
Committee of Adjustment

Date: July 16, 2020
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

Alexander Davies, Committee of Adjustment Coordinator,
Legislative Services
905-615-3200 ext.5422
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

-
1. CALL TO ORDER
 2. DECLARATION OF CONFLICT OF INTEREST
 3. DEFERRALS OR WITHDRAWALS
 4. MATTERS TO BE CONSIDERED
 - 4.1 A123/20 (Ward 10)
5243 Misty Pine Cres
Aman Haq & Shazia Aman
 - 4.2 A142/20 (Ward 5)
3223 Orlando Dr
Chengdu Holdings Inc.
 - 4.3 A145/20 (Ward 2)
2574 Liruma Rd
Terry & Angela Horchover
 - 4.4 A147/20 (Ward 11)
6005 Erin Mills Pkwy
SPHQ Holdings Inc.
 - 4.5 A151/20 (Ward 5)
700 Matheson Blvd W
Orlando Corporation
 - 4.6 A152/20 (Ward 9)
6038 Edenwood Dr
Mustansar Abbas Rana
 - 4.7 A153/20 (Ward 5)
728 Whitfield Terr
Madiha Ahmed
 - 4.8 A11/20 (Ward 7)
1100 Dundas St W
1494096 Ontario Inc.

- 4.9 A28/20 & A29/20
 140 Capital Crt & 150 Capital Crt
 Aliz Holdings Inc. & Canaim Estate Corp.

5. **OTHER BUSINESS**

6. **ADJOURNMENT**



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 123/20
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 owners of 5243 Misty Pine Crescent, zoned R6-1 - Residential, have 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 existing driveway to remain proposing:

1. A driveway width of 8.22m (approx. 26.97ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.10m (approx. 20.01ft) in this instance;
2. A walkway attachment of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance; and
3. A driveway setback of 0.47m (approx. 1.54ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance.

The Committee has set **Thursday July 16, 2020 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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Advance registration is required to participate in the electronic hearing:

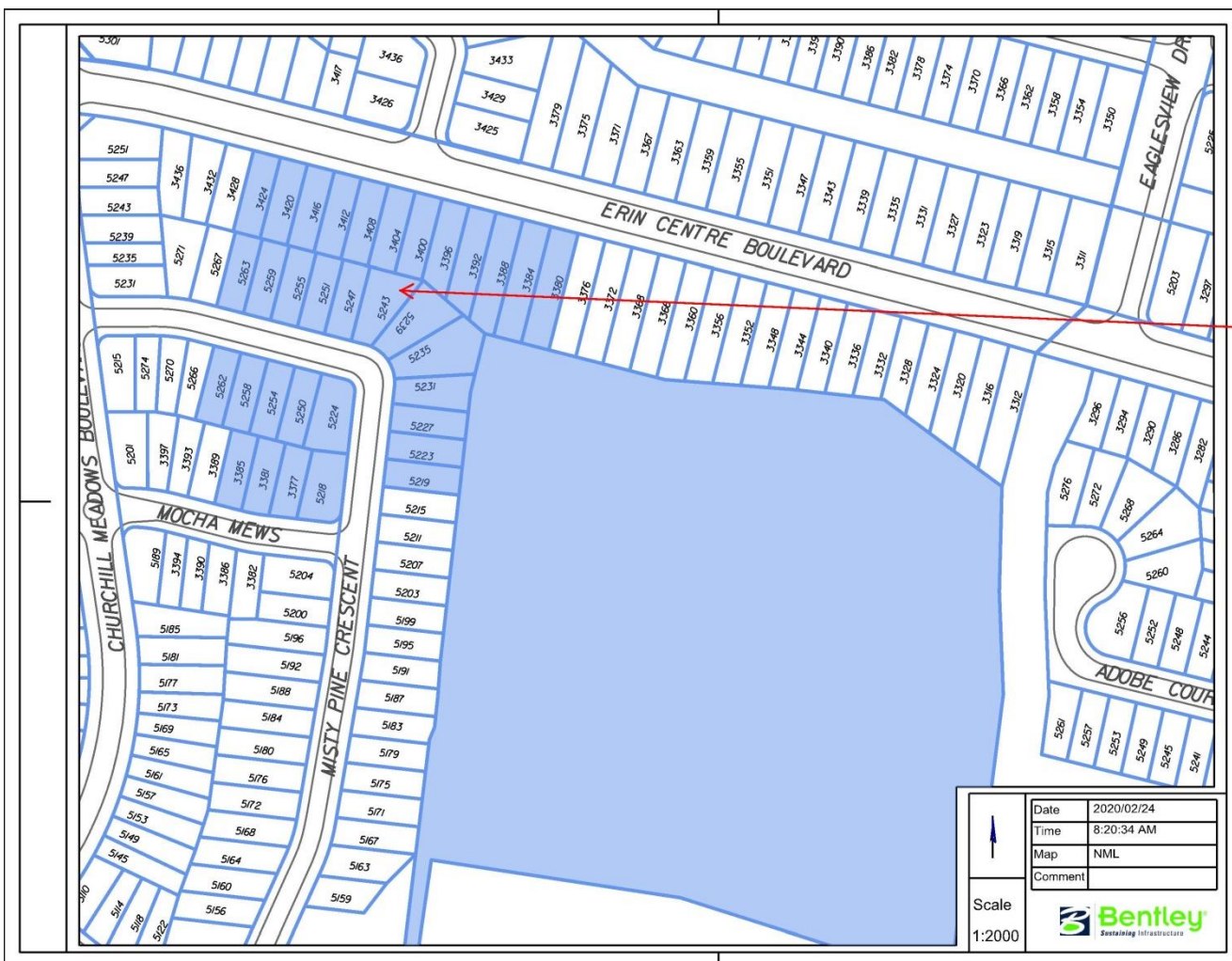
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5422.



A123/20
5243 Misty
Pine Cres.

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A123/20 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

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

Application Details

The Applicants request the Committee to approve a minor variance to permit a larger driveway, proposing:

1. A driveway width of 8.22m (approx. 26.97ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.10m (approx. 20.01ft) in this instance;
2. A walkway attachment of 3.36m (approx. 11.02ft); whereas, By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft), in this instance; and,
3. A driveway setback of 0.47m (approx. 1.54ft); whereas, By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft), in this instance.

Background

Property Address: 5243 Misty Pine Crescent

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R6-1 (Residential)

Other Applications:

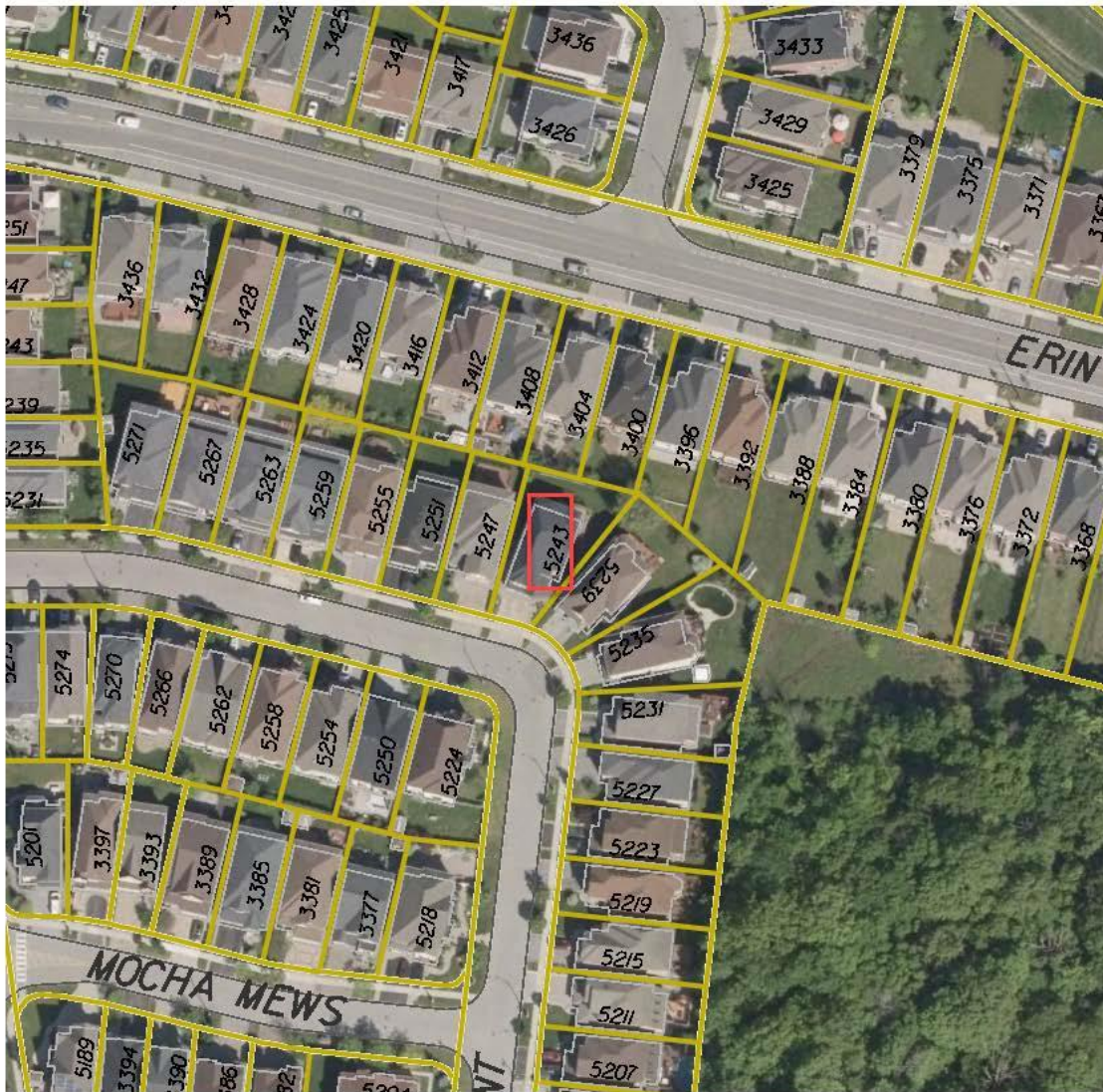
Pre-Zoning: 20-404

Site and Area Context

The subject property is located north-west of the Eglinton Avenue West Parkway and Ninth Line intersection, and currently houses a two-storey detached dwelling with an attached double-car garage. The immediate neighbourhood is exclusively detached dwellings. Architecturally, the area is comprised mainly of two-storey detached dwellings that reflect a typical 1990's subdivision design. The properties within the immediate area possess a lot frontage of +/- 11.8m, with minimal mature vegetative elements in the front yards.

The subject property is a pie-shaped, interior parcel located on the elbow of a street, with a lot area of approximately 555m² and a frontage of 12.3m.

Planning Staff note, the proposal represents a deviation from current on-site conditions, with the Applicant choosing to square off the western walkway attachment; thereby removing a portion of hardscaping in this area.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of 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 situated within the Churchill Meadows Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. From a streetscape perspective, the proposed larger driveway, as identified in the drawings, will be undecipherable from complying lots and will remain in context with the existing neighbourhood. The application is in line with both the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R6-1 (Residential). Pursuant to Table 4.3.2.1 (R6 Exception Zones), the maximum driveway width for a detached dwelling is 6.1m; whereas, the Applicant is proposing 8.2m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). Planning Staff note, the 8.2m requested includes a hardscaped area which, due to its associative size and configuration, is unsuitable for parking. Based upon the drawings provided (A.02, Memar Consulting, Feb/2020), the proposed driveway configuration does not appear to permit the ability to park three vehicles side-by-side. It is the opinion of Planning Staff that the requested variance is more a result of the technical manner in which the Zoning Department measures or regulates driveway width, than in purposely trying to circumvent the Zoning By-law.

Pursuant to Section 4.1.9.2.1 (Driveways and Parking), the Zoning By-law permits a 1.5m walkway attachment on each side of a driveway. The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. While the 3.36m requested is larger than what the Zoning By-law currently contemplates, Planning Staff notes, the existing walkway attachment is in fact stepped-up, thereby prohibiting vehicular access. Variance 2, as requested, meets the general intent and purpose of the Zoning By-law.

Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.47m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. While the Applicant is proposing a reduced setback in this regard; 0.47m still provides some manner of visual distinction between the two properties and remains large enough to accommodate the utilization of a swale to minimize sheet drainage, should such measures be required in the future. Further, Planning Staff note such relief occurs at a pinch-point. Variance 3, as requested, 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?

While the relief sought represents a deviation from what is contemplated through the Zoning By-law; Staff notes, it is the pie-shaped nature of the property, rather than any excessive hardscaping which inherently contributes to the nature of the requested variances. Staff further notes, the Applicant is removing a portion of the drive/walkway attachment on the western side and will be reinstating soft-landscaping in this area. It is the opinion of Planning Staff that no additional undue impact is created as a result of the requested variances and that the application results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we note that some modifications may be required within this area (reinstatement of topsoil and sod) depending on the driveway width which can be supported by the Committee.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-404. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2nd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-011/20

Minor Variance Applications: A-118/20, A-119/20, A-121/20, A-122/20, A-123/20, A-124/20, A-125/20, A-126/20, A-127/20, A-128/20, A-129/20

Comments Prepared by: Tracy Tang, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 142/20
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 3223 Orlando Drive, zoned E3 - 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 the construction of an addition on the subject property proposing:

1. 21 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 34 parking spaces in this instance;
2. An aisle width of 6.43m (approx. 21.10ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance; and
3. Three one-way aisles of 3.00m (approx. 9.84ft), 3.47m (approx. 11.38ft), and 4.99m (approx. 16.37ft) whereas By-law 0225-2007, as amended, requires a minimum one way aisle width of 5.50m (approx. 18.04ft) in this instance.

The Committee has set **Thursday July 16, 2020 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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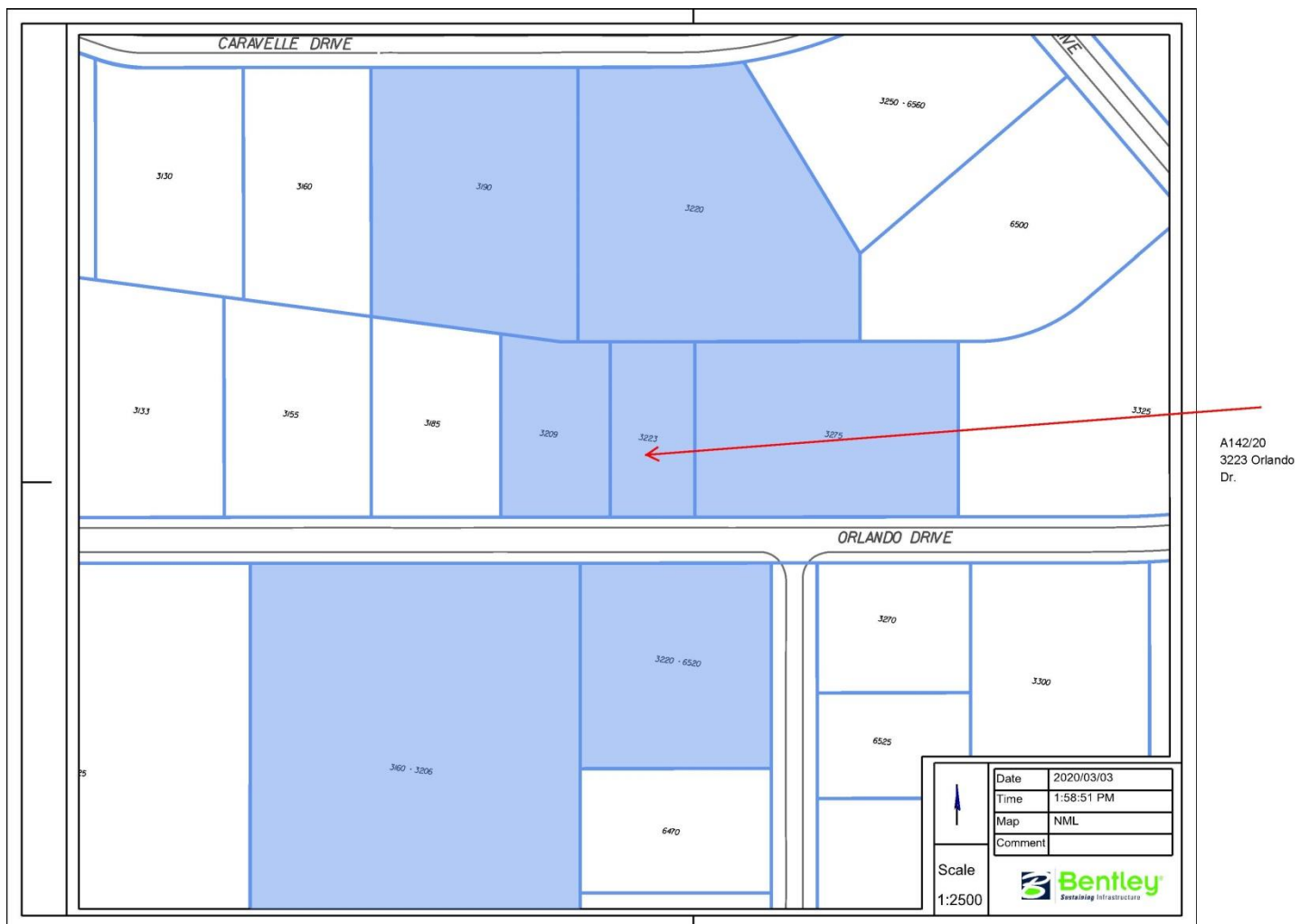
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A142/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

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

Application Details

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

1. 21 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 34 parking spaces, in this instance;
2. An aisle width of 6.43m (approx. 21.10ft); whereas, By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft), in this instance; and,
3. Three one-way aisles of 3.00m (approx. 9.84ft), 3.47m (approx. 11.38ft), and 4.99m (approx. 16.37ft); whereas, By-law 0225-2007, as amended, requires a minimum one way aisle width of 5.50m (approx. 18.04ft), in this instance.

Amendments

1. A total of 0 accessible parking spaces and no access aisle; whereas, By-law 0225-2007, as amended, requires a total of 2 accessible parking spaces (1 Type A and 1 Type B) and an access aisle that is 1.5m in width, in this instance; and,
2. Parallel parking spaces with a width of 2.6m; whereas, By-law 0225-2007, as amended, requires a minimum parallel parking space width of 2.75m in this instance.

Background

Property Address: 3223 Orlando Drive

Mississauga Official Plan

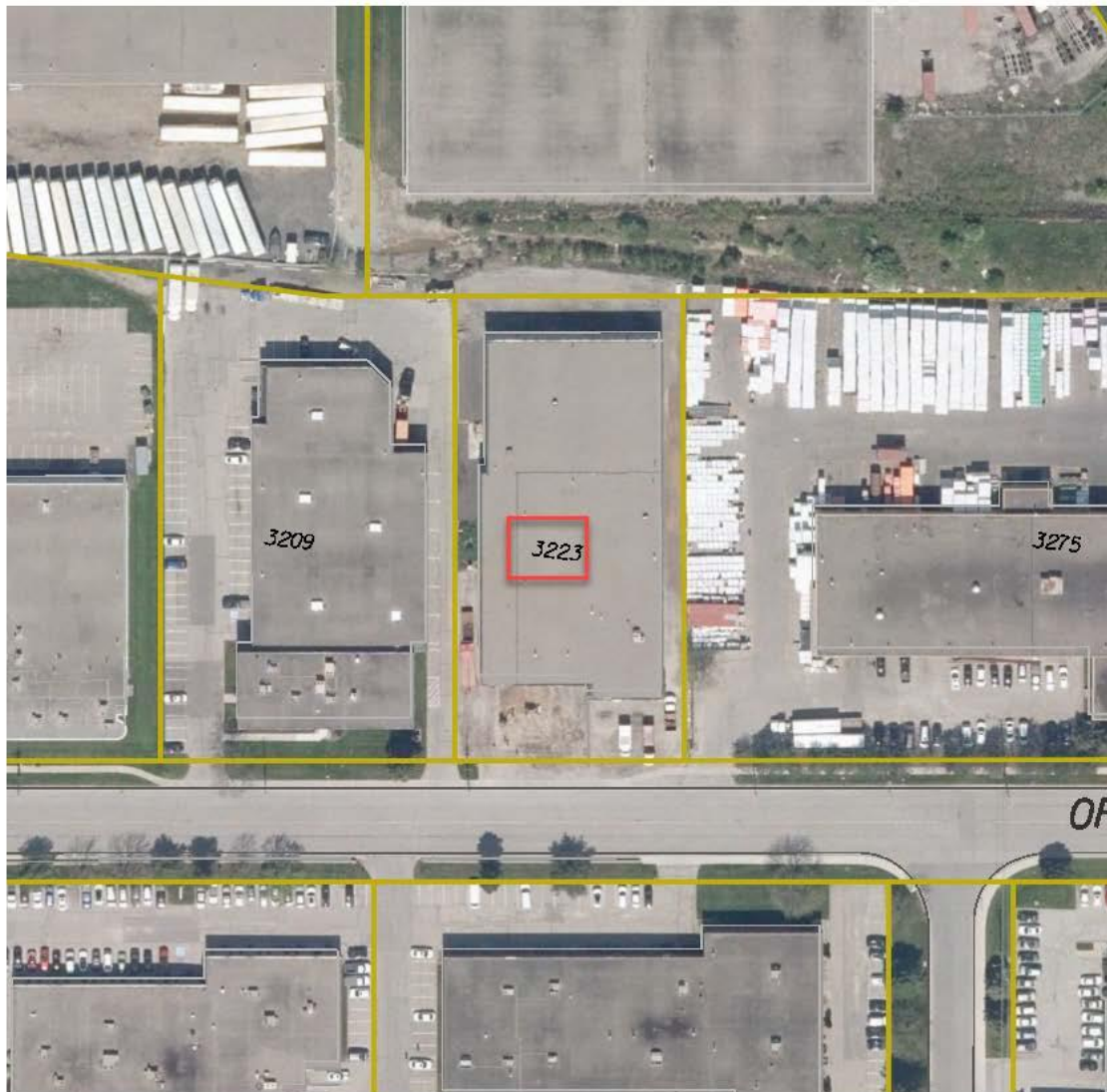
Character Area: Northeast Employment Area
Designation: Industrial

Zoning By-law 0225-2007**Zoning:** E3 (Employment)**Other Applications:**

Building Permit: 19-6080

Site and Area Context

The subject lands are an interior property located south-east of the Airport Road and Derry Road East intersection, and house a two-storey industrial structure. Contextually, the immediate neighbourhood is exclusively industrial in nature; with various employment uses surrounding the subject site. The properties along this portion of Orlando Drive are situated upon large parcels, with lot frontages ranging from +/- 40m to +/-215m. The subject property is an interior parcel, with a lot area of 4,815m² and a lot frontage of 48.16m.



Comments

Planning

Planning Staff note, the Applicant has provided updated drawings through their Minor Variance Application which do not correspond to the submitted Building Permit application by which the Zoning Department has completed its comprehensive review. Planning Staff are therefore only able to speak to the variances as requested and cannot comment upon their validity as it pertains to compliancy against the Zoning By-law.

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

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

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

The site is located within the Northeast Employment Area, and designated Industrial by the Mississauga Official Plan (MOP). The Applicant proposal of an internal mezzanine addition to supplement the existing industrial use is in conformity with MOP.

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

Variance 1 (Parking)

As per Zoning By-law 0225-2007, the subject property is zoned E3 (Employment). In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this zone regulates the required parking rates for various uses on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per the Parking Justification Study (CGE Consulting, Mar/2020) submitted by the Applicant, and reviewed to the satisfaction of City Planning Strategies Staff, the proposed parking rates are suitable in meeting the peak parking demands of the subject property. The variance, as requested, maintains the purpose and general intent of the Zoning By-law.

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

The subject property is well serviced by the public transit system and, as per the aforementioned Parking Justification Study, has ample room to accommodate required parking based upon the intend use. The structure remains self-sufficient, with the majority of parking handled on-site, and with the requested variance serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Variances 2 & 3 (Drive Aisle Widths); Variances 4 & 5 (Existing Parking)

The Applicant is also required to seek relief to legalize existing site conditions, pertaining to both the existing drive aisle widths and parking configuration. Through a detailed review, Staff is of the opinion that Variances 2 – 5 are appropriate to be handled through the minor variance process. Further, such variances raise no concerns of a planning nature.

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit Process.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-6080. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

3. A total of 0 accessible parking spaces and no access aisle; whereas, By-law 0225-2007, as amended, requires a total of 2 accessible parking spaces (1 Type A and 1 Type B) and an access aisle that is 1.5m in width, in this instance; and,
4. Parallel parking spaces with a width of 2.6m; whereas, By-law 0225-2007, as amended, requires a minimum parallel parking space width of 2.75m in this instance.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 23rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-435/19

Minor Variance Applications: A-142/20, A-151/20, A-152/20, A-153/20, A-156/20, A-157/20, A-158/20, A-159/20, A-160/20, A-166/20

Comments Prepared by: Tracy Tang, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 145/20
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 owners of 2574 Liruma Road, zoned R1-34 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to authorize a minor variance to permit a widened driveway on the subject property proposing a combined width of access points for a circular driveway of 9.80m (approx. 32.15ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of access points for a circular driveway of 8.50m (approx. 27.88ft) in this instance.

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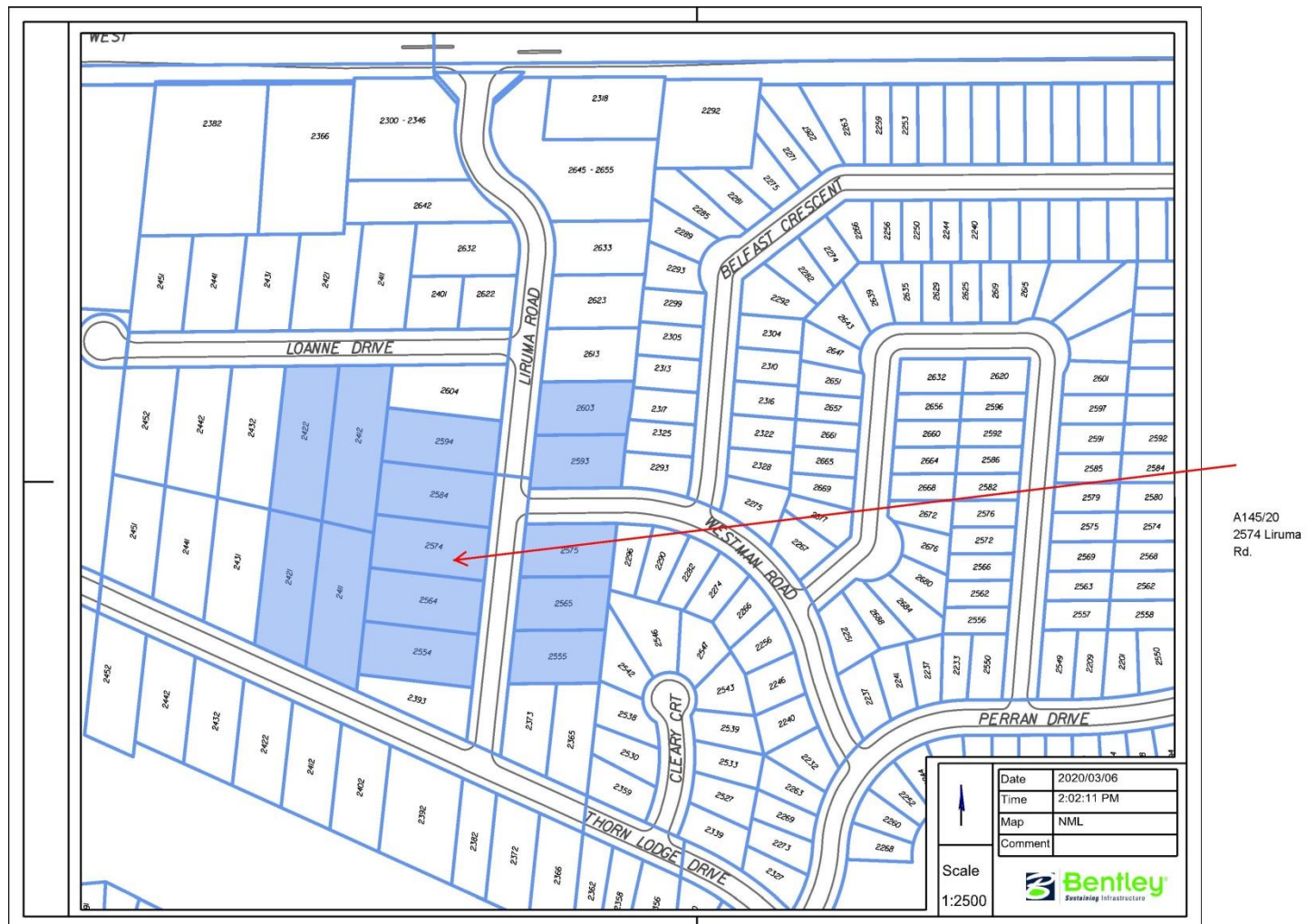
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5422.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A145/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicants request the Committee to authorize a minor variance to permit a widened driveway on the subject property proposing a combined width of access points for a circular driveway of 9.80m (approx. 32.15ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of access points for a circular driveway of 8.50m (approx. 27.88ft) in this instance.

Background

Property Address: 2574 Liruma Road

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-34 (Residential)

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southwest of Erin Mills Parkway and Dundas Street West. The immediate neighbourhood is primarily residential with commercial uses in the surrounding area closer to Dundas Street West. The

residential area consists of large lots containing one and two storey detached dwellings with little mature vegetation. The subject property contains a new one storey dwelling with no mature vegetation.

The application proposes a combined width of access points for a circular driveway of 9.80 m whereas 8.50 m is permitted.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property previously received minor variance approval April 26th, 2018 for a driveway width of 11.47 m whereas 8.50 m is permitted. The original application proposed a combined width of access points for a circular driveway of 13.58 m whereas 8.50 m was permitted. Planning staff did not support the proposal, as a result, the application was revised to propose a singular driveway to access the proposed three car garage.

Through discussions with the Zoning Division, an additional variance is required for walkway attachment width as the zoning by-law permits a maximum width of 1.50 m. An additional variance may also be required for driveway width and soft landscaped area. The site plan should label the driveway width from the widest point and the amount of soft landscaping within the front yard. Additionally, it appears that the existing curb cut is wider than the 6.80 m stated on the site plan drawing, resulting in the combined access point for a circular driveway being wider than the proposed 9.80 m. As such, staff recommends that the application be deferred.

Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed building will be addressed through the Site Plan Application process (SP19-124).

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Division notes that a building permit is not required in this instance. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variance as outlined in this application, it was apparent that the following additional variances may be required for walkway attachment width and driveway width. It should also be noted that 40% soft landscaped area is required.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-362/19, DEF-A-028/20, DEF-A-029/20

Minor Variance Applications: A-132/20, A-133/20, A-134/20, A-143/20, A-144/20, A-145/20, A-148/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 147/20
Ward 11

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 6005, 6015, 6039, 6077, 6099, 6111 & 6133 Erin Mills Parkway, zoned A2-100 & E2-99 - 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 drive-throughs on the subject property whereas By-law 0225-2007, as amended, does not permit drive-throughs in this instance.

The Committee has set **Thursday July 16, 2020 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 or calling 905-615-3200 x5422. 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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Advance registration is required to participate in the electronic hearing:

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

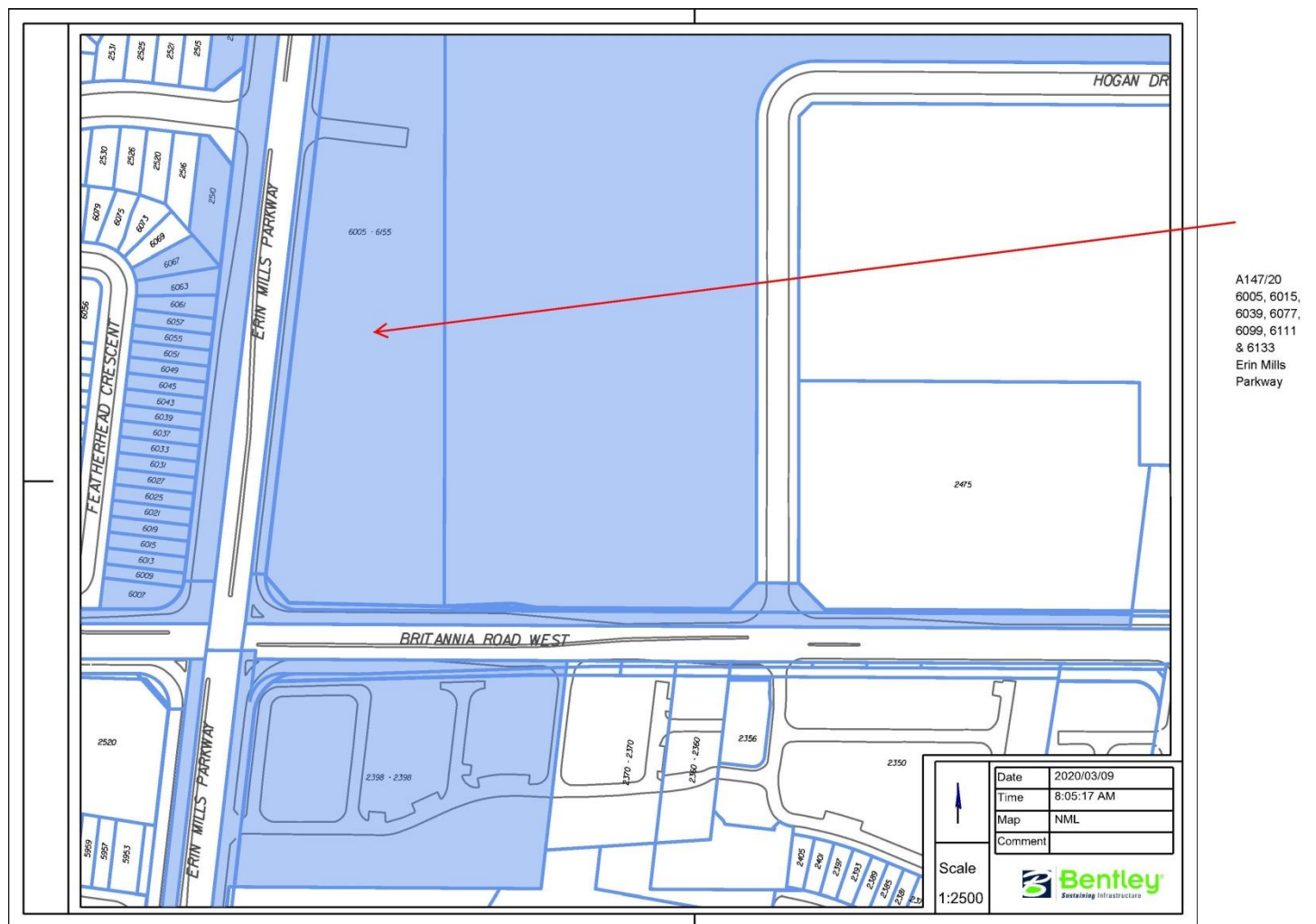
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to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A147/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The Applicant requests the Committee to approve a minor variance to allow a drive-through on the subject property; whereas, By-law 0225-2007, as amended, does not permit a drive-through, in this instance.

Background

Property Address: 6005, 6015, 6039, 6077, 6099, 6111 & 6133 Erin Mills Parkway

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-99 (Employment)
E2-100 (Employment)

Other Applications:

None

Site and Area Context

The subject property is located north-east of the Britannia Road West and Erin Mills Parkway intersection, and currently houses a singular, multi-tenant commercial plaza. With the exception of the aforementioned existing commercial structure, the remainder of the lands currently sit vacant; however, proposals to incorporate future additional commercial pads for this site have been received by Planning Staff (SP 50/20).

From a land-use perspective, the immediate neighbourhood is comprised primarily of prestige industrial uses running along the northern portion of Britannia Road West; as well as commercial uses, which dominate the eastern side of this portion of Erin Mills Parkway.

Planning Staff do note the extensive presence of residential units to both south and west; however, their lot configuration and orientation, coupled with the intervening municipal right-of-ways (Britannia Road West and Erin Mills Parkway), results in their presence not directly influencing the area context.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

The site is located within Special Site 1 of the Meadowvale Business Park Corporate Centre Character Area, and designated Business Employment by the Mississauga Official Plan (MOP). Special Site 1 enacts developmental polices not applicable to this application.

Further to the above, Schedule 2 (Intensification Areas) of MOP identifies the subject lands as being classified as a Corporate Centre Intensification Area.

Pursuant to Section 11.2.11.7 (Business Employment), new drive-through facilities within Intensification Areas, as proposed by the Applicant, are only permitted through a Zoning By-law Amendment application.

The intent and purpose of the Official Plan is not maintained by permitting uses in a manner which deviates from the process as identified by this policy framework. This application does not meet the general intent or purpose of the Official Plan.

As per Zoning By-law 0225-2007, the subject property is zoned E2-99 (Employment) and E2-100 (Employment).

Pursuant to Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), the subject lands are located within a specific area that prohibits the creation of new drive-through facilities. The intent of this regulation of the Zoning By-law is to reinforce the upper-level policy framework which procedurally dictates the manner in which such proposals are to be undertaken.

The Applicant's proposal of a drive-through facility on the subject lands, through a Minor Variance application, does not meet the general purpose or intent of the Zoning By-law.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, fails to meet the intent of the Official Plan. To this end, the Planning and Building Department cannot support this application.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for any drive-thru to be constructed on this property will be addressed through the Building Permit and Site Plan Application Process.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

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

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

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

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

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 4 - Conservation Authority Comments

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

1. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;

2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2014);
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

SITE CHARACTERISTICS:

Based on our mapping, the subject property is regulated due to floodplain and valley slope associated with Mullett Creek. In addition, the property is located within the Credit River Watershed Natural Heritage System (CRWNHS). It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

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

PROPOSAL:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow a drive-through on the subject property whereas By-law 0225-2007, as amended, does not permit a drive-through in this instance.

COMMENTS:

CVC staff have reviewed the minor variance application and have **no concerns** and **no objection** to its approval by the Committee at this time.

Based on the current minor variance proposal, it does not appear that any new structures, additions, or development are being proposed at this time and the variance is to permit a drive-through.

The applicant should note that the subject property is partially within the CVC Regulated Area and a permit from CVC may be required for any future development, including grading, in the CVC Regulated Area.

Please circulate CVC any future correspondence regarding this application.

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

Comments Prepared by: Elizabeth Paudel, Planning Technician



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 151/20
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 700 & 730 Matheson Boulevard West and 5855 Rodeo Drive, zoned C3-29 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the operation of a restaurant in Unit 2 of the subject property within 60m of a Residential zone whereas By-law 0225-2007, as amended, does not permit a restaurant use within 60m of a Residential zone in this instance.

The Committee has set **Thursday July 16, 2020 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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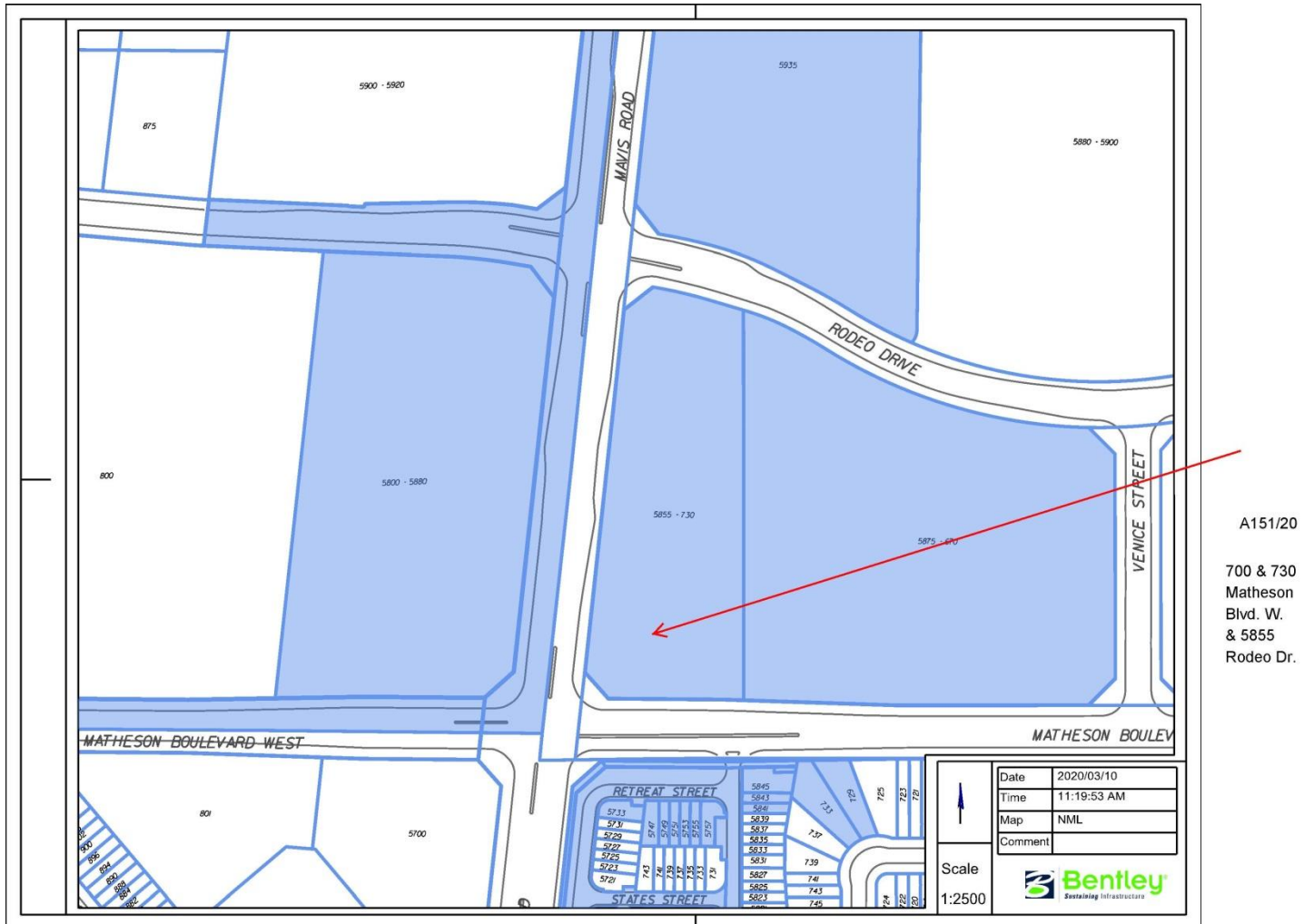
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A151/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

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, as requested, 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 operation of a restaurant in Unit 2 of the subject property, being within 60m of a residential zone; whereas, By-law 0225-2007, as amended, does not permit a restaurant use within 60m of a residential zone, in this instance.

Background

Property Address: 5855 Rodeo Drive

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-29 (Commercial)

Other Applications:

Building Permit: 20-377

Site and Area Context

The subject property is located north-east of the Mavis Road and Matheson Boulevard West intersection, and currently houses a multi-pad, multi-tenant commercial plaza. The immediate area context is primarily commercial, with multiple shopping areas located to both the east and west of this portion of Mavis Road. Planning Staff note, residential uses are present to the south; however, their lot configuration and orientation, coupled with intervening major municipal right-of-way (Matheson Boulevard West), results in their presence not directly influencing the area context, as it pertains to the subject lands.

Planning Staff note the existing and current operation of a restaurant upon the subject lands.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

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

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

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 151/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-377. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 23rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-435/19

Minor Variance Applications: A-142/20, A-151/20, A-152/20, A-153/20, A-156/20, A-157/20, A-158/20, A-159/20, A-160/20, A-166/20

Comments Prepared by: Tracy Tang, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 152/20
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 6038 Edenwood Drive, 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 a below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in an exterior side yard in this instance.

The Committee has set **Thursday July 16, 2020 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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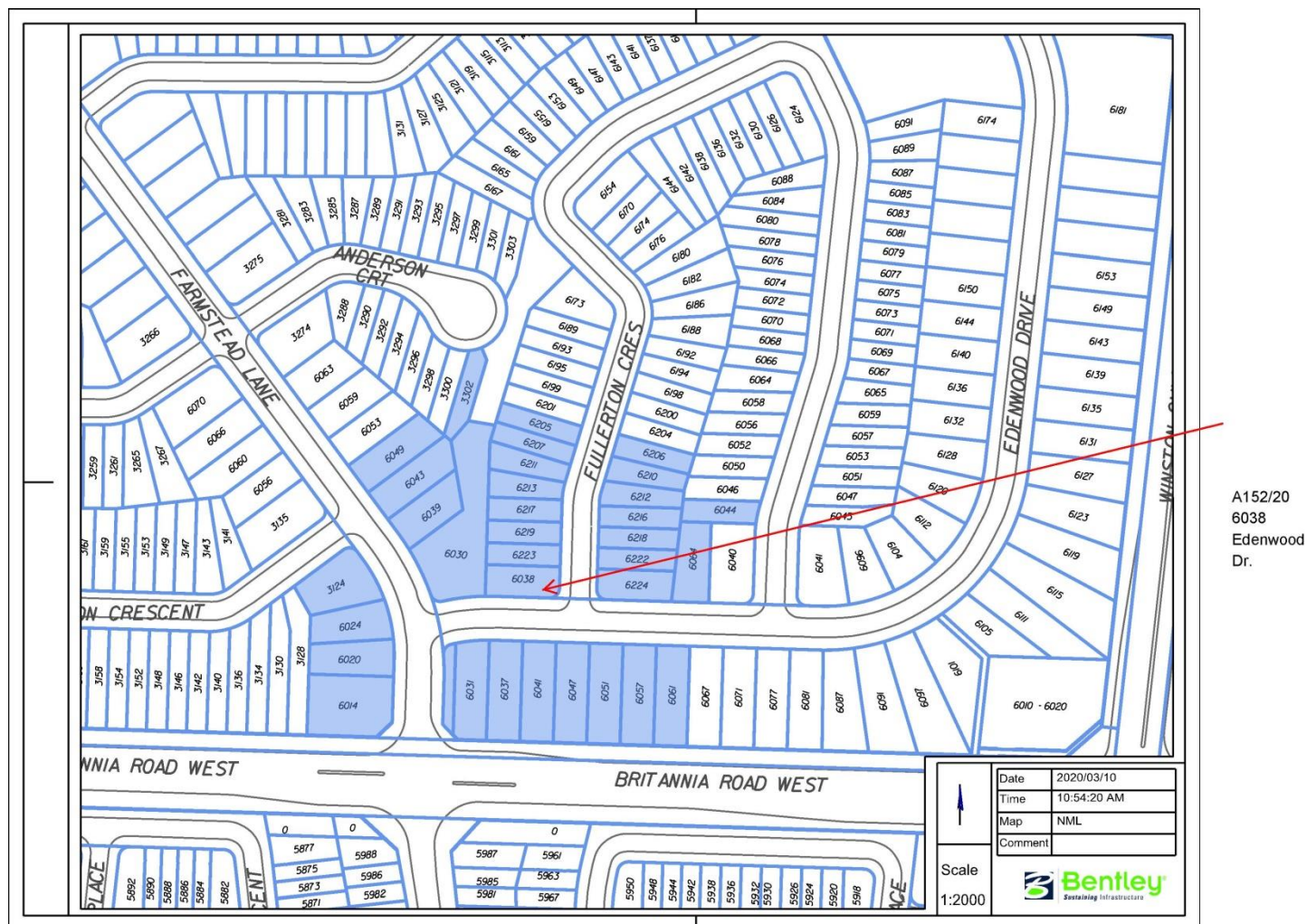
To participate by telephone: To register, please call 905-615-3200 x5422 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

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to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5422.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A152/20 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

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, as requested, 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 below grade entrance in an exterior side yard; whereas, By-law 0225-2007, as amended, does not permit a below grade entrance in an exterior side yard, in this instance.

Background

Property Address: 6038 Edenwood Drive

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-5 (Residential)

Other Applications:

Building Permit: 20-502

Site and Area Context

The subject property is located north-west of the Britannia Road West and Winston Churchill Boulevard intersection, and currently houses a two-storey detached dwelling, with an attached two-car garage. Planning Staff note, despite having an Edenwood Drive address, from a Zoning perspective, the property in fact fronts upon Fullerton Crescent.

Contextually, the immediate area is comprised predominantly of detached dwellings of a shared contemporary architectural style. The subject property is an exterior parcel, with a lot area of 454.4m², and a lot frontage of 13.6m.

The Applicant is proposing to construct a below-grade entrance, fronting upon the Edenwood Drive portion of the structure.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

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

Planning Staff note, due to both the configuration of the lot, coupled with the existing orientation of the detached dwelling and the garage, for all intents and purposes Edenwood Drive acts as the property's frontage, with the proposed entrance in no way detracting from the shared streetscape.

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

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department requirements for the proposed below grade entrance will be addressed through the Building Permit Process. We are also noting from our site inspection that we foresee no drainage related concerns with the location of the proposed entrance.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-502. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

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

1. Millgrove Trail (Park #196) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

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

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 23rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-435/19

Minor Variance Applications: A-142/20, A-151/20, A-152/20, A-153/20, A-156/20, A-157/20, A-158/20, A-159/20, A-160/20, A-166/20

Comments Prepared by: Tracy Tang, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 153/20
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 728 Whitfield Terrace, zoned RM5 - 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 existing below grade entrance to remain proposing a side yard of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance.

The Committee has set **Thursday July 16, 2020 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 or calling 905-615-3200 x5422. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

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

How to submit a written comment:

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

Advance registration is required to participate in the electronic hearing:

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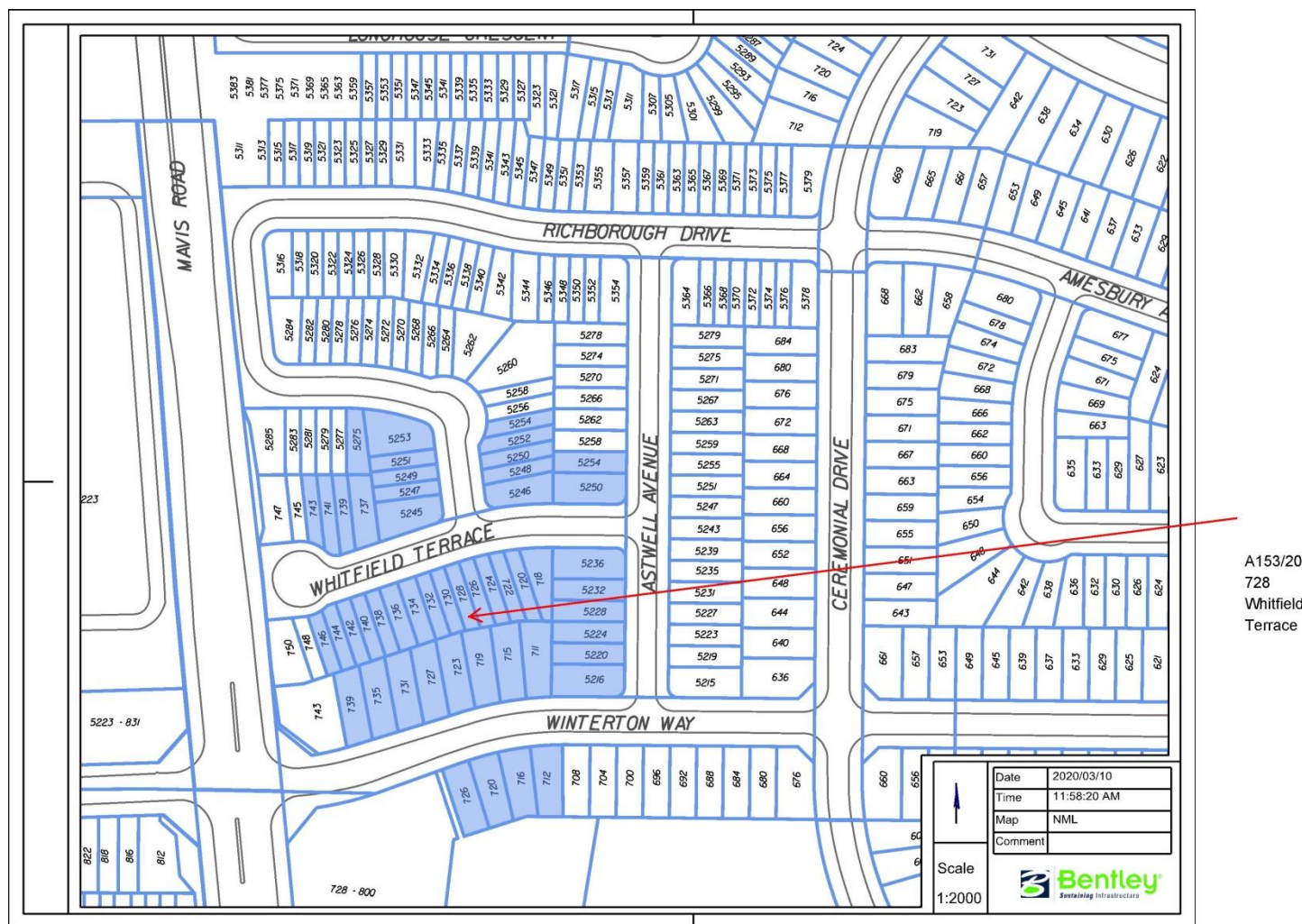
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to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x5422.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A153/20 Ward: 5
	Meeting date: 2020-07-16

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, as amended, meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in the Application, Planning Staff would recommend the below condition be imposed.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance.

Amendments

1. To allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance; and,
2. To allow the existing below grade entrance to remain, proposing a setback of 0.12m (approx. 0.39ft) to the interior side lot line; whereas, By-law 0225-2007, as amended, requires a minimum setback to the interior side lot line of 1.20m (approx. 3.94ft), in this instance

Recommended Conditions and Terms

Should Committee see merit in the Application, Planning Staff would recommend the following condition be imposed:

- The Applicant install a riser leading up from the platform to the rear yard, and that such construction be in compliance with the Ontario Building Code (OBC).

Background

Property Address: 728 Whitfield Terrace

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5 (Residential)

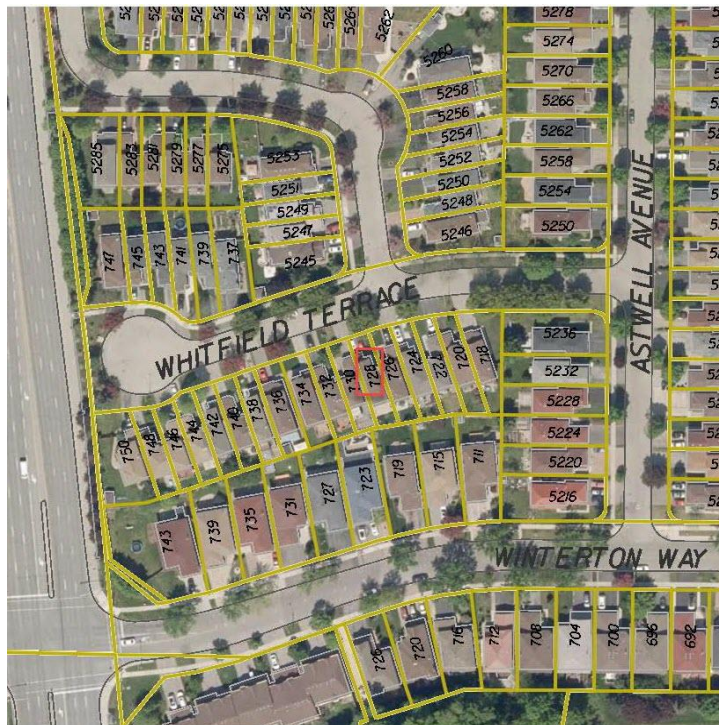
Other Applications:

Building Permit: 20-392

Site and Area Context

The subject property is located south-east of the Bristol Road West and Mavis Road intersection, and currently houses a two-storey semi-detached dwelling, with attached single-car garage. Contextually, the immediate area is comprised predominantly of semi-detached structures of a shared contemporary architectural style; however, townhouse units are also present. The subject property is an interior parcel, with a lot area of +/- 220m², and a lot frontage of 7.02m.

The Applicant is proposing to legalize the constructed below-grade entrance for the existing semi-detached structure.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

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

As is the case with the majority of below-grade entrances, Planning Staff note the absence of any true massing or construction resulting from the proposal. Further, while the 0.12m setback to the side lot line is inherently limiting; were Committee to impose the requested condition, access to the rear yard would nevertheless be unencumbered due to the requested design change, proposing a 2 riser down / 2 riser up configuration.

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

While Planning Staff are in support of this application, in principle; the lack of a riser leading back up to the rear yard results in both mobility concerns, as well as indirectly promotes

accessing the neighbouring yard. Should Committee see merit in the Application, Planning Staff would recommend the identified condition be imposed.

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

In our previous comments we indicated concerns with the request, specifically that the existing design of the below grade entrance did not adequately allow for safe access into the rear yard and suggested that steps be provided on both sides of the stairwell as opposed to only one side. This department would have no objections to the request provided that a condition of approval is that the required steps be constructed to the existing stairwell to allow safe access into the rear yard and also ensure that any modifications do not have an impact on the existing drainage between the properties.

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-392. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

3. To allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance; and,
4. To allow the existing below grade entrance to remain, proposing a setback of 0.12m (approx. 0.39ft) to the interior side lot line; whereas, By-law 0225-2007, as amended, requires a minimum setback to the interior side lot line of 1.20m (approx. 3.94ft), in this instance.

Comments Prepared by: Shahrzad (Sherri) Takaloo, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 23rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-435/19

Minor Variance Applications: A-142/20, A-151/20, A-152/20, A-153/20, A-156/20, A-157/20, A-158/20, A-159/20, A-160/20, A-166/20

Comments Prepared by: Tracy Tang, Junior Planner

Revised Hearing Date & Amended Notice



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 11/20
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 1100 Dundas Street West, zoned C1 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance on the subject property to allow 57 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 117 parking spaces in this instance.

The Committee has set **Thursday July 16, 2020 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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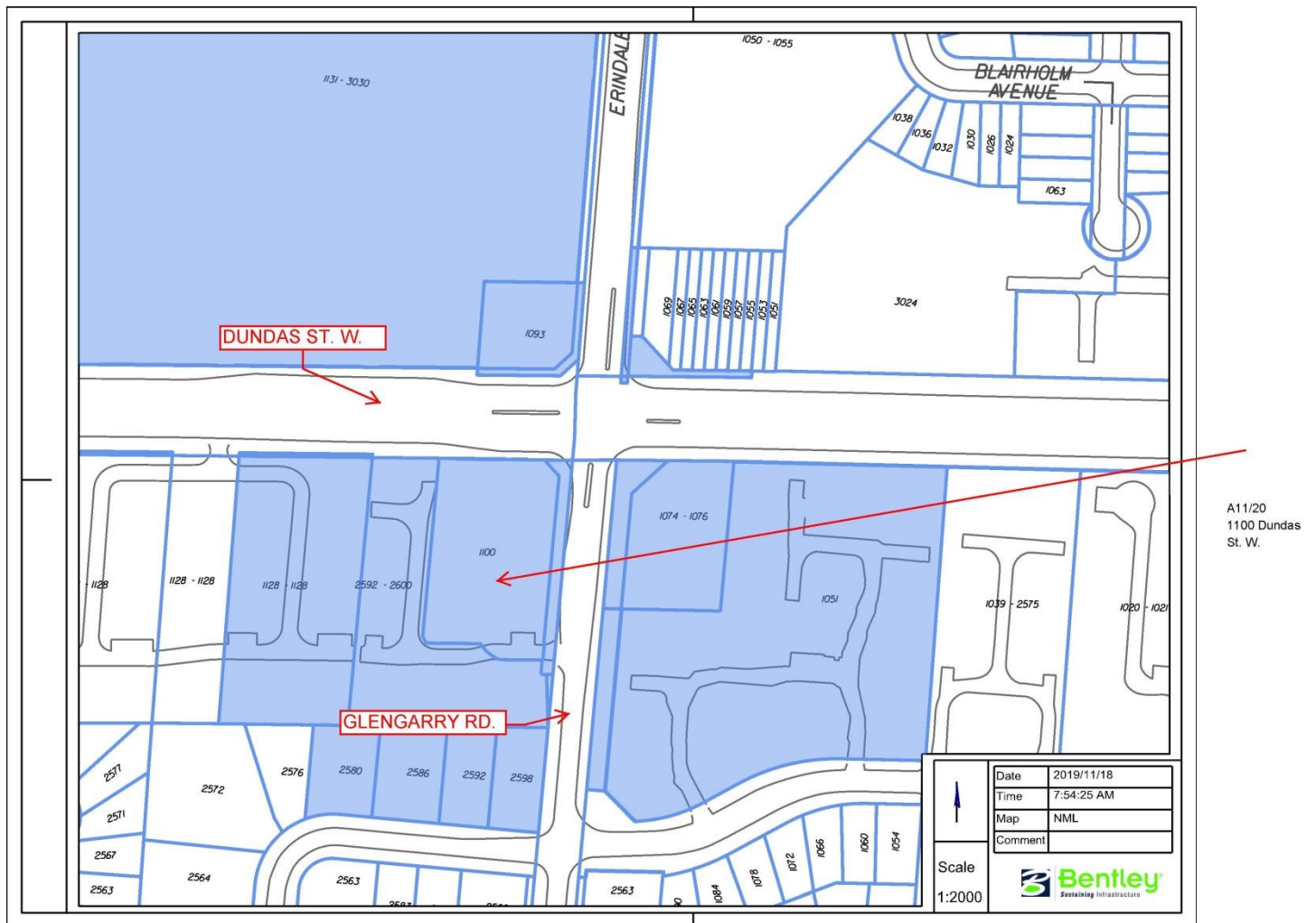
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Revised Hearing Date & Amended Notice

address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A11/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

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

Application Details

The Applicant requests the Committee to approve a minor variance on the subject property, permitting 57 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 117 parking spaces, in this instance.

Amendments

- 57 parking spaces for all uses on site; whereas, By-law 0225-2007, as amended, requires a minimum of 117 parking spaces for all uses on site, in this instance.

Background

Property Address: 1100 Dundas Street West

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1 (Commercial)

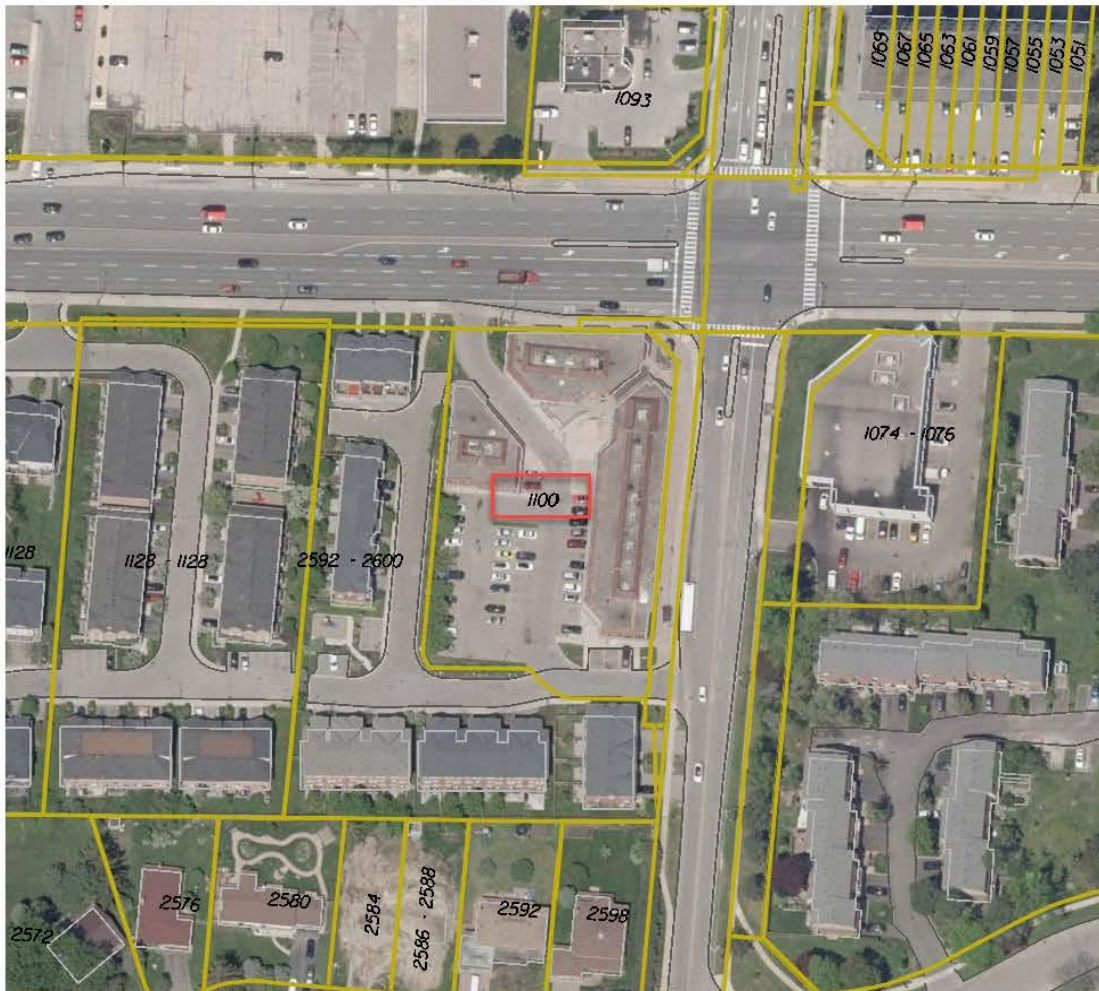
Other Applications:

Occupancy Permit: 19-6567

Site and Area Context

The subject property is a dual-pad, multi-tenant commercial plaza, located upon the south-west corner of the Dundas Street West and Erindale Station Road / Glengarry Road intersection. The lands are configured to house an exterior “L” shaped multi-unit commercial structure (two buildings with an attached breezeway) with frontage along both Dundas Street West and Glengarry Road; as well as a separate, multi-unit structure to the rear, adjacent to several townhome blocks. The subject of this application is confined to a unit within this secondary building.

Notwithstanding the subject lands, the neighbourhood context along the southern portion of Dundas Street West is primarily residential; with the predominant building type within the immediate area consisting of multi-storey townhome units. Both the configuration and proximity of the residential lands; coupled with the existing adjacent road network; as well as the absence of any substantial physical barrier between the two uses, results in these residential areas being considered when assessing the context area for this application.



Comments

A proposal for this property was previously brought before Committee on January 16th, 2019, under Application 'A' 11/20. At this time, the Applicant had requested relief from By-law 0225-2007, to permit a Body Rub Establishment on the subject lands; whereas, such a use is not permitted, in this instance.

The application was ultimately deferred to allow the Applicant the opportunity to meet with the Zoning Department to better clarify the proposed use and function of the site.

Upon receipt of a revised letter submitted in support of Occupancy Permit 19-6567, the Zoning Department has determined that the proposed use (Turkish Baths) falls under the Service Establishment classification under the Zoning By-law, which is permitted as-of-right, in this instance. As such, the only required variance pertains to a parking deficiency.

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of 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 Erindale Neighbourhood Character Area, and designated Convenience Commercial by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.9.1(e) (Convenience Commercial), this designation permits personal service establishments, in this instance – which serves to include “Turkish Baths” within the context of the Official Plan. This application meets the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned C1 (Commercial), which permits Service Establishments, as-of-right. In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this zone regulates the required number of parking spaces. The intent in quantifying this regulation is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon a units intended use. As per Zoning By-law 0225-2007, 117 parking spaces are required; whereas, the Applicant is providing 57. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per the Parking Utilization Study (Harper Dell & Associates, Nov/2019) submitted by the Applicant, and reviewed to the satisfaction of City Planning Strategies Staff, the proposed parking rates are suitable in meeting the peak parking demands of the subject property. The variance, as amended, maintains the purpose and general intent of the Zoning By-law.

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

The subject property is well serviced by the public transit system and, as per the aforementioned Parking Utilization Study, has ample room to accommodate required parking based upon the intend use. The structure remains self-sufficient, with the majority of parking handled on-site, and with the amended variance serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. The variance, as amended, results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 11/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing an Occupancy Permit application under file 19-6567. Based upon review of this Application, Staff notes that the Application should be amended as follows, permitting:

- 57 parking spaces for all uses on site; whereas, By-law 0225-2007, as amended, requires a minimum of 117 parking spaces for all uses on site, in this instance.

Comments Prepared by: Marco Palerma, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2nd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-011/20

Minor Variance Applications: A-118/20, A-119/20, A-121/20, A-122/20, A-123/20, A-124/20, A-125/20, A-126/20, A-127/20, A-128/20, A-129/20

Comments Prepared by: Tracy Tang, Junior Planner

Revised Hearing Date & Amended Notice



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 28/20 & "A" 29/20
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:

"A" 28/20

The property owner of 140 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The applicant requests the Committee to permit a Church proposing 59 parking spaces on site (including 4 accessible spaces) whereas By-law 0225-2007, as amended, requires a minimum of 112 parking spaces on site and 5 accessible spaces in this instance.

"A" 29/20

The property owner of 150 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The applicant requests the Committee to permit a manufacturing facility proposing 10 parking spaces on site whereas By-law 0225-2007, as amended, requires a minimum of 37 parking spaces on site in this instance.

The Committee has set **Thursday July 16, 2020 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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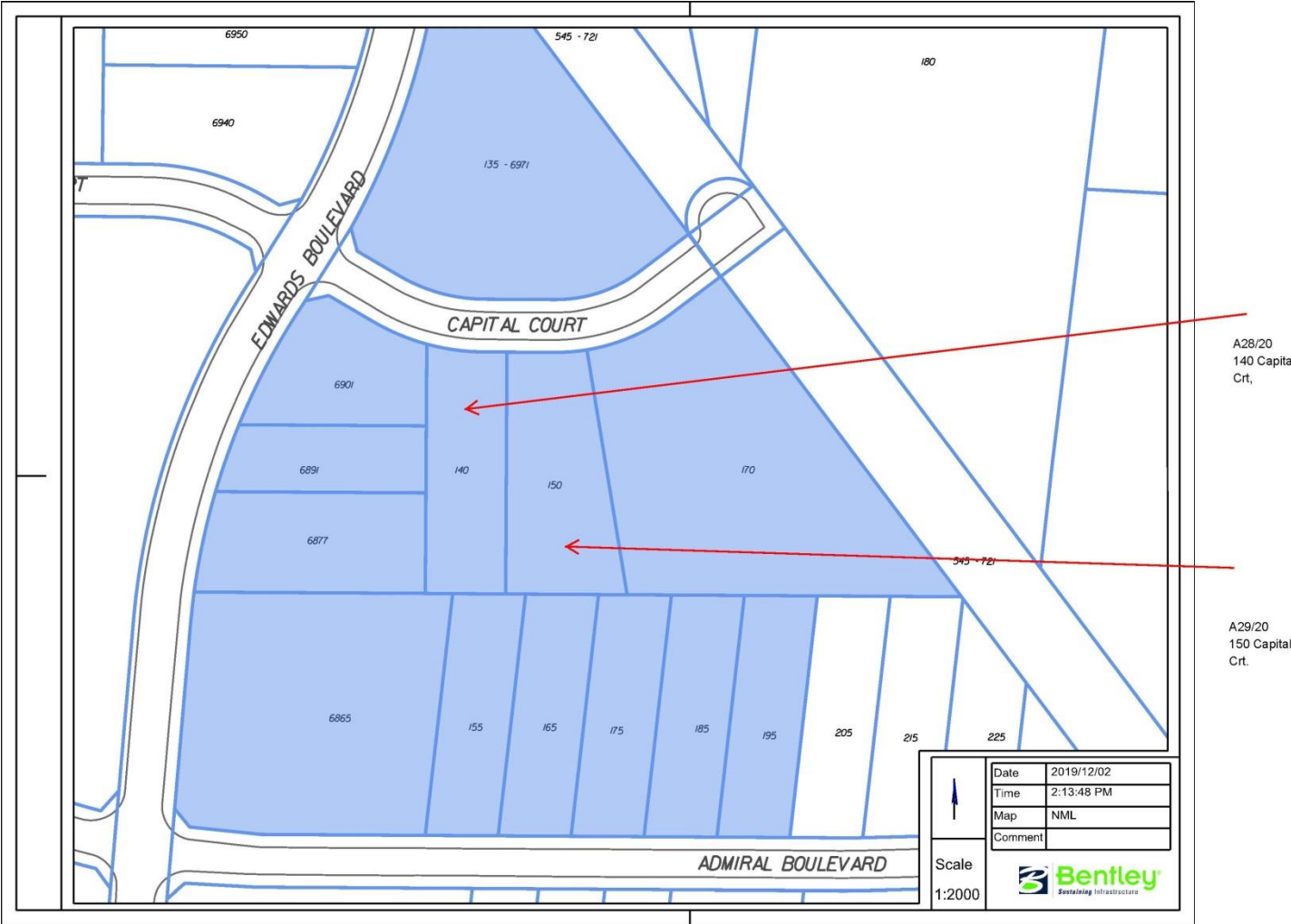
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process 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 x5422.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A28/20 & A29/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

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

Application Details

‘A’ 28/20

The property owner of 140 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The Applicant requests the Committee to permit a Church, proposing 59 parking spaces on site (including 4 accessible spaces); whereas, By-law 0225-2007, as amended, requires a minimum of 112 parking spaces on site, and 5 accessible spaces, in this instance.

‘A’ 29/20

The property owner of 150 Capital Court, zoned E2 – Employment, has applied for a Minor variance under Section 45 of the Planning Act. The Applicant requests the Committee to permit a manufacturing facility, proposing 10 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a minimum of 37 parking spaces on site, in this instance.

Amendments

‘A’ 28/20

After comprehensive discussions with the Zoning Department, City Planning Strategies Staff requests that the variance for the above-noted application be amended as follows, permitting:

- A place of religious assembly proposing a total of 112 parking spaces (59 parking spaces on site (including 4 accessible spaces) and 53 parking spaces off-site at 150 Capital Court); whereas, By-law 0225-2007, as amended, requires a minimum of 112 parking spaces on site and 5 accessible spaces, in this instance.

‘A’ 29/20

After comprehensive discussions with the Zoning Department, City Planning Strategies Staff requests that the variance for the above-noted application be amended as follows, permitting:

- A manufacturing facility proposing 53 parking spaces to be utilized by the place of religious assembly located at 140 Capital Court and providing 0 parking spaces for the existing manufacturing facility on site; whereas By-law 0225-2007, as amended, requires a minimum of 37 parking spaces on site, in this instance.

Recommended Conditions and Terms

- A temporary period of 6 months to allow the Applicant time to provide a suitable parking agreement to the satisfaction of City Planning Strategies.

City Planning Strategies notes, the parking agreements submitted in support of the above applications have expired; have not been signed by the owners of 140 Capital Court and/or 150 Capital Court; and, do not indicate the correct number of off-site parking to be shared.

City Planning Strategies Staff have requested an updated agreement, in this regard; however, such documents nevertheless remain outstanding.

Planning Staff note, provided that the correct information is supplied within the specified timeframe, and is to the satisfaction of City Planning Strategies Staff, the requested relief for both applications (‘A’ 28/20 and ‘A’ 29/20) will continue for a period of time as identified within the aforementioned parking agreement.

Background

Property Address: 140 Capital Court (‘A’ 28/20)
150 Capital Court (‘A’ 29/20)

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007**Zoning:** E2 (Employment)**Other Applications:**

Building Permit: 12-199 ('A' 28/20)

Site and Area Context

The subject properties associated with applications 'A' 28/20 and 'A' 29/20 are located south-east of the Derry Road East and Hurontario Street intersection, and currently house a two-storey, manufacturing structure (150 Capital Court), and a single-storey place of worship (140 Capital Court). The neighbourhood context is exclusively industrial, with a multitude of employment uses within the immediate area. The properties along this portion of Capital Court are situated upon large parcels, with lot frontages ranging from +/- 35m to +/- 75m.

Previously, Minor Variance application 'A' 154/14 was approved on May 22nd, 2014, which allowed for a temporary reduction of parking



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

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

The subject site was granted previous approval by the Committee to permit the continued operation of a place of religious assembly, providing a combination of 60 on-site parking spaces, and 47 parking off-site spaces (150 Capital Court), through Minor Variance application 'A' 157/14.

However, as a result of minor construction to the aforementioned place of religious assembly, the Applicant is now required to amend this previous approval.

To facilitate the newly identified parking requirements, the Applicant is seeking an off-site parking arrangement for 53 parking spaces with the owner of 150 Capital Court. A reciprocal parking arrangement is proposed and 59 parking spaces may be utilized by the manufacturing facility located at 140 Capital Court.

City Planning Strategies Staff have no concerns with the off-site parking arrangement as proposed by the applicant since the off-site parking will be utilized during hours when the other business is not in operation. However, a satisfactory parking agreement is required to be provided the Applicant and submitted to the City.

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

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in this proposal, Planning Staff requests that the noted condition be imposed.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 28 & 29/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 12-1999. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. 59 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a total of 112 are required, in this instance; and,
2. 4 Accessible parking spaces on site; whereas, By-law 0225-2007, as amended, requires a total of 5 Accessible parking spaces on site, in this instance.

Comments Prepared by: Marco Palerma, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-362/19, DEF-A-028/20, DEF-A-029/20

Minor Variance Applications: A-132/20, A-133/20, A-134/20, A-143/20, A-144/20, A-145/20, A-148/20

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner