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## Committee of Adjustment

**Date:** July 14, 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](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 A-118/20  
1559 ATRIUM CRT (WARD 8)  
EDUARDO ALVAREZ & VERONICA SILVA
    - 4.2 A-131/20  
6809 INVADER CRES (WARD 5)  
MIDWAY INVADER INC
    - 4.3 A-132/20  
6767 AIRPORT RD (WARD 5)  
ORLANDO CORPORATION
    - 4.4 A-134/20  
1533 BLANEFIELD RD (WARD 1)  
LISA MACLEOD
    - 4.5 A-140/20  
1911 WILL SCARLETT DR (WARD 8)  
DAVID & ELAINE WILSON
    - 4.6 A-144/20  
2251 NORTH SHERIDAN WAY (WARD 2)  
ACKTON CAPITAL CORPORATION
    - 4.7 A-146/20  
43 ELMWOOD AVE N (WARD 1)  
KYMBERLEY JOSEPH
    - 4.8 A-148/20  
4311 VILLAGE CENTRE CRT (WARD 4)  
LLEB INC

5. OTHER BUSINESS

6. ADJOURNMENT



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 118/20  
Ward 8

### Why you received this letter:

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

### Details of the application and meeting information:

The property owners of 1559 Atrium Court, zoned R1 - 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 renovations to the subject property proposing a garage and a carport whereas By-law 0225-2007, as amended, permits a maximum of one garage or carport in this instance.

The Committee has set **Tuesday July 14, 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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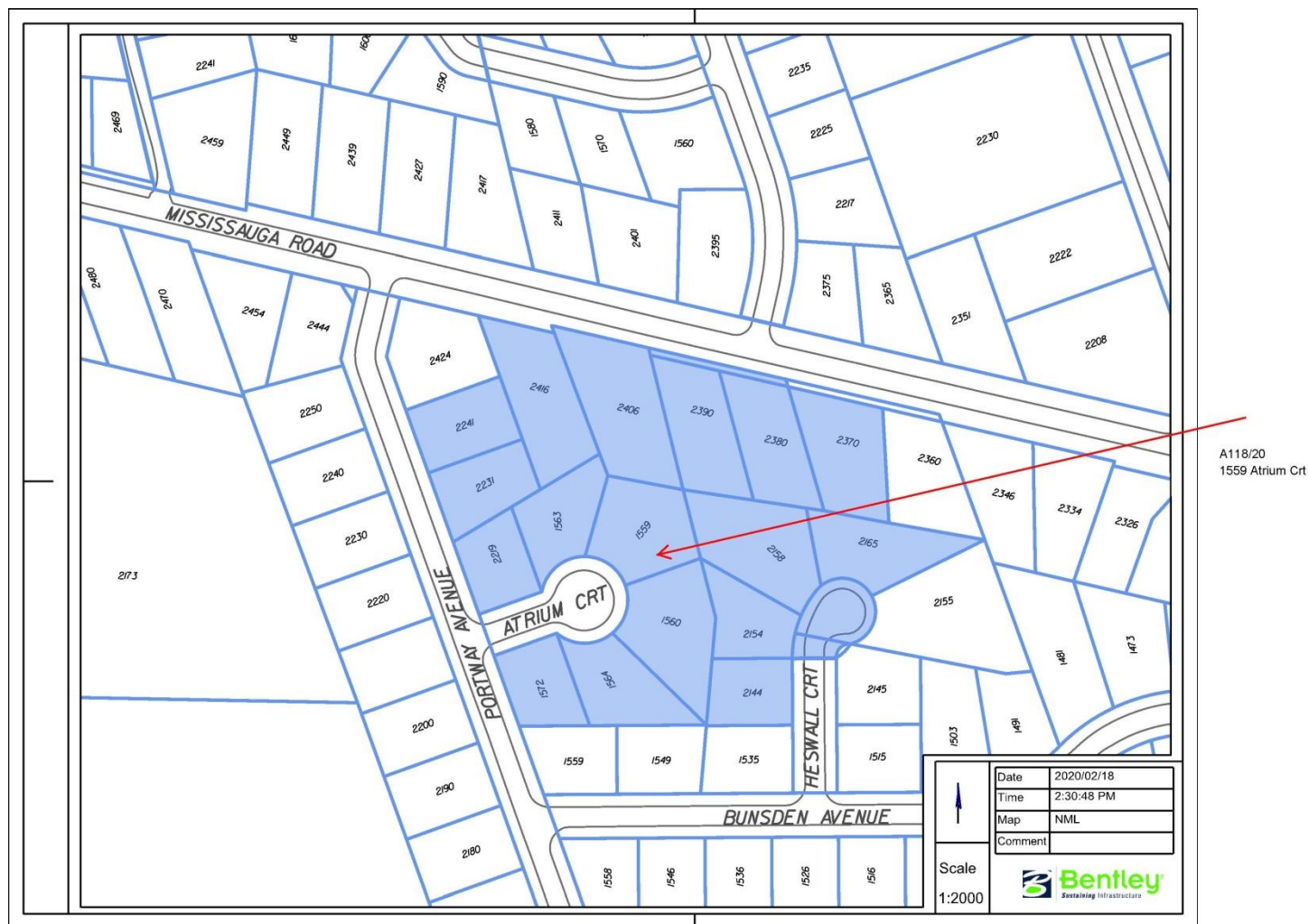
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A118/20 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

## Consolidated Recommendation

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

## Application Details

The applicants request the Committee to approve a minor variance to allow renovations to the subject property proposing a garage and a carport whereas By-law 0225-2007, as amended, permits a maximum of one garage or carport in this instance.

### Amendments

See appendix

## Background

Property Address: 1559 Atrium Court

Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

Zoning: R1 (Residential)

### Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southwest of Doulton Road and Mississauga Road. The immediate area primarily consists of large residential lots containing bungalows and traditional two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with a circular driveway and mature vegetation in the side and rear yards.

The application proposes a second storey addition, requiring variances related to an existing carport within the front yard which will be modified and an increased eave 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 are as follows:

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

## **Conclusion**

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

This Division notes that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variance. The applicant is advised that a zoning review has not been completed; however, in reviewing the variances as outlined in this application, it was apparent that the following variances should be amended as follows:

1. To allow renovations to the subject property proposing a garage and a carport whereas By-law 0225-2007, as amended, permits only one attached garage or one detached garage shall be permitted per lot.
2. An eave height of 6.75 m whereas By-law 0225-2007, as amended, permits maximum eave height of 6.4m

The applicant is advised that should they choose to proceed without submission of a building permit application, a full zoning review may result in further variances being required.

Comments Prepared by: Shahrzad (Sherri) Takaloo

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2<sup>nd</sup>, 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" 131/20  
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 6809 Invader Crescent, 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 permit the operation of a Motor Vehicle Body Repair Facility within Units 2 & 3 whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Body Repair Facility use in this instance.

The Committee has set **Tuesday July 14, 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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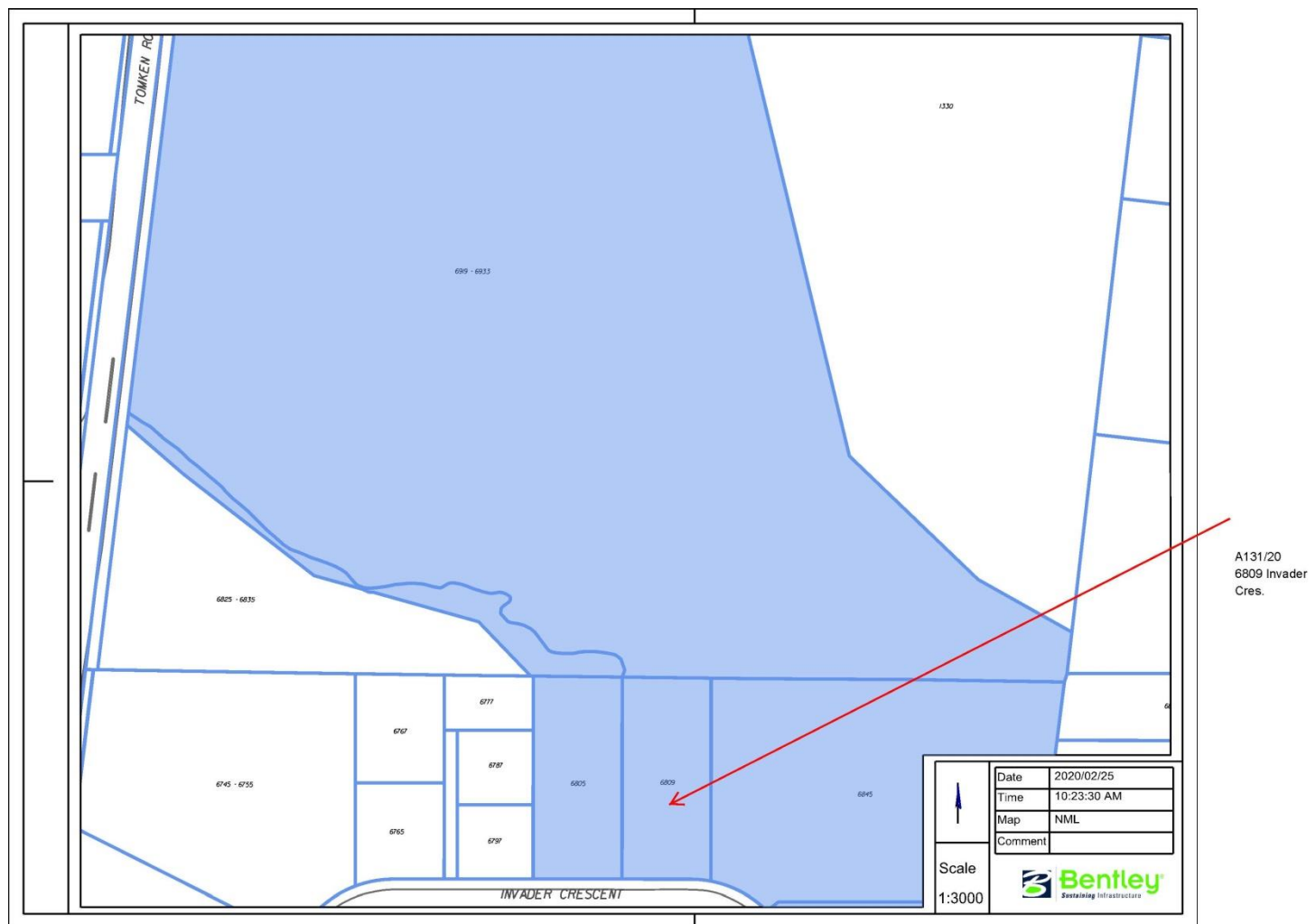
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A131/20 Ward: 5
	Meeting date: 2020-07-14

## Consolidated Recommendation

The City has no objection to the variance, as requested, subject to the conditions outlined below being imposed by Committee.

## Application Details

The Applicant requests the Committee to approve a minor variance to permit the continued operation of a Motor Vehicle Body Repair Facility within Units 2 & 3; whereas, By-law 0225-2007, as amended, does not permit a Motor Vehicle Body Repair Facility, use in this instance.

## Recommended Conditions and Terms

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

- Temporary approval period permitting the use for a period of 5 years; and,
- There shall be no outdoor storage of any vehicles, tools, equipment or parts associated with the Motor Vehicle Body Repair Facility within Units 2 & 3 of the subject development.

Planning Staff note, the above-noted conditions are in line with the previous approval for this property ('A' 160/15).

## Background

**Property Address:** 6809 Invader Crescent

**Mississauga Official Plan**

Character Area: North East Employment Area  
Designation: Business Employment

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

**Zoning:** E2 (Employment)

### **Other Applications:**

None

### **Site and Area Context**

The subject lands are an interior property located south-west of the Derry Road East and Tomken Road intersection, and house a one-storey, multi-unit industrial structure. Contextually, the immediate neighbourhood is exclusively industrial in nature; with various employment uses located within close proximity to the subject site. The properties along this portion of Invader Crescent are situated upon large parcels, with lot frontages ranging from +/- 30m to +/-130m. The site is bounded by a +/- 80,000m<sup>2</sup> cemetery to the north.

The subject site is an interior property with a lot area of +/- 8,540m<sup>2</sup> and a lot frontage of +/- 60m.



## 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, an associative minor variance application for the above-noted property was brought before Committee as part of the March 26, 2015, agenda (Application 'A' 160/15) proposing the same use. This application received full support from Staff, and subsequent temporary approval from Committee.

Planning Staff notes that the application is identical to that which has previously been approved. This Department therefore has no objection to the Applicant's request.

For the sake of completeness, Planning Staff have included their original comments (Schedule 2) attached to this Report.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, 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 requested. Should Committee see merit in this proposal, Planning Staff requests that the identified conditions 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' 131/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The referenced use was approved under Zoning Certificate application 16-2421, and as such we have no objections to the continued use proposed in this Minor Variance.

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 Toronto and Region Conservation Authority (TRCA). The Region relies on the environmental expertise of the TRCA 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 TRCA and incorporate their conditions of approval appropriately.

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

Comments Prepared by: Tracy Tang, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 132/20  
Ward 5

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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 6767 Airport Road, zoned E2-38 - 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 expansion of the drive-through on the subject property proposing:

1. 37 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 45 parking spaces in this instance; and
2. A double drive-through whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

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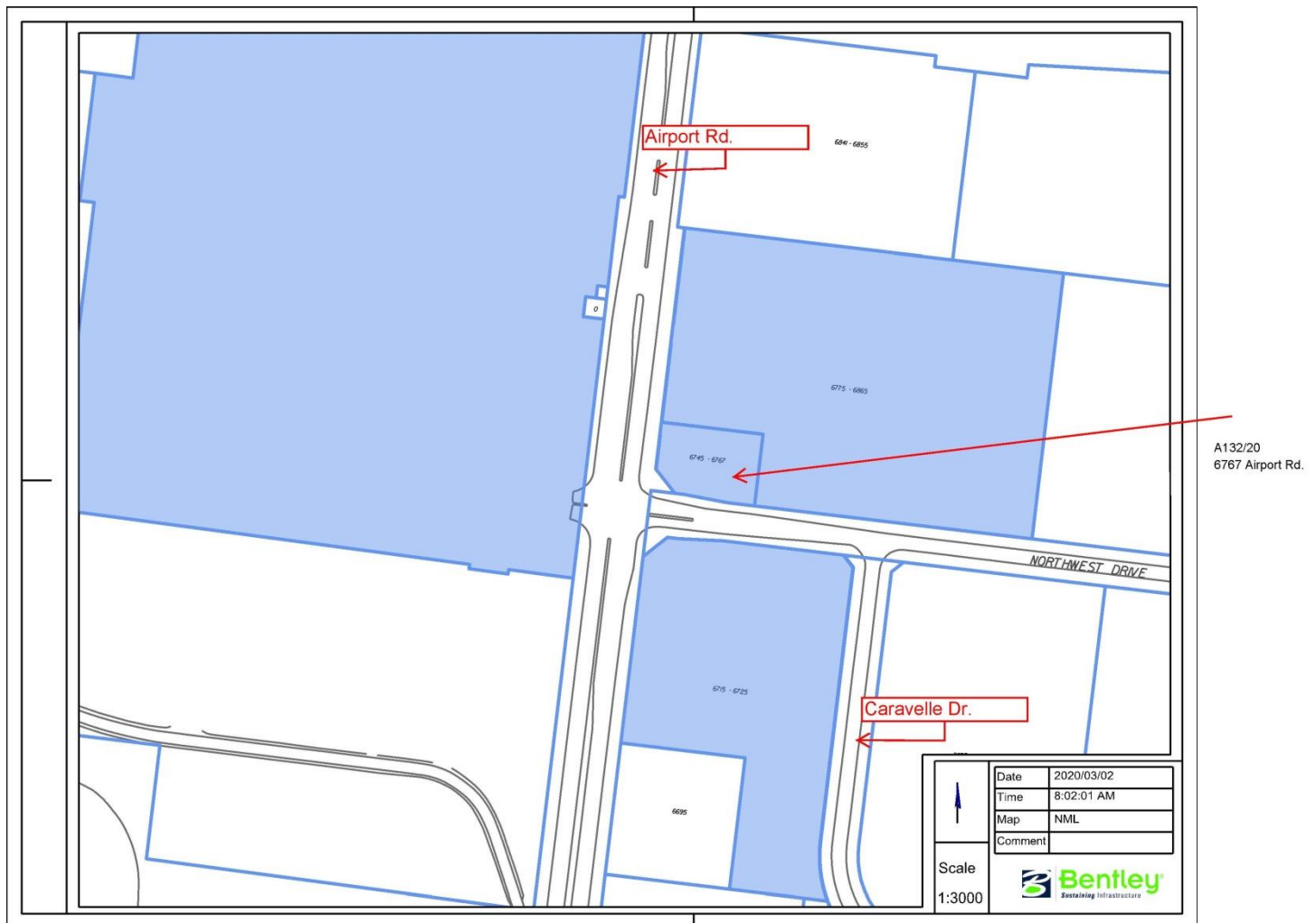
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A132/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

## Consolidated Recommendation

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

## Application Details

The Applicant requests the Committee to approve a minor variance to allow the expansion of the drive-through on the subject property, proposing:

1. 37 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 45 parking spaces, in this instance; and,
2. A double drive-through; whereas, By-law 0225-2007, as amended, does not permit such a use in this instance.

## Background

**Property Address:** 6767 Airport Road

### Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2-38 (Employment)

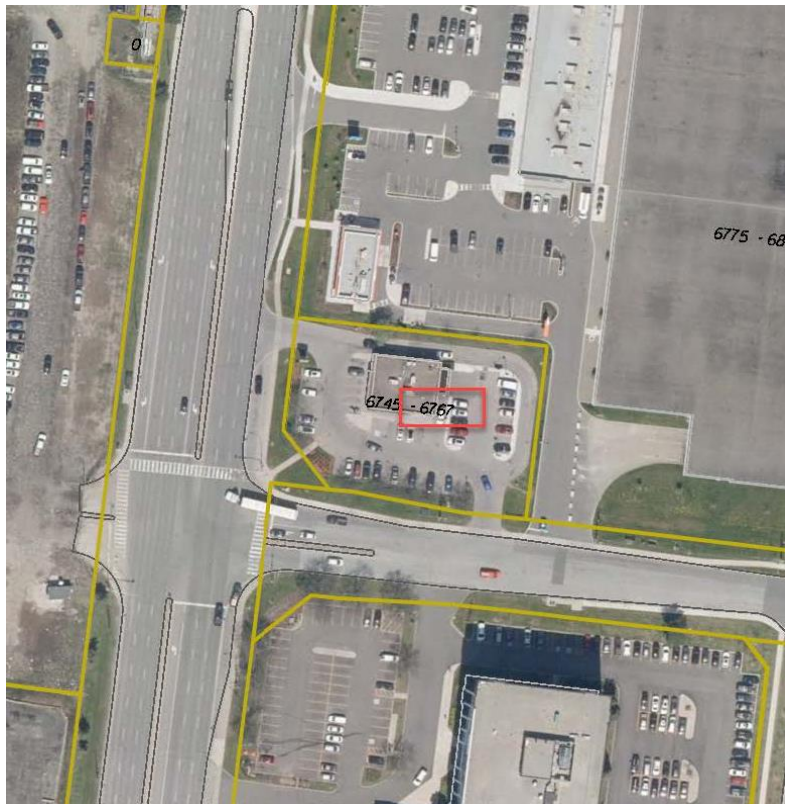
### Other Applications:

Building Permit: 20-130

## Site and Area Context

The subject property is located south-east of the Airport Road and Derry Road East intersection and currently houses a single-storey restaurant structure (Tim Horton's). From a land-use perspective, the immediate neighbourhood is predominately commercial in nature, with the adjacent property representing a multi-pad, multi-tenant commercial plaza. Planning Staff note, the subject lands provide a minor transitional area between the office-industrial / warehouse-industrial lands and the residential neighbourhoods located further north.

As it pertains to this application, Planning Staff note the presence of an existing drive-through on the subject lands, as well as also within the immediate contextual area, with the contiguous property to the north also possessing such a feature.



## 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 application are as follows:

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

The site is located within the Northeast Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11(s) (Business Employment), this designation shall permit restaurant services. Of note, Section 11.2.11.6 of MOP also contemplates drive-through facilities on this site. This application meets the purpose and general intent of the Official Plan.

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

Variance 1 (Parking)

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 for various uses upon the subject lands. 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 Zoning By-law 0225-2007, 45 parking spaces are required; whereas, the Applicant is providing 37.

As per City Planning Strategies Staff's review of this application, the inherent operational nature of the existing restaurant (in-and-out) serves to generate more drive-through traffic than visitor parking; with the proposed reduction not adversely impacting the site's ability to adequately provide the necessary parking accommodations. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 2 (Drive-Through)

As per Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), the subject lands are located within a specific area that limits the utilization and creation of drive-through facilities. Pursuant to Section 2.1.29.2, a drive-through facility in legal existence as of the date of the passing of the Zoning By-law is permitted to enlarge/alter its associative parking area; driveway; and/or stacking lanes, provided that such modifications are not in contravention to any of the Zoning By-law regulations.

Due to the configuration of the double drive-through, the site surrenders 8 parking spaces as a result of the proposed redesign; thereby, requiring relief for reduced parking (Variance 1), and, consequently, no longer remains in conformity with Section 2.1.29.2 (Variance 2).

The intent in restricting drive-throughs within intensification areas is ultimately to ensure that such locations are not disproportionality developed, or configured in such a manner that the highest and best use cannot be realized, due to the "wasted" space associated with the combination of required parking; queuing lanes; and/or, associative signage of such features.

The site is subject to site plan control, with the above proposal being circulated to both the Urban Design and Landscape Architectural teams and subsequently receiving favourable comments in this regard. Further, a double drive-through is permitted as-of-right, with Variance 2 required solely as a result of a supported parking reduction. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

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

Despite the requested relief, the subject property has ample room to accommodate suitable parking and maintains adequate internal traffic circulation. The proposed double drive-through is permitted as-of-right; and, ultimately, represents a more efficient utilization of the site, as opposed to an intensification of a non-conforming use. The variances, as requested, result in both the orderly development of the lands, and whose impacts are minor in nature

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested; however, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed expansion of the drive-through 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 20-130. Based upon review of this application, Staff notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16<sup>th</sup>, 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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 134/20  
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 1533 Blenheim Road, zoned R3-1 - 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 an accessory structure (garage) and widened driveway on the subject property proposing:

1. An accessory structure building height measured to the highest ridge of 5.13m (approx. 16.83ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 4.60m (approx. 15.10ft) in this instance;
2. An accessory structure building height measured to the soffit/eave of 3.85m (approx. 12.63ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the soffit/eave of 3.00m (approx. 9.84ft) in this instance;
3. A setback measured to a lot line of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.60m (approx. 1.97ft) in this instance; and
4. A driveway width of 8.10m (approx. 26.58ft) 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 **Tuesday July 14, 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](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 Noon the Friday 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:

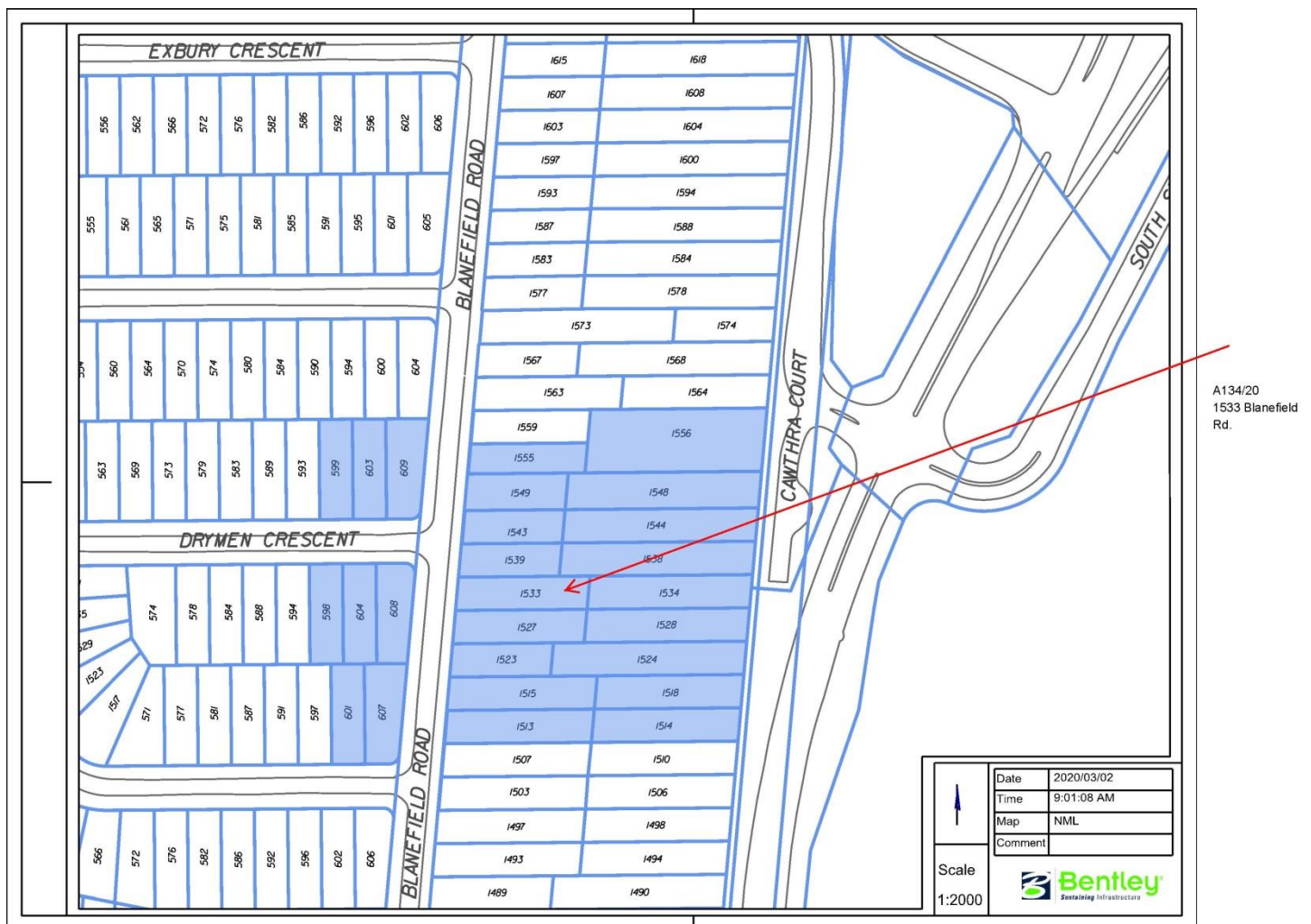
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than Noon the Friday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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 Noon the Friday 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 Noon the Friday 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 x5209.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A134/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

## Consolidated Recommendation

The City does not object to the requested variances. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure (garage) and widened driveway on the subject property proposing:

1. An accessory structure building height measured to the highest ridge of 5.13m (approx. 16.83ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the highest ridge of 4.60m (approx. 15.10ft) in this instance;
2. An accessory structure building height measured to the soffit/eave of 3.85m (approx. 12.63ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the soffit/eave of 3.00m (approx. 9.84ft) in this instance;
3. A setback measured to a lot line of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.60m (approx. 1.97ft) in this instance; and
4. A driveway width of 8.10m (approx. 31.43ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

## Background

**Property Address:** 1533 Blenheim Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

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

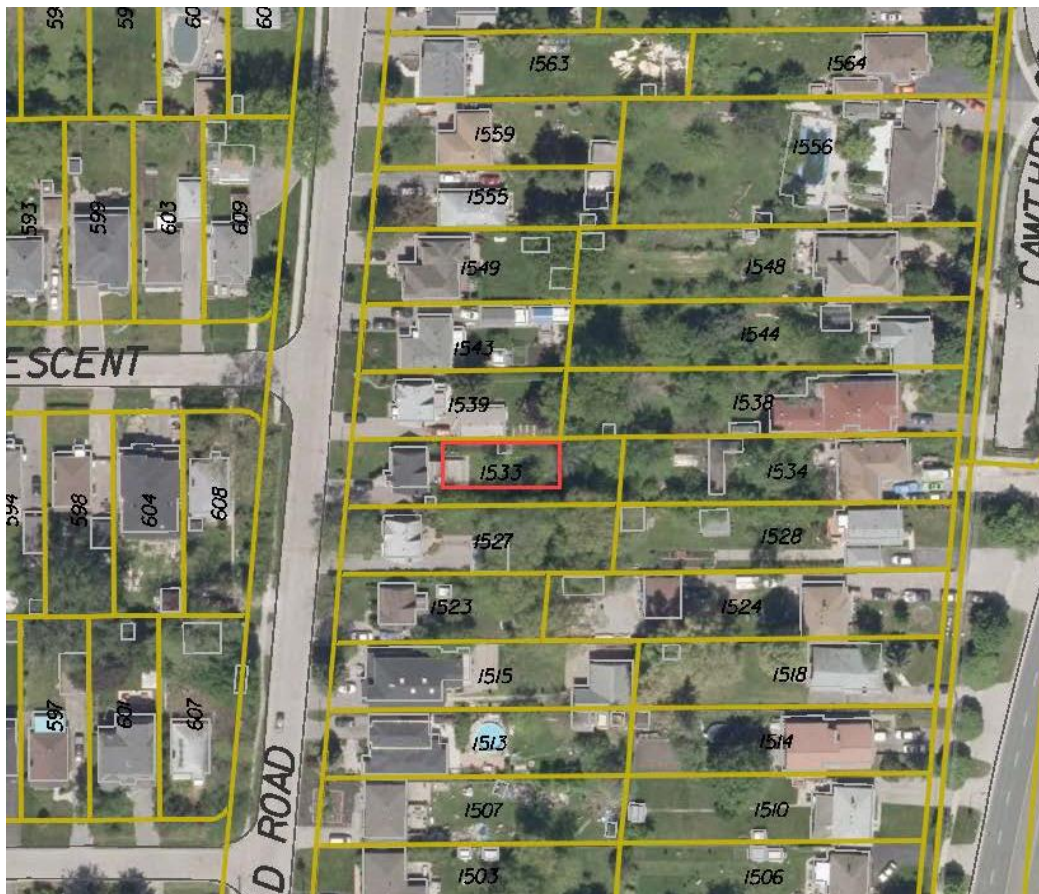
**Other Applications**

**Building Permit:** 19-7957

**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and South Service Road. The immediate neighbourhood is residential, consisting of one to two storey detached dwellings with little mature vegetation. The subject property contains an existing one storey detached dwelling with some vegetation within the rear yard.

The application proposes a detached garage in the rear yard, requiring variances related to height and to the existing driveway width and 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 designated "Residential Low Density I" in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed variances are compatible with the surrounding area context and will not negatively impact the soft landscaping and character of the surrounding area. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variances #1 and 2 propose increases to the overall height and eave height of the detached garage. The intent of the zoning by-law is to ensure that the structure is proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots. In this instance, there is a difference of 0.35 m between established grade which the structure is measured to and the finished slab. The structure is sufficiently setback from the neighbouring property and proposes a sloped roof, minimizing the impact of the increased height. There is also vegetation within the side yard, further mitigating the impact of the proposed structure. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a driveway setback of 0 m whereas a minimum of 0.61 m is required. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. Staff generally requires a 0.30 m driveway setback to ensure proper drainage and that there is a sufficient visual buffer. In this instance, the driveway setback of 0 m is located on a minor portion of the driveway towards the side yard of the dwelling. A majority of the driveway from the street maintains a sufficient soft landscaped area to the adjacent lot, minimizing any drainage concerns. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #4 proposes a driveway width of 8.10 m whereas a maximum of 6 m is permitted. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of front yard consisting of soft landscaping. The proposed driveway width is measured to the widest and does not propose a width of 8.10 m throughout the entire length of the driveway. A majority of the driveway from the street to the dwelling maintains a width of 6.85 m, maintaining an appropriate amount of hard landscaping that does not negatively impact the soft landscaped area required. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed detached garage and driveway width maintain the planned and existing context of the surrounding neighbourhood. The impact of the increased heights of the detached garage is mitigated due to the setback, sloped roof and vegetation within the side yard. Furthermore, the established grade is calculated 0.30 m below the finished slab which slightly inflates the height of the detached garage. The driveway does not propose a width of 8.10 m throughout the entire length. The majority of the width from the street to the dwelling is approximately 6.85 m, maintaining a sufficient soft landscaped within the front yard. Regarding the driveway setback, a small portion of the driveway has a setback of 0 m. The remaining portion of the driveway maintains the by-law provisions and provides a sufficient visual buffer between properties and mitigates any drainage concerns. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances. However, the applicant may choose to defer the application to verify the accuracy of the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit process BP-19/7957.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a building permit application under file 19-7957. Based on review of the information currently available for this building permit, the variances, as requested are correct. However, we also advise that more information is required to determine whether additional variances will be required.

Comments Prepared by: Jeanine Benitez-Bumanglag

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16<sup>th</sup>, 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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 140/20  
Ward 8

### Why you received this letter:

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

### Details of the application and meeting information:

The property owners of 1911 Will Scarlett Drive, zoned R1 - 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 an addition on the subject property proposing a rear yard of 1.80m (approx. 5.91ft), whereas By-law 0225-2007, as amended, requires a rear yard of 7.50m (approx. 24.61ft) in this instance.

The Committee has set **Tuesday July 14, 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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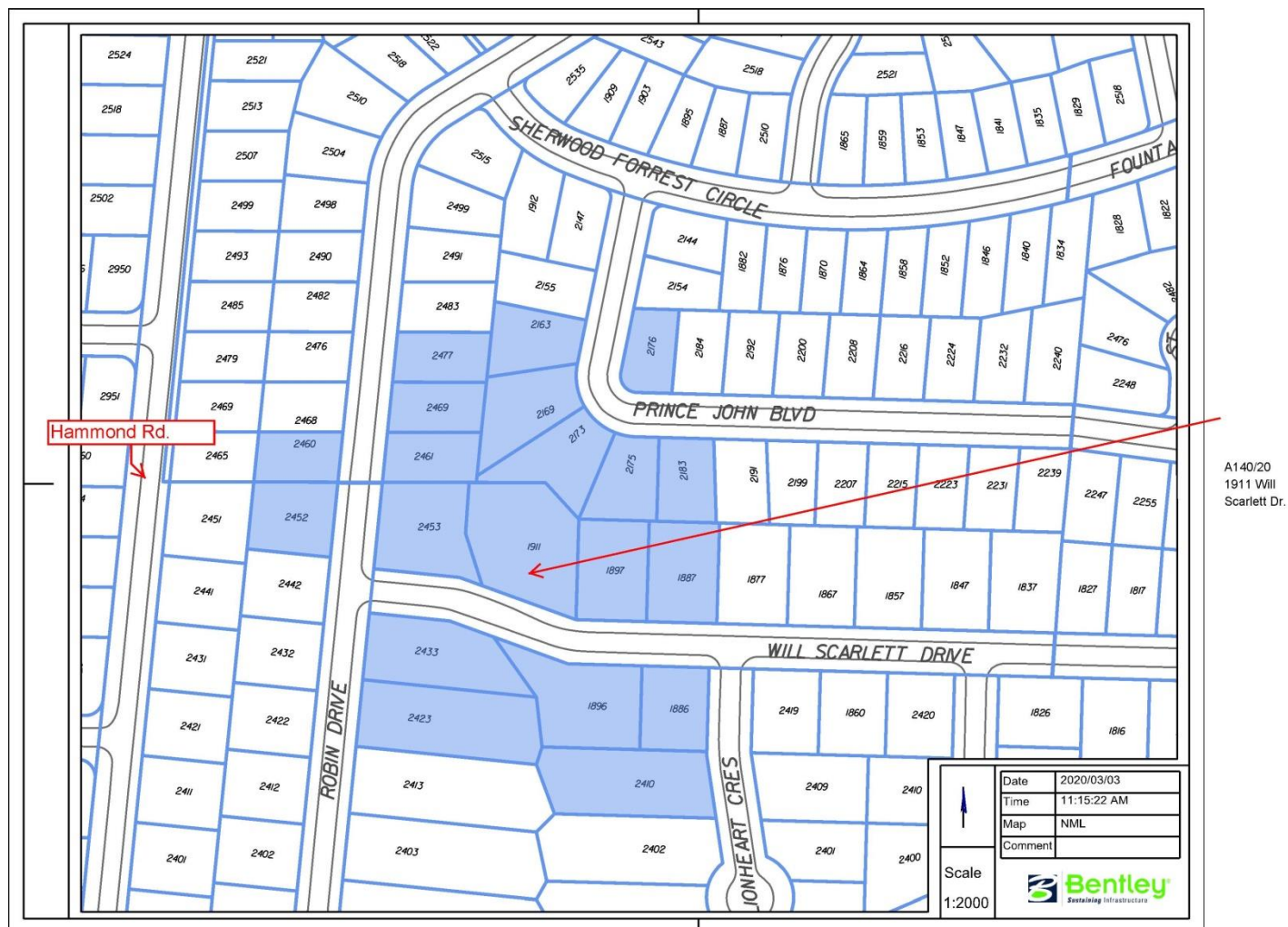
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### Legal notice:

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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.

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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A140/20 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicants request the Committee to approve a minor variance to allow an addition on the subject property proposing a rear yard of 1.80m (approx. 5.91ft), whereas By-law 0225-2007, as amended, requires a rear yard of 7.50m (approx. 24.61ft) in this instance.

## Background

**Property Address:** 1911 Will Scarlett Drive

### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Greenlands & Residential Density I

### Zoning By-law 0225-2007

**Zoning:** R1 (Residential)

### Other Applications

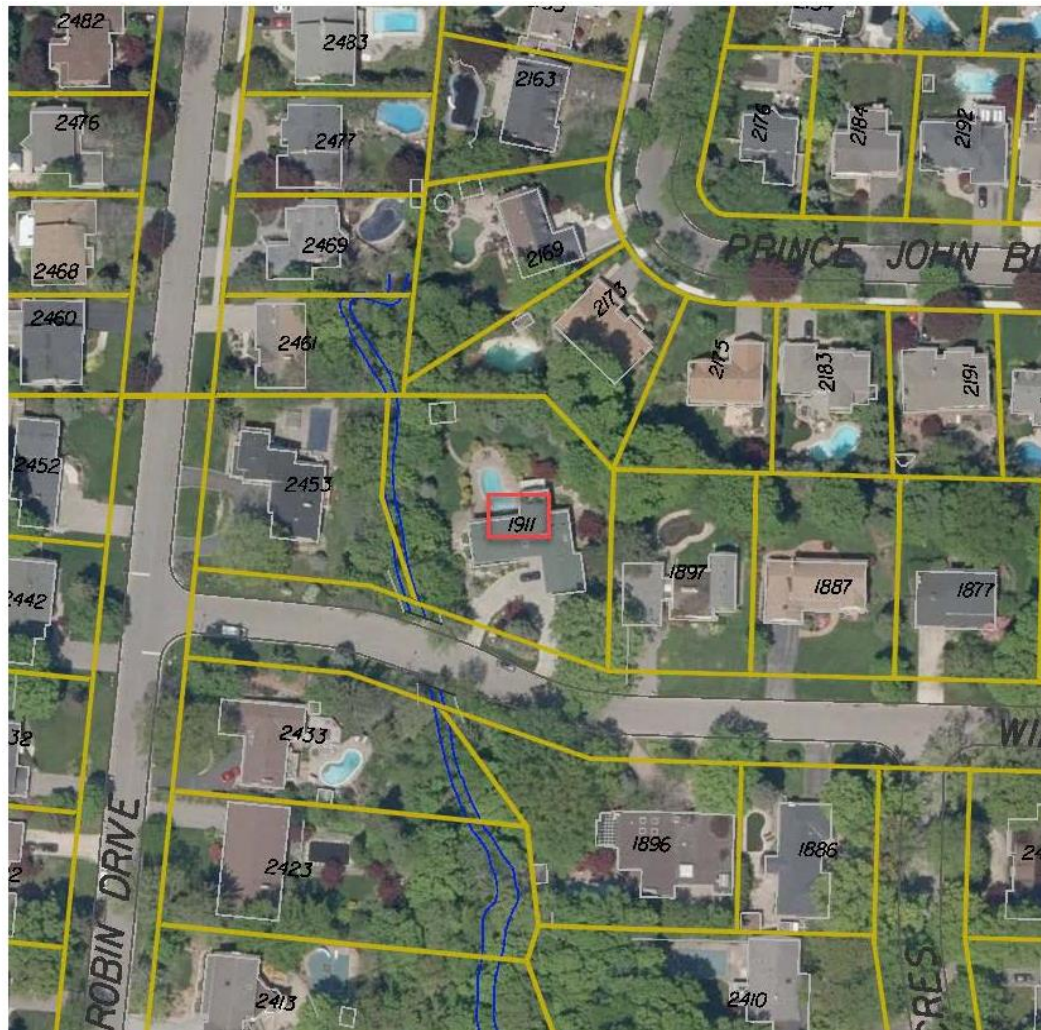
Pre-Application: 19-8808

## Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, southeast of Erin Mills Parkway and Dundas Street West. The immediate neighbourhood is entirely

residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property is a large lot with mature vegetation around the perimeter of the property and contains a one storey dwelling. The subject property also contains Loyalist Creek along the westerly interior property line.

The application proposes a two storey addition, requiring a variance related to a rear yard setback of 1.80 m whereas 7.50 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 is designated Greenlands and Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. The westerly portion of the subject property is designated Greenlands, however, the proposed two storey addition will be located on the easterly side of the dwelling and is sufficiently setback from the Greenlands designation. As per Section 9 of MOP, development is promoted 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. In this instance, a large amount of the addition encroaches significantly into a portion of the rear yard, removing a buffer to the adjacent property and eliminating a portion of rear yard amenity space. Recognizing the irregular lot configuration, a reduced rear yard setback can be supported; however, the proposal requests a significant deviation for a large portion of the addition to the rear lot line. Staff is of the opinion that the application should be deferred for redesign.

## 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 for Committee's information that any Transportation and Works Department concerns/requirements for the proposed garage and carport will be addressed through the Building Permit process.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a building permit application under file 19-8808. 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 reviewed by Zoning staff on 2020-02-26 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.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

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

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

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

Comments Prepared by: Tracy Tang, Junior Planner

#### Appendix 4- Conservation Authority Comments

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

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

#### **SITE CHARACTERISTICS:**

Based on our mapping, the subject property is regulated due to floodplain and valley slope associated with Loyalist Creek which traverses the property. 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 an addition on the subject property proposing a rear yard of 1.80 m (approx. 5.91 ft), whereas the By-law 0225-2007, as amended, requires a rear yard of 7.50 m (approx. 24.61 ft) in this instance.

#### **COMMENTS:**

Based on review of the provided information, CVC staff have **no concerns** to the requested minor variances. CVC staff have previously reviewed the proposed development through a permit application (FF 19/265) and issued a permit for an addition to the existing dwelling on

February 27, 2020. As such, CVC staff have **no objection** to its approval by the Committee at this time.

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" 144/20  
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 owner of 2251 North Sheridan Way, zoned E2-5 - 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 permit a three storey office building proposing:

1. A setback measured to the centre line of North Sheridan Way of 37.00m (approx. 121.40ft), whereas By-law 0225-2007, as amended, requires a minimum setback measured to the centreline centre line of north Sheridan Way of 40.00m (approx. 131.23ft) in this instance; and
2. An exterior side yard of 10.00m (approx. 32.81ft), whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 12.50m (approx. 41.01ft) in this instance.

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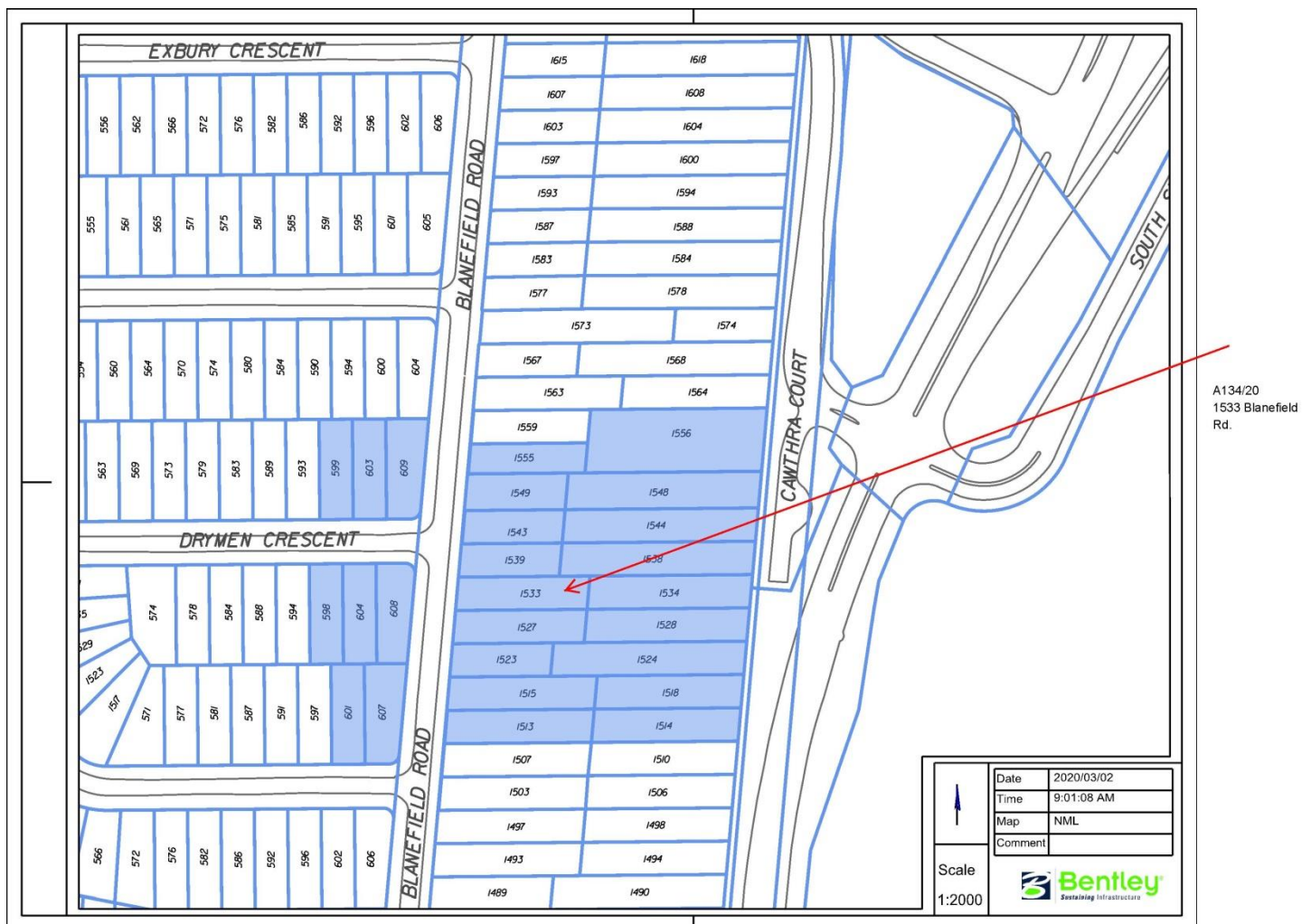
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### Legal notice:

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



# City of Mississauga

## Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-07-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A144/20 Ward: 2
	Meeting date: 2020-07-14

## 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 permit a three storey office building proposing:

1. A setback measured to the centre line of North Sheridan Way of 37.00m (approx. 121.40ft), whereas By-law 0225-2007, as amended, requires a minimum setback measured to the centreline centre line of north Sheridan Way of 40.00m (approx. 131.23ft) in this instance; and
2. An exterior side yard of 10.00m (approx. 32.81ft), whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 12.50m (approx. 41.01ft) in this instance.

## Background

**Property Address:** 2251 North Sheridan Way

### Mississauga Official Plan

Character Area: Sheridan Park Corporate Centre  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2-5 (Employment)

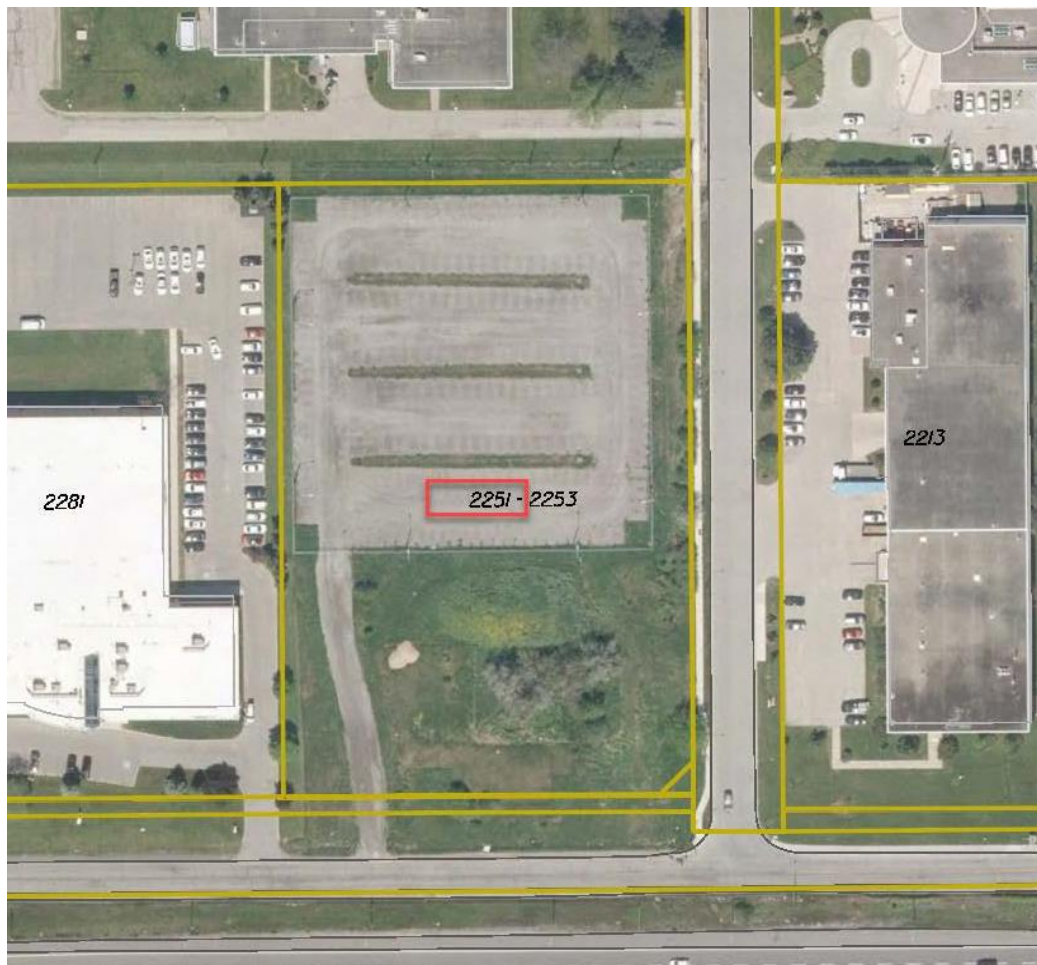
## Other Applications

Site Plan Application: 19-124

## Site and Area Context

The subject property is located within the Sheridan Park Corporate Centre, west of Erin Mills Parkway and North Sheridan Way. The immediate area consists primarily of employment uses, however, the surrounding area also contains institutional uses and residential uses and overnight accommodation. The subject property currently contains a surface parking lot with access from North Sheridan Way.

There is a current Site Plan application which proposes a 3 storey office building on the subject property, requiring variances related to centreline setback and exterior side yard setback.



## Comments

### Planning

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

Staff comments concerning the application are as follows:

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

### Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 19-124. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on February 6, 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.

Comments Prepared by: Sandra Morrison, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16<sup>th</sup>, 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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 146/20  
Ward 1

### Why you received this letter:

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

### Details of the application and meeting information:

The property owner of 43 Elmwood Avenue North, 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 a triplex on the subject property proposing:

1. A gross floor area - residential of 349.58sq.m (approx. 3,762.85sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - residential of 232.28sq.m (approx. 2,500.24sq.ft) in this instance;
2. Side yards of 1.20m and 1.20m (approx. 3.93ft and 3.93ft) whereas By-law 0225-2007, as amended, requires minimum side yards of 1.20m on one side and 3.00m on the other side (approx. 3.93ft and 9.84ft) in this instance; and
3. Three parking spaces (1.0 spaces per unit) whereas By-law 0225-2007, as amended, requires a minimum of four parking spaces (1.25 spaces per unit) in this instance.

The Committee has set **Tuesday July 14, 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](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 Noon the Friday 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:

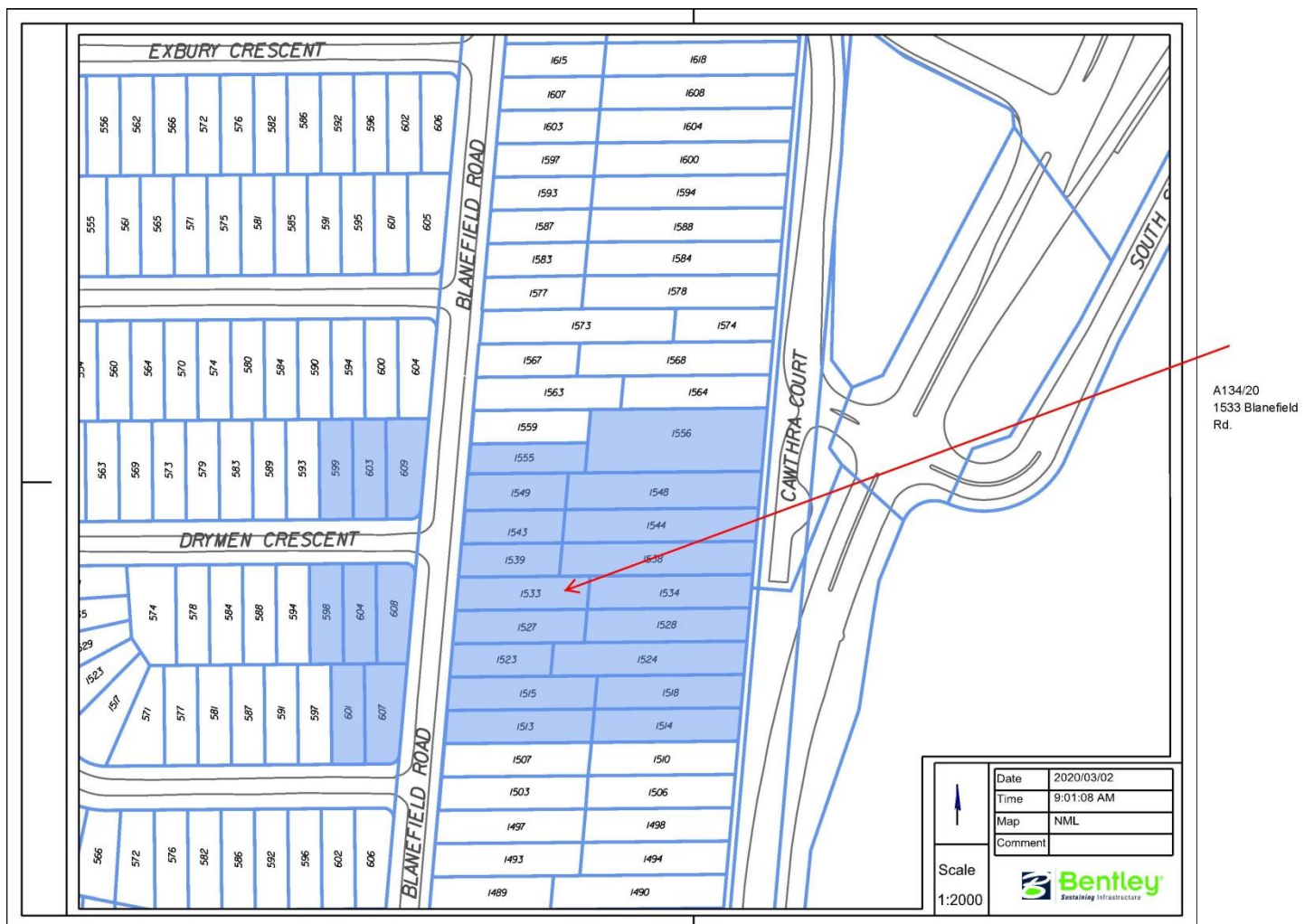
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than Noon the Friday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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 Noon the Friday 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 Noon the Friday 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 x5209.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A146/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-14

## Consolidated Recommendation

The City does not object to the requested variances; however recommend that variance #3 be removed to allow the applicant to submit a PIL application.

## Application Details

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

1. A gross floor area - residential of 349.58sq.m (approx. 3,762.85sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - residential of 232.28sq.m (approx. 2,500.24sq.ft) in this instance;
2. Side yards of 1.20m and 1.20m (approx. 3.93ft and 3.93ft) whereas By-law 0225-2007, as amended, requires minimum side yards of 1.20m on one side and 3.00m on the other side (approx. 3.93ft and 9.84ft) in this instance; and
3. Three parking spaces (1.0 spaces per unit) whereas By-law 0225-2007, as amended, requires a minimum of four parking spaces (1.25 spaces per unit) in this instance.

## Background

**Property Address:** 43 Elmwood 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)

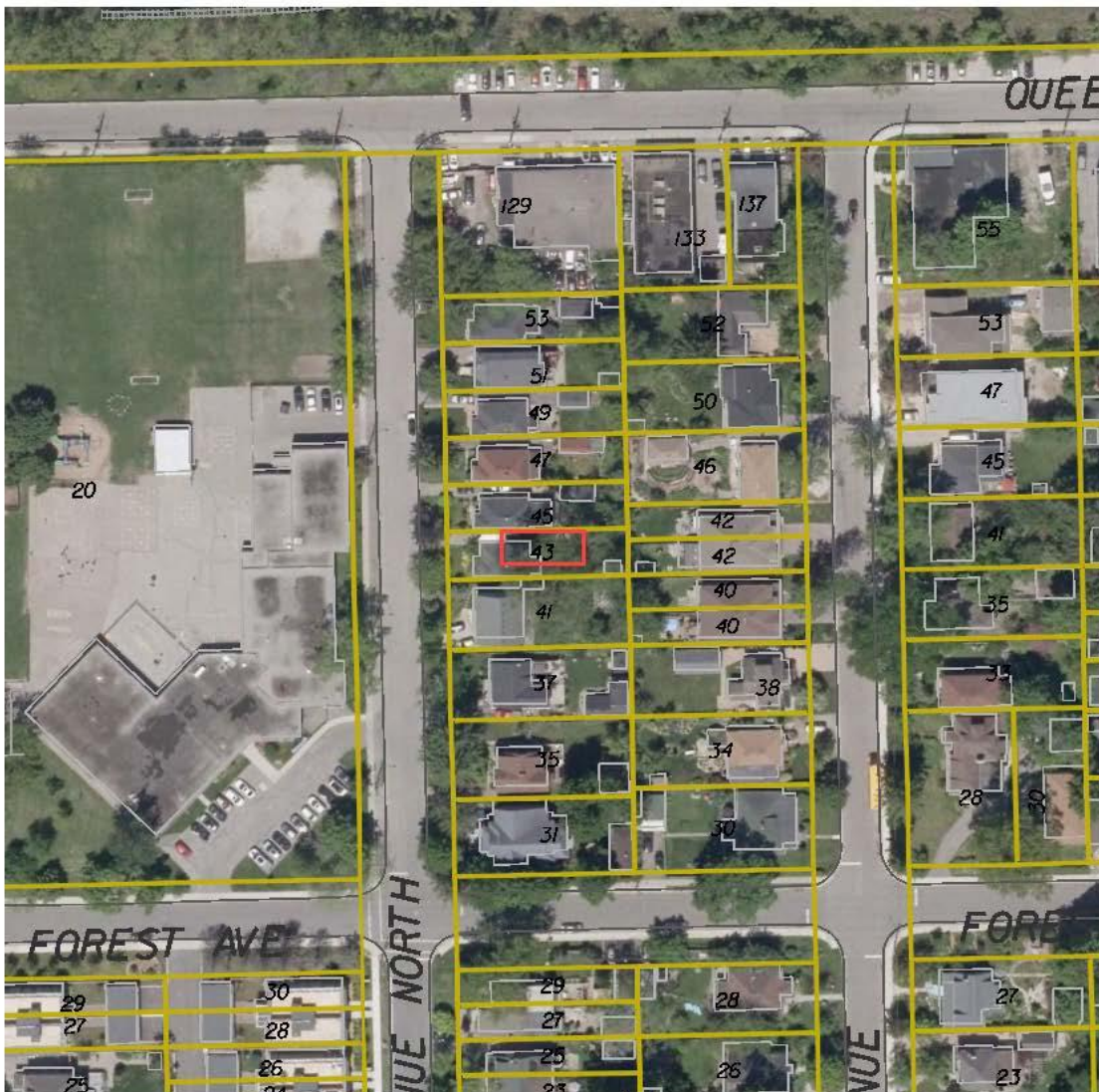
## Other Applications

Pre-Zoning Application: 18-88

## Site and Area Context

The subject property is located within Port Credit Neighbourhood Character Area, northeast of Hurontario Street and Lakeshore Road East. The neighbourhood is primarily residential, however, institutional and employment uses are situated within close proximity to the subject property. The residential uses consist of one and two storey detached dwellings and also semi-detached dwellings with mature vegetation. The subject property contains an existing one storey detached dwelling with vegetation within the front yard.

The application proposes to develop a triplex dwelling, requiring variances related to gross floor area (GFA), deficient side yard setback and 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 designated “Residential Low Density II” in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the North Residential (Credit Grove) precinct. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject property is located across a public school known as Forest Avenue Public School and the residential dwellings surrounding the subject property consists of deficient setbacks. Although the residential area consists of one and two storey detached dwellings, a maximum of three storeys is permitted within the official plan. Given the context of the surrounding area, the proposed triplex maintains the existing site conditions and preserves the intended vision of the Port Credit Neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The application proposes a GFA of 349.58 m<sup>2</sup> whereas a maximum of 232.28 m<sup>2</sup> is permitted. The intent in restricting GFA is to maintain compatibility between existing and new dwellings and to ensure the existing and planned character of a neighbourhood is preserved. In this instance, a majority of the GFA that is over the maximum permitted is attributed to the basement. The basement contains a GFA of 75.90 m<sup>2</sup> which is included in the overall calculation. Excluding the basement, the triplex would have a combined GFA of 273.68 m<sup>2</sup>. The increased GFA will not negatively impact the existing and planned character of the neighbourhood as this area of Port Credit envisions a mix of low density uses which contributes to the eclectic nature of the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a side yard of 1.20 m whereas 3 m is required. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The zoning by-law requires a 1.20 m side yard on one side of the dwelling and

3 m on the other for a triplex dwelling. Although the area mostly consists of detached and semi-detached dwellings, the immediate area is generally characterized by similar existing deficiencies related to side yard setbacks. The proposed setback preserves access to the rear yard and maintains a sufficient buffer to adjacent properties. Given the varied nature of the surrounding area, the proposed setback is appropriate in this instance and maintains the existing and planned character of the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Regarding variance #3, the applicant has submitted a parking study dated September 18, 2018 prepared by CGE Transportation Consulting. The study does not attempt to show that the proposed development requires less than 4 parking spaces. The submitted study fulfills one of the tests used to justify the use of the Payment-in-lieu of Parking Program, whether the existing public parking supply in the surrounding area can accommodate the on-site parking deficiency. Considering the above information, staff requests that the parking deficiency not be dealt through a variance at the Committee of Adjustment but rather an application be made for Payment-in-Lieu (PIL) of parking. Through the PIL application process, the proponent contribution will be calculated for the requested deficiency.

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

The subject property is located in an area of Port Credit that contains an eclectic mix of housing and employment uses and is also across Forest Avenue Public School, resulting in the proposed dwelling having minimal impact on the character of the surrounding area. The increased GFA is partly due to the basement which does not contribute to any massing on the street and will not negatively impact neighbouring properties. The neighbourhood is characterized by similar existing deficient side yards, resulting in the proposed deficiency maintaining the planned and existing context of the neighbourhood. As such, the proposed application represents orderly development of the land and is minor in nature

## Conclusion

The Planning and Building Department has no objections to the requested variances #1 and 2. However, recommend that variance #3 be removed to allow the applicant to submit a PIL application.

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 (SP18-124).

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 18-124. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 11/25/2019 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.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

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

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca)

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

Comments Prepared by: Tracy Tang, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 148/20  
Ward 4

### 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 4311 Village Centre Court, zoned H-CC3(2) – Holding and 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 294 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 320 parking spaces in this instance.

The Committee has set **Tuesday July 14, 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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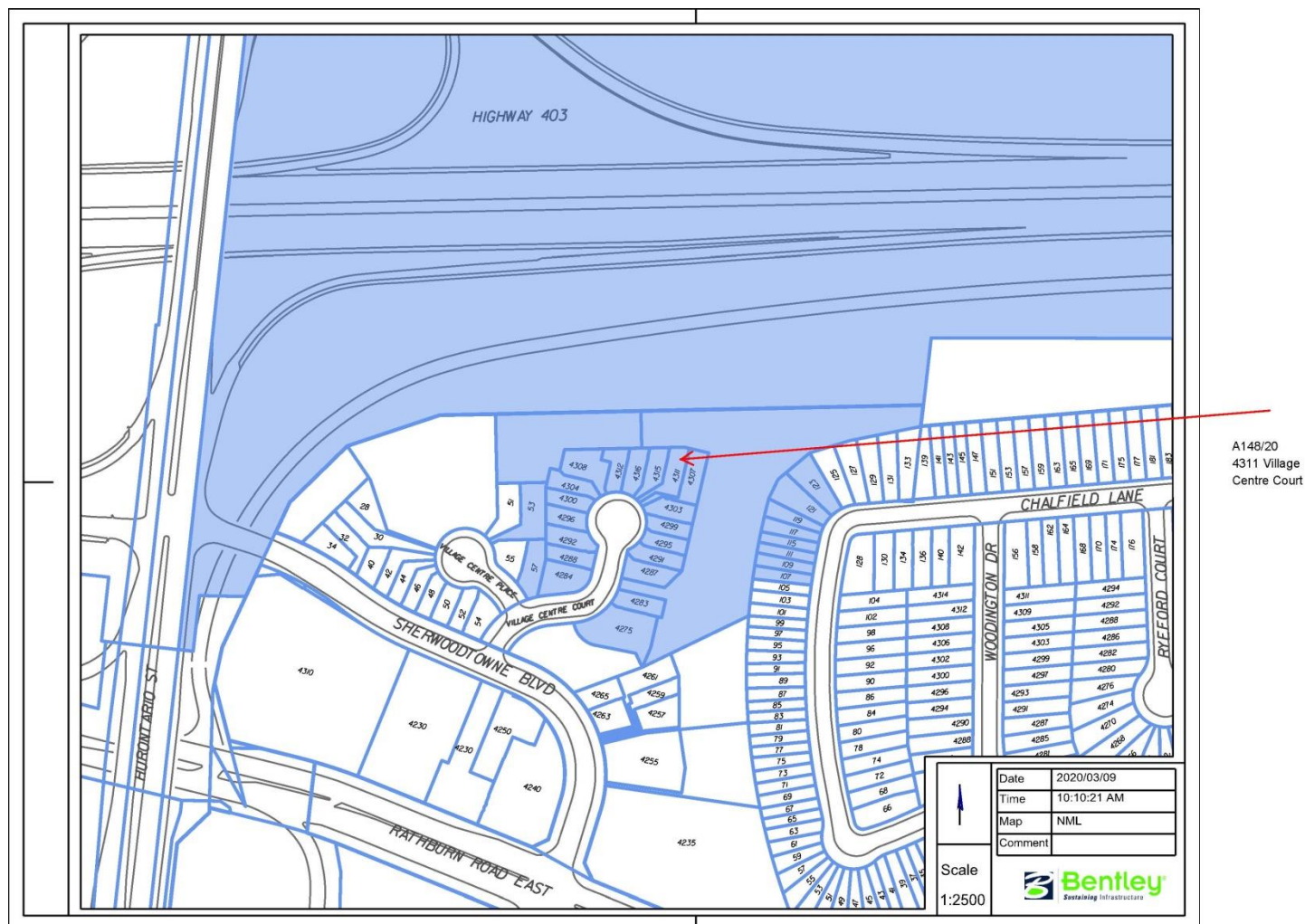
**To participate by telephone:** To register, please call 905-615-3200 x5209 no later than Noon the Friday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

### Legal notice:

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



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-07-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A148/20 Ward: 4
	Meeting date: 2020-07-14

## Consolidated Recommendation

The City has no objections to the variance, as requested, subject to the conditions outlined below being imposed by Committee.

## Application Details

The Applicant requests the Committee to approve a minor variance to allow 294 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 320 parking spaces, in this instance.

### Recommended Conditions and Terms

- The Applicant shall obtain an extension of the lease of the off-site parking agreement from the Ministry of Transportation (MTO).

City Planning Strategies Staff note, the provided Parking Utilization Survey in support of this application included parking counts for the adjacent parking lot, currently leased from MTO by the office complexes of Village Centre Court. Through a previous Minor Variance application ('A' 157/19), City Planning Strategies Staff note that the lease for this off-site parking agreement will expire on December 31<sup>st</sup>, 2020.

## Background

**Property Address:** 4311 Village Centre Court

**Mississauga Official Plan**

Character Area: Downtown Core  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** H-CC3 (City Centre)

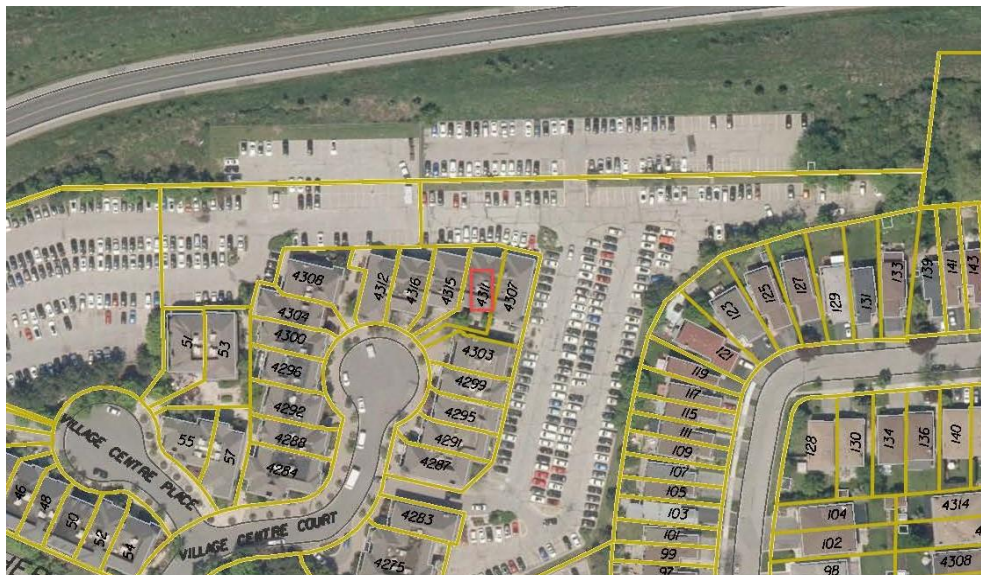
### Other Applications:

Occupancy Permit: 20-347

### Site and Area Context

The property is located north-east of the Burnhamthorpe Road East and Hurontario Road intersection. The immediate neighbourhood is comprised of a variety commercial and residential uses.

The Applicant is proposing to repurpose an existing commercial unit into a dental office. As a result of this conversion, the Applicant is required to seek the above-noted relief.



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 Downtown Core Character Area, and is designated Mixed Use by the Mississauga Official Plan (MOP). Pursuant to Sect. 12.1.3, both Major Offices and Secondary Offices are permitted within the Mixed Use designation. The Applicant's proposal of medical office, 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 H-CC3 (City Centre), which permits medical offices, 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, 320 parking spaces are required; whereas, the Applicant is providing 294.

As per the Parking Utilization Study (Trans-Plan, Mar/2020) provided by the Applicant, and reviewed to the satisfaction of City Planning Strategies Staff, the proposed parking rates are suitable to adequately accommodate peak parking demands for the intended use. The variance, as 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?**

As per the aforementioned provided Parking Utilization Study, the subject property has ample room to accommodate the proposed parking and internal traffic circulation. As such, the proposed reduction serves to pose no significant negative impact to the surrounding neighbourhood. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, 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 requested, subject to the above conditions.

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' 148/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing an Occupancy Permit application under file 20-347. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Kevin Barry, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 16<sup>th</sup>, 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](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner