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## Committee of Adjustment

**Date:** August 12, 2021  
**Time:** 1:00 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  
[umar.mahmood@mississauga.ca](mailto:umar.mahmood@mississauga.ca)

Alexander Davies, Committee of Adjustment Coordinator,  
Legislative Services  
905-615-3200 ext.5422  
[alexander.davies@mississauga.ca](mailto:alexander.davies@mississauga.ca)

**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](mailto: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. B39/21-A248/21-A249/21  
10 CAYUGA AVE (WARD 1)  
MAREK PRZECLAWSKI
    - 4.2. B45/21-A293/21-A294/21  
1594 CALVERTON CRT (WARD 1)  
DARIO DINAPOLI & KENDALL MANOR
    - 4.3. B46/21-A305/21-A306/21  
30-32 OAKWOOD AVE N (WARD 1)  
MARCIN MASLEJ & JACQUELINE DE MELLO
    - 4.4. B47/21-A307/21-A308/21  
1043 WEST AVE (WARD 1)  
PHAN TANG
    - 4.5. A274/21  
7488 MCKECHNIE CRT (WARD 5)  
PROMILA & SURINDER AGGARWAL
    - 4.6. A288/21  
316 PATHFINDER DR (WARD 7)  
GIANCARLO & MARIJA TEDESCO
    - 4.7. A289/21  
5610 FUDGE TERR (WARD 10)  
SYED HASHIM RAZA
    - 4.8. A295/21  
2434 WHALEY DR (WARD 7)  
KENNETH CARR & JENNIFER KEY-CARR

- 4.9. A296/21  
180 TRADERS BLVD E (WARD 5)  
6285457 CANADA INC
- 4.10. A297/21  
1145 BLUEHERON BLVD (WARD 6)  
SAYANI & NADIA SAIPHOO
- 4.11. A298/21  
3141 ARNETT CRT (WARD 9)  
SARA STINSON
- 4.12. A299/21  
3981 REDMOND RD (WARD 7)  
ROGERS TELECOMMUNICATIONS LIMITED
- 4.13. A302/21  
7437 SILLS RD (WARD 5)  
SUKHMANDER & KARAMJEET BRAR
- 4.14. A303/21  
4161 HIGHGATE CRES (WARD 3)  
ELIZABETH CAPONE
- 4.15. A304/21  
6 WESLEY CRES (WARD 1)  
SIOBHAIN CROWLEY
- 4.16. A309/21  
1161 MIRADA PL (WARD 2)  
HAMIDREZA MOHAMADI
- 4.17. A171/21  
4050 WESTMINSTER PL (WARD 3)  
MAISA & RYAAN OTHMAN
- 4.18. A200/21  
3911 SWIFTDAL DR (WARD 10)  
OMKALTHOUM ABDULKARAM, INTISAR & MERYAM AL-WAADH

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 10 Cayuga Avenue, zoned RM7-5 - 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 7.62m (25.00ft) and an area of approximately 290.32sq.m (3124.98sq.ft).

A minor variance is requested for the Retained lands (file A248/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
2. A building height measured to the eaves of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

A minor variance is requested for the Severed lands (file A249/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
2. A building height measured to the eaves of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

The Committee has set **August 12, 2021 at 1:00 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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**Advance registration is required to participate in the electronic hearing:**

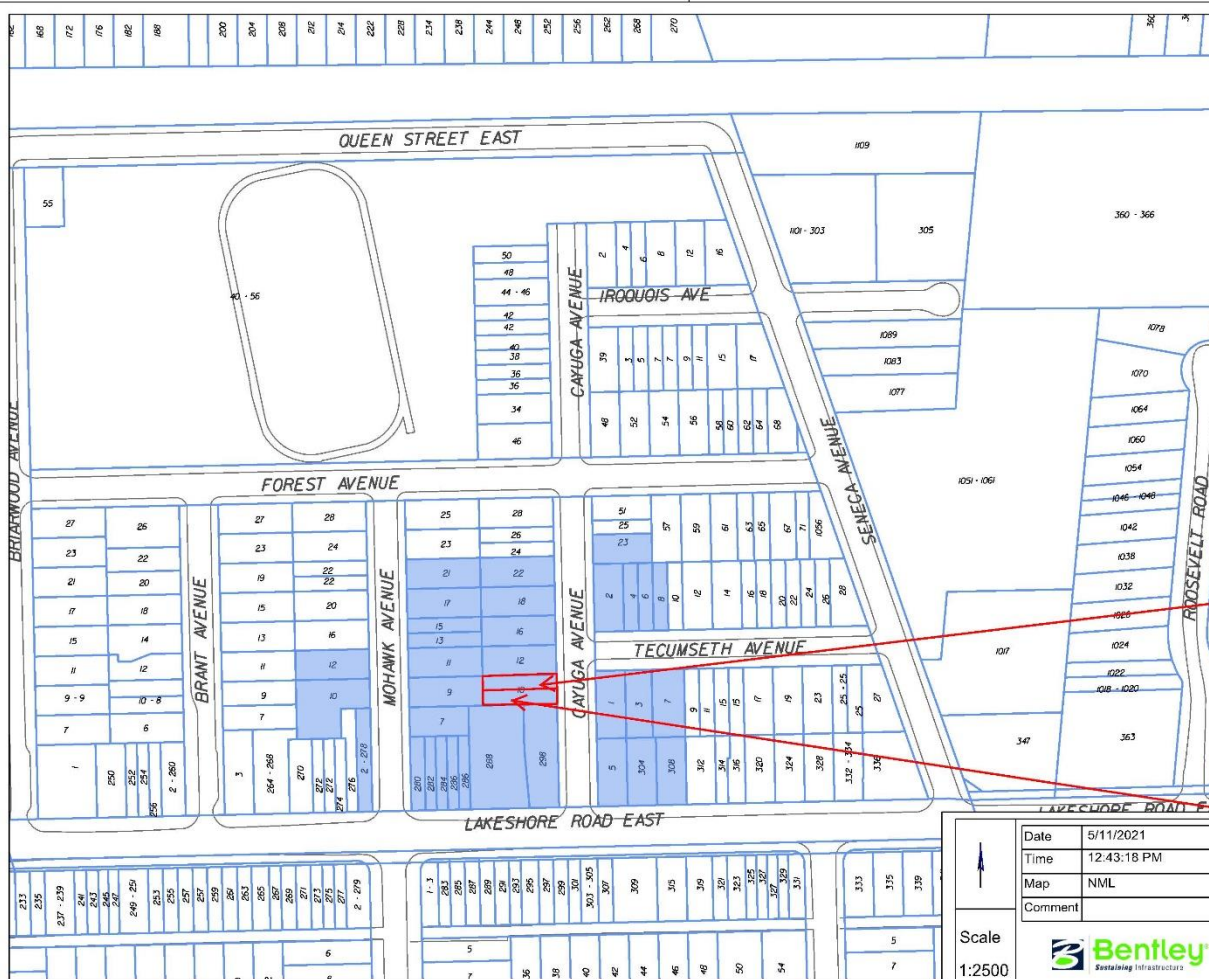
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**Legal notice:**

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](mailto: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 x2408.



10 Cayuga Ave.  
Lands to be Severed  
B39/21  
A249/21

Lands to be Retained  
A248/21

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): B39.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## 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 7.62m (25.00ft) and an area of approximately 290.32sq.m (3124.98sq.ft).

A minor variance is requested for the Retained lands (file A248/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
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A minor variance is requested for the Severed lands (file A249/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
2. A building height measured to the eaves of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

City Department and Agency Comments	File:B39.21	2021/08/04	2
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Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A248.21 and A249.21 must be finalized.

Variances approved under files A248.21 and A249.21 shall lapse if the consent application under file B39.21 is not finalized within the time prescribed by legislation.

## Background

**Property Address: 10 Cayuga Avenue**

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning: RM7-5 - Residential**

**Other Applications: None**

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, northeast of Hurontario Street and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings, a 3 and 5 storey apartment building and multiple commercial plazas. The low density dwellings in the immediate area consists of lots with frontages ranging from approximately 7.5m to 15.4m. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the existing lot to create two new parcels for the development of two new semi-detached dwellings that require a variance related to height.





## Comments

### Planning

#### Planning Act

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

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

#### Provincial Matters

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

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

City Department and Agency Comments	File:B39.21	2021/08/04	4
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Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning by-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the Central Residential Precinct the Port Credit Local Area Plan. Section 16.1.2.1 of the MOP states, 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. Section 10.3 (Neighbourhood Character Area) of the Port Credit Local Area Plan, intends to ensure development is sensitive to the existing low rise context and reinforces the planned character of the area. The official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with semi-detached lots found within the immediate area and contributes to the eclectic nature of the existing and planned community. Staff is of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and the proposed parcels are suitable to accommodate semi-detached dwellings.

Through a review of the minor variance applications, Staff note that variances #1 and #2 were calculated incorrectly based on final grade and not average grade. Staff informed the applicant's agent that the heights are to be calculated from average grade. The applicant's agent did not work with Staff to submit a new list of variances and drawings. The variances requested need to be verified and amended before staff can properly assess the applications.

Section 10.2.2.2 in the Port Credit Local Area Plan states that building heights on lots adjacent to the Mainstreet Precinct will demonstrate an appropriate transition. While the dwelling's heights appear to be calculated from street level, Staff are not opposed to an increase of height on the subject property, as long as they represent an appropriate transition into the lower density neighbourhood. Staff is unsure what heights the applicant is proposing. The subject property abuts the Mainstreet precinct and a three storey apartment to the north. Additionally, a five storey apartment building is located southwest of the property, which can be viewed when standing perpendicular to the front facade.

Variance #1 pertains to flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling, and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that were permitted up to a height of 10.70 m, which could also accommodate a third storey in the dwelling. Variance #1 is only required for the proposed parapet wall. From street view, the parapet wall only spans the middle portion of the front of the proposed dwellings. The parapet wall also assists in visually breaking up the roofline and the dwelling's massings. The variance requested is incorrect; Staff cannot completely assess the application until the requested variance is corrected.

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Variance #2 pertains to eave height. The zoning by-law restricts eave heights to lessen the visual massing of dwellings for dwellings with sloped roofs. The applicant has proposed two semi-detached dwellings with a shared flat roof. The variance requested is incorrect; Staff cannot completely assess the application until the requested variance is corrected.

While Staff is not opposed to the requested severance application, Staff recommends deferral of both applications, as the variances requested need to be verified and amended before staff can properly assess all applications.

## Conclusion

The Planning and Building Department recommend that the applications be deferred.

Comments Prepared by: Connor DiPietro, 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.

##### 2. Municipal Address Requirement

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

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

#### 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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 675mm storm sewer on Cayuga Ave. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

For further information please contact Ghazwan Yousif at ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 39/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit under file PREAPP 21-5315. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner

### **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 \$607.12 for planting of one (1) street tree on Cayuga Avenue. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 4 – 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 buried and aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's buried cable runs along the southwest property boundary leading to a pole and aerial facilities that run northwesterly from the buried facilities and parallel to said southwest property boundary as identified in the sketch provided.

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 and pole, then to extend from the pole to a minimum of 1.0m past any anchor

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installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs. As for the buried facilities, a 3.0m wide corridor to be measured 1.0m on either side of the buried facilities would satisfy our requirements. With respect to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

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.

Comments Prepared by: Carrie Gordon, Right of Way Associate

City Department and Agency Comments	File:B39.21	2021/08/04	10
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## **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. ("A"248/21 and "A"249/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.
6. A letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.



## COMMITTEE OF ADJUSTMENT NOTICE OF APPLICATION

File: B45.21 A293.21 A294.21

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 1594 Calverton Court, zoned R2-1 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the Consent 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 15m (49ft) and an area of approximately 670.0sq.m (7,211.8sq.ft).

A minor variance is requested for the Severed lands (A293.21) proposing:

1. A lot area of 670.0sq.m (approx. 7,211.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.0sq.m (approx. 7,480.9sq.ft) in this instance; and
2. A lot frontage of 15.0m (approx. 49.2ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.0m (approx. 59.1ft) in this instance.

A minor variance is requested for the Retained lands (A294.21) proposing a lot area of 778.6sq.m (approx. 8,380.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 810.0sq.m (approx. 8,718.8sq.ft) in this instance.

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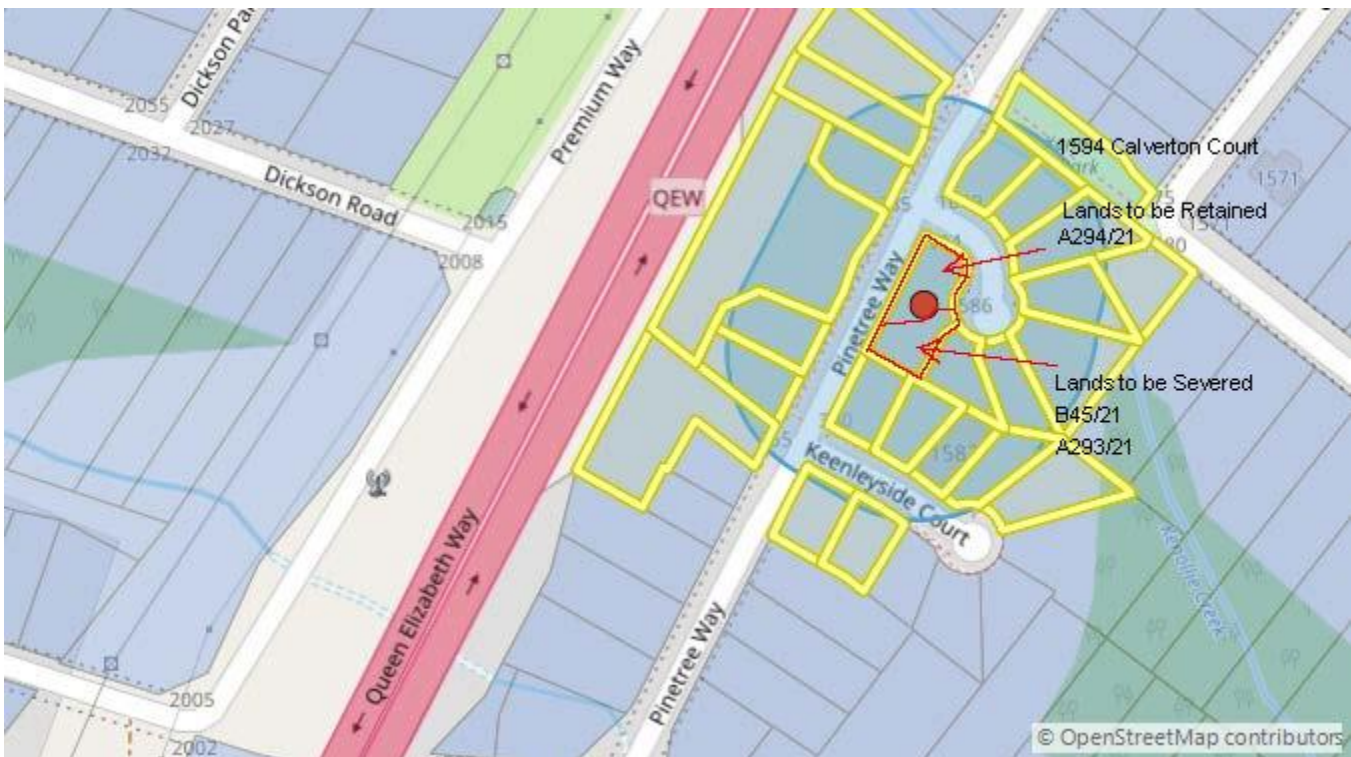
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided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

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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](mailto: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 x2408.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): B45.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Consent 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 15m (49ft) and an area of approximately 670.0sq.m (7,211.8sq.ft).

A minor variance is requested for the Severed lands (A293.21) proposing:

1. A lot area of 670.0sq.m (approx. 7,211.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.0sq.m (approx. 7,480.9sq.ft) in this instance; and
2. A lot frontage of 15.0m (approx. 49.2ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.0m (approx. 59.1ft) in this instance.

A minor variance is requested for the Retained lands (A294.21) proposing a lot area of 778.6sq.m (approx. 8,380.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 810.0sq.m (approx. 8,718.8sq.ft) in this instance.

Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A293.21 and A294.21 must be finalized.

Variances approved under files A293.21 and A294.21 shall lapse if the consent application under file B45.21 is not finalized within the time prescribed by legislation.

## Background

**Property Address: 1594 Calverton Court**

**Mississauga Official Plan**



Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

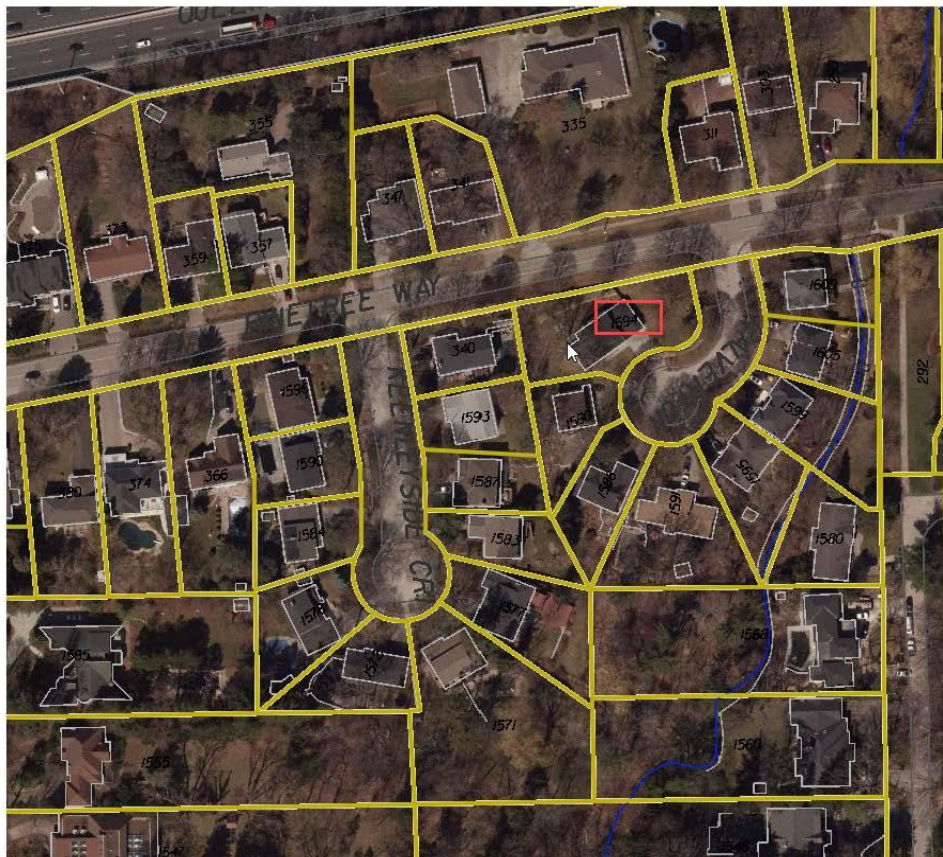
**Zoning: R2-1 - Residential**

**Other Applications: None**

**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Stavebank Road and Pinetree Way within a cul-de-sac off Pinetree Way. The immediate neighbourhood is entirely residential consisting of one and two storey detached dwellings with mature vegetation in the front yards. The neighbourhood mostly consists of lots with lot frontages of 18m and greater. The subject property contains an existing two storey dwelling on a large lot with mature vegetation in both the front and side yards.

The applicant is proposing to sever the subject property and demolish the existing dwelling to redevelop the property into two properties requiring variances related to lot area and lot frontage.



## Comments

### Planning

#### Planning Act

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

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

#### Provincial Matters

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

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

The application proposes to sever the existing lot and demolish the existing dwelling to create two new residential lots for redevelopment. The severed parcel proposes a lot frontage of approximately 15 m with a lot area of 670 m<sup>2</sup>, while the retained parcel would have a lot frontage of approximately 23.07 m and lot area of 778.6 m<sup>2</sup>. The zoning by-law requires the retained lands to provide a minimum lot area of 810 m<sup>2</sup> and for the severed lands to provide a minimum lot area of 695 m<sup>2</sup> and minimum frontage of 18 m. The zoning by-law contains separate lot area requirements for interior and corner lots.

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.

While Staff has no objections with a severance of the subject property, as two lots had originally been contemplated on the subject property (Registered Plan 849), the proposed parcels and frontage on the lands to be severed are not consistent with detached lots found within the immediate area. Furthermore, the proposed lots do not related to the planned subdivision and Staff are concerned that the irregular shape of the severed parcels may result in buildings that would not maintain the area's streetscape and character. Staff request that the lot line separating the severed and retained lands be straightened creating a more orderly development

of the lands. Staff also request the applicant provide proposed building footprints and driveway schemes to allow for a comprehensive evaluation the applicant's request.

Based on the preceding information, Staff is of the opinion that the application does not conform to Section 51(24) of the Planning Act, and more specifically that the application does not conform to the official plan.

Staff recommend deferral of the application to allow the applicant to revise the proposed lot line and to submit drawings providing details of proposed building footprints and driveway schemes.

## Conclusion

The Planning and Building Departments recommend that the application be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has reviewed the plans submitted with the application and have a concern with the configuration of the proposed lot boundary on the northerly side of the 'lands to be severed'. We request that the application be **deferred** until such time that the applicant has revised the plan to reconfigure the lot boundary to be in a straighter lot line configuration between proposed lots in order to eliminate any potential future conflicts that may arise between neighbours. Furthermore, the plan is to be revised to show further additional details including potential building footprints and driveway access points for both parcels in order to properly review the request and determine if there are any potential impacts for fencing, drainage or driveway access. This information will help in determining the viability of the proposal.

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

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

##### 1. Conceptual Site Plan Detailing Proposed Driveway Locations

The applicant will be required to provide for our review/approval a more detailed conceptual site plan which must include the location of proposed driveway entrance locations for both parcels, the proposed building footprints and all above ground utilities on site.

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

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

##### 3. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto: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](mailto: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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

**4. Storm Sewer Outlet**

The storm sewer outlet for this site is the existing 250mm storm sewer on Cayuga Ave. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

For further information please contact Ghazwan Yousif at ext. 3526.

City Department and Agency Comments	File:B45.21	2021/08/04	7
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We are noting that any Transportation and Works Department concerns/requirements for the minor variance application for this property will be addressed under Consent Application 'B' 45/21.

Comments Prepared by: John Salvino, 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: Daniel Grdasic, Planning Associate

## **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the Consent to Sever Application, and advises as follows:

- The subject lands are identified as Residential Woodland part of the Natural Areas System Classification. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation,..., grading, landscaping...;

Given the subject lands are identified as Residential Woodland under the Natural Areas System Classification, Park Planning requires the submission of a satisfactory Environmental Impact Statement (EIS) submitted for review and approval. Park Planning provides the following conditions:

1. Submit for review and approval, an Environmental Impact Statement (EIS) that details the proposed building footprints, setbacks, appropriate buffers and grading from

environmentally sensitive Residential Woodlands to the satisfaction of the Community Services Department, Region of Peel and Credit Valley Conservation Authority.

In addition, Community Services notes the following:

1. Requirements for Municipal Boulevard tree protection securities, protective hoarding, and restoration works will be addressed during the Site Plan 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](mailto: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 applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

#### **Appendix 5 – Bell Canada**

Subsequent to review of the abovementioned consent application at 1594 CALVERTON CRT, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, Associate, 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. ("A"293/21 and "A"294/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.



**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 30-32 Oakwood Avenue North, zoned RM7-5 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.80m (28.87ft) and an area of approximately 335.22sq.m (3608.28sq.ft).

The applicant requests a minor variance for the retained lands (B46/21) and the construction of a new house proposing:

1. A lot frontage of 9.49m (approx. 31.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (approx. 32.15ft) in this instance;
2. An exterior side yard measured to the dwelling of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
3. An exterior side yard measured to the front porch of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
4. An exterior side yard measured to the basement entrance stairwell of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance; and
5. A building height measured to a flat roof of 10.40m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 9.50m (approx. 31.16ft) in this instance.

The applicant requests a minor variance for the severed lands (B46/21) proposing:

1. A lot coverage of 46.33% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and
2. A building height measured to a flat roof of 10.40m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 9.50m (approx. 31.16ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

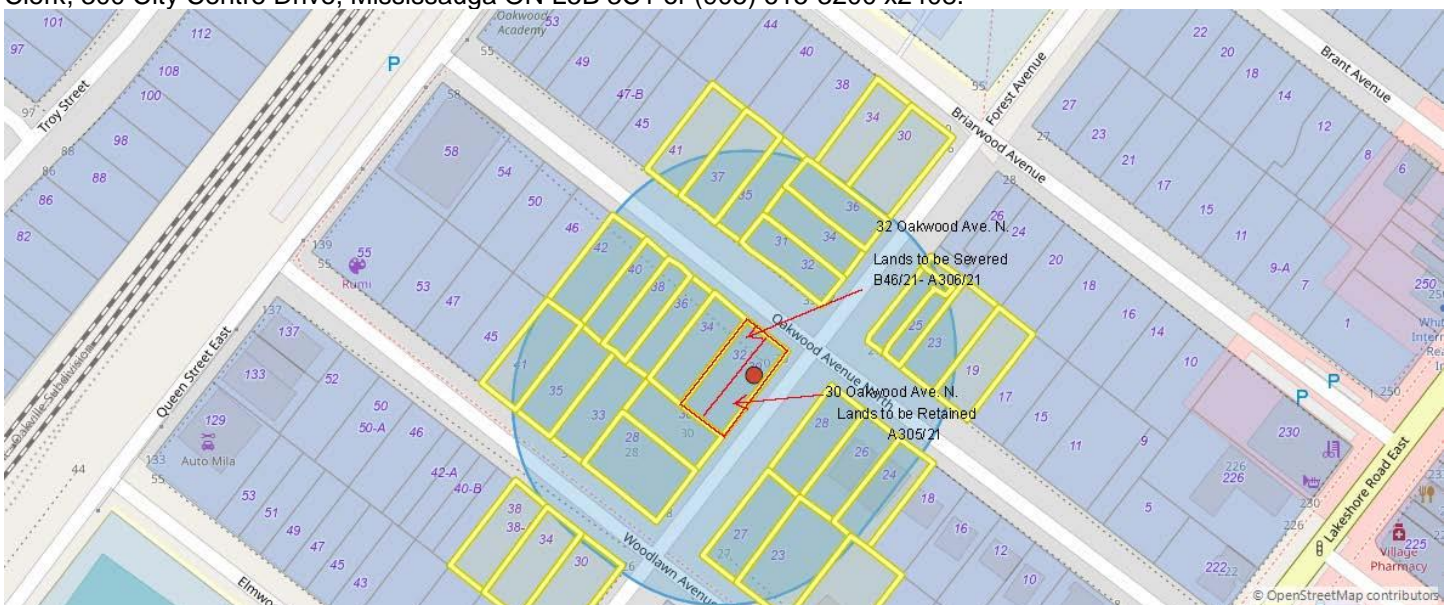
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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](mailto: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 x2408.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B46.21 A305.21 A306.21 Ward: 1
	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The Planning and Building Department recommends that the applications be deferred for redesign.

## Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.80m (28.87ft) and an area of approximately 335.22sq.m (3608.28sq.ft).

The applicant requests a minor variance for the retained lands (B46/21) and the construction of a new house proposing:

1. A lot frontage of 9.49m (approx. 31.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (approx. 32.15ft) in this instance;
2. An exterior side yard measured to the dwelling of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
3. An exterior side yard measured to the front porch of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
4. An exterior side yard measured to the basement entrance stairwell of 1.89m (approx. 6.20ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance; and
5. A building height measured to a flat roof of 10.40m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 9.50m (approx. 31.16ft) in this instance.

The applicant requests a minor variance for the severed lands (B46/21) proposing:

1. A lot coverage of 46.33% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and
2. A building height measured to a flat roof of 10.40m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 9.50m (approx. 31.16ft) in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff note that variance #5 for the retained lands and #2 for the severed lands should be amended as follows:

A building height measured to a flat roof of 10.40m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 31.16ft) in this instance

Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A305.21 and A306.21 must be finalized.

Variances approved under files A305.21 and A306.21 shall lapse if the consent application under file B46.21 is not finalized within the time prescribed by legislation.

## Background

**Property Address:** 30-32 Oakwood Avenue North

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM7-5 - Residential

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, northeast of Hurontario Street and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings. The low density dwellings in the immediate area contain lot frontages ranging from approximately +/- 7.5m to 23m. The subject property contains



an existing two storey dwelling with mature vegetation in the front yard. The applicant is proposing to sever the existing lot in order to create two new parcels for the development of two new semi-detached dwellings.

The proposed consent application requires variances related to lot frontage, exterior side yards, building height and lot coverage.



## 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:

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the North Residential Neighbourhood Precinct (Shawnmarr/Indian Heights) of the Port Credit Local Area Plan. Section 16.1.2.1 states, 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 10.3 (Neighbourhood Character Area) of the Port Credit Local Area Plan, intends to ensure development is sensitive to the existing low rise context and reinforces the planned character of the area. The official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with semi-detached lots found within the immediate area and contributes to the eclectic nature of the existing and

planned community. Staff is of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and the proposed parcels are suitable to accommodate semi-detached dwellings.

Through a review of the minor variance applications, Staff has concerns with Variance #5 (for the retained lands) and Variance #2 (for the severed lands) with respect to flat roof height. The flat roof height requested proposes significant massing impacts to neighbouring properties and does not maintain the general intent and purpose of the infill regulations. Furthermore, the flat roof height is a significant deviation from what the by-law permits and allows for a design that does not contain any mitigating features to break up the massing of the dwellings. While Staff have no issues with the other variances proposed, Staff recommends that the applications be deferred for redesign to address the building height.

## Conclusion

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

Comments Prepared by: Connor DiPietro, 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.

##### 2. Municipal Address Requirement

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

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

#### 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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

### 4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 300mm storm sewer on Oakwood Ave. North. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

For further information please contact Ghazwan Yousif at ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 46/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

### **B46/21**

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.

Lot frontage is to be calculated in accordance with the following definition:

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 7.5m back from the front lot line.

**A305/21 – Retained (30 Oakwood Ave N)**

The Building Department is currently processing preliminary zoning review application PREAPP 21-6136. From a review of this application, Zoning staff recommends the following amendment:

5. A building height measured to a flat roof of 10.40m; whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of **7.50m** in this instance.

Our comments are based on the plans received by Zoning staff on 2021/05/13 for the above captioned 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 preliminary zoning review 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 preliminary zoning review process in order to receive updated comments.

**A306/21 – Conveyed (32 Oakwood Ave N)**

The Building Department is currently processing preliminary zoning review application PREAPP 21-6136. From a review of this application, Zoning staff recommends the following amendment:

2. A building height measured to a flat roof of 10.40m; whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of **7.50m** in this instance.

Our comments are based on the plans received by Zoning staff on 2021/05/13 for the above captioned 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 preliminary zoning review 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 preliminary zoning review process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

**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 \$1,821.36 for planting of three (3) street trees on Oakwood Avenue North and Forest Avenue. This figure is subject to the

most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

**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. ("A"305/21 and "A"306/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.

**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 1043 West Avenue, zoned R3-75 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.84m (29.00ft) and an area of approximately 334.80sq.m (3603.76sq.ft).

The applicant requests a minor variance for the severed lands (B47/21) and the construction of a new house proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;
3. A lot coverage of 39.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A side yard (southerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;
5. A side yard (northerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance; and
6. A side yard (northerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

The applicant requests a minor variance for the retained lands (B46/21) and the construction of a new dwelling proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;
3. A lot coverage of 39.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A side yard (northerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;
5. A side yard (southerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance;

and

6. A side yard (southerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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](mailto:committee.adjustment@mississauga.ca) or calling 905-615-3200 x2408. 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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:**

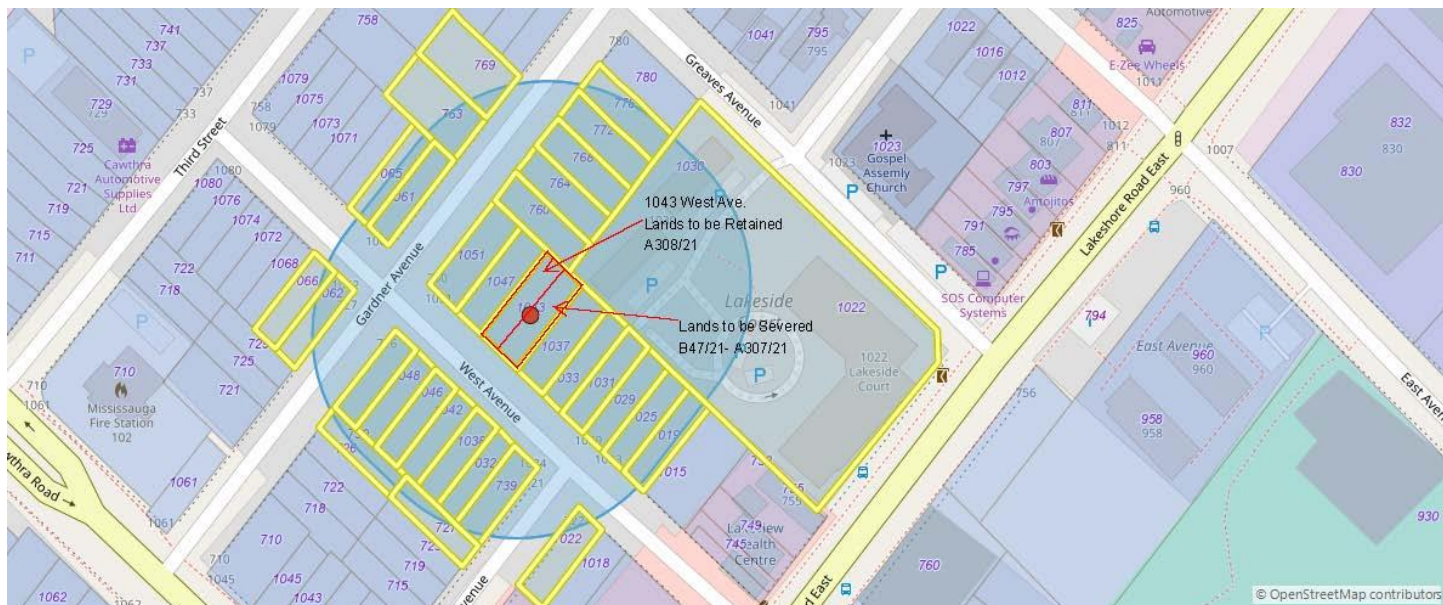
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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](mailto: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 x2408.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): B47.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the consent and associated minor variance applications be refused.

## Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.84m (29.00ft) and an area of approximately 334.80sq.m (3603.76sq.ft).

The applicant requests a minor variance for the severed lands (B47/21) and the construction of a new house proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;
3. A lot coverage of 39.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A side yard (southerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;
5. A side yard (northerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance; and
6. A side yard (northerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

The applicant requests a minor variance for the retained lands (B46/21) and the construction of a new dwelling proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as



amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;

3. A lot coverage of 39.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;

4. A side yard (northerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;

5. A side yard (southerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance; and

6. A side yard (southerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

### **Amendments**

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff note that variances #4 and #6 for applications B46/21 and B47/21 should be amended as follows.

Application B47/21 (South Lot B):

4. A side yard (southerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance;
6. A side yard (northerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance.

Application B46/21 (North Lot A):

4. A side yard (northerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance;
6. A side yard (southerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance.

Through discussions with Zoning, Planning Staff also note that the following variances should be added for applications B46/21 and B47/21:

Application B47/21 (South Lot B):

7. A side yard (southerly) measured to the third storey of 0.88m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;

8. A side yard (northerly) measured to the third storey of 0.69m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance.

Application B46/21 (North Lot A):

7. A side yard (northerly) measured to the third storey of 1.97 (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance;
8. A side yard (southerly) measured to the third storey of 0.69m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance.

Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A307.21 and A308.21 must be finalized.

Variances approved under files A307.21 and A308.21 shall lapse if the consent application under file B47.21 is not finalized within the time prescribed by legislation.

## Background

**Property Address:** 1043 West Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

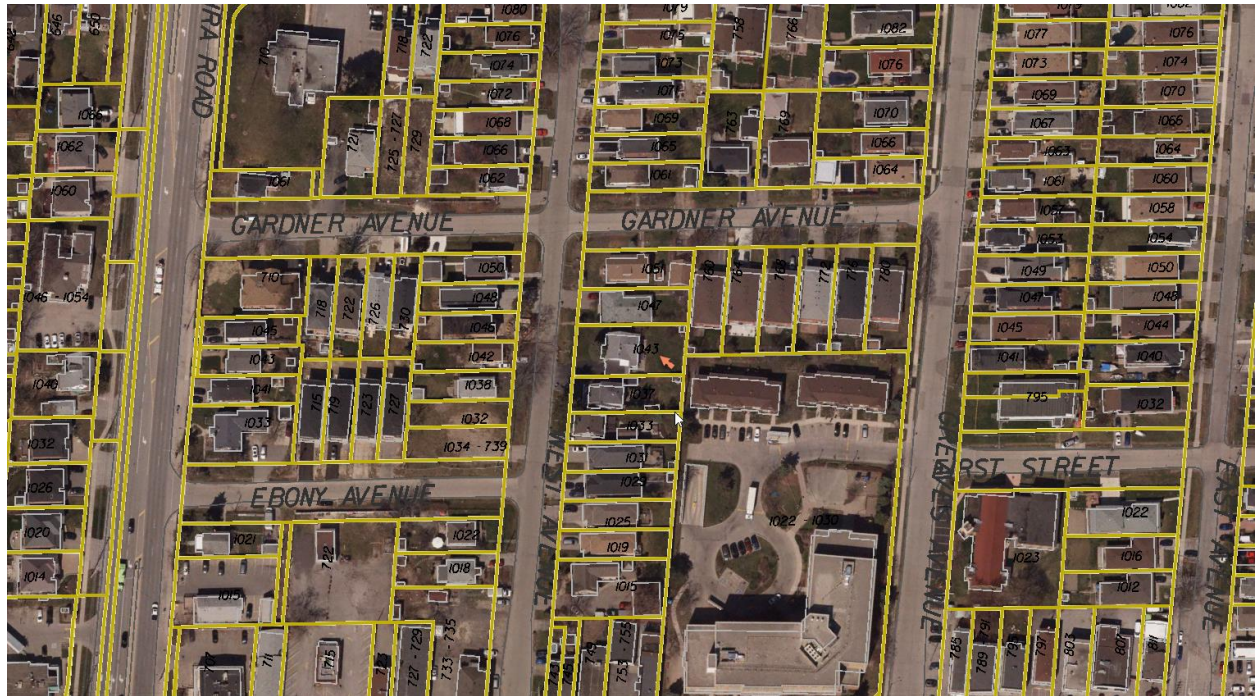
**Zoning:** R3-75 - Residential

**Other Applications:** PREAPP 21-6136

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The immediate area consists of a mix of one and two storey detached dwellings and two storey semi-detached dwellings with little vegetation. The detached dwellings in the immediate area contain lot frontages ranging from approximately a minimum of 9m to a maximum of 19.8m. The majority of detached dwellings are between 9.6m and 10m. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the existing lot, creating two new parcels for the development of two new detached dwellings requiring variances related to lot frontage, lot area, lot coverage and side yard.



## 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 both propose lot frontages of 8.84m and lot areas of 334.8m<sup>2</sup>. The zoning by-law requires lot frontages of 15m and lot areas of 550m<sup>2</sup>.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages. As per Section 16.1.2.1 of the MOP, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. The neighbourhood lot fabric generally consists of parcels with frontages of approximately 9.11 m – 19.8m for lots with detached dwellings. The application proposes 8.84m lot frontages, representing the lowest frontages within the immediate neighbourhood for lots with detached dwellings. The proposed frontages are also substantially lower than the lowest frontage requirement for lots with detached dwellings contained in the zoning by-law. The R5 zone permits a maximum frontage of 9.75m.

The subject property is also located within the Lakeview Neighbourhood Character Area in the Lakeview Local Area Plan (LLAP). As per Section 2.2.1 of the LLAP, new detached dwellings within Lakeview will maintain the existing character of the area and new development will fit the scale and character of the surrounding area. The applicant is proposing 2 three storey dwellings in an area where three storey dwellings are uncommon. All newer development on the street has been in the form of two storey dwellings, except for one property that contains a two and a half storey dwelling that is more sensitively designed to appear as a two storey dwelling.

Additionally, Variance #2 for both the severed and retained lands propose lot areas of 334.8 m<sup>2</sup> when the zoning by-law requires 550 m<sup>2</sup> lots. These variances are a significant deviation from the zoning by-law requirement. Furthermore, while similar lot sizes can be found in the area (For example, 309.62 m<sup>2</sup> at 727A and 727B Gardner Avenue), these are on lots with frontages greater than 9m.

Variances #3 for both the severed and retained lands propose a lot coverage of 39.9% and 39.76% when the maximum permitted lot coverage is 35%. The proposed lot coverages are of concern to Staff as they represent an overdevelopment of the lots. The dwellings alone represent approximately 39% of the lot coverage. These variances are a direct result of the inadequate lot areas and frontages proposed. Lastly, Variances #4-6, with respect to side yard setbacks, for both the severed and retained lands, also are a direct result of the reduced frontages. The side yard setbacks do not ensure that an adequate buffer exists between the massing of the primary structure on adjoining properties. The lots proposed are too small and narrow to accommodate the development as proposed.

Based on the preceding information, staff is of the opinion that the application does not conform to Section 51(24) of the Planning Act, more specifically that the application does not conform to the official plan.

As staff is not supportive of the consent application, the minor variance applications should also be refused.

## **Conclusion**

The Planning and Building Department recommends that the consent and associated minor variance applications be refused.

Comments Prepared by: Connor DiPietro, 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.

##### 2. Municipal Address Requirement

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

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

#### 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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

Purchasers/tenants are advised that Ebony Road will be extended easterly in the future to connect with Greaves Avenue.

There is an existing utility pole located in front of the site. Should this pole be of an encumbrance to the proposed driveway(s); the applicant is to make satisfactory arrangements with the City's Street Lighting & Projects section for the relocation of the utility pole on the frontage prior to applying for an access modification permit

### 4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer available in front of this site (ditches only), so a sump pump will be required to discharge the weeping tile. The applicant is encouraged to design the basement elevation to be 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems

For further information please contact Ghazwan Yousif at ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 47/21.

Comments Prepared by: John Salvino, 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: Daniel Grdasic, Planning Associate

### **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 tree on West Avenue. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 4 – Bell Canada**

Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, Associate, 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. ("A"307/21 and "A"308/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A274.21  
Ward: 5

### 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 7488 McKechnie Court, zoned R3-69 - Residential, 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 the construction of a new house proposing:

1. A side yard (northerly) measured to the eaves of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
2. A side yard (southerly) measured to the eaves of 0.89m (approx. 2.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
3. A side yard measured to hard surface of 0.36m (approx. 1.18ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hard surface of 0.60m (approx. 1.96ft) in this instance
4. A garage projection of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance; and
5. A rear deck above an accessory structure whereas By-law 0225-2007, as amended, does not permit a rear deck above and accessory structure in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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](mailto: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>.

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### How to submit a written comment:

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Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:**

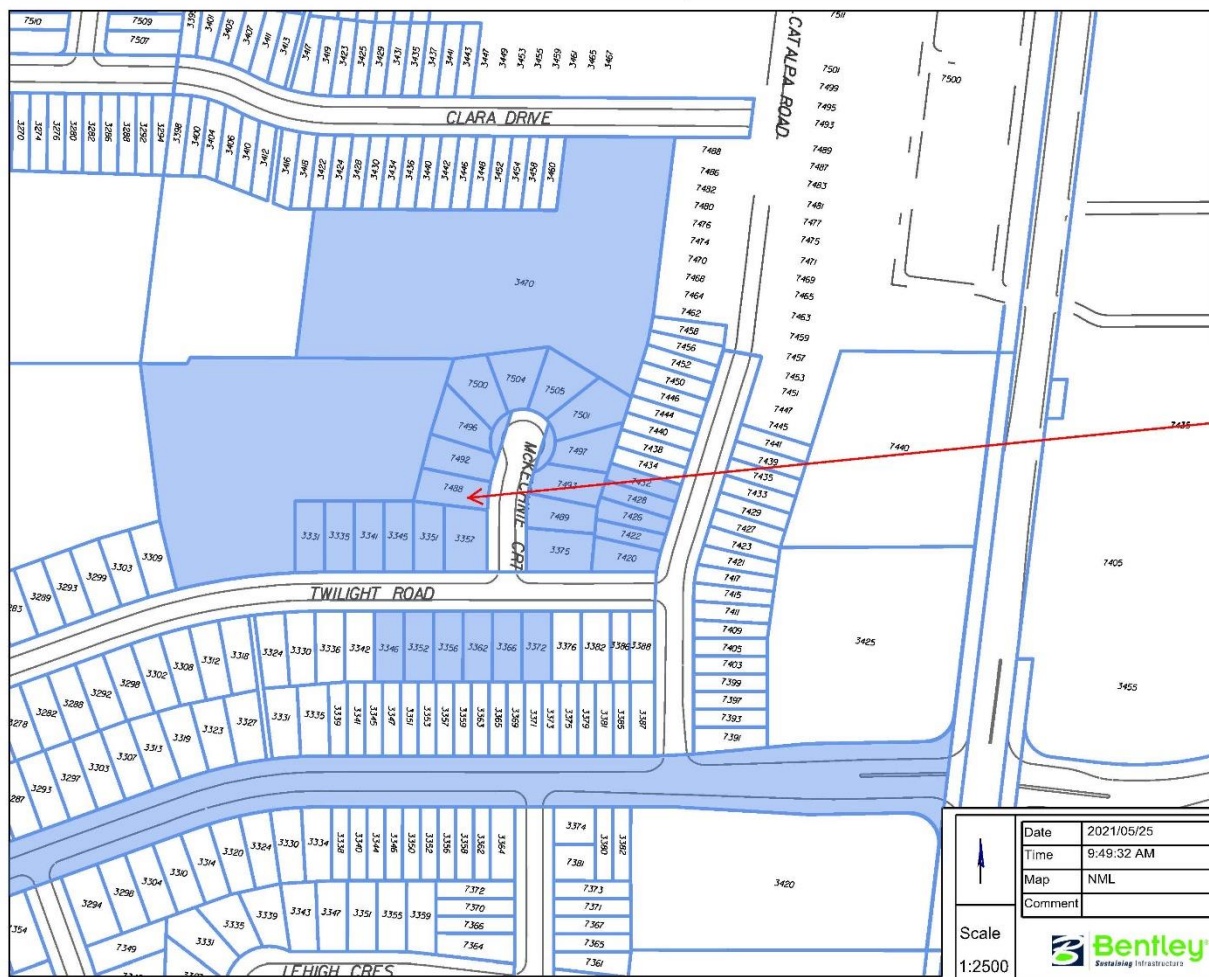
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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.

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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 x2408.



A274/21  
7488  
McKennie  
Court

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A274.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variances 1 to 4, however recommends the additional variance for lot coverage be refused.

## Application Details

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

1. A side yard (northerly) measured to the eaves of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
2. A side yard (southerly) measured to the eaves of 0.89m (approx. 2.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the eaves of 1.36m (approx. 4.46ft) in this instance;
3. A side yard measured to hard surface of 0.36m (approx. 1.18ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hard surface of 0.60m (approx. 1.96ft) in this instance;
4. A garage projection of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance; and
5. A rear deck above an accessory structure whereas By-law 0225-2007, as amended, does not permit a rear deck above and accessory structure in this instance.

## Amendments

The following variance is required:

A lot coverage of 39.85% (237.85m<sup>2</sup>), whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (179.04m<sup>2</sup>) of the lot area in this instance.

The most recent building permit plans depict that the basement level storage room has internal access from the dwelling, therefore variance 5 is no longer required.

Zoning staff cannot verify the accuracy of variance 3 at this time.

## Background

**Property Address:** 7488 McKechnie Court

**Mississauga Official Plan**

Character Area: Malton Neighbourhood

Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R3-69 - Residential

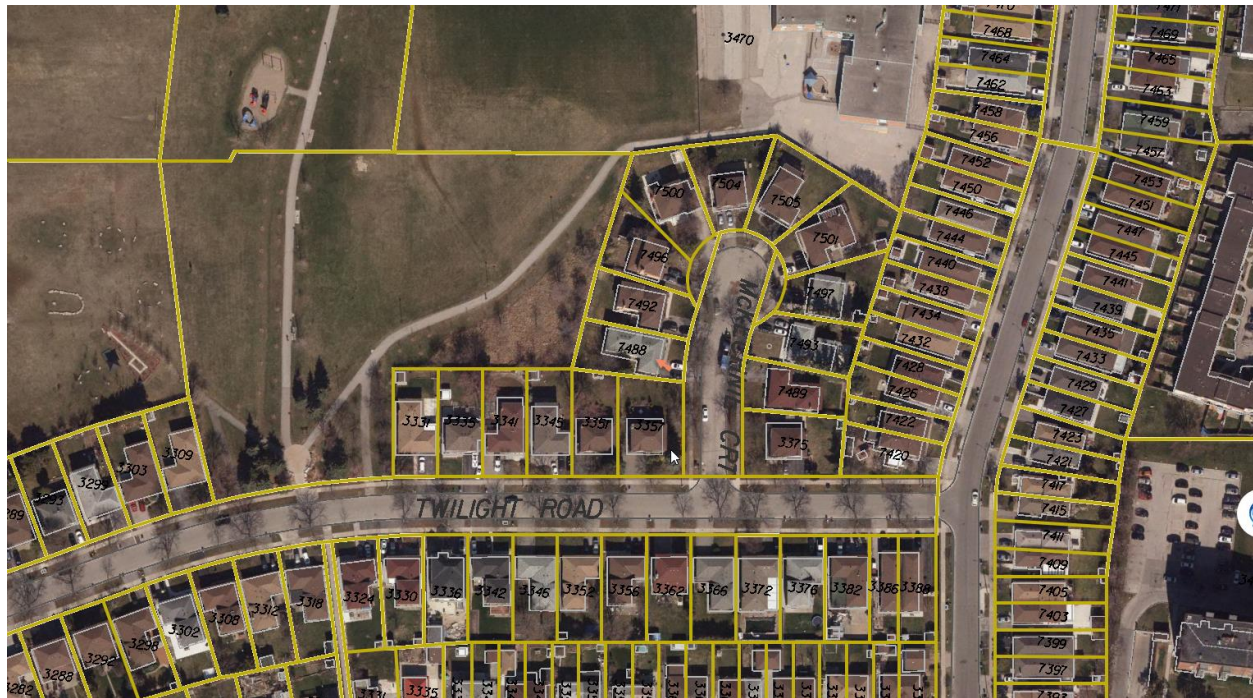
**Other Applications:** BP 9NEW 21-5370

**Site and Area Context**

The subject property is located in the Malton Neighbourhood Character Area, near Goreway Drive and Morningstar Drive. Currently the property contains a single storey detached dwelling that backs onto Woodgreen Park. McKechnie Court contains exclusively detached dwellings, however semi-detached and apartment dwellings are present within the broader area context. Vegetation is limited on the subject property as well as on surrounding properties.

The applicant is proposing to construct a new dwelling on the property requiring variances for setbacks to eaves and hard surfaces, garage projection and a rear deck.





## Conclusion

The Planning & Building Department has no objections to variances 1-4, however recommends the additional variance for lot coverage be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

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



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing building permit application BP 9NEW 21-5370. From a review of this application it appears that variances 1, 2 & 4 are correct. Additionally, the following variance is required:

A lot coverage of 39.85% (237.85m<sup>2</sup>), whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (179.04m<sup>2</sup>) of the lot area in this instance.

More information has been requested in order to verify variance 3 and with respect to the proposed basement entrance stairwell.

The most recent building permit plans depict that the basement level storage room has internal access from the dwelling, therefore variance 5 is no longer required.

Our comments are based on the plans received by Zoning staff on 2021/6/15 for the above captioned 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 building permit 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 building permit process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

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

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Woodgreen Park (P-063).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

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

Comments Prepared by: Jim Greenfield, Park Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A288.21  
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 316 Pathfinder Drive, zoned R3 - 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 gazebo on the subject property proposing:

1. An occupied area of 23.44sq.m (approx. 252.31sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
2. A height of 4.32m (approx. 14.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A288.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. An occupied area of 23.44sq.m (approx. 252.31sq.ft) whereas By-law 0225-2007, as amended, permits a maximum occupied area of 20.00sq.m (approx. 215.28sq.ft) in this instance; and
2. A height of 4.32m (approx. 14.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance.

### Amendments

After working with the applicant to revise the proposal, Planning staff recommend that variance number 2 be amended as follows:

2. A height of 4.00m whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m in this instance.

## Background

**Property Address:** 316 Pathfinder Drive

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

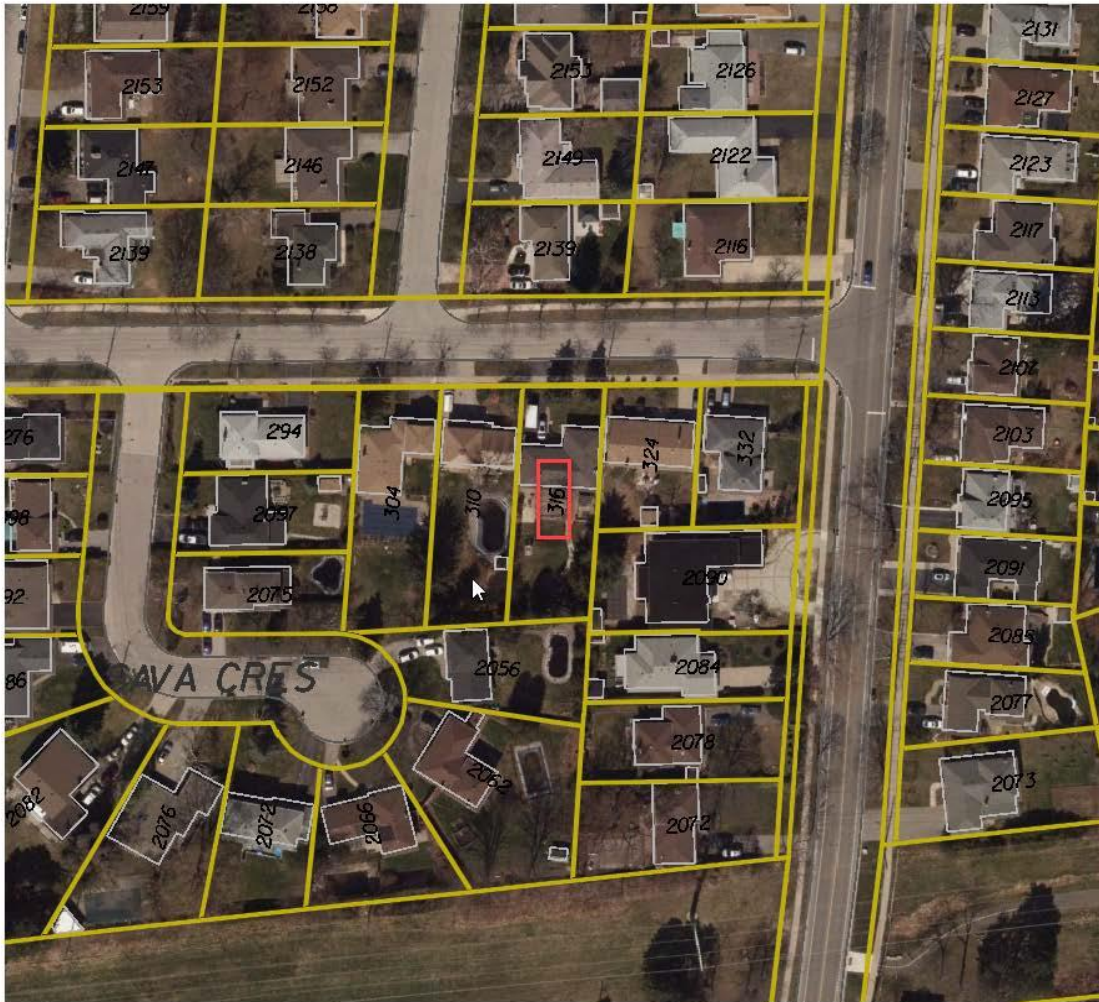
**Zoning:** R3 - Residential

**Other Applications:** BP 9NEW 21-6374

**Site and Area Context**

The subject property is located north-east of the North Service Road and Cliff Road intersection in the Cooksville Neighbourhood Character Area. It contains a single storey detached dwelling with an attached garage on a lot with a frontage of +/-18.29m and a lot area of +/-978.43m<sup>2</sup>. Single storey and two storey detached dwellings are the prominent built form in the area, however townhomes and apartment buildings are present closer to North Service Road. The subject property is one of the larger lots in the surrounding area.

The applicant is proposing a gazebo in the rear yard requiring variances for floor area and height.



## Comments

### Planning

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

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

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

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Accessory structures in rear yards are fairly common in this area and staff are of the opinion that a request for additional floor area and height is compatible with the existing site conditions due to the lot's size. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

All of the requested variances relate to accessory structures on the subject property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing or overlook concerns to neighbouring lots.

Variance #1 relates to the floor area of the proposed accessory structure. The proposed increase in size is modest, representing approximately 2.4% of the total lot area. This is well under the 5% lot coverage limit for accessory structures on properties of this size and no variances are requested for setbacks. Staff are satisfied that the floor area of the structure is proportional to the lot and that the general intent and purpose of the zoning by-law is maintained in this instance.

Variance #2 relates to the height of the proposed accessory structure. Staff have worked with the applicant and understand that the applicant has revised their drawings to represent an amended height of 4.0m in order to reduce the impact of the structure on the abutting property. Furthermore the height is measured to the peak of a sloped roof and the structure has no walls, reducing the impact that the additional height would have had if the proposal had been a flat roofed structure with walls. Staff are of the opinion that the revised height variance meets the general intent and purpose of the zoning by-law.



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

Staff are satisfied that the increased size and height of the accessory structure are appropriate development given the size of the subject property. Additionally staff are satisfied that any potential impacts on abutting properties and the request itself are minor in nature.

**Conclusion**

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee easy reference are photos which depict the area where the gazebo is being proposed. From our site inspection of this property we do not foresee any drainage related concerns with the location of the gazebo as any drainage from this area would be directed towards the rear yard.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit application under file BP 9NEW 21-6374. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A289.21  
Ward: 10

### 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 5610 Fudge Terrace, zoned RM5-48 - Residential, 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 reduced size parking space on the subject property proposing a parking space size of 2.75m x 3.6m (approx. 9.0ft x 11.8ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.75 x 5.6m (approx. 9.0ft x 18.4ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A289.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a reduced size parking space on the subject property proposing a parking space size of 2.75m x 3.6m (approx. 9.0ft x 11.8ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.75 x 5.6m (approx. 9.0ft x 18.4ft) in this instance.

### Amendments

The variance, as requested should be amended as follows:

- 1) The applicant requests the Committee to approve a minor variance to allow a reduced size parking space on the subject property proposing a parking space size of 2.75m x 3.6m (approx. 9.0ft x 11.8ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.75 x 5.6m (approx. 9.0ft x 18.4ft) in this instance.

In addition, the following variances should be added as shown on the Site Plan:

- 1) Maximum driveway width of 5.58m (18.31ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.3 m (14.11ft) in this instance.
- 2) A minimum setback to hard surface landscaping in the rear yard of 0.45 m (1.48ft), whereas By-law 0225-2007, as amended, requires a minimum setback to hard surface landscaping in the rear yard of 0.61 m (2.00ft) in this instance.

## Background

**Property Address:** 5610 Fudge Terrace

### Mississauga Official Plan

**Character Area:** Churchill Meadows Neighbourhood

**Designation:** Residential Medium Density

**Zoning By-law 0225-2007****Zoning: RM5-48 - Residential****Other Applications:** SEC UNIT 21-4853**Site and Area Context**

The subject property is located south-west of the Winston Churchill Boulevard and Thomas Street intersection in the Churchill Meadows Neighbourhood. The property contains a semi-detached dwelling with a frontage of +/- 6.8m and an area of +/-227.8m<sup>2</sup>. The surrounding context is exclusively residential, with both semi-detached and detached built forms. The only vegetation of note are the trees within the municipal boulevard.

The applicant has applied for a second unit requiring a variance for a reduced parking space size.



## Comments

### Planning

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

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

The subject property is located in the Churchill Meadows Neighbourhood and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The applicant is proposing a second unit on the subject property and is requesting a variance to allow a reduced parking space size. The intent of this regulation of the by-law is to ensure that vehicles can park entirely within the designated space without obstructing aisles, roads, or sidewalks. Staff have concerns that the proposed parking space would be unable to suitably accommodate a vehicle and may lead to the obstruction of the sidewalk.

Furthermore staff note that Zoning has identified additional variances required based on the submitted drawings. Staff have concerns regarding the additional variances identified and believe they may not meet the four tests as set out in Section 45(1) of the *Planning Act*. Planning staff are unable to support the application as proposed.

## Conclusion

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

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

This department does not support the requested variance to widen the proposed driveway and creating a deficient parking space 2.75M x 3.6M in front of the existing porch and stairs. The proposed driveway extension will create conflict with the existing boulevard street tree and encroachment into the municipal boulevard. Due to the existing street light pole and boulevard tree, we do not support a curb cut or extension of the driveway to the street. Homes within this part of the subdivision were specifically designed to only accommodate two cars on each property.

Typically, in unique scenarios this department may consider a minimum 5.2M setback from the face of the property (garage/dwelling/front steps) to the municipal roadway, but under the proposed scenario/conditions we cannot support the request and recommend the application be refused.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file SEC UNIT 21-4835 SU. Based on review of the information currently available in this permit application, the variance, as requested should be amended as follows:

- 2) The applicant requests the Committee to approve a minor variance to allow a reduced size parking space on the subject property proposing a parking space size of 2.75m x 3.6m (approx. 9.0ft x 11.8ft) whereas By-law 0225-2007, as amended, requires a minimum parking space size of 2.75 x 5.6m (approx. 9.0ft x 18.4ft) in this instance.

In addition, the following variances should be added as shown on the Site Plan:

- 3) Maximum driveway width of 5.58m (18.31ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.3 m (14.11ft) in this instance.
- 4) A minimum setback to hard surface landscaping in the rear yard of 0.45 m (1.48ft), whereas By-law 0225-2007, as amended, requires a minimum setback to hard surface landscaping in the rear yard of 0.61 m (2.00ft) in this instance.

\*\*\*It may be beneficial for the applicant to keep the driveway conditions as is and apply for a minor variance to allow 2 parking spots for a proposed Second Unit, whereas 3 is required (2 for existing dwelling + 1 for proposed Second Unit).

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





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A295.21  
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 2434 Whaley Drive, zoned RM1 - Residential, 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 accessory structures on the subject property proposing:

1. A setback measured from an accessory structure (shed 1) to an interior side lot line and rear lot line of 0.52m (approx. 1.71ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from an accessory structure to an interior side yard and rear yard of 0.61m (approx. 2.00ft) in this instance;
2. A side yard measured to an accessory structure (shed 2) located in an interior side yard of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to an accessory structure located in an interior side yard of 1.80m (approx. 5.90ft) in this instance; and
3. A building height of a gazebo of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height of a gazebo of 3.00m (approx. 9.84ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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](mailto:committee.adjustment@mississauga.ca) or calling 905-615-3200 x2408. 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>.

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### 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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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](mailto: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.

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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 x2408.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A295.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

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

1. A setback measured from an accessory structure (shed 1) to an interior side lot line and rear lot line of 0.52m (approx. 1.71ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from an accessory structure to an interior side yard and rear yard of 0.61m (approx. 2.00ft) in this instance;
2. A side yard measured to an accessory structure (shed 2) located in an interior side yard of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to an accessory structure located in an interior side yard of 1.80m (approx. 5.90ft) in this instance; and
3. A building height of a gazebo of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height of a gazebo of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 2434 Whaley Drive

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

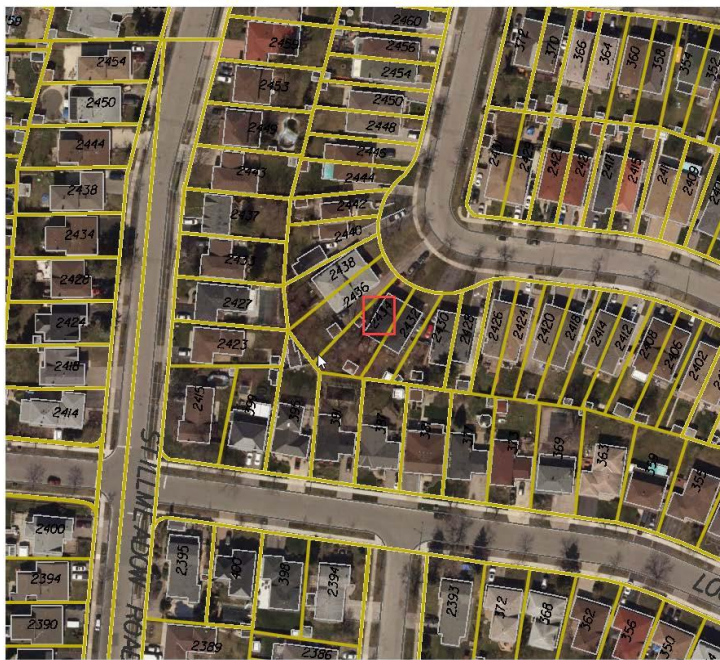
**Zoning:** RM1 - Residential

**Other Applications:** BP 9NEW 19-8665

## Site and Area Context

The subject property is located north-east of the Queensway West and Stillmeadow Road intersection in the Cooksville Neighbourhood Character Area. The property contains a back split semi-detached dwelling with a shared driveway and no garage. Semi-detached dwellings represent the predominant built form along this portion of Whaley Drive, however detached dwellings are also present in the surrounding neighbourhood. The subject property has an area of +/- 474.47m<sup>2</sup>. Some vegetation is present in both the front and rear yards.

The applicant is proposing to legalize accessory structures in the rear yard requiring variances for setbacks and height.



## Comments

### Planning

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

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

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

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density II in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Accessory structures in rear yards are common in this area and staff are of the opinion that the layout of the lot is compatible with the surrounding context and the landscape of the character area. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

All of the requested variances relate to accessory structures on the subject property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing or overlook concerns to neighbouring lots.

Variances #1 and 2 relate to side yard setbacks for two sheds on the subject property. Staff are satisfied that the sheds are proportional to the lot and do not create inappropriate massing near the property line and leave sufficient space for required maintenance. The sheds are appropriately sized for the lot and do not require variances for height and floor area. While variance #2 has an increased side yard requirement due to its location in an interior side yard, staff note that due to the shape of the subject property access to the rear yard remains unencumbered and an appropriate separation is provided between the primary structure and the accessory structure.

Variance #3 relates to the height of the rear yard gazebo. The proposed gazebo is an open frame structure which mitigates any massing concerns. Further, the height is measured to the top of the sloped roof rather than the entirety of a flat roof, reducing the impact of the height on neighbouring properties.

Staff are satisfied that all three variances maintain the general intent and purpose of the by-law.



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

Staff are satisfied that any potential impacts of the proposed accessory structures will be minor in nature and do not represent a significant deviation from what is permitted as of right under zoning regulations. The requested variances represent the appropriate development of the subject lands.

**Conclusion**

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos which depict the subject property and accessory structures/gazebo. From our site inspection of this property we do not foresee any drainage related concerns with the location of the structures and gazebo.

We do note that a small portion of the gazebo does encroach into the limits of what appears to be a utility easement, but note that access to this easement has not been restricted by the gazebo structure.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9NEW 19-8665. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application submitted on 2021/03/30 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



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A296.21  
Ward: 5

### 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 180 Traders Boulevard East, zoned 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 a recreational establishment proposing:

1. 56 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 118 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 parking spaces in this instance; and
3. A two-way drive aisle width of 4.66m (approx. 15.29ft) whereas By-law 0225-2007, as amended, requires a minimum two-way drive aisle width of 7.00m (approx. 22.96ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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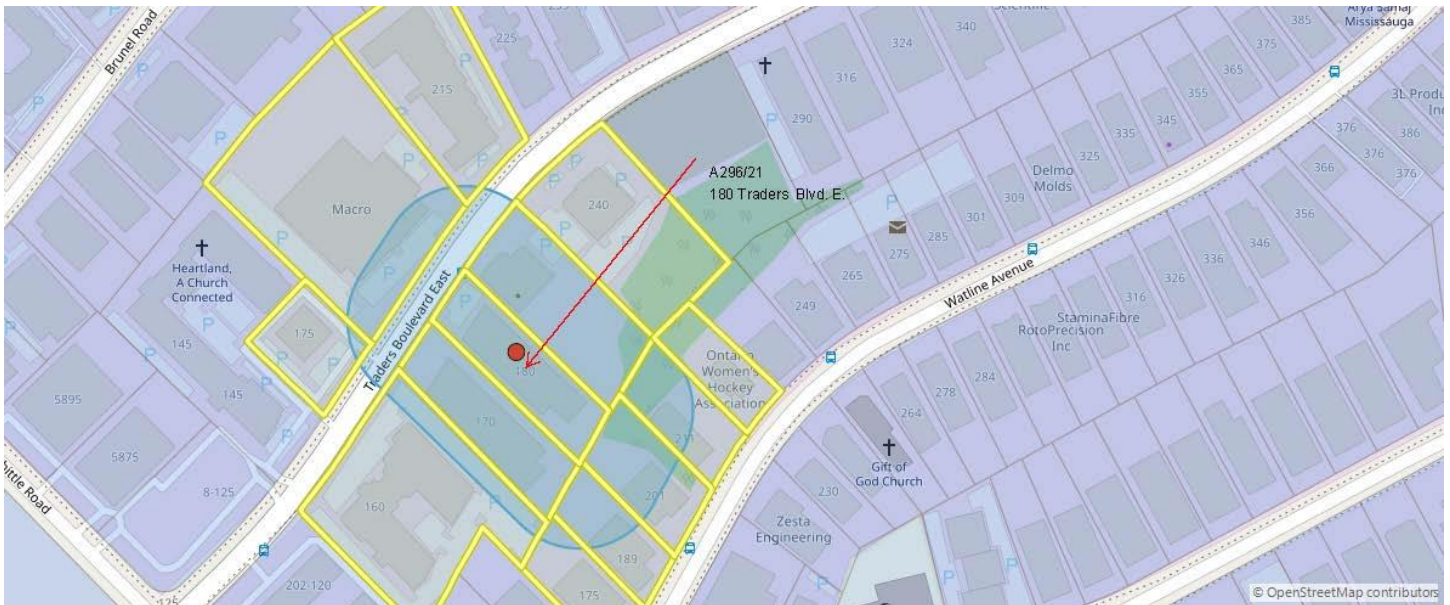
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A296.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the application, subject to a temporary approval.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a recreational establishment proposing:

1. 56 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 118 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 parking spaces in this instance; and
3. A two-way drive aisle width of 4.66m (approx. 15.29ft) whereas By-law 0225-2007, as amended, requires a minimum two-way drive aisle width of 7.00m (approx. 22.96ft) in this instance.

## Amendments

The Building Department is currently processing certificate of occupancy application C 21-6658. From a review of this application it appears the following amendment is required:

2. A total of 3 accessible parking spaces (1 Type A and 2 Type B); whereas By-law 0225-2007, as amended, required a total of 5 accessible parking spaces (2 Type A & 3 Type B) in this instance.

## Recommended Conditions and Terms

Staff recommend that a temporary approval be granted for one year.

## Background

**Property Address:** 180 Traders Boulevard East

**Mississauga Official Plan**

Character Area: Gateway Employment Area

Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning:** E2 - Employment

**Other Applications:** C 21-6658

**Site and Area Context**

The subject property is located south-east of the Hurontario Street and Britannia Road East intersection in the Gateway Employment Area. The property contains a single storey industrial building with no notable vegetation and significant hardscaping. The surrounding context includes industrial buildings on varying sized lots as well as office buildings. The property utilizes a shared access with the building immediately to the west.

The applicant is proposing a change of use for the subject property and is requesting variances relating to parking.





## Comments

### Planning

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

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

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

The subject property is located in the Gateway Employment Area and designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits several uses, including a sports facility. The request for reduced parking and aisle width do not raise any concerns relating to the Official Plan and staff are satisfied that the general intent and purpose are maintained.

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

Variances 1 & 2 relate to the quantity of parking to be provided on the subject property. The intent behind the parking regulations of the Zoning By-law are to ensure that sufficient parking can be provided for all uses on a property. CPS staff have reviewed the request and note that City staff generally require a Parking Utilization Study (PUS) for any proposed parking deficiency over 10%, as per the City's [Parking Studies Terms of Reference](#). However, staff acknowledge that the Covid-19 pandemic has affected parking demand, and conducting a survey at this time would not capture the typical demand.

Additionally, staff are in receipt of numerous letters of support from community stakeholders, stating the importance of the camp's operations to its patrons. The applicants have also submitted a justification letter stating that the camp will be a youth volleyball camp, and as such the vast majority of patrons will be children dropped off by their parents for tournaments, who are not expected to park long term.

Therefore, CPS staff recommend the variance be granted for a temporary period of one (1) year. At that time, should conditions have returned to normal from Covid-19, a full Parking Utilization Study will be required as per the City's Parking Studies Terms of Reference. At that time the applicant must address any parking deficiencies identified in the above PUS through an off-site parking arrangement.

Note: Off-site parking may be provided through the City of Mississauga Payment-In-Lieu of Parking Program or through a shared off-site parking agreement from a nearby property owner (a template for an Off-Site Parking License Agreement is available through City Planning Strategies Division).

Variance 3 relates to the drive aisle width, which is an existing condition on the subject property. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls as well as ensure circulation within the subject property is not impeded. Staff note that the aisle width is an existing condition on site and only runs adjacent to parallel parking spaces. Staff are satisfied that the circulation on the site will continue to function as it has in the past.

Given the above, staff are of the opinion that the requested variances maintain the general intent and purpose of the Zoning By-law.

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

Based on the information submitted, staff are satisfied that the temporary request represents an appropriate use of the subject lands and any impacts during the approval timeframe will be minor in nature. The new application that will be required at the end of the one year period will allow staff to further examine impacts of the approval under normal, non-COVID circumstances at that time.

## **Conclusion**

The Planning & Building Department has no objection to the application, subject to a temporary approval.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos depicting the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is currently processing certificate of occupancy application C 21-6658. From a review of this application it appears the following amendment is required:

2. A total of 3 accessible parking spaces (1 Type A and 2 Type B); whereas By-law 0225-2007, as amended, required a total of 5 accessible parking spaces (2 Type A & 3 Type B) in this instance.

Our comments are based on the plans received by Zoning staff on 2021/05/26 for the above captioned 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 certificate of occupancy, 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 certificate of occupancy process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A297.21  
Ward: 6

### 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 1145 Blueheron Boulevard, zoned R5-5 - Residential, 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 concrete walkway proposing an interior side yard of 0.28m (approx. 0.92ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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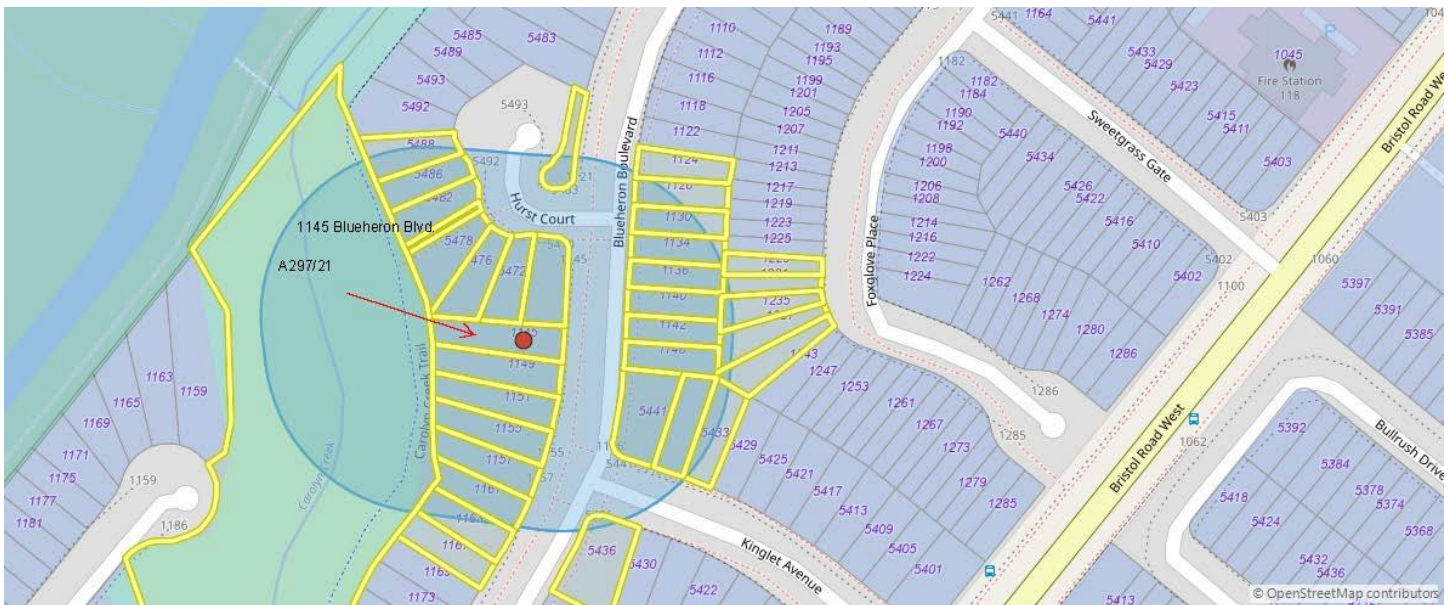
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A297.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 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 approve a minor variance to allow a concrete walkway proposing an interior side yard of 0.28m (approx. 0.92ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 1145 Blueheron Boulevard

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R5-5 - Residential

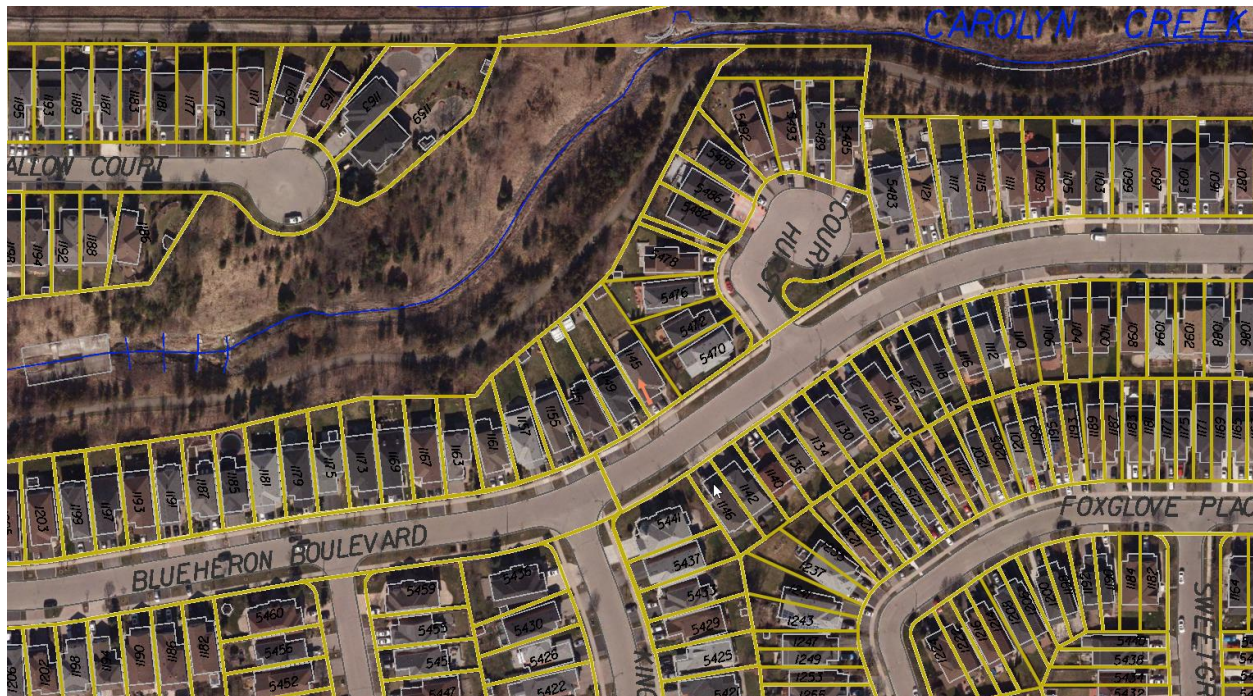
**Other Applications:** None

### Site and Area Context

The subject property is located north-west of the Bristol Road West and Terry Fox Way intersection in the East Credit Neighbourhood. The property contains a detached dwelling and

backs onto Carolyn Creek. The subject and surrounding properties contain minimal vegetation. The surrounding context includes both detached and semi-detached dwellings.

The applicant is requesting a variance for setback to hardscaping to permit a new walkway on the property.



## Comments

### Planning

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

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

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits varying built forms, including detached dwellings with landscaping.

The intent of this regulation in the by-law is to ensure that an appropriate buffer exists between abutting properties and that appropriate drainage patterns can be maintained. The proposal does not extend the entire length of the property line and maintains a significant amount of soft

landscaping in the rear yard. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that 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: Alexander Davies, Committee of Adjustment Planner

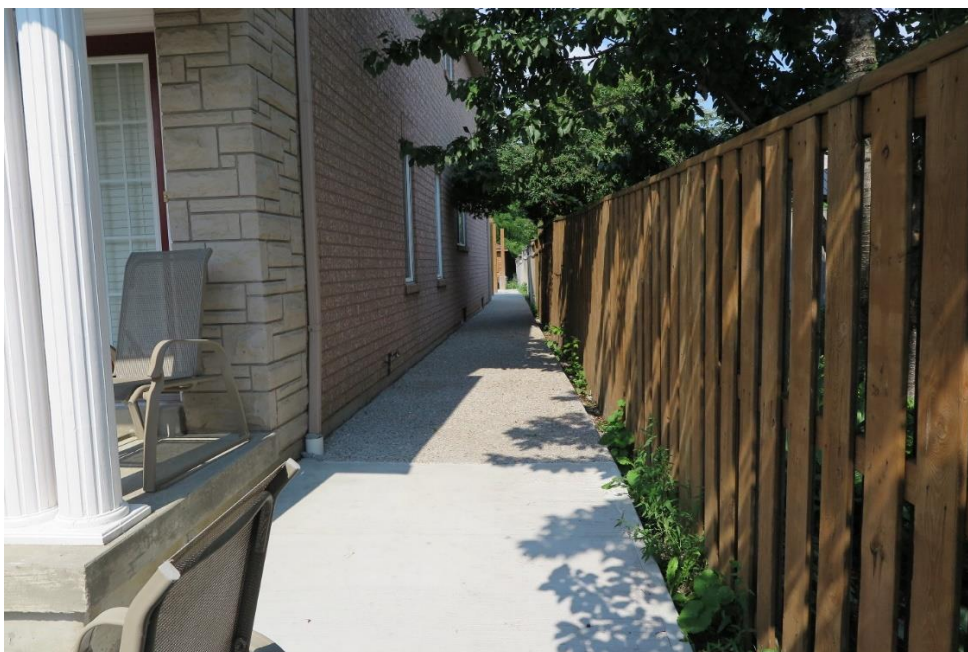
## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection of the property we note that the drainage pattern for this property is considered a split drainage pattern which means that the high point is approximately in the middle of the dwelling and from that point some of the drainage is directed to the front and the rest to the rear yard. This property does have a large rear yard where the drainage from the rear yard is directed towards the abutting greenbelt area.

The concrete walkway constructed has an insufficient setback to the property line (0.28M) to allow for a proper drainage swale. In addition the applicant has constructed a significant size concrete slab at the rear connecting to the concrete walkway with a similar insufficient setback to the property line. The concrete slab at the rear appears to have a minimal slight slope towards the rear yard, however, the minimal setback to the property line would also have little to no impact in redirecting any drainage away from the abutting properties during a heavy rainfall and toward the rear. As there is no curbing or other measure constructed to redirect any drainage from the abutting properties, and without any feedback from the abutting neighbours (at least 2 properties could be impacted) or observing the direction of the runoff during a heavy rainfall, it is difficult to exactly determine any significant drainage related impacts.

In view of the above and should any drainage related concerns be raised by any of the abutting neighbours, we would then suggest that this application be deferred in order to address any modifications required to the poured concrete deck/walkway to alleviate any drainage related concerns.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Daniel Grdasic, Planning Associate

### **Appendix 3 – Parks, Forestry & Environment**

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



1. The lands to the rear of the property are City owned lands, identified as P-250, known as Carolyn Creek and within Significant Natural Area in the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given that the subject lands are subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Stockpiling, construction access and encroachment of construction materials in the adjacent park/greenlands is not permitted.

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

Comments Prepared by: Jim Greenfield, Park Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A298.21  
Ward: 9

### 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 3141 Arnett Court, zoned RM1-5 - Residential, 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 the construction of an addition proposing a side yard of 0.73m (approx. 2.40ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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](mailto:committee.adjustment@mississauga.ca) or calling 905-615-3200 x2408. 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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

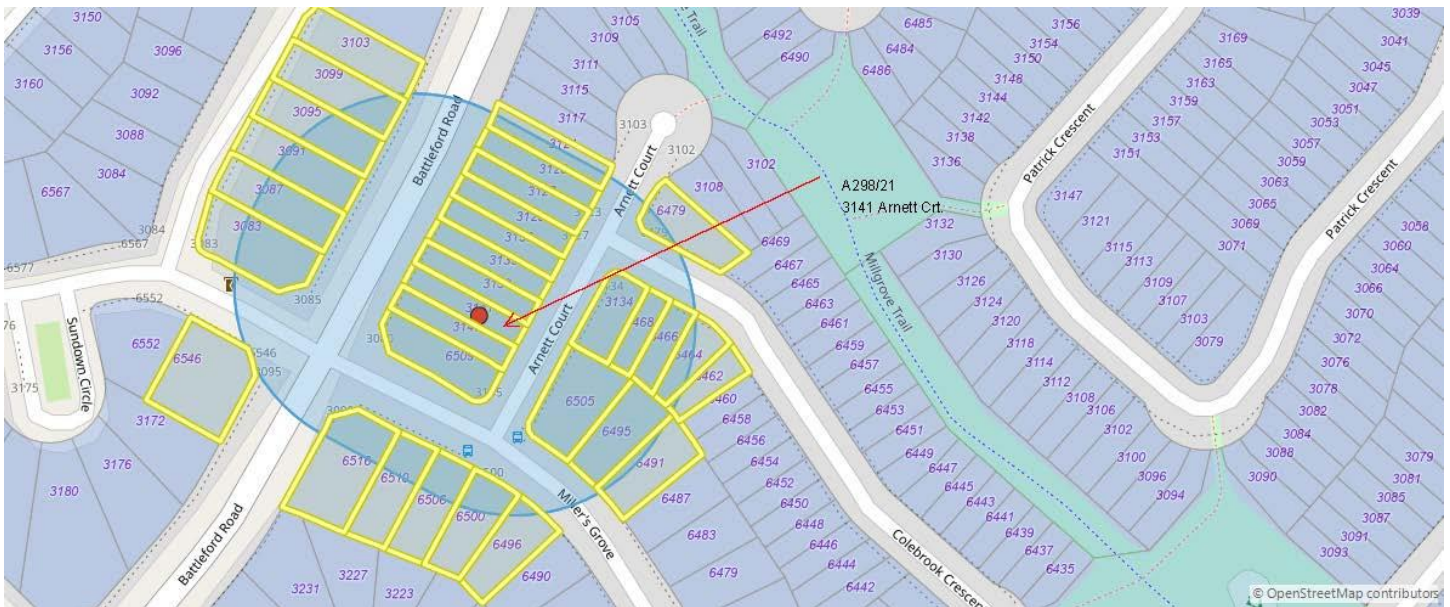
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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:

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-05	File(s): A298.21 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a side yard of 0.73m (approx. 2.40ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance.

## Background

**Property Address:** 3141 Arnett Court

### Mississauga Official Plan

Character Area: Meadowvale Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM1-5 - Residential

**Other Applications:** BP 9ALT 21-6676

### Site and Area Context

The subject property is located in the Meadowvale Neighbourhood Character Area, south-east of the Tenth Line West and Battleford Road intersection. The property fronts onto Arnett Court and backs onto Battleford Road. The site currently contains a detached dwelling with an





The subject property is located in the Meadowvale Neighbourhood Character Area and is designated Residential Low Density II in Section 10 of the Mississauga Official Plan (MOP).

This designation permits detached, semi-detached, and duplex dwellings. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. The proposed addition is in the rear of the property, is only one storey in height and is not oversized for the lot. Staff is of the opinion that the general intent and purpose of the Official Plan is maintained.

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

The intent of the side yard provisions in the by-law are to ensure that an adequate buffer exists between the massing of primary structures on abutting properties and that access to the rear yard remains unencumbered. The proposed addition is generally in line with the existing side wall of the house and therefore will maintain the same buffer between the structures. Additionally no side yard variance is requested for the opposite side yard, allowing for continued access to the rear of the dwelling and rear yard amenity area. Staff are of the opinion that the general intent and purpose of the Zoning By-law are maintained.

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

Staff is of the opinion that the proposed addition will not have any significant impacts on neighbouring properties and represents the appropriate development of the subject lands. Furthermore the single requested variance is minor in nature and in line with the character of the neighbourhood.

**Conclusion**

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, 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 Building Permit process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

BP RECEIVED, CORRECT VARIANCE

The Building Department is currently processing a building permit application under file BP 9ALT 21-6676. 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 05/11/2021 for the above captioned building 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: A. McCormack





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A299.21  
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 3981 Redmond Road, zoned CCOS - City Centre, Open Space, & H-CC2-5 - Holding, City Centre, 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 the construction of a residential condominium building proposing:

1. An average floorplate of 924sq.m (approx. 9,945.85sq.ft) whereas, By-law 0225-2007, as amended, permits a maximum floor plate of 850sq.m (approx. 9,149.32sq.ft) in this instance;
2. Glazing on 47.5% of the area of the 'A' Street Frontage streetwall whereas, By-law 0225- 2007, as amended, requires a minimum of 65% glazing of the area of the 'A' Street Frontage streetwall in this instance;
3. Glazing on 10% of the area of the 'B' Street Frontage streetwall whereas, By-law 0225- 2007, as amended, requires a minimum of 50% glazing of the area of the 'B' Street Frontage streetwall in this instance;
4. The first three storeys of the podium projecting beyond and behind the first storey of the streetwall by a maximum of 3.0m (approx. 9.9ft) whereas, By-law 0225-2007, as amended, does not permit the first three storeys of the podium to project beyond or behind the first storey of the streetwall in this instance;
5. Parking to be provided at a rate of 0.85 resident spaces per unit whereas, By-law 0225- 2007, as amended, requires parking to be provided at a rate of 1.0 resident spaces per unit in this instance;
6. Parking for restaurant uses to be included in the shared parking arrangement when less than 220sq.m (approx. 2,368.06sq.ft) of non-residential gross floor area whereas By-law 0225-2007, as amended, does not permit parking for restaurant uses to be included in the shared parking arrangement, in this instance; and;
7. A minimum parking rate of 4.3 spaces per 100sq.m of gross floor area – non-residential for a restaurant less than 220sq.m (approx. 2,368.06sq.ft) gross floor area – non-residential, and a minimum parking rate of 9.0 for a restaurant greater than 220sq.m (approx. 2,368.06sq.ft) gross floor non-residential whereas, By- law 0225-2007, as amended, requires a minimum of 16 parking spaces per 100sq.m (approx. 1076.36sq.ft) gross floor area – non-residential for a restaurant in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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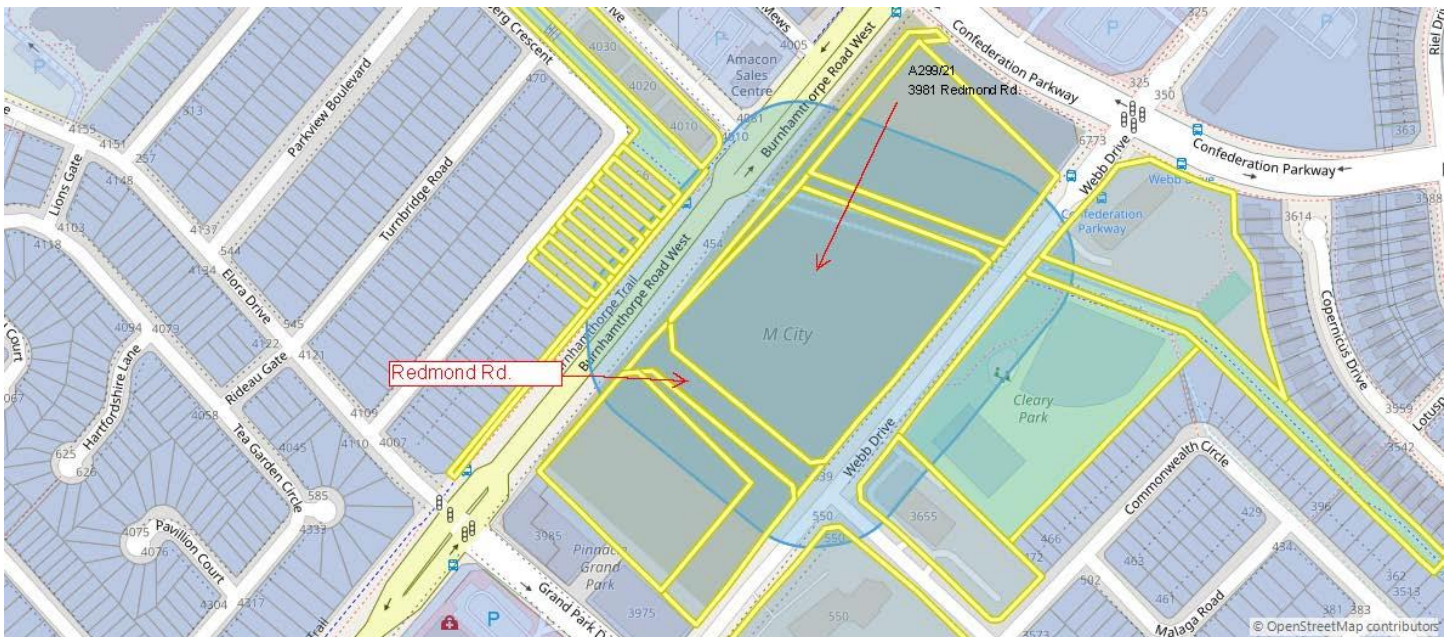
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A299.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a residential condominium building proposing:

1. An average floorplate of 924sq.m (approx. 9,945.85sq.ft) whereas, By-law 0225-2007, as amended, permits a maximum floor plate of 850sq.m (approx. 9,149.32sq.ft) in this instance;
2. Glazing on 47.5% of the area of the 'A' Street Frontage streetwall whereas, By-law 0225-2007, as amended, requires a minimum of 65% glazing of the area of the 'A' Street Frontage streetwall in this instance;
3. Glazing on 10% of the area of the 'B' Street Frontage streetwall whereas, By-law 0225-2007, as amended, requires a minimum of 50% glazing of the area of the 'B' Street Frontage streetwall in this instance;
4. The first three storeys of the podium projecting beyond and behind the first storey of the streetwall by a maximum of 3.0m (approx. 9.9ft) whereas, By-law 0225-2007, as amended, does not permit the first three storeys of the podium to project beyond or behind the first storey of the streetwall in this instance;
5. Parking to be provided at a rate of 0.85 resident spaces per unit whereas, By-law 0225-2007, as amended, requires parking to be provided at a rate of 1.0 resident spaces per unit in this instance;
6. Parking for restaurant uses to be included in the shared parking arrangement when less than 220sq.m (approx. 2,368.06sq.ft) of non-residential gross floor area whereas By-law 0225-2007, as amended, does not permit parking for restaurant uses to be included in the shared parking arrangement, in this instance; and;
7. A minimum parking rate of 4.3 spaces per 100sq.m of gross floor area – non-residential for a restaurant less than 220sq.m (approx. 2,368.06sq.ft) gross floor area – non-residential, and a minimum parking rate of 9.0 for a restaurant greater than 220sq.m (approx. 2,368.06sq.ft) gross floor non-residential whereas, By-law 0225-2007, as amended, requires a minimum of 16

City Department and Agency Comments	File:A299.21	2021/08/04	2
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parking spaces per 100sq.m (approx. 1076.36sq.ft) gross floor area – non-residential for a restaurant in this instance.

## Amendments

While Planning staff are not in a position to interpret the Zoning By-law, based on the Local Planning Appeal Tribunal decision under File PL 130351 variance number 7 is no longer required.

Further, staff are able to support variance number 5 if amended as follows:

- 0.86 spaces/residential unit whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces/unit on site in this instance;

## Background

**Property Address:** 3981 Redmond Road

### Mississauga Official Plan

Character Area: Downtown Core

Designation: Downtown Mixed Use

### Zoning By-law 0225-2007

**Zoning:** CCOS - City Centre, Open Space, & H-CC2-5 - Holding, City Centre

**Other Applications:** SP 20-049, H-OZ 18-006, SH 21-6380

### Site and Area Context

The subject property is located in Mississauga's Downtown Core, on the south side of Burnhamthorpe Road West and west of Confederation Parkway. It is currently vacant and forms part of the larger M City development. The surrounding context includes both detached dwellings as well as high rise residential.

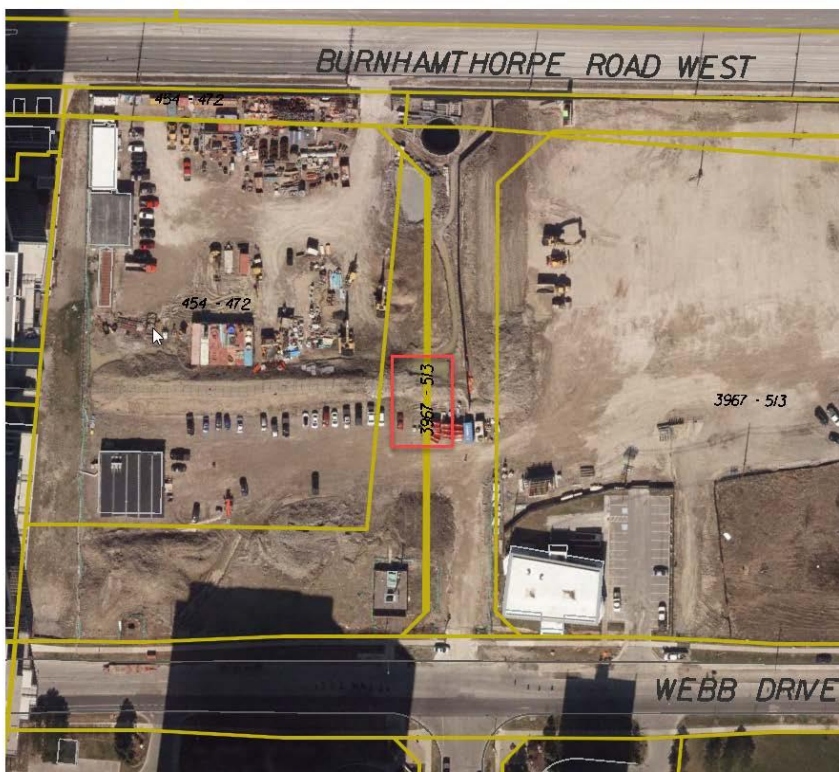
The applicant is proposing to construct a 69 storey condominium building with both retail and residential uses on the ground floor. The proposal requires variances for floorplate size, glazing, setbacks and parking.

As with most properties located within the Downtown Core, this property is subject to a Holding (H) Provision to ensure that any proposed development will, amongst other things, maintain the



overall streetscape integrity of the surrounding area, as well as serve to facilitate the provision of adequate pedestrian connectivity points and amenity areas to the satisfaction of the City.

To this end, the Applicant is pursuing both an application to lift the H provision (H-OZ 18-6) as well as a Site Plan Approval application (SP 20-49) to facilitate the above proposal. Both applications are currently under review by the Development Planning and Urban Design teams.



## Comments

### Planning

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

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

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

While the applicant has proposed several variances to the zoning regulations, Planning staff note that the nature of variances 1-4 are to facilitate a design which has been conceptually approved by both the Urban Design and Development Planning teams through their review of the application to life the H provision (H-OZ 18-6) and Site Plan Approval application (SP 20-49). Staff are of the opinion that the requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site.

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

#### Variances 5 - 6 (Parking)

The Zoning By-law regulates minimum parking requirements for various uses and dwelling types in order to ensure that sufficient parking can be provided on each property for its intended uses. CPS staff have reviewed the application and note that no parking study has been submitted in support of this application, however site plans indicate this development will be tower “M4” in the master-planned M-City development. Previous minor variance application A-066/20 was approved in May 2020 for earlier phases of this development, which will be located directly adjacent to this proposal.

Based on the parking justification submitted at that time, which included parking utilization surveys, staff were supportive of a 0.86 spaces/residential unit rate. Staff supported the other variance as well, being the same as number 6 in this application. As this proposal will be a part of the same development and will have a very similar parking demand, staff can support the same rates as those previously approved for A-066/20. Namely:

- 0.86 spaces/residential unit whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces/unit on site in this instance;

Planning staff are supportive of the increased parking rate in order to ensure uniformity and sufficient parking supply for each building. As amended, staff are of the opinion that the

requested variances are minor in nature, represent appropriate development of the subject lands, and maintain the general intent and purpose of both the Zoning By-law and Official Plan.

## **Conclusion**

The Planning & Building Department has no objections to the application, as amended.

Comments Prepared by: Alexander Davies, 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 development are being addressed through the Site Plan Application process, File SP-20/049.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan application under file SP 20-049. Based on review of the information currently available for this application, the variances, as requested are correct. However, without an application for a zoning certificate for future uses, variances 6 and 7 cannot be confirmed.

Our comments are based on the plans received by Zoning staff on 12/21/2020 for the above captioned site plan 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.



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A302.21  
Ward: 5

### 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 7437 Sills Road, zoned R3-69 - Residential, 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 the construction of a new house proposing:

1. A gross floor area of 374.49sq.m (approx. 4,030.98sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 296.20sq.m (approx. 3188.27sq.ft) in this instance;
2. A front yard of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, requires a front yard of 7.50m (approx. 24.60ft) in this instance;
3. A rear yard of 6.13m (approx. 20.11ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance;
4. A garage projection of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance;
5. A building height of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.52ft) in this instance; and;
6. A building height measured to the eaves of 6.86m (approx. 22.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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Adjustment, 300 City Centre Drive 2<sup>nd</sup> Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and application number or address of the property you are providing comments on.

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A302.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the dwelling to reduce the gross floor area and garage projection.

## Application Details

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

1. A gross floor area of 374.49sq.m (approx. 4,030.98sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 296.20sq.m (approx. 3188.27sq.ft) in this instance;
2. A front yard of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, requires a front yard of 7.50m (approx. 24.60ft) in this instance;
3. A rear yard of 6.13m (approx. 20.11ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance;
4. A garage projection of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance;
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6. A building height measured to the eaves of 6.86m (approx. 22.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

## Background

**Property Address:** 7437 Sills Road

### Mississauga Official Plan

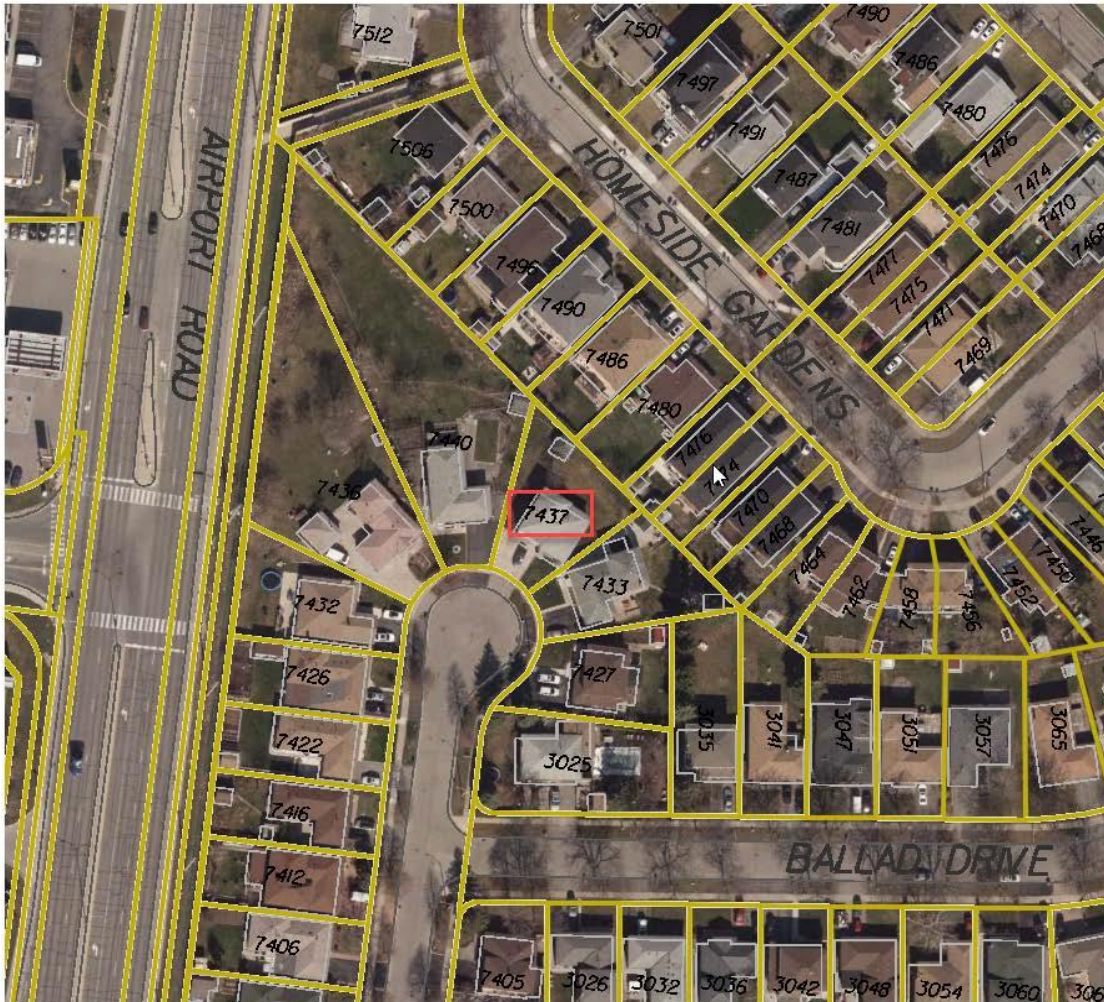
**Character Area:** Malton Neighbourhood

**Designation:** Residential Low Density II

**Zoning By-law 0225-2007****Zoning: R3-69 - Residential****Other Applications:** PREAPP 21-6394**Site and Area Context**

The subject property is located north-east of the Airport Road and Morning Star Drive intersection. It is a pie shaped lot at the end of the Sills Road cul-de-sac with a lot frontage of +/- 15.16m (50ft.) and a lot area of +/- 731.01m<sup>2</sup> (7,869ft.). While the Sills Road cul-de-sac exclusively contains detached dwellings with attached garages, semi-detached dwellings are present further down Sills Road as well as to the rear of the subject property. There is limited vegetation in both the front and rear yards of the subject property and surrounding properties.

The applicant is proposing a new two storey dwelling on the subject property requiring variances for floor area, setbacks, heights, and the garage projection.





## Comments

### Planning

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

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

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study in 2016, which resulted in Council's adoption of new zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. The intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood. The application proposes increases in gross floor area and garage projection that are not consistent with the neighbourhood and do not maintain the intent of the infill regulations. These variances will create a dwelling with significant massing with cumulative impacts that will negatively influence the neighbourhood's character. As such, staff are of the opinion that the design is not compatible with the existing and planned development of the neighbourhood and recommend that the application be deferred for redesign.

### Conclusion

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the dwelling to reduce the gross floor area and garage projection.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

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

The Site Plan (Sheet No A1) submitted with the application depicts a 2.286M Easement along the property line and indicates that the easement is on the Registered Plan but not on title. The proposed dwelling is not encroaching into the limits of the easement, although the owner must ensure that the new dwelling is located entirely outside the limits of the easement.

We reviewed our records and found that Plan C-08891, the Plan and Profile Drawing for Sills Road (prepared by G.V Kliefeldt & Associates in 1966) depicts a 15 ft. easement between the subject and abutting property. The Drawing also shows a catchbasin located at the rear of the subject property with a 10 inch pipe connecting to the storm manhole located on Sills Road. We also note from our site inspection that the entire area within the easement is currently free from any structures.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

A building permit is required. The Building Department is currently processing a pre-application zoning review under file 21-6394. Based on review of the information currently available, the variances, as requested are correct.

Please note that comments reflect those provided through the above preapp 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: Sherri Takaloo – Zoning examiner





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A303.21  
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 4161 Highgate Crescent, zoned R4-7 - Residential, 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 the construction of a rear yard balcony proposing a rear yard of 3.70m (approx. 12.14ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 6.50m (approx. 21.32ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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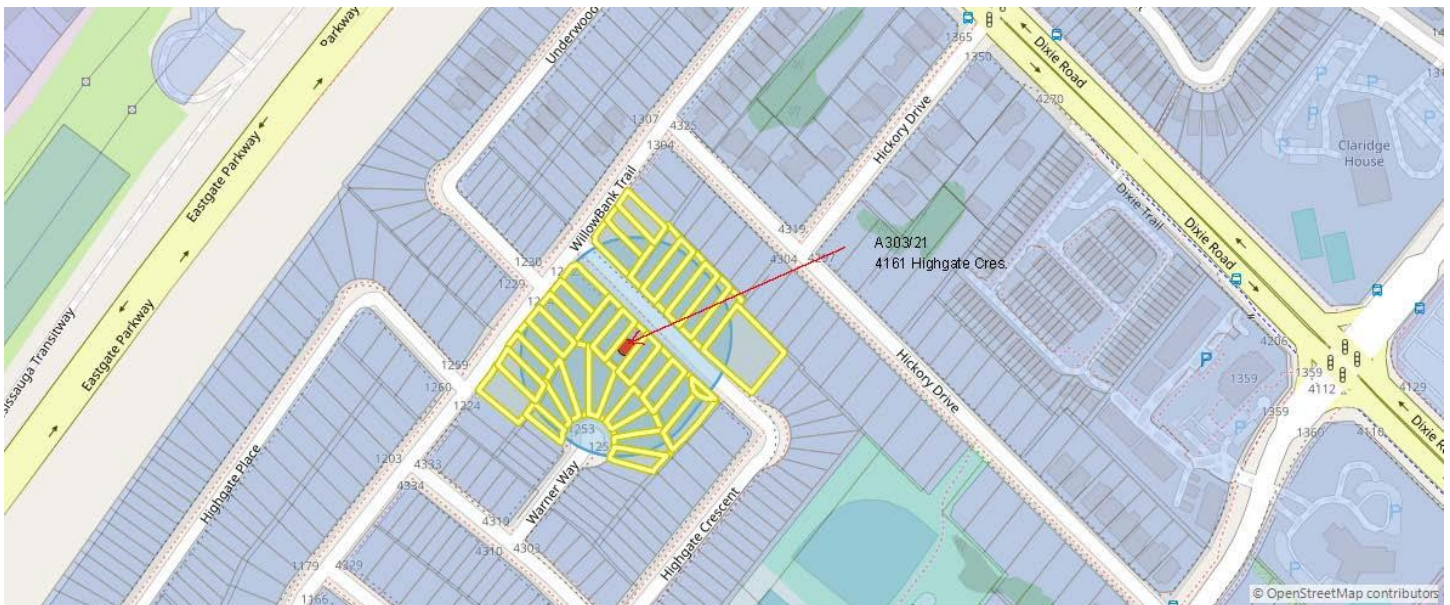
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A303.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the balcony.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a rear yard balcony proposing a rear yard of 3.70m (approx. 12.14ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 6.50m (approx. 21.32ft) in this instance.

### Amendments

The following variances should be added:

- 2) A maximum lot coverage of 47.97%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.
- 3) A minimum setback of 0.40 m (1.31ft) to an accessory structure in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft) to accessory structures in the rear yard, in this instance.

## Background

**Property Address:** 4161 Highgate Crescent

### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4-7 - Residential



**Other Applications:** BP 9ALT 21-5853**Site and Area Context**

The subject property is located south-west of the Dixie Road and Eastgate Parkway intersection within the Rathwood Neighbourhood Character Area. The property contains a two storey detached dwelling with an attached double car garage. The neighbourhood predominantly consists of detached dwellings, however semi-detached homes are present as well. The subject property has a lot frontage of +/- 12.57m and an area of +/- 432.67m<sup>2</sup>. The only vegetation on the property is a mature tree in the front yard.

The applicant is proposing to reconstruct and expand the balcony on the dwelling requiring a variance for the rear yard setback.



## Comments

### Planning

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

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

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

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). In this character area the Residential Low Density II designation permits detached, semi-detached, duplex, triplex and townhouse dwellings, as well as other forms of low rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. While rear yard balconies are present in the area due to the sloping grades of the properties to the rear, the proposal represents a significantly sized balcony that is not compatible with the surrounding context.

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

The intent of the rear yard regulations in the by-law are to ensure an adequate buffer exists between the massing of structures on adjacent properties and also to ensure there is an appropriate amenity area within the rear yard. While the open balcony does not create a significant massing concern, the proposal would create an abnormally small amenity area in the rear yard and prohibit its functionality. This concern is further exacerbated by the existing rear yard shed. Therefore staff are of the opinion that the general intent and purpose of the by-law are not maintained.

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

Further to the above concerns, the proposed balcony creates a significant impact on surrounding properties due to loss of privacy and overlook. The proposed balcony projects well beyond the rear wall of adjacent dwelling and pushes significantly closer than permitted to the property to the rear. This impact cannot be considered minor and would not represent the appropriate development of the subject lands.

## Conclusion

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the balcony.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to reconstruct the rear yard balcony. We are also noting that the proposed balcony will have no impact on the existing drainage pattern on the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit application under file BP 9ALT 21-5853. Based on review of the information currently available in this permit application, the variance, as requested are correct.

In addition, the following variances should be added:

- 4) A maximum lot coverage of 47.97%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00%, in this instance.
- 5) A minimum setback of 0.40 m (1.31ft) to an accessory structure in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft) to accessory structures in the rear yard, 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





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A304.21  
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 6 Wesley Crescent, zoned RM7-5 - Residential, 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 the construction of an addition proposing:

1. A front yard measured to a second floor of 4.39m (approx. 14.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a second floor of 6.00m (approx. 19.69ft) in this instance; and
2. Two kitchen whereas By-law 0225-2007, as amended, permit a maximum of one kitchen in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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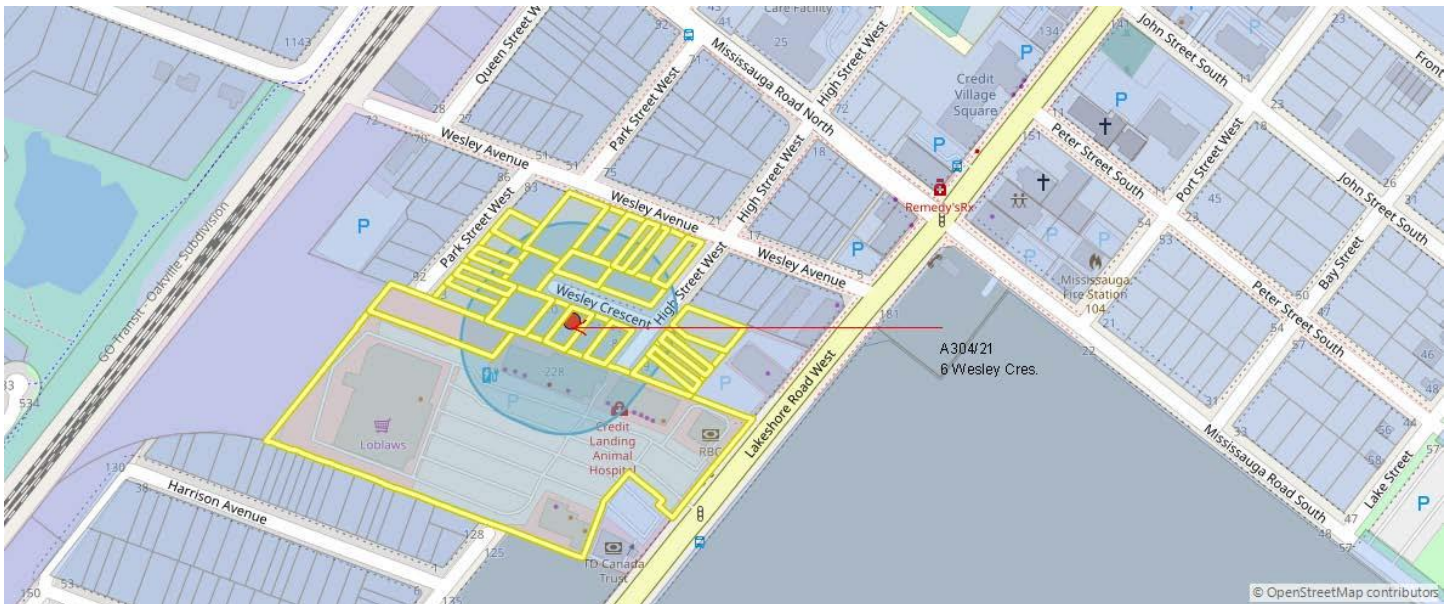
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A304.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objection to variances #1, #2, however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

## Application Details

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

1. A front yard measured to a second floor of 4.39m (approx. 14.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a second floor of 6.00m (approx. 19.69ft) in this instance; and
2. Two kitchen whereas By-law 0225-2007, as amended, permit a maximum of one kitchen in this instance.

## Background

**Property Address: 6 Wesley Crescent**

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning: RM7-5 - Residential**

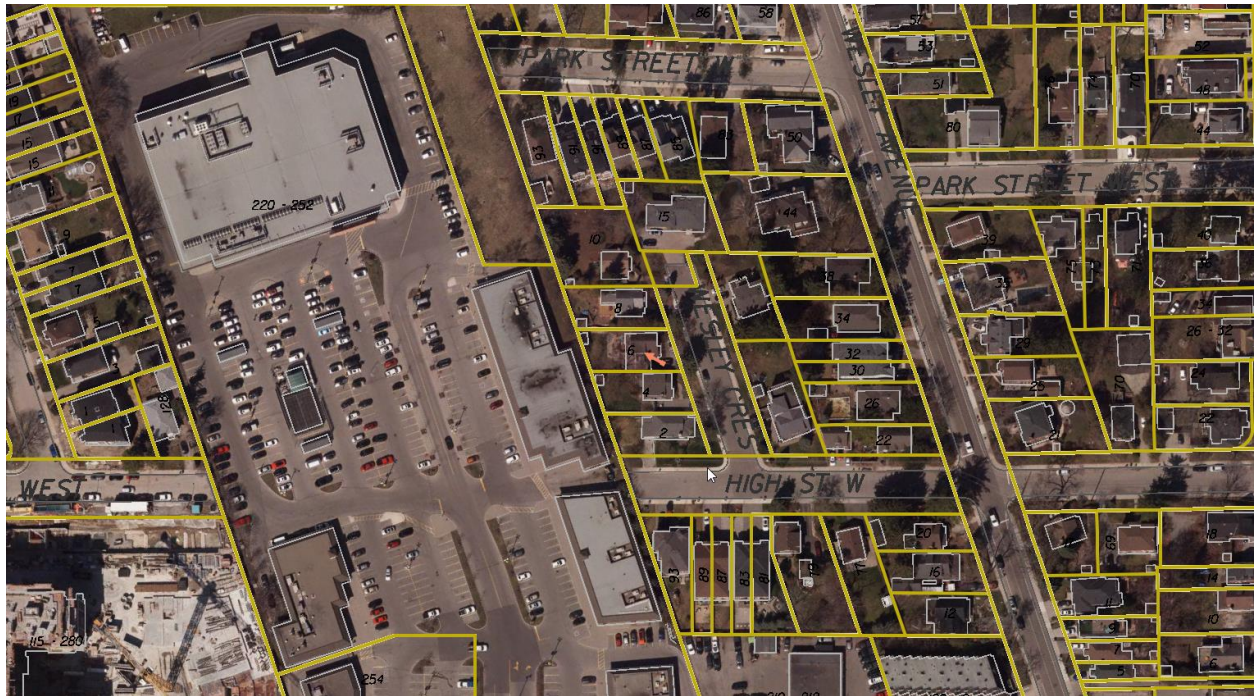
**Other Applications: None**



## Site and Area Context

The subject property is located within the Port Credit Neighbourhood (West) Character Area, northwest of the Mississauga Road and Lakeshore Road West intersection. The immediate neighbourhood is an eclectic mix of residential housing consisting of newer two storey semi-detached dwellings and older two detached dwellings with mature vegetation in the front yards. The subject property contains an existing two storey dwelling with mature vegetation in both the front and rear yards.

The applicant is proposing to construct an addition onto the existing house requiring variances related to the front yard and an additional kitchen.



## Comments

### Planning

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

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

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

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex and triplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed addition respects the designated land use and maintains the general intent and purpose of the MOP.

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

Variance #1 as requested pertains to a deficient front yard setback:

The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The new second storey addition will be constructed on the existing foundation and as a result will not pose any further impact from what exists today. The front yard setback is generally in line with the neighbouring dwellings, presenting a consistent streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 as requested pertains to a second kitchen:

The intent of limiting the number of kitchens is to regulate the number of additional dwelling units in a dwelling. Staff have no concerns with the additional kitchen and no additional units are being proposed. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Planning Staff note that the existing driveway appears to have been widened. Additional variances may be required for the existing widened driveway. It is important to note that in general staff do not support these additional variances. It is recommended that the application be deferred to allow the applicant time to confirm if additional variances are required and to work with staff on a redesign of the existing driveway.

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

Staff find that any potential impact from the proposed decrease to the front yard and second kitchen negligible, however Staff recommend the application be deferred in order for the applicant to redesign the proposed driveway.

## **Conclusion**

The Planning and Building Department has no objection to variances #1, #2, however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.



Comments Prepared by: Connor DiPietro, 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 Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-6072. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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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: Alana Zheng, Zoning Examiner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A309.21  
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 1161 Mirada Place, zoned R2-1 - Residential, 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 the construction of a new house proposing:

1. An exterior side yard of 5.94m (approx. 19.49ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.60ft) in this instance; and
2. A side yard measured to a covered porch of 5.37m (approx. 17.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a covered porch of 5.90m (approx. 19.36ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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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.

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A309.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 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 approve a minor variance to allow the construction of a new house proposing:

1. An exterior side yard of 5.94m (approx. 19.49ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.60ft) in this instance; and
2. A side yard measured to a covered porch of 5.37m (approx. 17.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a covered porch of 5.90m (approx. 19.36ft) in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff note that variance #1 should be amended as follows:

1. An exterior side yard of 5.95m (approx. 19.49ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.60ft) in this instance; and

## Background

**Property Address:** 1161 Mirada Place

### Mississauga Official Plan

**Character Area:** Clarkson-Lorne Park Neighbourhood

**Designation:** Residential Low Density I

**Zoning By-law 0225-2007****Zoning: R2-1 - Residential****Other Applications:** SP 21-29 W2, A 120/21**Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northeast of Lorne Park Road and the railway corridor. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation in both the front and rear yards. The subject property contains an existing one and half storey dwelling with mature vegetation in the front and side yards.

The application proposes a new two storey dwelling requiring variances related to side yards.

**Comments****Planning**

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

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

The 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. The applicant is proposing an exterior side yard of 5.94m, where a minimum exterior side yard of 7.50m is required, and a side yard measured to a covered porch of 5.37m where 5.90m is required.

The general intent of the side yard requirements are to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. Staff are not concerned with the dwelling or covered porch's massing, as the dwelling's height is in keeping with the zoning by-law requirement and architectural features help to breakup the covered porch. This ensures any potential impact is mitigated. Furthermore, the proposed side yard (measured to covered porch) is 5.37m, a minor deviation from the 5.9m required by the by-law. The wide city boulevard also provides additional buffering between the dwelling's massing and the public realm, further mitigating any potential impact. It is also worth noting that the existing vegetation in the public realm also screens the dwelling from view, protecting the established streetscape.

It is Staff's opinion that the proposed setbacks are sympathetic to the surrounding area and will have a negligible impact on the neighbouring properties. 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 departments recommend 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: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed through the Site Plan Application process, File SPI-21/029.







Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Site Plan application under file SP 21-29. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A171.21  
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 4050 Westminister Place, zoned R4-12 - Residential, 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 widened driveway proposing a driveway width of 7.77m (approx. 25.49ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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:

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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

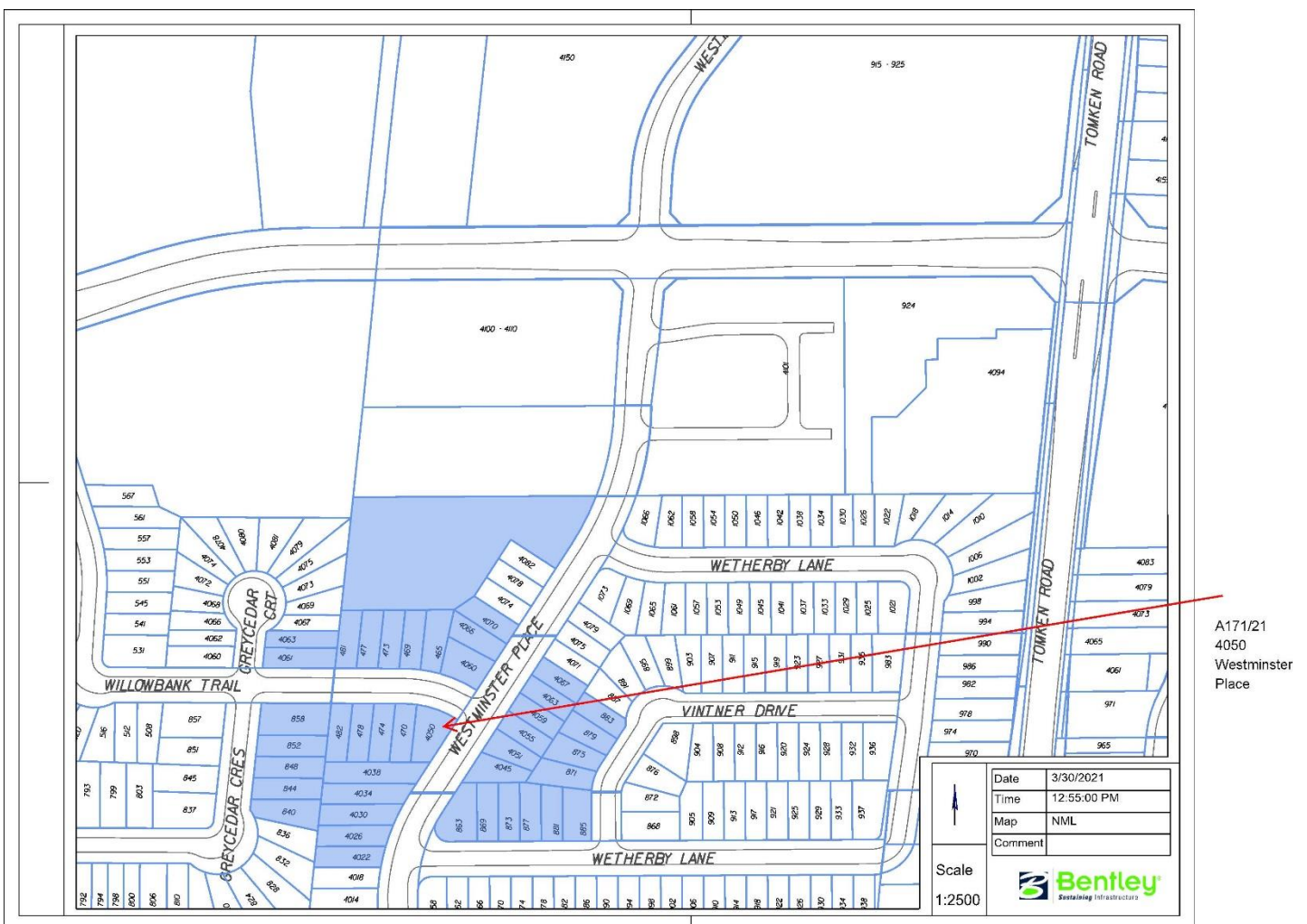
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## Legal notice:

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A171.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a widened driveway proposing a driveway width of 7.77m (approx. 25.50ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

### Amendments

The Zoning Section advises that the variance should be amended as follows:

1. A driveway width of 11.72m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance

They also recommend that the following variance be added:

2. Insufficient soft landscape area within the front yard of 36.39%, whereas By-law 0225-2007, as amended, requires a minimum soft landscape area of 40%.

## Background

**Property Address:** 4050 Westminster Place

### Mississauga Official Plan

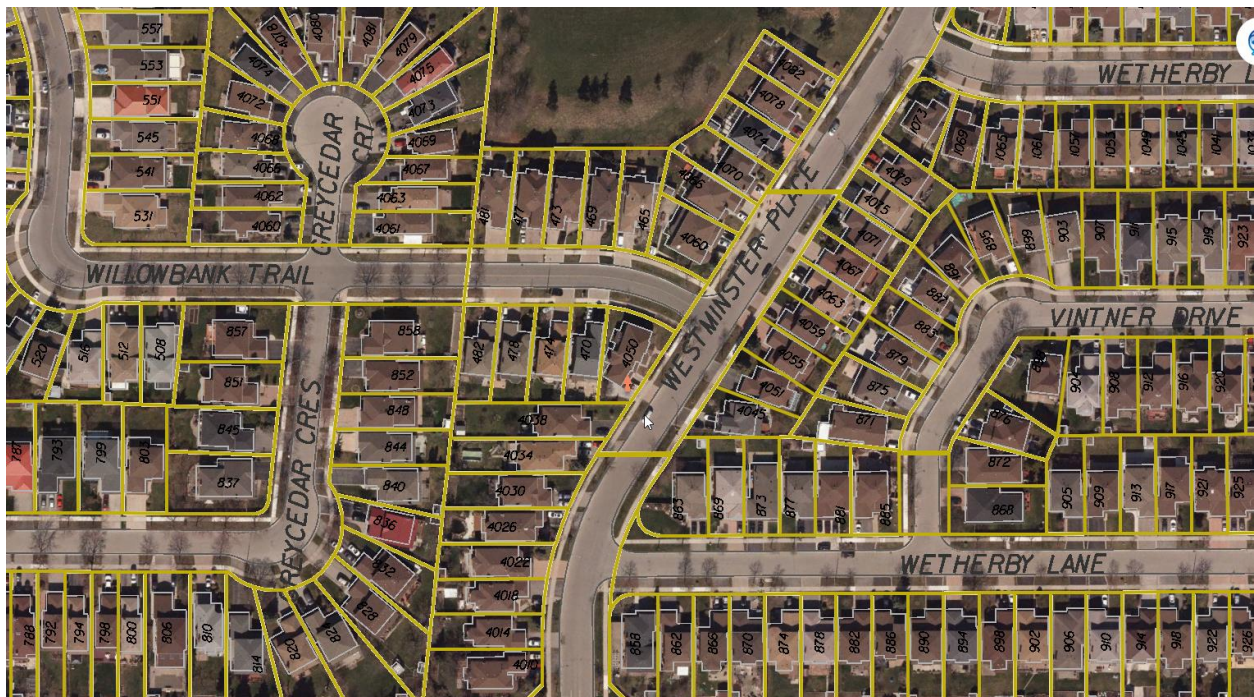
**Character Area:** Rathwood Neighbourhood

**Designation:** Residential Low Density I

**Zoning By-law 0225-2007****Zoning: R4-12 - Residential****Other Applications:** PREAPP 21-5251**Site and Area Context**

The subject property is situated south-west of the Burnhamthorpe Rd East and Westminster Place intersection. The subject property is an interior parcel with a lot area of +/- 556.84m<sup>2</sup> (5,994 sq.ft.) and a lot frontage of +/- 25.57m (84 ft.). The property currently houses a two-storey detached dwelling with a double-car garage and possesses minimal vegetation/landscape elements in the front and rear yards. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings with minimal vegetation and landscape elements in the front yards. The properties within the immediate area possess lot frontages of +/-17.00m (56 ft.).

The application proposes a driveway widening requiring a variance for driveway width.





## Comments

### Planning

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

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

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

The site is located within the Rathwood Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding area. The planned context of this neighbourhood is that detached dwellings are serviced by appropriately sized driveways, with the remainder of the property's front yard being in the form of soft-landscaping. The applicant has revised their application to reduce the driveway width in the front yard to a width that balances the existing and planned character of the neighbourhood with the property's considerable frontage. Staff are of the opinion that the driveway meets the general intent and purpose of the official plan.

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

The intent of the driveway width regulation is to ensure that there is sufficient soft landscaping and amenity area in the front yard while ensuring the required parking for the residence can be accommodated. Staff note that the application has been amended to meet the minimum landscaping requirement in the front yard and is considered appropriate for the property. Staff are satisfied that an appropriate front yard amenity area is maintained under the current proposal and that the hardscaping does not represent an overdevelopment of the front yard. Therefore the variance meets the general intent and purpose of the zoning by-law.

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

The subject property possesses a significant frontage when compared to other lots within the surrounding neighbourhood and, as such, it warrants special consideration. While a driveway of this size would be inappropriate on most other properties in the area, the proposed driveway width of 7.77m is appropriate for the subject property due to its size. The proposal balances the permissions of the site appropriately with the planned and existing neighbourhood context resulting in only minor impacts to the streetscape and surrounding properties.

## Conclusion

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the applicant has significantly reduced the requested driveway which was previously being requested at the May 27<sup>th</sup> hearing. We, however, question the rationale and functionality of the “Proposed Parking” area at the side of the existing garage with no direct access to the street from the driveway.

Enclosed for Committee’s information are current photos of the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 21-5251. Based on review of the information currently available for this building permit, we advise that the variance should be amended as follows:

1. A driveway width of 11.72m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;

and that the following variance is to be added:

2. Insufficient soft landscape area within the front yard of 36.39% where a minimum soft landscape area of 40% is required.

Our comments are based on the plans received by Zoning staff on 03/01/2021 for the above captioned building 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: A. McCormack

## Appendix 3 – Trans-Northern Pipeline Inc.

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Committee of Adjustment Notice of Public Hearing for the proposed development to allow a widened driveway of 7.77m. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property west and adjacent side to the proposed development relating to 4050 Westminister Place.

TNPI has no concerns with the proposed development as it is outside of the Prescribed Area (30m) and outside of our right-of-way. Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*
- **Prohibition — vehicles and mobile equipment**



*It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless*

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- *(b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at: [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca).

Comments Prepared by: Renee Flowerday, Property and Right of Way Administrator



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A200.21  
Ward: 10

### 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 3911 Swiftdale Drive, zoned R6 - 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 renovations on the subject property proposing:

1. A pedestrian entrance serving a second unit facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance serving a second unit facing a street in this instance; and
2. A rear yard measured to a window well of 6.08m (approx. 19.95ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a window well of 6.39m (approx. 20.96ft) in this instance.

The Committee has set **Thursday August 12, 2021 at 1:00 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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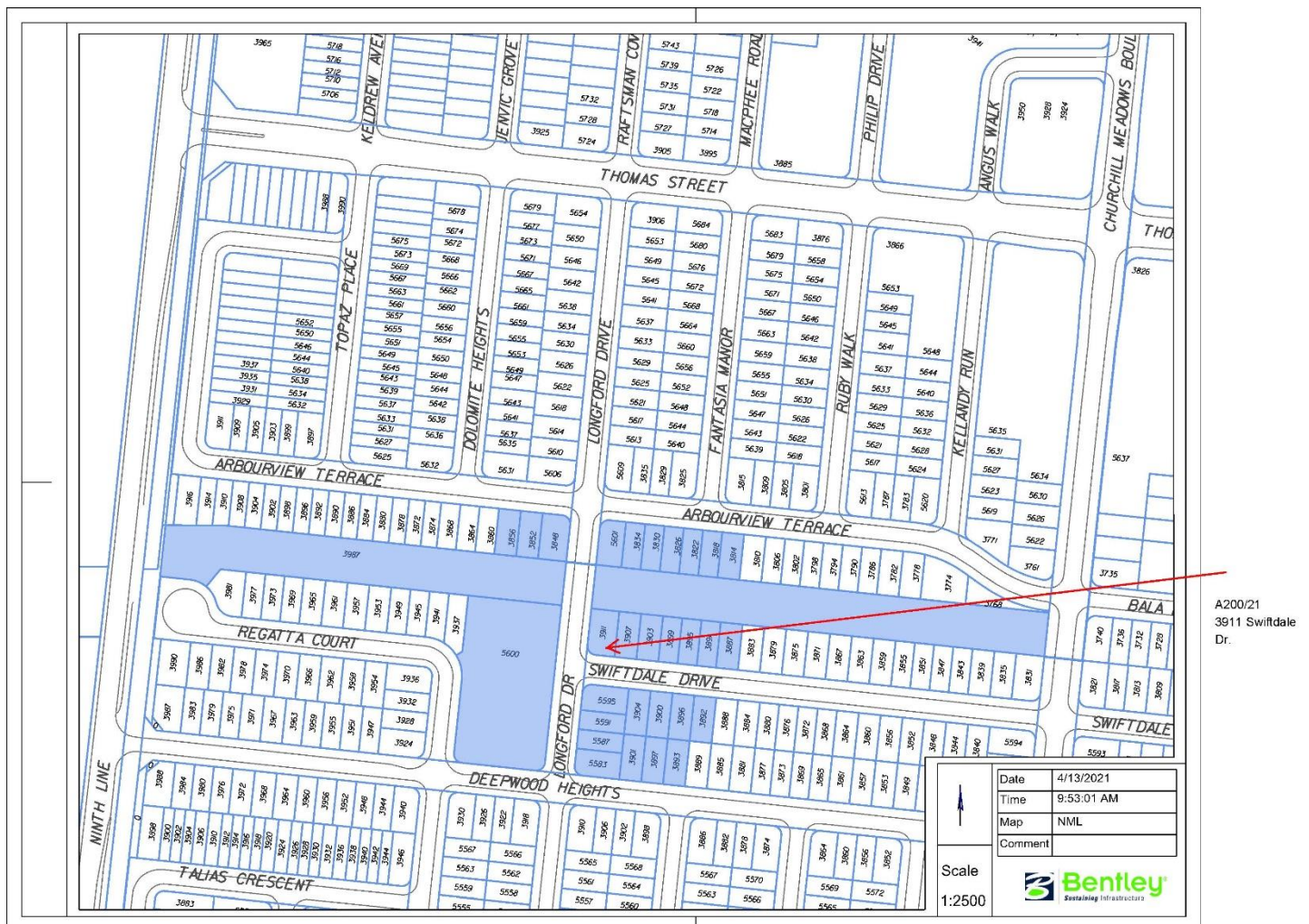


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### Legal notice:

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A200.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variance #2, however recommends that variance #1 be refused.

## Application Details

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

1. A pedestrian entrance serving a second unit facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance serving a second unit facing a street in this instance; and
2. A rear yard measured to a window well of 6.08m (approx. 19.95ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a window well of 6.39m (approx. 20.96ft) in this instance.

## Background

**Property Address:** 3911 Swiftdale Drive

### Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R6 - Residential

**Other Applications:** SEC UNIT 20-3140

**Site and Area Context**

The subject property is located at the north-east corner of Longford Dr and Swiftdale Dr. The property is an exterior parcel with a lot area of +/- 410.63m<sup>2</sup> (4,420 sq.ft.) and a lot frontage of +/- 16m (52 ft.). Currently, the property houses a two-storey, detached dwelling with mature vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised primarily of two-storey detached dwellings possessing lot frontages of +/-12.3m (40 ft.) with mature vegetation and landscape elements in both the front and exterior side yards.

The applicant is proposing renovations to the principal dwelling requiring variances for a secondary unit entrance facing the street and a deficient rear yard measured to a window well.





## Comments

### Planning

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

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

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

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density II in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Staff are in receipt of a front elevation showing the proposed new entrance to the secondary unit and have concerns that the proposal will have a negative visual impact to the overall streetscape and is not compatible with the landscape of the character area. Variance #2 does not raise these concerns as the window well is located in a fenced rear yard and is below grade. Staff are of the opinion that while variance #2 maintains the general intent and purpose of the official plan, variance #1 does not.

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

Variance #1 requests an entrance to facilitate a second unit facing a street. The intent of the regulation prohibiting such an entrance is to prevent a negative visual impact to the overall streetscape. A detached dwelling, even with a secondary unit, should continue to be presented as a detached dwelling from the streetscape. By adding a secondary unit entrance to the front of the dwelling that is clearly visible from the street can impact that perception. In this instance there is no screening or landscaping being proposed that can provide a visual buffer between the proposed entrance and the street. Without mitigating measures, the variance request cannot be considered to be maintaining the general intent and purpose of the zoning by-law.

Variance #2 requests a reduced rear yard measured to a window well. The intent of the rear yard regulations are to ensure an appropriate buffer between the massing of structures on adjoining properties is maintained and that a sufficient rear yard amenity area is provided for the dwelling. The proposed window well presents no massing concerns and does not significantly impact the rear yard amenity space. Therefore staff are of the opinion that the general intent and purpose of the zoning by-law is maintained in this instance.

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

The proposed second unit entrance facing the street represents a significant negative impact to the existing streetscape. While a secondary unit is appropriate for the site, the proposed location

of the entrance is not minor and does not represent the appropriate development of the subject lands. Staff note that variance #2 does not raise the same concerns, represents appropriate development and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to variance #2, however recommends that variance #1 be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee easy reference are photos depicting the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit under file SEC UNIT 20-3140. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner

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**Appendix 3 – Parks, Forestry & Environment**

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

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as O'Harra Way (P-419).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

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

Comments Prepared by: Jim Greenfield, Park Planner