan of subdivision is appropriate at this location. The subject application is dependant on the northerly lands applications for access, servicing, etc.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

Comments Prepared by: Carrie Gordon, External Liaison

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

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.

Lot Addition

- a. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.
- b. The severed portion shall merge into common ownership with the lands municipally know as 1438 Cawthra Road, Mississauga Ontario. If required the applicant may have to submit a letter form a lawyer describing how the two properties will be merged,



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: B19.21 A104.21 A105.21
Ward: 1

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 17 Ben Machree Drive, zoned R15-2 - Residential, has applied for a minor variance under Section 45 of the Planning Act. 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 11.43m (37.50ft) and an area of approximately 557.43q.m (6,000.13sq.ft).

A minor variance is requested for the Severed Lands (A104/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

A minor variance is requested for the Retained Lands (A105/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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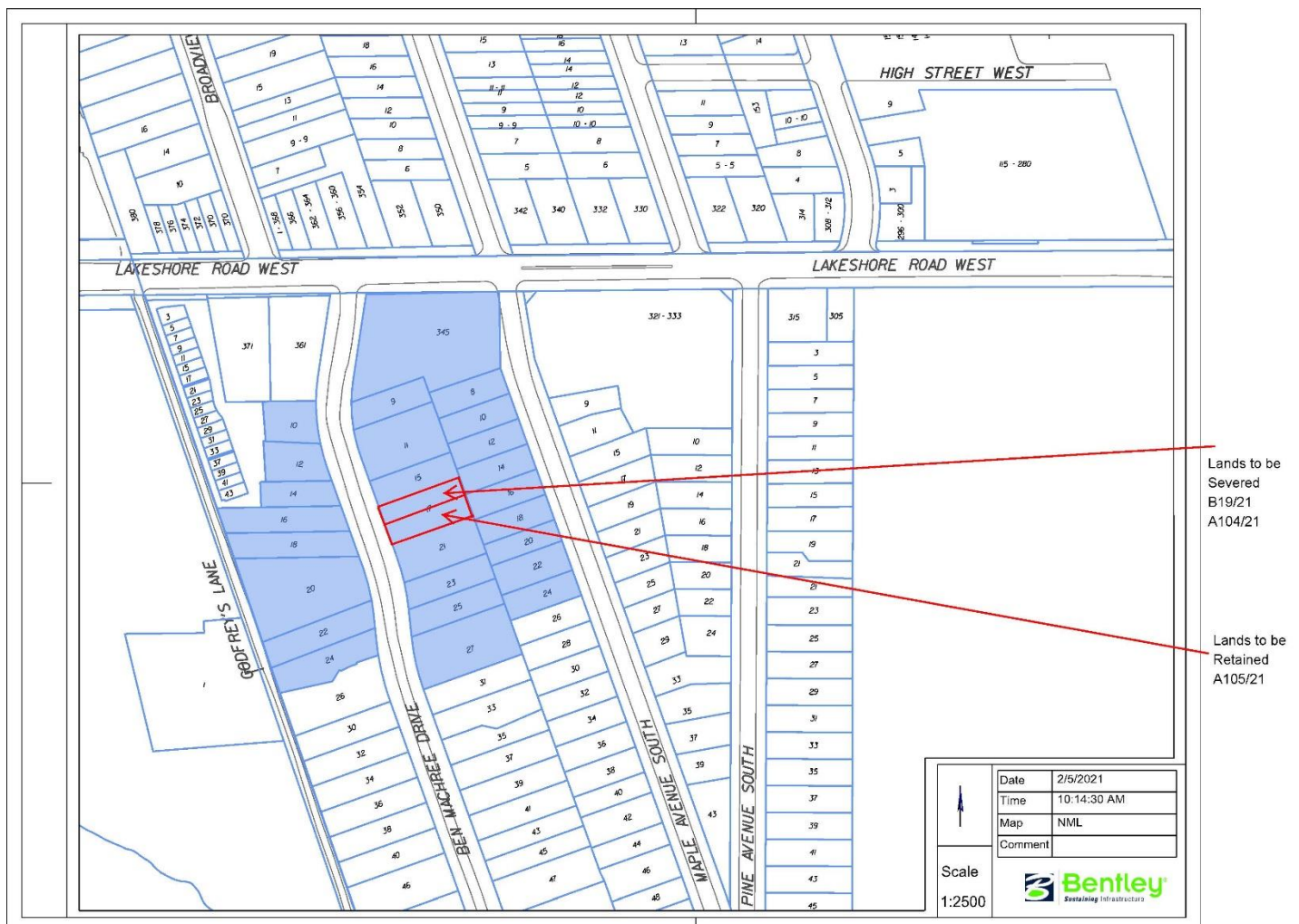
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B19.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-08 1:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to verify the requested variances.

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 11.43m (37.50ft) and an area of approximately 557.43sq.m (6,000.13sq.ft).

A minor variance is requested for the Severed Lands (A104/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

A minor variance is requested for the Retained Lands (A105/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A104.21 & A105.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A104.21 & A105.21 shall lapse if the consent application under file B19.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 17 Ben Machree Drive

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)

Designation: Residential Low Density I

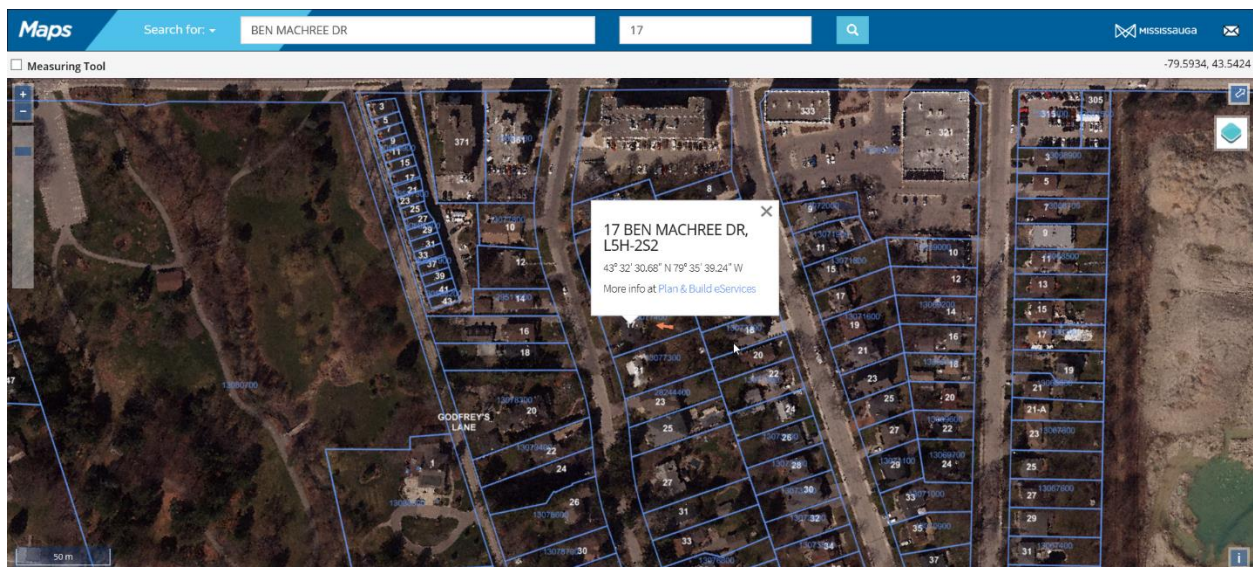
Zoning By-law 0225-2007

Zoning: R15-2 (Residential)

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low density residential, consisting of lot frontages ranging from +/- 12 m to +/- 23 m containing one and two storey detached dwellings with significant mature vegetation. The subject property has a lot frontage of approximately 22.86 m and contains an existing one storey dwelling.

The applicant is proposing to sever the lot for the purpose of creating two new parcels to develop detached dwellings. As a result, variances for lot frontage are required.



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.

The Growth Plan's guiding principles support the realization of complete communities. Section 2.2.2 (3) requires municipalities to encourage intensification generally throughout the delineated built-up area. The proposed development represents efficient growth within a built up area, allowing for the efficient utilization of the lands. Intensification is not confined solely to identified Intensification Areas but rather, is something that may occur throughout a settlement area, subject to its compatibility with the area context and existing development. In the Mississauga Official Plan (MOP) the word 'compatible' means development, which may not necessarily be the same as, or similar to, the existing or desired development, but nonetheless enhances an established community and coexists with existing development without unacceptable adverse impact on the surrounding area. The proposal is consistent with the general directive in provincial policy as it represents sensitive intensification within the settlement area that will not negatively impact the character of the neighbourhood.

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

The severed and retained parcels propose lot frontages 11.43 m and lot areas of approximately 557.43 m². The zoning by-law requires lot frontages of 12 m and lot areas of 460 m².

The subject property is designated Residential Low Density I in Schedule 10 of MOP which permits, detached, semi-detached and duplex dwellings. 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 South Residential (Cranberry Cove) precinct. 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 5.2.3 (Neighbourhoods) of the Port Credit Local Area Plan anticipates some change within neighbourhoods and states that new development does not have to mirror existing development types/densities, but will respect the 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.

The Neighbourhood Character Area policies in Section 10.3 of the Port Credit Local Area Plan ensures that development is sensitive to the existing low rise context of the neighbourhood and reinforces its planned character. The surrounding area contains examples of similar sized lots which has not destabilized the existing and planned area context. The surrounding area also contains a mix of detached, duplex and triplex dwellings, which contributes to the eclectic nature of the surrounding area. The proposed lots are consistent with the intended vision of the Port Credit Neighbourhood as well as the zoning by-law. The proposed lot frontages represent the intended lot size required by the zoning by-law.

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.

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

The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The surrounding area contains a number of lots with similar frontages that do not destabilize the existing and planned area context. The proposed lot frontages are consistent with these lots and have a similar impact to what the zoning by-law permits. The proposed frontages do not pose any significant adverse impact from the smaller lots that was planned for the community. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

It should be noted that while staff are supportive of the proposed variances regarding lot frontage, should there be a future application which proposes further variances for a detached dwelling, staff may not be supportive of the application as the regulations within the by-law can be met.

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

The intent of the application is to create two lots for the purpose of developing detached dwellings, maintaining the existing low rise context of the neighbourhood. The proposed lots maintain the general context of the surrounding area and will not result in significant adverse impacts to the existing and planned character of the community. The zoning by-law planned for smaller sized lots where appropriate. The application represents the efficient use of land by promoting sensitive intensification within the neighbourhood that will not destabilize the character of the neighbourhood. Staff is of the opinion that the applications represent orderly development of the lands and are minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to verify the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

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

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

2. Overall Site Servicing Plan

We request that the applicant submit a Site Servicing Plan prepared by a Consulting Engineer for this department's review/approval. The Site Servicing Plan is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

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.

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for

review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

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

3. Access

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

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

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Ben Machree Drive. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 19/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note 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 variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a pre-zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: A. McCormack

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the 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 \$1,214.24 for planting of two (2) street trees on Ben Machree Drive. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documenting, adverse impacts to any significant archaeological resources found. No grading or

other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Heritage, Sport, Tourism, and Culture Industries confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Letters to this effect from said Ministry corresponding to each archaeological assessment report and activity are required to be submitted to the Culture Division for review. This should be a condition of approval if the proposal is approved.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

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

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

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

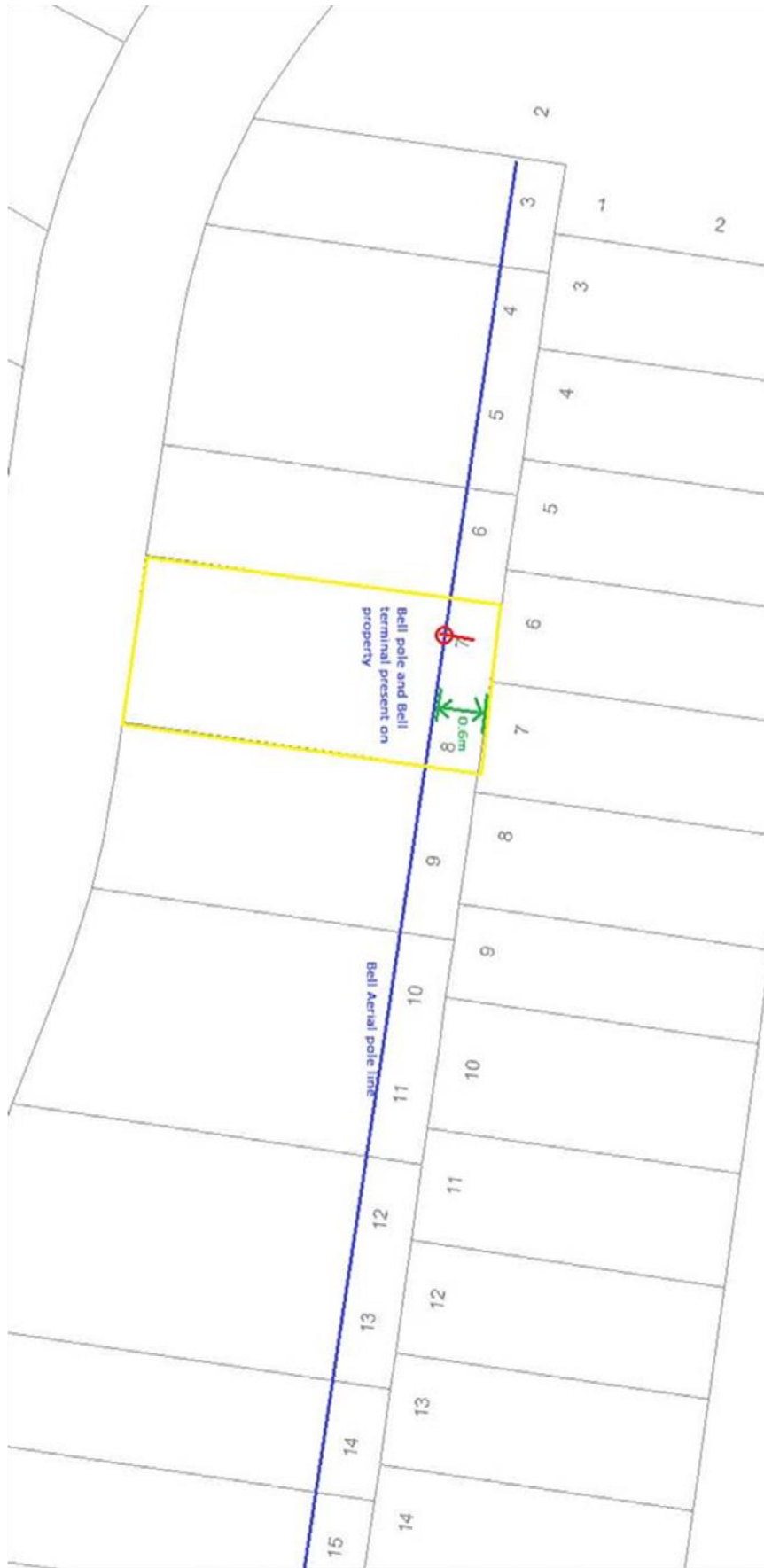
Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing rear-lot aerial facilities, supply service to the properties and to maintain service in the area. According to our records, Bell has aerial cable that runs parallel to the northeast property boundary at 17 BEN MACHREE DR and is found approximately 0.6 m from the rear lot boundary. We request the easement be the full length of the facilities, as shown on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy 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

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

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 (A104.21 & A105.21).
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 31, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.
6. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.
7. A letter shall be received from Bell Canada, Right-of-way, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A113.21
Ward: 8

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 3654 East Park Court, zoned R3-9 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to approve a minor variance to allow the construction of a pool and accessory structures on the subject property proposing:

1. An accessory structure (Gazebo) area of 26.77sq.m (approx. 288.15sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance;
2. A side yard to an accessory structure (Gazebo) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure of 1.20m (approx. 3.94ft) in this instance;
3. A side yard to an accessory structure in a side yard (Pool Storage Shed) of 1.38m (approx. 4.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure in a side yard of 1.50m (approx. 4.92ft) in this instance;
4. A swimming pool in a tree preservation area whereas By-law 0225-2007, as amended, does not permit a swimming pool in a tree preservation area in this instance;
5. A partial accessory structure (Gazebo) in a tree preservation area whereas By-law 0225-2007, as amended, does not permit an accessory structure in a tree preservation area in this instance; and
6. A partial accessory structure and partial swimming pool within a tree preservation area whereas By-law 0225-2007, as amended, requires a minimum rear yard to a tree preservation area of 7.50m (approx. 24.61ft) in this instance.

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

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Advance registration is required to participate in the electronic hearing:

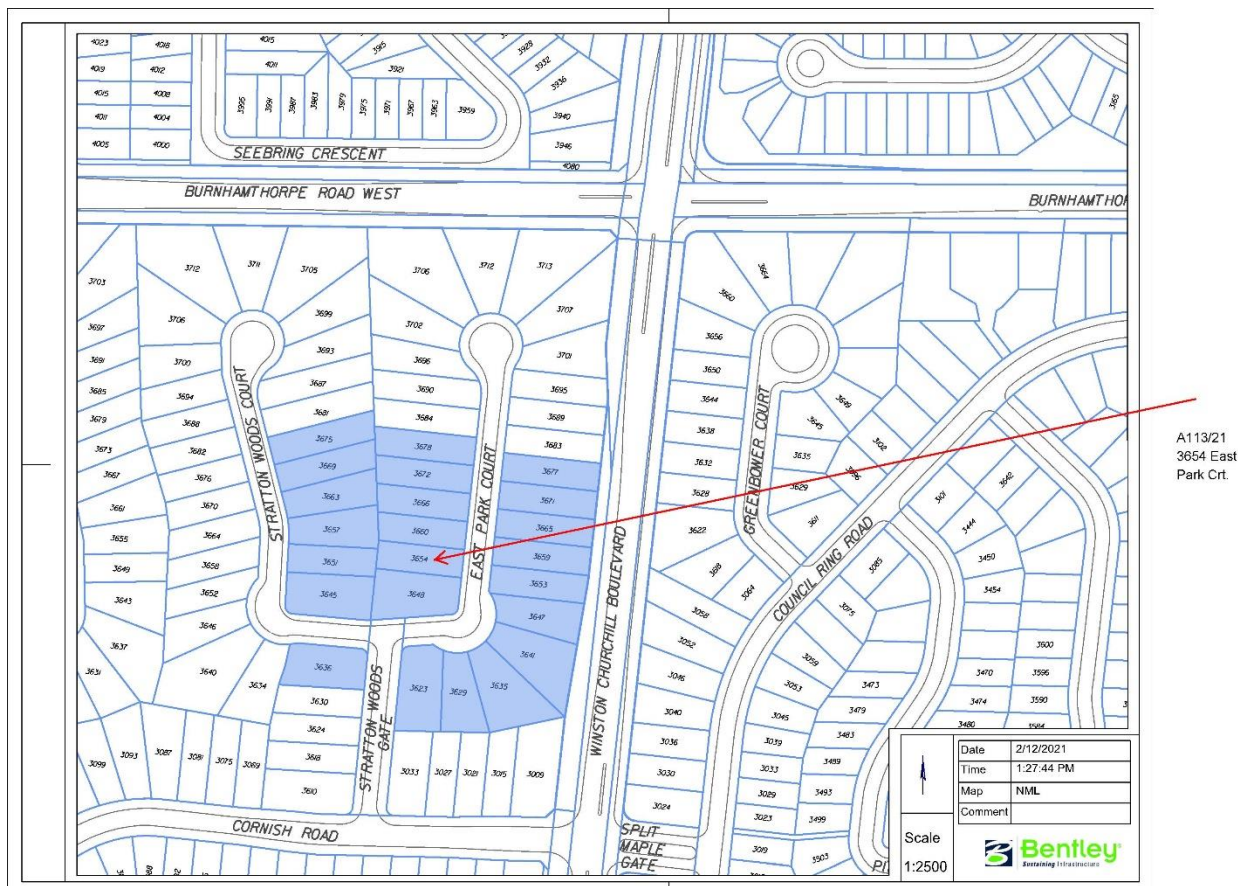
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5209.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A113.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 3:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a pool and accessory structures on the subject property proposing:

1. An accessory structure (Gazebo) area of 26.77sq.m (approx. 288.15sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance;
2. A side yard to an accessory structure (Gazebo) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure of 1.20m (approx. 3.94ft) in this instance;
3. A side yard to an accessory structure in a side yard (Pool Storage Shed) of 1.38m (approx. 4.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure in a side yard of 1.50m (approx. 4.92ft) in this instance;
4. A swimming pool in a tree preservation area whereas By-law 0225-2007, as amended, does not permit a swimming pool in a tree preservation area in this instance;
5. A partial accessory structure (Gazebo) in a tree preservation area whereas By-law 0225-2007, as amended, does not permit an accessory structure in a tree preservation area in this instance; and
6. A partial accessory structure and partial swimming pool within a tree preservation area whereas By-law 0225-2007, as amended, requires a minimum rear yard to a tree preservation area of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 3564 East Park Court

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-9 (Residential)

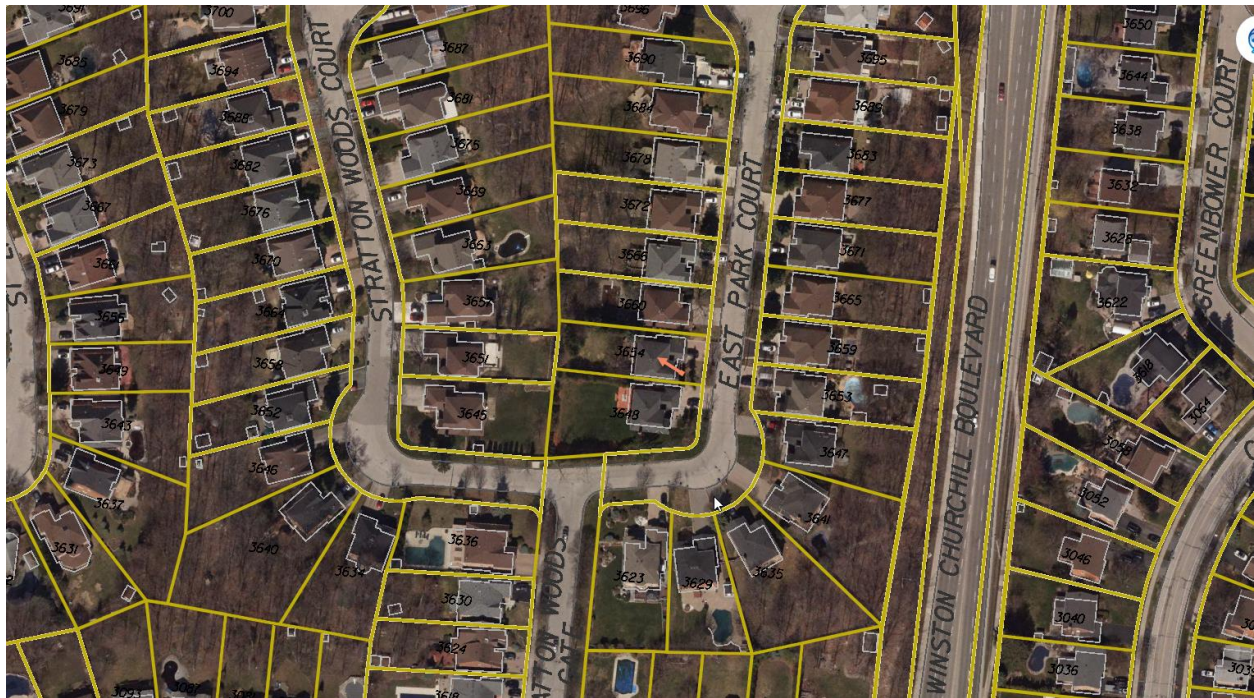
Other Applications

Pool Permit: 21-4

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southwest of Burnhamthorpe Road West and Winston Churchill Boulevard. The neighbourhood is entirely residential, consisting of two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in the front yard and little within the rear yard. A portion of the rear yards within the subdivision is considered a "Tree Preservation Area" which does not allow any structures including swimming pools to be built within the area.

The application proposes an accessory structure and pool in the rear yard, requiring variances related to occupied area and side yard setbacks of an accessory structure and to allow a pool and accessory structure to be located within the "Tree Preservation 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 are as follows:

The intent of the zoning by-law is to protect the mature vegetation within this Tree Preservation Area that is outlined within the by-law. Through discussions with the Forestry Division, an arborist report should be submitted with the application for the purpose of providing an inventory of the trees on-site, determining which trees, if any require removal and which are to be preserved. The report also prescribes mitigation measures to ensure the trees on-site are successfully preserved. As such, staff recommends that the application be deferred to allow the applicant to obtain an arborist report for review by the Forestry Division.

Conclusion

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

City Department and Agency Comments	File:A113.21	2021/03/31	4
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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 this property will be addressed under the Pool Permit application, 21/004.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a pool permit. Based on review of the information currently available in this pool permit application, the variances concerning the pool, are correct. Please note that a building permit is required for the accessory structures.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

City Department and Agency Comments	File:A113.21	2021/03/31	7
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Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A114.21
Ward: 7

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 35 King Street East Unit 20, zoned C4 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a take-out restaurant in Unit 20 of the subject property within 60m of a Residential zone whereas By-law 0225-2007, as amended, requires a minimum 60m buffer from a take-out restaurant to a Residential zone in this instance.

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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How to submit a written comment:

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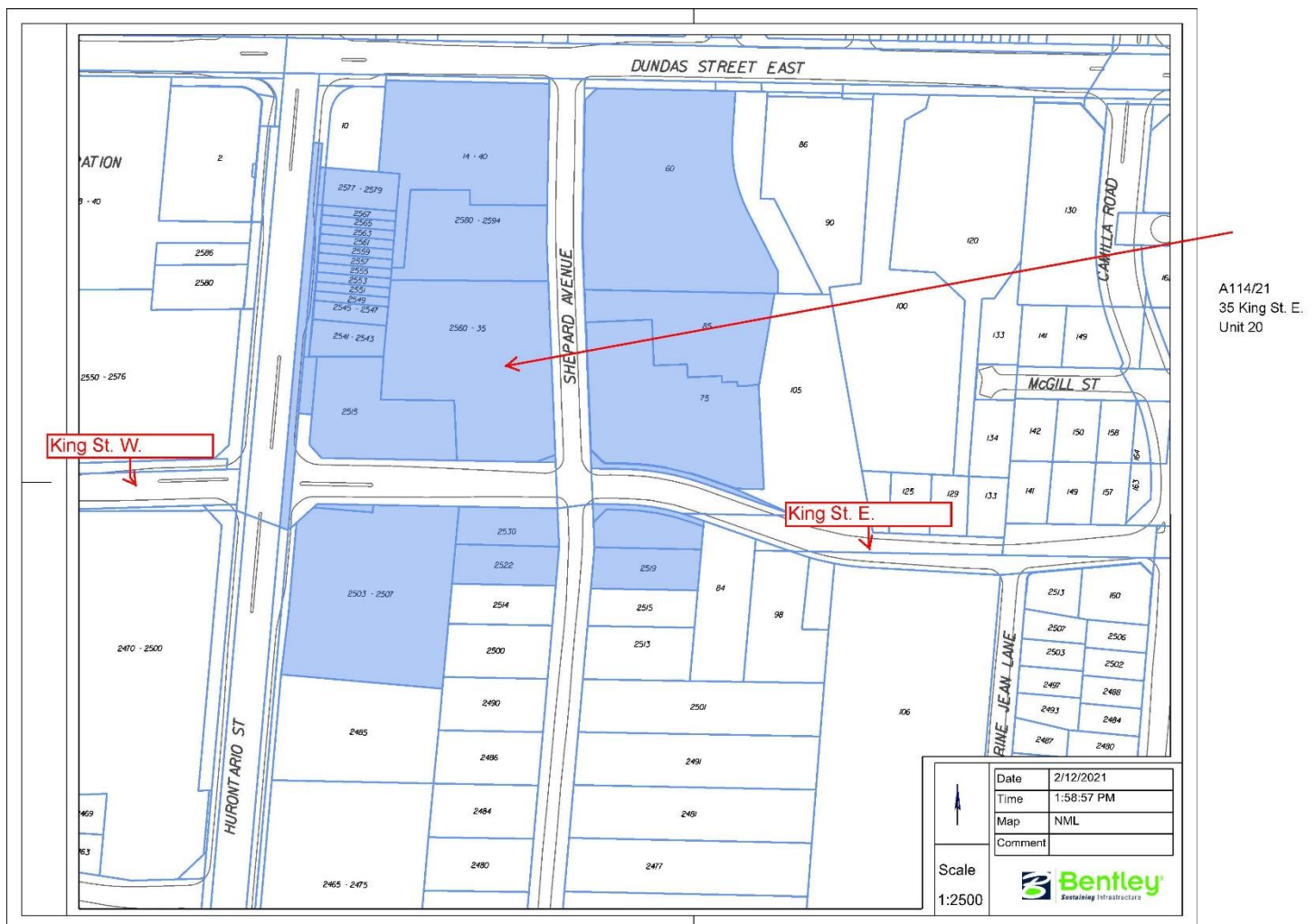
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5209.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A114.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant in Unit 20 of the subject property within 60m of a Residential zone whereas By-law 0225-2007, as amended, requires a minimum 60m buffer from a take-out restaurant to a Residential zone in this instance.

Background

Property Address: 35 King Street East Unit 20

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: C 20-4519
BP 20-4521

Site and Area Context

The subject property is a commercial unit located in an existing multi-tenant retail plaza located

at the north-west corner of Shepard Ave and King St E. It is an exterior parcel, with a lot area of +/- 8,388.99m² and a lot frontage of +/- 100.0m. The property possesses little to no vegetative elements on the lot. From a land-use perspective, the immediate neighbourhood is a mixture of commercial and residential uses; including restaurants, offices, a retirement home, and residential dwellings.

The applicant is proposing a take-out restaurant that requires a variance for minimum setback to a residential zone.



the Mixed Use designation permits a restaurant. The Applicant's proposal of a take- out restaurant meets the purpose and general intent of the Official Plan.

The intent of this portion of the bylaw is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot, a 60.0m buffer is created, as is the case in this instance. The existing retail plaza on the subject property was built in 1985 and has since this time been located within the required minimum separation distance from residential zones, buffer of 60m. Additionally, there are other existing restaurant units within the plaza that are closer to the residential zone than unit #20. Staff are of the opinion that impacts to the residential zone are insignificant. 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: Brooke Herczeg RPP, 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' 114/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

“The Building Department is currently processing a certificate of occupancy permit application under file 20-4519. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on xxxxxx for the above captioned certificate of occupancy permit application. 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. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.”

Comments Prepared by: Ramsen Hedoo

Appendix 5 – Region of Peel Comments

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

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

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 8243 or by email at diana.guida@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A116.21
Ward: 1

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 43 Oriole Avenue, zoned R3-1 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to allow the construction of an addition proposing:

1. An interior side yard measured to the garage of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the garage of 1.80m (approx. 5.91ft) in this instance; and
2. A combined width of side yards of 4.12m (approx. 13.52ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.93m (approx. 16.17ft) in this instance.

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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5209.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A116.21 Ward: 1
	Meeting date: 2021-04-08 3:00 PM

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 allow the construction of an addition proposing:

1. An interior side yard measured to the garage of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the garage of 1.80m (approx. 5.91ft) in this instance; and
2. A combined width of side yards of 4.12m (approx. 13.52ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.93m (approx. 16.17ft) in this instance.

Amendments

Staff recommends that variance #2 be amended as follows:

A combined width of side yards of 4.09m (approx. 13.42ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.93m (approx. 16.17ft) in this instance.

Background

Property Address: 43 Oriole Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

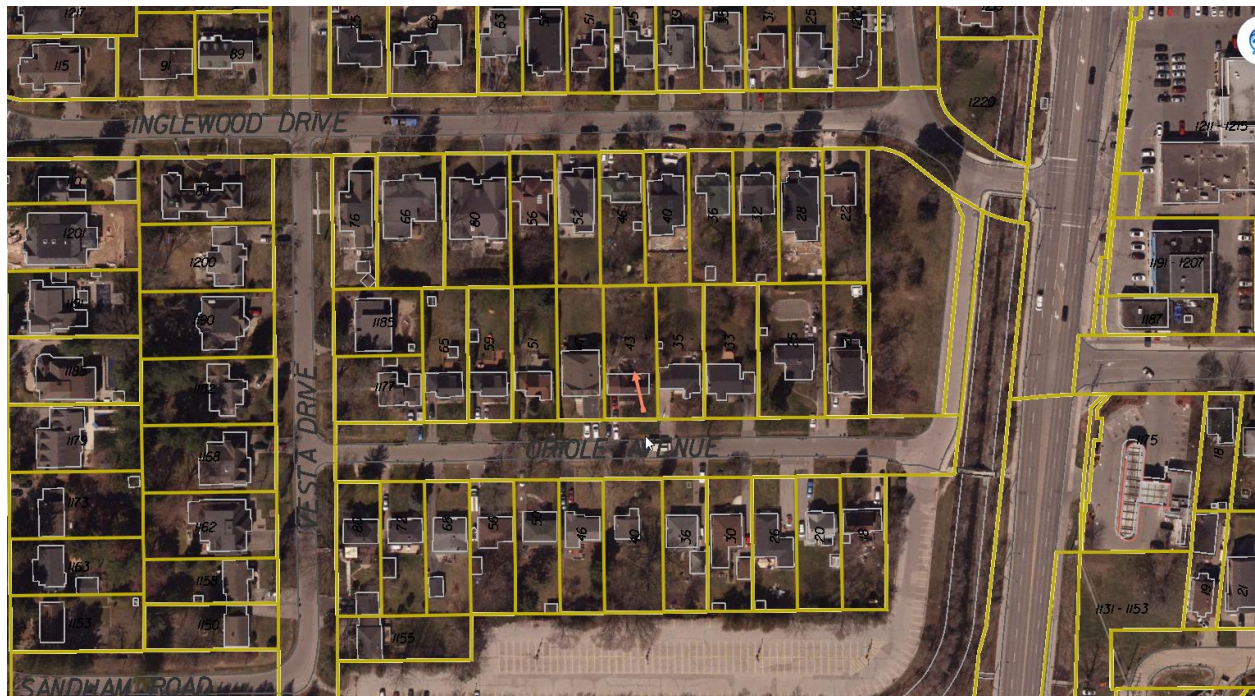
Other Applications

Pre-Application: 21-4748

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Inglewood Drive. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing two storey detached dwelling with an attached garage on the westerly side of the dwelling.

The applicant is proposing to rebuild the attached garage, requiring variances related to a deficient side yard and combined side yard width setback.



Comments

Planning

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

Staff comments concerning the application are as follows:

The proposed garage will be rebuilt on the existing foundation and will not encroach further into the side yard than what currently exists. The immediate neighbourhood historically consists of deficient side yards. The proposal will not cause any additional undue impact from what currently exists. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process and 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 addition will be addressed through the future Site Plan/Building Permit process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review (PREAPP) under file 21-4748. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

2. A combined width of side yards of 4.09m (approx. 13.42ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 4.93m (approx. 16.17ft) in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A394.20
Ward: 3

Why you received this letter:

You are receiving this letter because you are the owner of a neighbouring property within 60m (200ft) of the subject property, or are the agent/interested party/owner of the property for the application.

Details of the application and meeting information:

The property owner of 1330 Eglinton Avenue East, zoned C3-1 - Commercial & E2 - Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an indoor karting facility proposing 34 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 175 parking spaces in this instance.

The Committee has set **Thursday April 8, 2021 at 3:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

Written comments to the Committee must be received no later than 4:30pm the Tuesday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and application number or address of the property you are providing comments on.

Advance registration is required to participate in the electronic hearing:

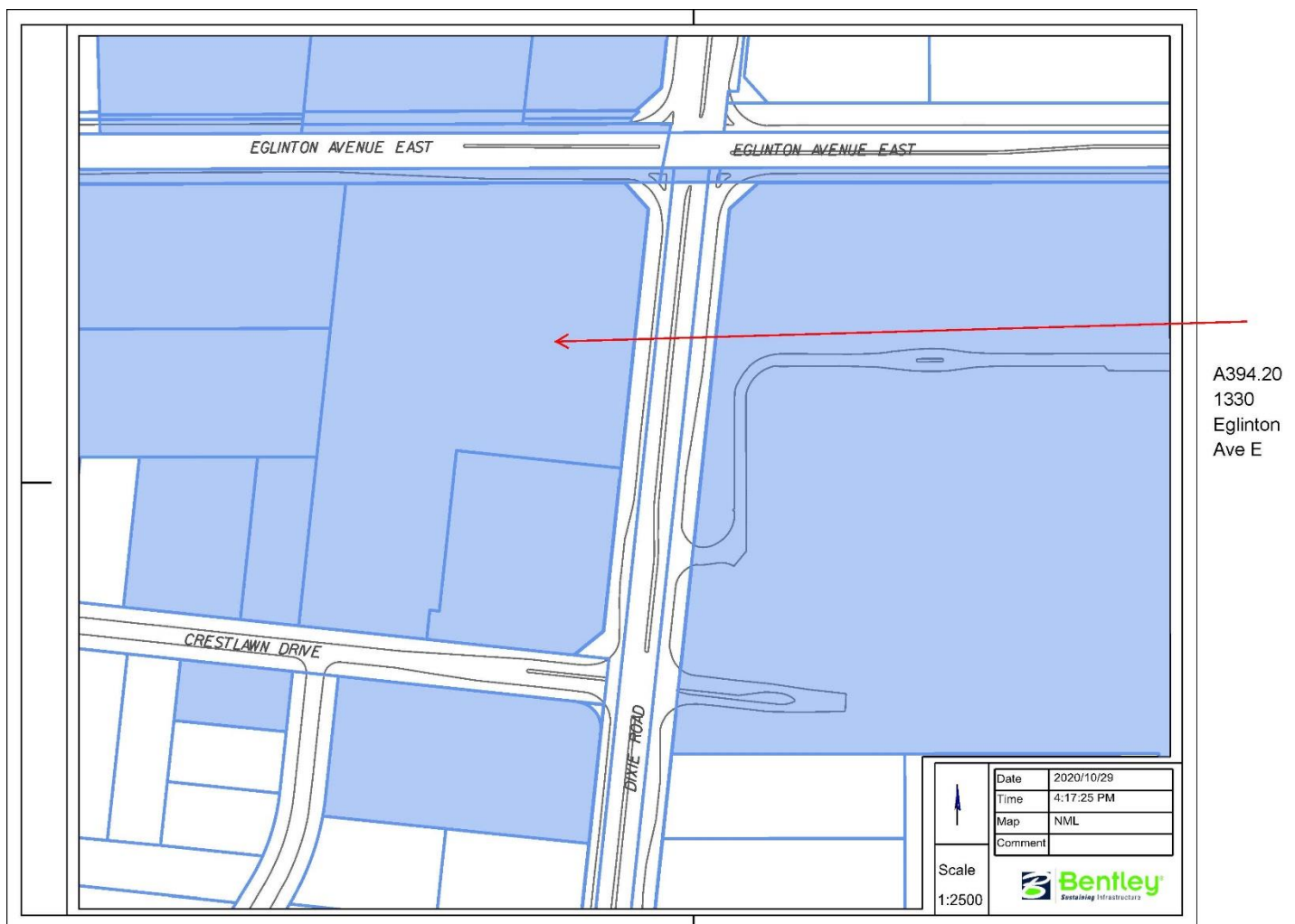
To participate electronically (computer, tablet or smartphone): Please email committee.adjustment@mississauga.ca no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.

To participate by telephone: To register, please call 905-615-3200 x5209 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

Legal notice:

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A394.20 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 1:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow an indoor karting facility proposing 34 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 175 parking spaces in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

Insufficient parking on-site of 329 spaces; whereas By-law 225-2007, as amended, requires a minimum of 457 spaces in this instance.

Background

Property Address: 1330 Eglinton Avenue East

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment, Mixed Use

Zoning By-law 0225-2007

City Department and Agency Comments	File:A394.20	2021/03/31	2
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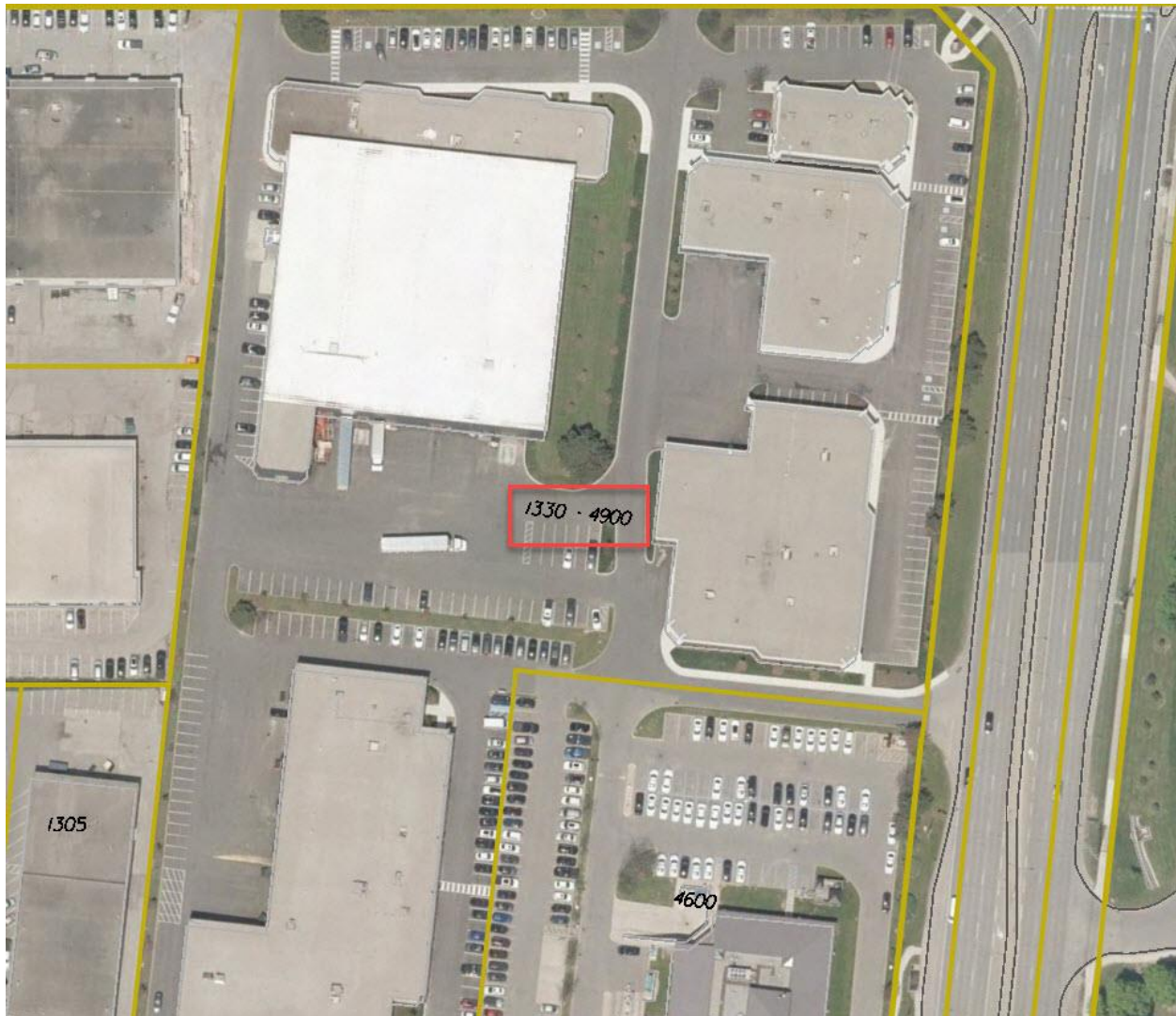
Zoning: C3-1 - Commercial & E2 - Employment

**Other Applications: C19-9411
BP 3ALT 19-9521**

Site and Area Context

The subject property is a multi-pad, multi-tenant commercial plaza located upon the south-west corner of the Eglinton Avenue East and Dixie Road intersection. It is an exterior parcel with a lot area of +/- 35,086.25m² and a lot frontage of +/- 158.99m. From a land-use perspective, the immediate neighbourhood along this portion of Eglinton Avenue East consists of a mixture of multi-tenant commercial plazas; however, the neighboring section of Dixie Road is a transitional area that currently includes both office-industrial and warehouse-industrial land-uses.

The applicant is proposing an indoor karting facility, requiring a variance for a reduction in parking spaces.



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 Northwest Employment Character Area, and is designated Mixed Use and Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (j) (Business Employment), this designation permits entertainment, recreation and sports facility uses. The Applicant's proposal of an indoor karting facility 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 currently zoned C3-1 (Commercial) and E2 (Employment). Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), regulates the required parking rates for the uses permitted 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. The applicant is requesting permission for a 3,874.0m² recreational establishment (indoor go karting facility) with a total of 34 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 175 parking spaces onsite in this instance. This represents a significant parking reduction of 141 parking spaces or 81% deficiency.

An updated Parking Utilization Study (PUS), prepared by NexTrans Consulting Engineers, dated, February 11, 2021, was submitted in support of the application. NexTrans Consulting Engineers carried out a survey at the subject property and one proxy site at 75 Carl Hall Road Unit #9 in the City of Toronto. The updated PUS explains that the Zoning By-law rate for a Recreational Establishment does not reflect the demand to support an indoor go karting facility, where most of the GFA is attributed to the racing track.

City Planning Strategies Staff required that the onsite survey account for all buildings on site. Staff applied the proxy site demand ratio and determined that the proposed Recreational Establishment will require a total of 41 parking spaces. Therefore, the overall onsite demand will be 242 parking spaces, which can be sufficiently accommodated by the 329 spaces provided onsite.

It is staff's understanding that the previously flagged discrepancies have been addressed with Zoning. Currently, Zoning is processing a Certificate of Occupancy and has advised that the requested variance should be amended proposing a total of 329 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 457 parking spaces for all uses onsite.

Based on the submitted information and survey results, CPS and Planning Staff can support the application, as amended to provide a total of 329 parking spaces, whereas, a minimum of 457 parking spaces are required for all uses onsite in this instance.

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

Based on a survey of the entire site Planning Staff are of the opinion that there is sufficient parking to accommodate all five buildings on site. As such, the variance represents the orderly development of the lands, and is minor in nature.

Conclusion

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

Comments Prepared by: Brooke Herczeg RPP, 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' 394/20

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy permit under file C19-9411. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

Insufficient parking on-site of 329 spaces; whereas By-law 225-2007, as amended, requires a minimum of 457 spaces in this instance.

Please note that comments reflect those provided through the above permit application on 02/12/2021 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner