
Committee of Adjustment

Date: February 15, 2024
Time: 1:00 PM
Location: Council Chambers, Civic Centre, 2nd Floor
300 City Centre Drive, Mississauga, Ontario, L5B 3C1
and Online Video Conference

Members

Sebastian Patrizio (Chair)
John Page
George Carlson
Wajeeha Shahrukh
Timothy Rowan
Janice Robinson
Ken Ellis

Contacts

Tamoor Chaudhary, Committee of Adjustment Coordinator, Legislative Services
905-615-3200 ext.3662
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taranjeet.uppal@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 OLT has the power to dismiss an appeal without holding a hearing if the appeal is not based on any apparent land use planning grounds and 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 A667.22
35 King St E, Unit 14 (Ward 7)
 - 4.2 A53.24
3098 Bonaventure Drive (Ward 5)
 - 4.3 A56.24
245 Queen Street South, Unit 6 (Ward 11)
 - 4.4 A66.24
128 Breezy Pines Drive (Ward 7)
 - 4.5 A68.24
1167 Strathy Avenue (Ward 1)
 - 4.6 A70.24
5654 Dolmite Heights (Ward 10)
 - 4.7 A71.24
5073 Terry Fox Way (Ward 6)
 - 4.8 A72.24
727 Esprit Cres (Ward 5)
 - 4.9 A75.24
6515 Glen Erin Drive (Ward 9)
 - 4.10 A78.24
1220 Haig Blvd (Ward 1)
 - 4.11 A82.24
1 Fairview Road East (Ward 4)
 - 4.12 A84.24
1620 Tech Ave, Unit 4 (Ward 5)

- 4.13 A86.24
 6147 Duford Drive (Ward 11)
- 4.14 A255.23
 1918 Barsuda Drive (Ward 2)
- 4.15 A440.23
 401 Winfield Terrace (Ward 4)
- 5. **OTHER BUSINESS**
- 6. **ADJOURNMENT**

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 35 King St E, Unit 14, zoned C4 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to permit an outdoor patio ancillary to an existing restaurant within Unit #14 of the subject property whereas By-law 0225-2007, as amended, does not permit an outdoor patio in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday 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 the application file number or property address you are commenting on.

If you wish to view the public hearing online and do not wish to speak, the hearing will be streamed at the following link:

<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

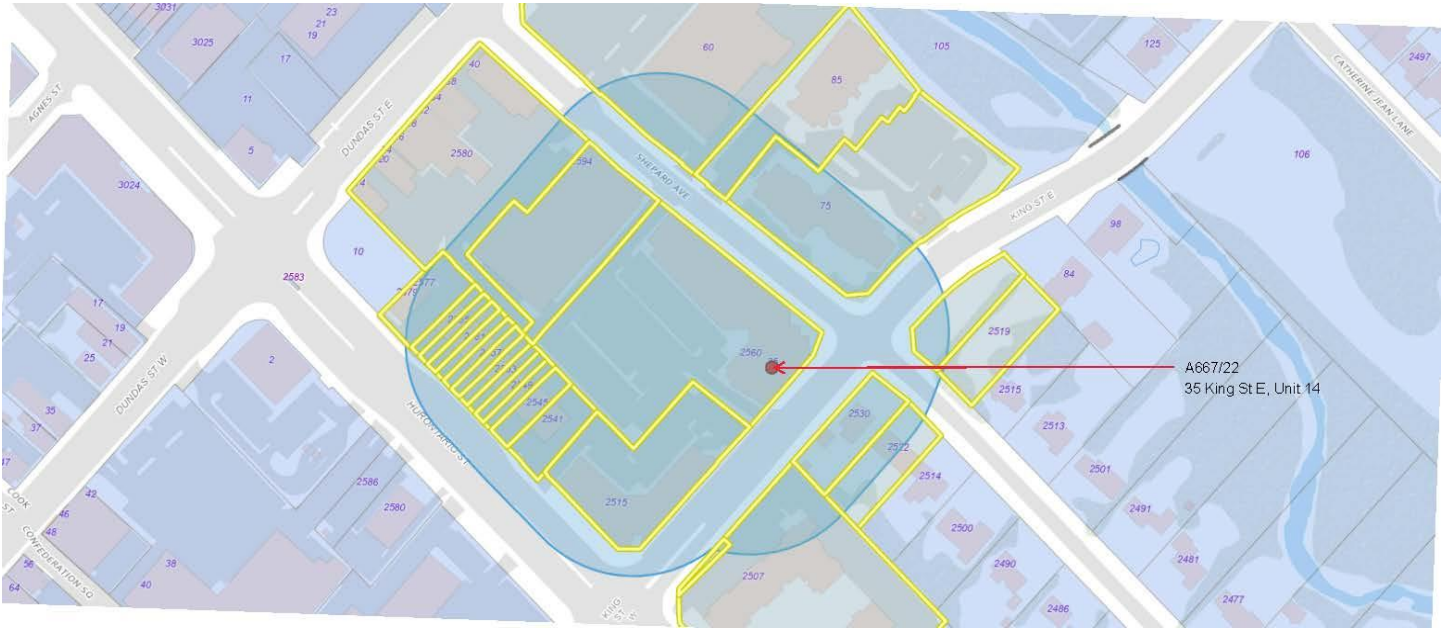
Additional Information:

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- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.
- If you wish to be notified of the decision of the Committee, you must submit a written request to committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. This will also entitle you to be advised of any Ontario Land Tribunal (OLT) appeals.

Committee of Adjustment Appeal Process:

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Legal notice:

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A667.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to permit an outdoor patio ancillary to an existing restaurant within Unit #14 of the subject property whereas By-law 0225-2007, as amended, does not permit an outdoor patio in this instance.

Background

Property Address: 35 King St E, Unit 14

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: None

Site and Area Context

The subject property is a restaurant unit located in an existing multi-tenant retail plaza located at the north-west corner of Shepard Ave and King St E. The property possesses little to no vegetative elements on the lot. The immediate neighbourhood is a mixture of commercial and residential uses; including restaurants, offices, a retirement home, and residential dwellings.

The applicant is proposing a minor variance application to allow the continued use of the existing outdoor patio ancillary to an existing restaurant.



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 located within the Downtown Cooksville Character Area, and is designated Mixed Use by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.6, the Mixed Use designation permits a restaurant.

Previously, temporary approval was granted by the Committee for the outdoor patio in 2012 and 2016. Planning staff had no objections to the most recent application 'A-443/16', which was approved on September 30, 2016 for a temporary period of five (5) years and expired on November 30, 2021. The previous approval was subject to the following conditions:

1. There shall be no music, live or otherwise or speakers permitted in the patio area.
2. The patio shall be fenced and contain a maximum of sixteen (16) seats.
3. The patio hours of operation shall be restricted to 11:00am to 11:00 pm daily.

The applicant is seeking an extension of previous approvals for the seasonal outdoor patio on the subject property. No changes are proposed in the site conditions and operations. Staff note that the patio is relatively small with a gross floor area of 25.58 m² (275.4ft²) and directly faces high density apartment buildings. Staff are satisfied that the requested variance is minor and the patio use will not have a negative impact on the neighbouring properties.

Given the above, Planning staff are 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.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to permit the existing outdoor patio.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

A667.22 - 35 King St E Unit 14

Metrolinx is in receipt of the Minor Variance application for 35 King St E Unit 14 to permit an outdoor patio use, ancillary to the existing restaurant within Unit 14. Metrolinx's comments on the subject application are noted below:

Advisory Comments:

- The subject property is located within the Municipal Consent and Roadway Coordination review zone of Metrolinx's Hurontario LRT.
- At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the HuLRT will require approval and coordination with Metrolinx through circulation by the City of Mississauga.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5 – CVC

Re: CVC File No. A22/667, Municipality File No. A667.22

Mikhail Tchichart Ichuili

35 King Street East, Unit 14, Lot 15 Con 1 SDS, City of Mississauga

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

1. 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 (2020);
2. 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;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due flood hazard associated with Cooksville creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 permit an outdoor patio ancillary to an existing restaurant within Unit #14 of the subject property whereas By-law 0225-2007, as amended, does not permit an outdoor patio in this instance.

COMMENTS:

Based on the review of the information provided, the subject property is in close proximity to Cooksville Creek floodplain. It appears, however that the outdoor patio is existing and as such CVC has no objection with the approval of the minor variance being proposed at this time. The applicant is to note that any new development involving but not limited to a change in grade will require a CVC permit.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

In Person and Virtual Public Hearing

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 3098 Bonaventure Drive, zoned R3-69- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A building height of 9.39m (approx. 30.81ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
2. An eaves height from average grade of 7.12m (approx. 23.36ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 37.975% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
4. A left yard setback of 1.61m (approx. 5.28ft) whereas By-law 0225-2007, as amended, requires a minimum left yard setback of 1.81m (approx. 5.94ft) in this instance;
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6. A gross floor area infill of 363.00sq m (approx. 3907.30sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 269.63sq m (approx. 2902.27sq ft) in this instance;
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8. A right side eaves setback of 0.95m (approx. 3.12ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance; and,
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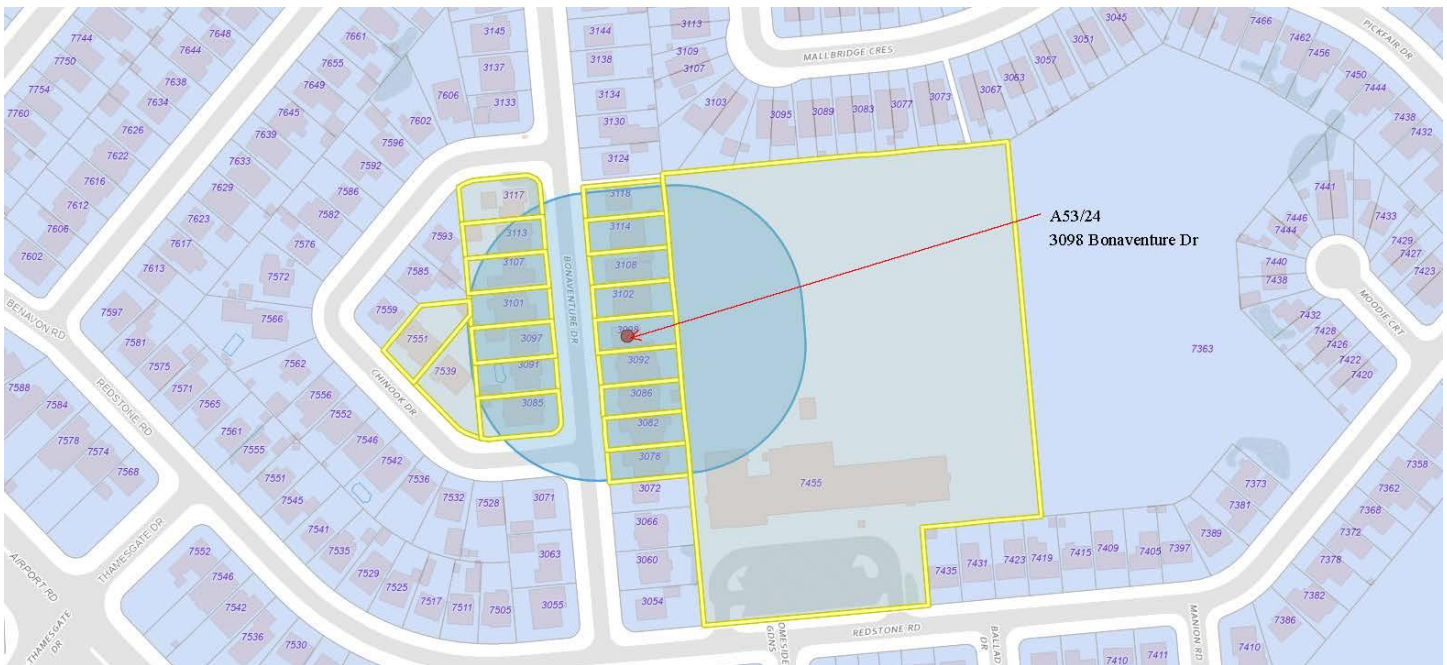
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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A53.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

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Background

Property Address: 3098 Bonaventure Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

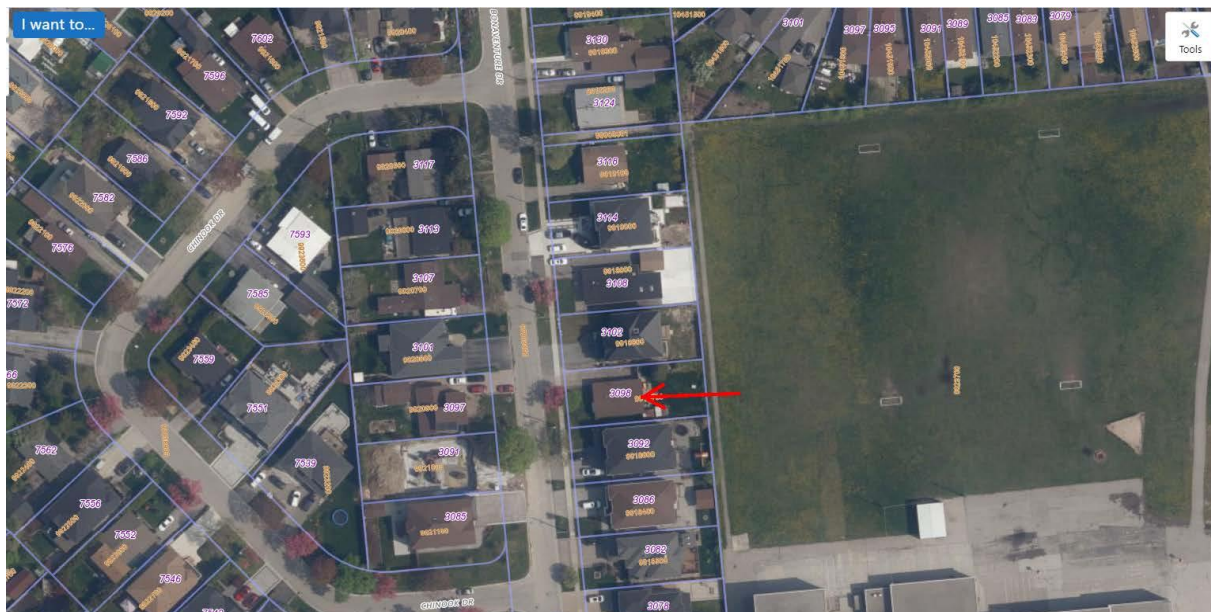
Zoning: R3-69- Residential

Other Applications: Building Permit application BP 9NEW 23-9939

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It currently contains a single storey detached dwelling with minimal vegetation and landscaping elements in the front and rear yards. The surrounding neighbourhood consists of older single storey detached homes, as well as newer two storey detached dwellings on similarly sized lots.

The applicant is proposing a new two-storey dwelling requiring variances for building height, eave height, lot coverage, gross floor area, balcony area and setbacks to dwelling and eaves.



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 Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages.

Planning staff have identified concerns with Variances #3 and #6 pertaining to the gross floor area and lot coverage. Currently, the applicant is proposing a lot coverage of 37.95%, out of which, the dwelling itself represents a lot coverage of 34%, which is well over the maximum permissible 30%. Further, staff have concerns with the proposed gross floor area. While larger dwellings are not out of character within the surrounding area, staff are of the opinion that the gross floor area currently proposed is excessive.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study in 2016. This resulted in Council's adoption of new zoning regulations, principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. Although Bonaventure Drive contains a lot of newer two storey dwellings, the intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing, planned and proposed character of the neighbourhood.

Staff are concerned that increasing the dwelling's gross floor area in combination with the increase in lot coverage will cause significant massing issues that will directly impact neighbouring properties.

Staff also note that the Toronto and Region Conservation Authority has raised concerns about the subject property being almost entirely within TRCA's Regulated Area of the Mimico Creek Watershed. The TRCA staff advise that the application be deferred to allow the applicant to work with staff to address their concerns and submit the required information. The requested assessment may impact the proposed addition and required variances. The planning staff relies on TRCA for their expertise on such matters, and therefore recommend that the application be deferred.

Staff recommend that the proposal be deferred for redesign in order to address the concerns raised above by Planning staff and allow the applicant an opportunity to work with the TRCA staff.

Comments Prepared by: Shivani Chopra, Planner in Training

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 new dwelling will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-9939. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Region of Peel

Minor Variance: A-24-053M - 3098 Bonaventure Drive

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- 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 contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – Toronto Region Conservation Authority (TRCA)**Application Specific Comments**

Based on our latest preliminary 2D modeling results, it appears that the front yard of the existing dwelling is almost entirely within the Regulatory flood plain. In addition, it appears that a portion of the rear yard of the subject property is located within the Regulatory flood plain. The rear yard maximum Water Surface Elevation (WSE) and velocity are 171.99masl and 0.0085 m/s at the subject property respectively. The front yard maximum WSE and velocity are 172.079masl and 0.001 m/s at the subject property respectively.

Based on our review, it appears that the existing house is located outside of the Regulatory flood plain and the proposed replacement dwelling is located further from the flood hazard in the front yard relative to the current structure.

The applicant is to address the following items:

1. The site plan submitted, proposes a replacement dwelling located less than 10m from the Regulatory flood plain in the rear yard. According to TRCA's Living City Policy, specifically Section 8.4.8, new development within TRCA's Regulated Area shall be setback 10 metres from the Regulatory flood plain or no closer than what is existing.
 - a. A site plan drawing must be provided identifying the Regulatory flood plain elevations across the lot
 - b. A 10m set back from the regulatory flood plain elevation of 171.99 or no further than existing location to demonstrate compliance to policy.

To purchase our flood modelling for use in your plans, please contact Jody Scott with TRCA's Water Resources Engineering Department who can help you further: jody.scott@trca.ca

Should the applicant disagree with this preliminary flood plain analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result of TRCA's flood modelling

Comments Prepared by: Marina Janakovic, Planner I

In Person and Virtual Public Hearing

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 245 Queen Street South, Unit 6, zoned C4- Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A take-out restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. 31 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 50 parking spaces in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday 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 the application file number or property address you are commenting on.

If you wish to view the public hearing online and do not wish to speak, the hearing will be streamed at the following link:

<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

Additional Information:

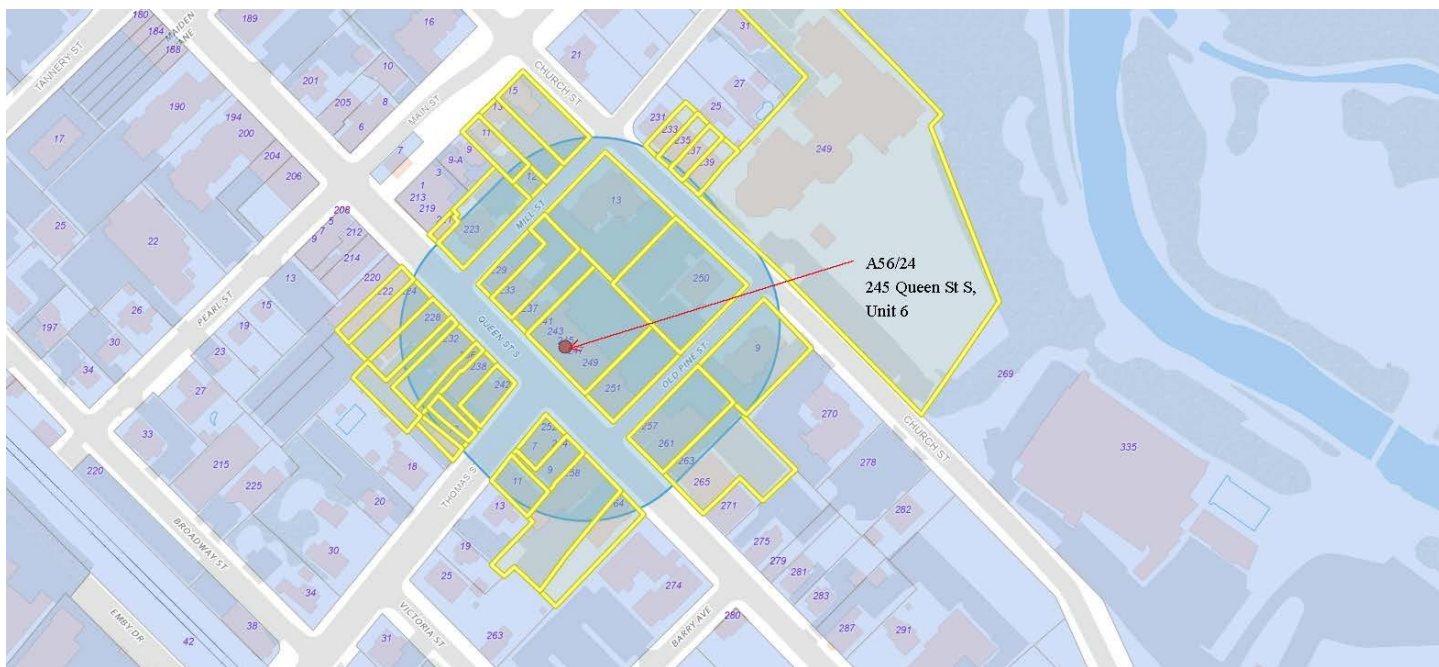
- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300

City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the “Book an appointment” button on the Committee’s webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.
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Committee of Adjustment Appeal Process:

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Legal notice:

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.M.56, 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.M.56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x2408.

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A56.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A take-out restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. 31 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 50 parking spaces in this instance.

Amendments

The Building Department is currently processing a certificate of occupancy permit application under file 21-5816 Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. Delete. No longer required. Reduced parking rates. Lot is parking compliant.

Background

Property Address: 245 Queen Street South, Unit 6

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

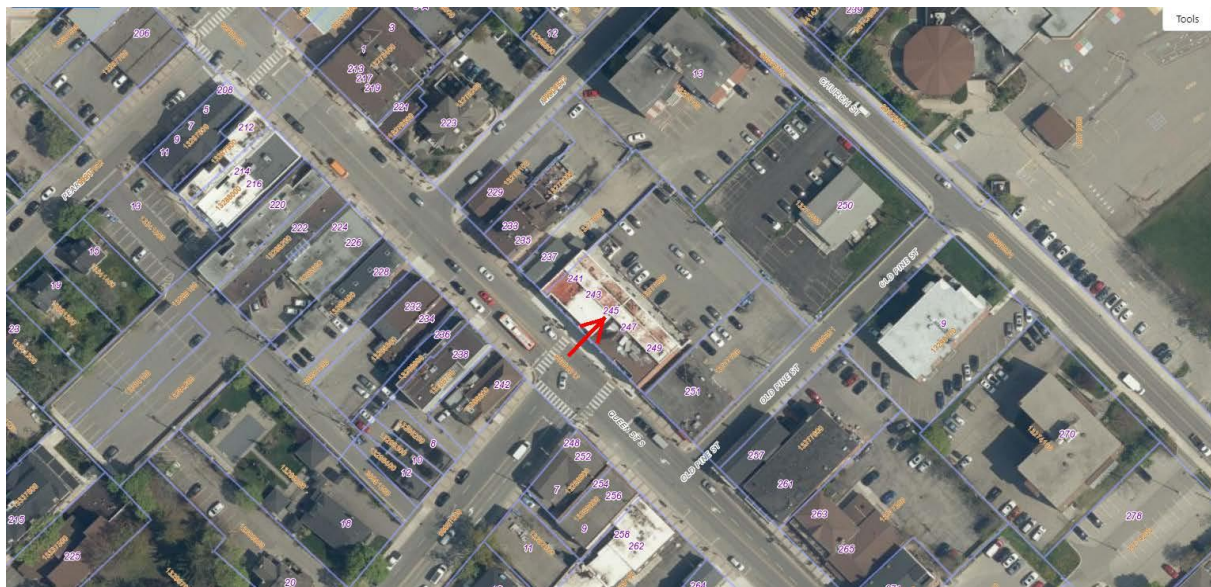
Zoning: C4- Commercial

Other Applications: C 21-5816

Site and Area Context

The subject property is located on the east side of Queen Street South, north of the Thomas Street and the Queen Street South intersection. The site currently contains a three-storey building with a commercial space on the ground floor and residential units on the second and third floor. The subject property is an interior lot with associated surface parking lot with no vegetative or landscaping elements present. Contextually, the surrounding neighbourhood consists of a mix of residential, commercial, retail and restaurant uses.

The applicant is proposing a restaurant use on the ground floor of the subject property requiring a variance for a deficient setback to a residential zone.



Comments

Planning

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

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

The site is located within the Streetsville Community Node Character Area, and is currently designated Mixed Use by the Mississauga Official Plan (MOP). Section 11.2.6 (Mixed Use) of the MOP permits a restaurant within the designation. The applicant's proposal of a restaurant meets the purpose and general intent of the official plan.

The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where they are not, a 60m buffer is imposed. The applicant is not proposing a drive-through or patio, thereby limiting any potential impacts on the adjacent residential properties. Based on a detailed review of the proposal and the nature of the restaurant proposed, staff are of the opinion that impacts to the residential zone will be negligible. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that the application raises no concern of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file 21-5816 Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A restaurant less than 60 meters from a residential zone whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a residential zone of 60 meters in this instance; and,
2. Delete. No longer required. Reduced parking rates. Lot is parking compliant.

Our comments are based on the plans received by Zoning staff on 21-5816 for the above captioned certificate of occupancy permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Supervisor.

Appendix 3 – Metrolinx

A56.24 - 245 Queen Street South Unit 6

Metrolinx is in receipt of the Minor Variance application for 245 Queen St S Unit 6 to allow a change of use to permit a take-out restaurant in Unit 6 of the existing three-storey building. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 128 Breezy Pines Drive, zoned R1-7- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A driveway width for the portion of the driveway that is within six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width for the portion of the driveway that is beyond six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
3. A detached garage eave height of 3.49m (approx. 11.45ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 3.00m (approx. 9.84ft) in this instance;
4. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance; and,
5. A detached garage height of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.60m (approx. 15.09ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A66.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A driveway width for the portion of the driveway that is within six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width for the portion of the driveway that is beyond six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
3. A detached garage eave height of 3.49m (approx. 11.45ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 3.00m (approx. 9.84ft) in this instance;
4. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance; and,
5. A detached garage height of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.60m (approx. 15.09ft) in this instance.

Background

Property Address: 128 Breezy Pines Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

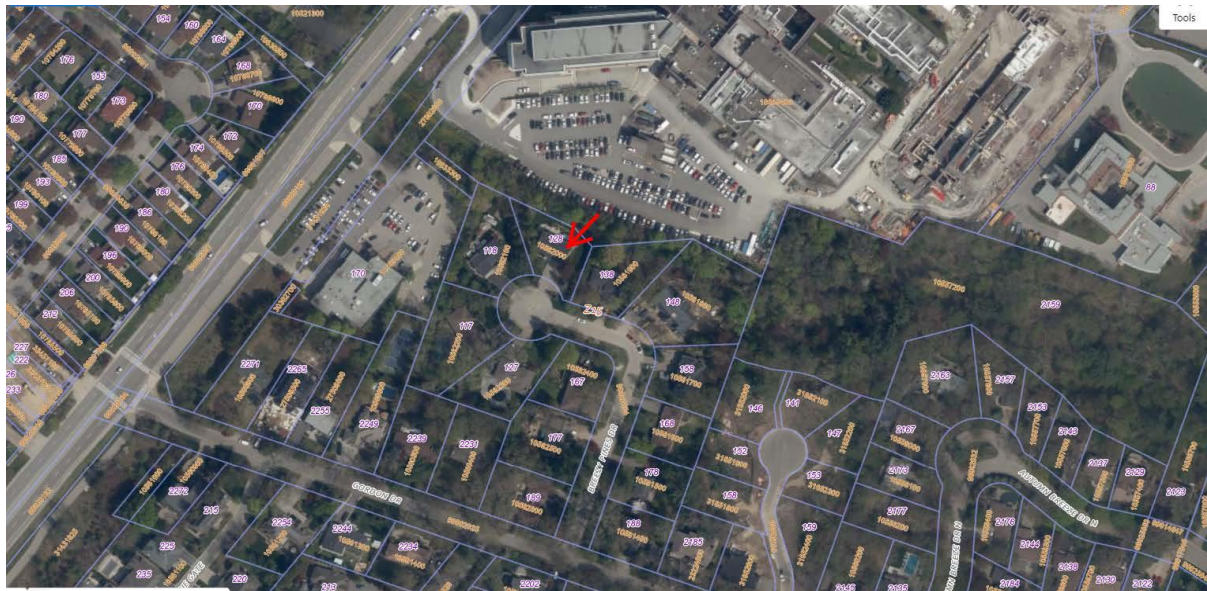
Zoning: R1-7- Residential

Other Applications: BP 9NEW 23-9032

Site and Area Context

The subject property is located south-west of the Queensway West and Confederation Parkway intersection in the Cooksville Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Mature vegetation and landscaping elements are present on the subject property. The property has an approximate lot area of +/- 1,273.91m² (13,712.25ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of one and two-storey detached dwellings and directly abuts the Trillium Health Partners Mississauga Hospital to the east.

The applicant is proposing the construction of a detached garage on the property requiring variances for driveway width, height, eaves height and number of garages.



Comments

Planning

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

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

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

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I in the Mississauga Official Plan (MOP). The designation only permits detached dwellings in this area. The site is also subject to the provisions of Special Site 4 in the MOP. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Upon review of the application, staff are of the opinion that the proposal is compatible with the provisions of the official plan and 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 request an increased driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping and amenity area. Currently, the subject property is only permitted to have one garage with a maximum driveway width of 8.5m (27.9ft) within 6m (19.7ft) of the garage face. Should the Committee approve the second garage, the maximum permitted driveway width would increase to 10.5m (34.4ft) within 6m (19.7ft) of the garage face and 8.5m (27.9ft) beyond that. The proposed second garage requires a driveway width variance of 15.93m (52.26ft) within 6m (19.7ft) of the garage face. The increased driveway width is to provide direct access to the second garage requested in this application as Variance 4. As a result, the proposed driveway width being sought in this application is 15.93m (52.26ft) within 6m of the garage face and significantly narrows as we approach the street. Staff also note the presence of significant mature vegetation screening the proposed detached garage and also the new driveway area. Finally, the remainder of the yard provides an appropriate amenity and soft landscaping area for the dwelling.

Variances 3 and 5 relate to the height of the detached garage and its subsequent eaves height. The intent of restricting height is to lessen the visual massing of structures insuring the garage is accessory to the principle use. The detached garage is located in the side yard and will not be visible from the abutting residential property on the south side due to the mature vegetation existing on the subject property. Furthermore, due to the topography of the subject property, the "Established Grade", from which height is measured, is below grade, thereby making the garage appear shorter than requested. Additionally, staff note that the height request is only to a portion of the roof and does not represent the condition for the entirety of the garage. It is the understanding of staff that the proposed detached garage will mirror the height and materials of the existing attached garage. This will ensure a design consistency between the existing dwelling and proposed detached garage thereby maintaining a clean, uniform aesthetic between structures.

Variance 4 pertains to two garages in the proposal, which exceeds the permissions provided in the by-law. The intent in restricting the overall number and individual size of a garage is to ensure the detached dwelling remains residential in nature, keeping the majority of the structure's ground floor area attributed to livable space. Additionally, this portion of the by-law

serves to minimize the visual impact resulting from multiple or excessive garage faces from a streetscape perspective. In this instance, the proposed detached garage is well hidden by the existing mature vegetation that exists on the subject property, mitigating any massing concerns. Staff note there are no additional variances for lot coverage or setbacks to the garage based on the addition of the proposed second garage. Furthermore, given the size of the lot, the garage size can be suitably accommodated without dominating the use of the first floor.

Given the fact mature vegetation screens the driveway, the height and the design of the proposed detached garage (including architectural features) is consistent with the existing detached dwelling, planning staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the variances, both individually and cumulatively, are minor in nature. They will not have significant impacts to either the surrounding context or streetscape. Staff are also of the opinion that the application represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 detached garage will be addressed through the Building Permit Process.

From our site inspection of the property we note that there is a significant slope towards the rear of the property and towards the abutting property to the south-east. With the construction of the detached garage, special attention should be given to any regrading of the property to ensure that any additional drainage created with the addition does not impact on the abutting property.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-9032. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-066M - 128 Breezy Pines Drive

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

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

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – CVC

Re: CVC File No. A24/066
Municipality File No. A66.24
Carlos and Bonita Amorin
128 Breezy Pines Drive
Lot 1 Cir 3
City of Mississauga

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

1. 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 (2020);
2. 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;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due flood and erosion (meander belt) hazard associated with Mary Fix creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 is requesting the Committee to approve a minor variance to allow construction of an accessory structure:

1. A driveway width for the portion of the driveway that is within six meters of the garage face of 15.93m (approx. 52.26ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
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3. A detached garage eave height of 3.49m (approx. 11.45ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 3.00m (approx. 9.84ft) in this instance;

4. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance; and,
5. A detached garage height of 5.88m (approx. 19.29ft) whereas By-law 0225-2007, as amended, permits a maximum detached garage height of 4.60m (approx. 15.09ft) in this instance.

COMMENTS:

Based on the review of the above information, CVC staff has no concern and no objection of the proposed minor variances. CVC has reviewed and issued a permit for the proposed works as part of permit application FF 23/183.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

In Person and Virtual Public Hearing

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 1167 Strathy Avenue, zoned R3-75- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
2. An eaves height of 7.70m (approx. 25.26ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. An interior side yard setback (measured to the second floor) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. An interior side yard setback to the eave overhang of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
5. An exterior side yard setback of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
6. An exterior side yard setback measured to the eave overhang of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.55m (approx. 18.21ft) in this instance;
7. A lot area of 608.00sq m (approx. 6544.46sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance; and,
8. A lot frontage of 18.10m (approx. 59.38ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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- **In person:** The hearing will be held in person at Mississauga Civic Centre, Council Chambers, 300 City Centre Drive, 2nd Floor. Advance registration is preferred if you wish to speak at the hearing in person. If you wish to make a presentation you must send your request to speak and your presentation (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. A document projector will also be available, if preferred.
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- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday 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 the application file number or property address you are commenting on.

If you wish to view the public hearing online and do not wish to speak, the hearing will be streamed at the following link:
<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

Additional Information:

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Committee of Adjustment Appeal Process:

The Province of Ontario’s Bill 23, the More Homes Built Faster Act, 2022, limits who is allowed to appeal decisions made by the Committee of Adjustment. Going forward, only the applicant, the municipality, certain public bodies and the Minister can appeal a decision to the OLT. Individuals are no longer permitted to do so. For more information please see the “Appeal process” section on the Committee of Adjustment webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.



Legal notice:

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.M.56, 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.M.56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x2408.

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A68.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. A lot coverage of 39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
2. An eaves height of 7.70m (approx. 25.26ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. An interior side yard setback (measured to the second floor) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. An interior side yard setback to the eave overhang of 0.75m (approx. 2.46ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
5. An exterior side yard setback of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
6. An exterior side yard setback measured to the eave overhang of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 5.55m (approx. 18.21ft) in this instance;
7. A lot area of 608.00sq m (approx. 6544.46sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance; and,
8. A lot frontage of 18.10m (approx. 59.38ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

Background

Property Address: 1167 Strathy Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

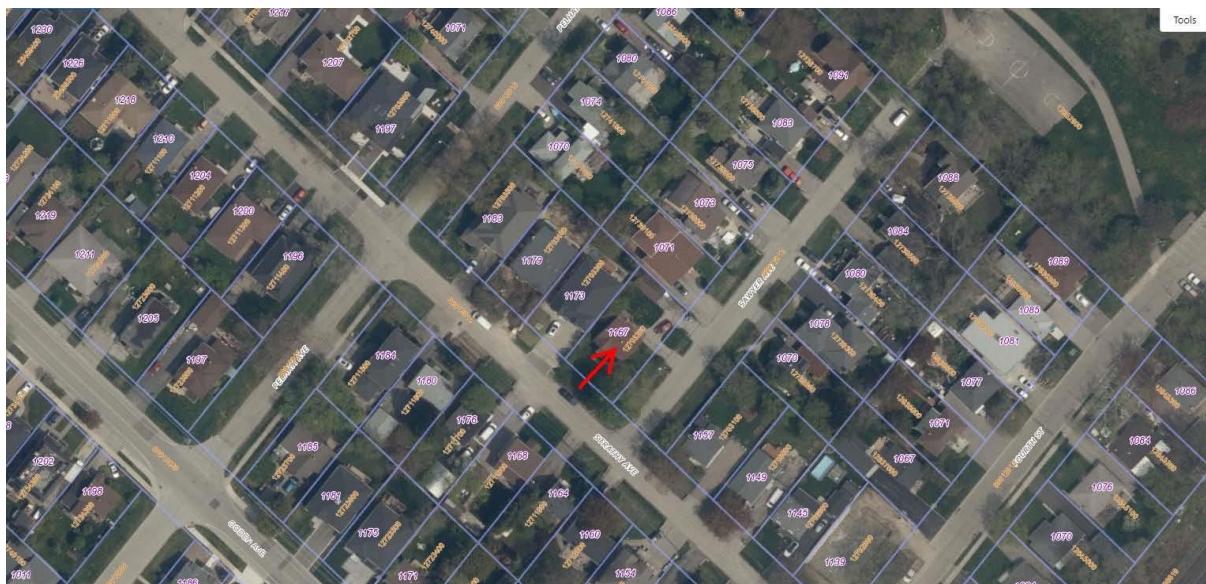
Zoning: R3-75- Residential

Other Applications: None

Site and Area Context

The subject properties are located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Atwater Avenue. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings. The subject property contains a one and a half-storey detached dwelling.

The applicant proposes a new two-storey detached dwelling requiring variances for lot coverage, eaves height, side yard setbacks, lot area and lot frontage.



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:

Staff note a previous proposal to sever the subject property to facilitate two semi-detached dwellings was refused by the Committee of Adjustment on May 11, 2023. The decision was appealed by the applicant to the Ontario Land Tribunal wherein the appeal was dismissed. Staff has worked with the applicant for the revised proposal to facilitate a new 2 storey detached dwelling.

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

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The proposal respects the designated and surrounding land uses. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance #1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. In this instance the proposed dwelling's footprint represents 32.5% of the total lot coverage, which is within the maximum permissible by-law regulations. Therefore, staff are of the opinion that the variance is only required to accommodate a front porch, eaves and a covered deck. The covered deck represents 5.4% of the lot coverage, while the porch and eaves represent 1.97% of the lot coverage. It is staff's opinion that these elements are primarily open structures which do not create the same massing impact as compared to an enclosed structure. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #2 is to permit an increase in height to the eaves. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increase in height is appropriate for the subject property and note that no overall height variance is required. Further, staff are of the

opinion that incorporation of architectural features like windows and staggered walls with different materials in the dwelling design mitigate any massing impacts.

Variance #3 and #4 pertain to interior side yard setbacks measured to the second storey and the eaves respectively. Variance #5 and #6 request reduction in the exterior side yard setbacks measured to the dwelling and the eaves. The general intent of the side yard regulations are to ensure that an adequate buffer exists between the massing of structures on abutting properties and the public realm. Staff note that the first storey meets the required interior side yard setback and the applicant is proposing to align the second storey on top of the first storey. Through a review, planning staff are satisfied that the proposed side yards are not out of character within the immediate neighbourhood and maintain a sufficient buffer to the neighbouring properties and to the public realm. It is staff's opinion that in this instance an appropriate buffer is maintained.

Variance #7 and #8 pertain to lot area and lot frontage. Staff note the lot already exists and the variances are to legalise the existing lot and staff have no concerns.

Given the above, Staff are satisfied that the 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?

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. Staff are of the opinion that the application maintains the existing and planned context of the surrounding area. Further, staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

A68.24 - 1167 Strathy Avenue

Metrolinx is in receipt of the Minor Variance application for 1167 Strathy Ave to facilitate the construction of a new 2-storey detached dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Appendix 4 – Region of Peel

Minor Variance: A-24-068M - 1167 Strathy Avenue

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- 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 contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5– CVC

Although the property appears to be regulated based on our mapping, I can confirm we have updated information and that it is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC will not be providing comments on the application.

Comments Prepared by: Stuti Bhatt, Junior Planner

In Person and Virtual Public Hearing

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 5654 Dolmite Heights, zoned RM1-14- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing a side yard setback of 0.24m (approx. 0.79ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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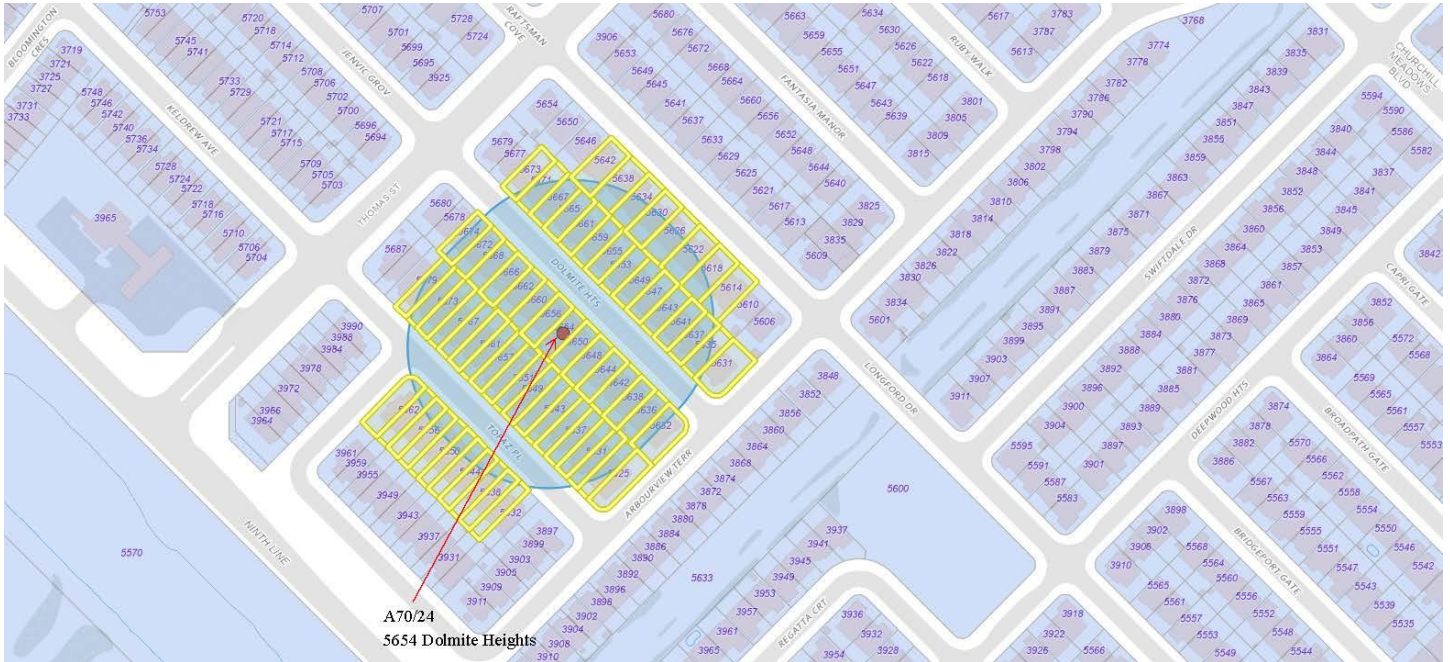
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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A70.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 a below grade entrance proposing a side yard setback of 0.24m (approx. 0.79ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 5654 Dolmite Heights

Mississauga Official Plan

Character Area: **Churchill Meadows Neighbourhood**
Designation: **Residential Medium Density**

Zoning By-law 0225-2007

Zoning: RM1-14- Residential

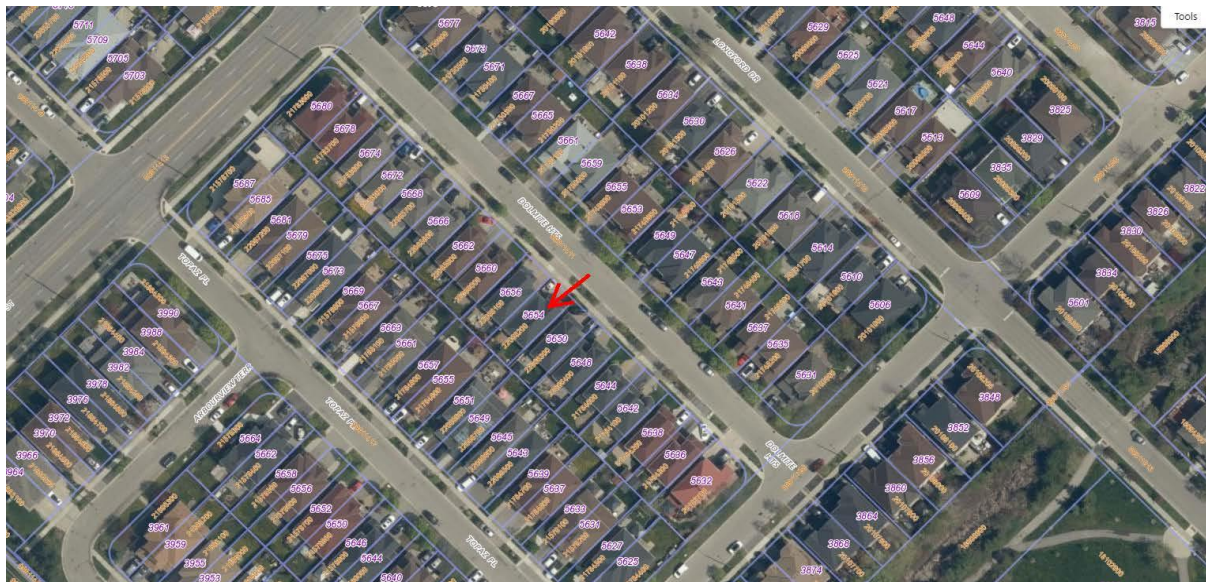
Other Applications: SEC UNIT 23-9431

Site and Area Context

The subject property is located south-east of the Ninth Line and Thomas Street intersection in the Churchill Meadows Neighbourhood Character Area. It is an interior lot containing a two-

storey link welling with an attached garage. The subject property has a lot frontage of +/- 9.15m (30ft) and a lot area of +/- 237.89m² (2,560.60ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is exclusively residential, consisting of a mix of link, detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance to facilitate a second dwelling unit requiring a variance for the 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*.

"[Enter info here]"

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

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

The subject property is located in the Churchill Meadows Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). 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 below grade entrance will have limited impacts on the streetscape and abutting properties. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

The proposed variance requests a reduced side yard setback to the below grade stairwell. The intent of this provision is to ensure that an appropriate buffer is provided between the massing of structures on abutting properties, access to the rear yard remains unencumbered, and that appropriate drainage patterns can be maintained. The proposed steps do not create a massing issue and Transportation and Works staff have not raised any drainage related concerns. The subject property is a link dwelling, and this side of the dwelling represents the only available exterior access to the rear yard. Despite the reduction staff are satisfied that access to the rear yard can be maintained. Staff are therefore of the opinion that the application maintains the general intent and purpose of the zoning by-law.

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

Planning staff are satisfied that the application is both minor in nature and represents appropriate development of the subject property. The proposal will have limited impacts to both the streetscape and abutting properties, and the proposed secondary unit represents an appropriate intensity of use for the subject property.

Notwithstanding the above comments on the requested variance, a review of the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway may not meet the requirements under the zoning by-law. Staff are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate site plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection we note that the abutting property has also constructed a below grade entrance located approximately opposite the applicant's proposal. Acknowledging that both the abutting neighbour and the subject property will be impeding the drainage pattern in a similar way within their side yard setbacks, we are not concerned with any drainage impacts (if any).





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 23-9431. Based on the review of the information available in this application, the requested variance is correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-070M - 5654 Dolomite Heights

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- 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 contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
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Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 5073 Terry Fox Way, zoned R3-24- 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 proposing:

1. A side yard setback of 0.87m (approx. 2.85ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A combined side yard setback of 3.21m (approx. 10.53ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.00m (approx. 26.25ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A71.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing:

1. A side yard setback of 0.87m (approx. 2.85ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A combined side yard setback of 3.21m (approx. 10.53ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.00m (approx. 26.25ft) in this instance.

Amendments

The Building Department is processing Building Permit application SEC UNIT 23-10140. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. A below grade entrance proposing a side yard setback of 0.87m (approx. 2.85ft) to the below grade stairs; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance

Background

Property Address: 5073 Terry Fox Way

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

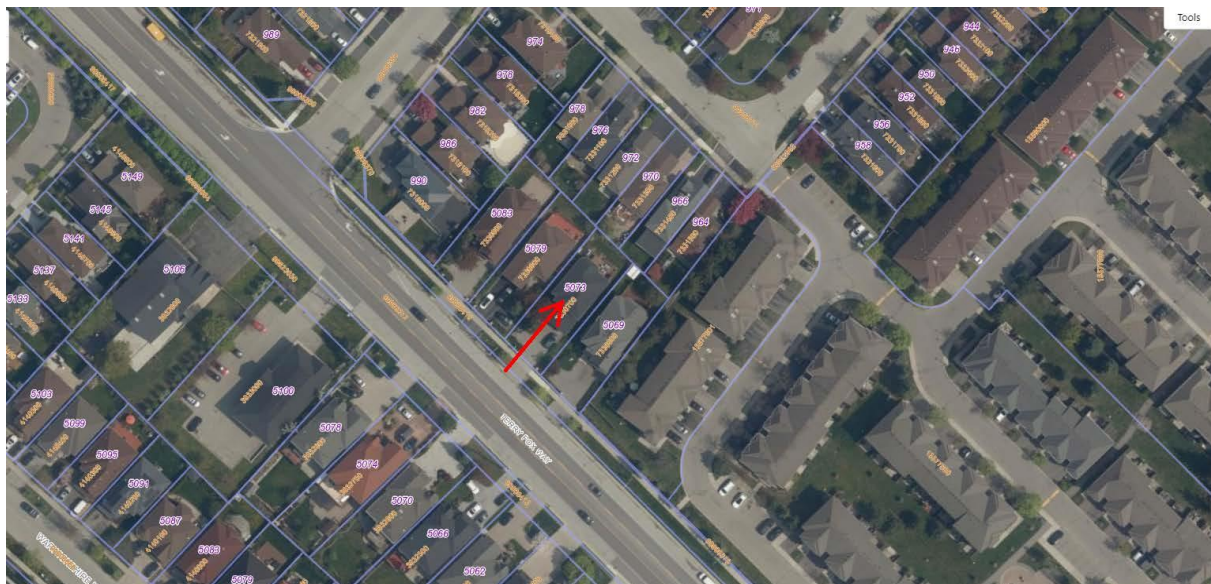
Zoning: **R3-24- Residential**

Other Applications: SEC UNIT 23-10140

Site and Area Context

The subject property is located on the east side of Terry Fox Way, north of Eglinton Avenue West in the East Credit Neighbourhood Character Area. The subject property contains a one-storey detached dwelling with an attached garage. It has an approximate lot frontage of +/- 14.09m (46.22ft) and a lot area of +/- 563.29m² (6,063.20ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding context consists of single storey detached dwellings.

The applicant is proposing a below grade entrance to facilitate a second dwelling unit requiring variances for side yard setbacks.



Comments

Planning

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

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

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

The site is located within the East Credit Neighbourhood Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation 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. Staff is of the opinion that the general intent and purpose of the MOP is maintained.

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

Variance 1 pertains to a reduced side yard setback and variance 2 pertains to a reduction in the combined side yard width. The intent of the side yard regulations are to ensure that an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered. Staff note the existing combined side yard setback of the dwelling totals 4.34m (14.23ft). Staff are of the opinion that the reduced side yard maintains an appropriate buffer between dwellings, appropriate drainage can be provided and unencumbered access to the rear yard is maintained.

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

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance as it should not impact or alter the existing grading and drainage pattern for this property.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 23-10140. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. A below grade entrance proposing a side yard setback of 0.87m (approx. 2.85ft) to the below grade stairs; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A23-071M – 5073 Terry Fox Way

Development Engineering: Brian Melnyk (905)-791-7800 x3602**Comments:**

- 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 contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
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Comments Prepared by: Ayooluwa Ayoola, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A72.24
Ward: 5

REVISED

In Person and Virtual Public Hearing

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 727 Esprit Cres, zoned R4-19- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a lot coverage of 48.37% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.0% in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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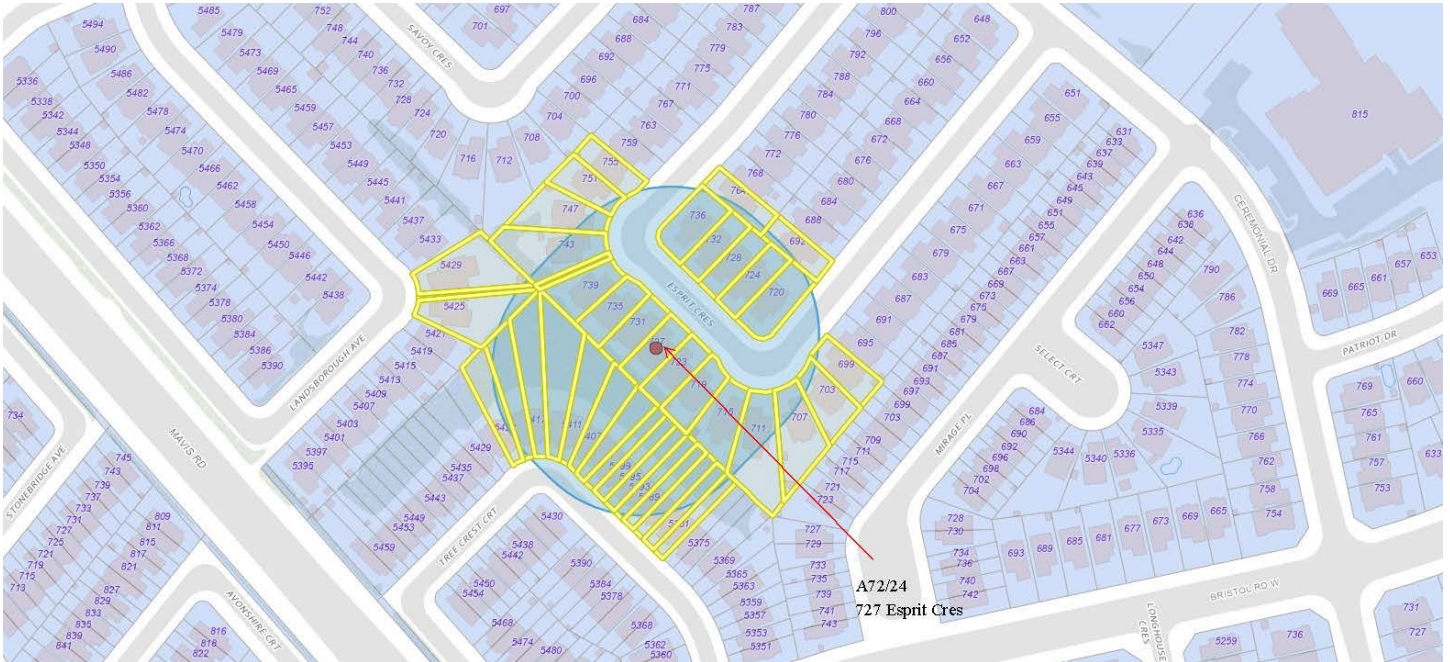
Additional Information:

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A72.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, 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 an addition proposing a lot coverage of 48.37% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.0% in this instance.

Amendments

The Building Department is processing Building Permit application 23-10261. Based on review of the information available in this application, Zoning staff advise that following amendment(s) is/are required:

A proposed Lot Coverage of 48.37%; whereas By-Law 0225-02007, as amended, permits a maximum lot coverage of 45% in this instance.

Background

Property Address: 727 Esprit Cres

Mississauga Official Plan

Character Area: **Hurontario Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

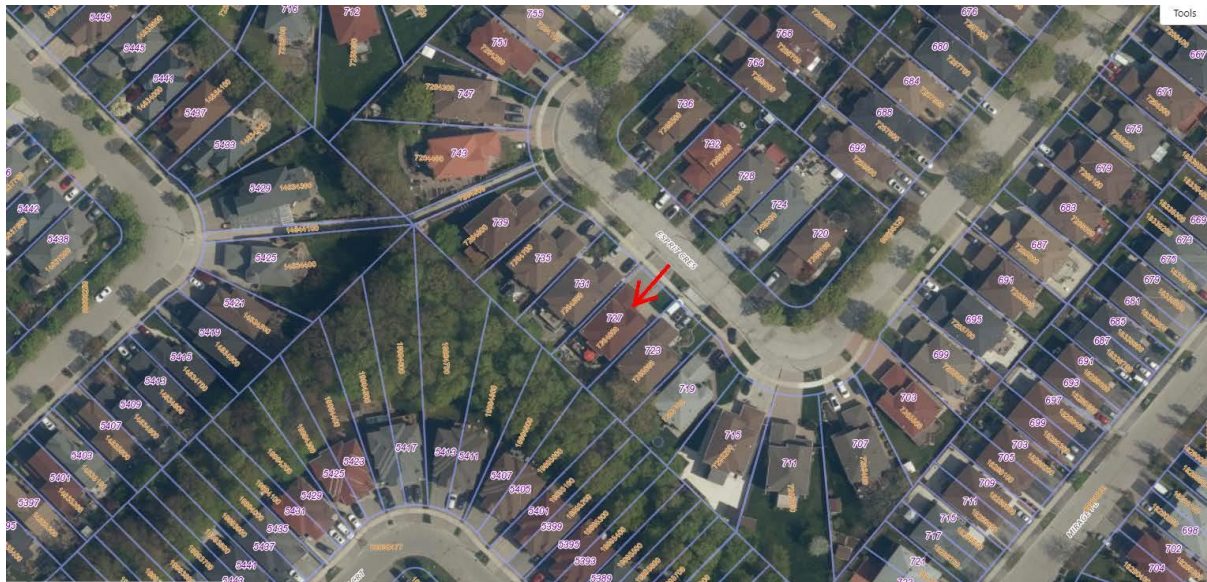
Zoning: R4-19- Residential

Other Applications: Building Permit application 23-10261

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Mavis Road and Bristol Road West intersection. The immediate neighbourhood primarily consists of a two-storey detached dwellings with vegetation in the front yards. Semi-detached dwellings are present in the vicinity. The subject property contains a two-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing an addition to facilitate basement entry requiring a variance for lot coverage.



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 Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

The sole requested variance proposes an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note the dwelling itself represents 40.28% of the lot coverage, which is well within the maximum permissible lot coverage of 45%. Therefore, staff are of the opinion that the variance is required to accommodate a proposed basement entry, an existing front porch and an existing deck. The existing deck represents 6.38% of the lot coverage and the proposed basement entrance represents 1.37%. It is staff's opinion that primarily the existing deck pushes the lot coverage over the permissible regulations. Further, Staff are of the opinion that the proposed addition in the rear yard will not be visible from the streetscape and does not propose any exterior changes. Staff are satisfied that these features do not negatively impact the dwelling's massing. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with dwellings in the surrounding context.

Given the above, Planning staff are 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.

Comments Prepared by: Shivani Chopra, Planner in Training

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. From our site inspection of the property, we note that we do not foresee any drainage related concerns with the addition.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-10261. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

A proposed Lot Coverage of 48.37%; whereas By-Law 0225-02007, as amended, permits a maximum lot coverage of 45% in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 - Region of Peel

Minor Variance: A-24-072M -727 Esprit Cres

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is located within a Potential Natural Area and Corridor (PNAC) of the Greenlands Systems in Peel designated under Policy 2.14.19 of the Regional Official Plan. The boundaries and/or development limitations of the PNAC must be shown on a future site plan.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 6515 Glen Erin Drive, zoned RA3- 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 renovations to the existing building proposing:

1. An interior side yard setback of 24.80m (approx. 81.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 25.50m (approx. 83.66ft) in this instance;
2. A setback to the below grade parking structure of 2.42m (approx. 7.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance;
3. A Floor Space Index of 1.52 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 1.00 in this instance;
4. 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance; and,
5. 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

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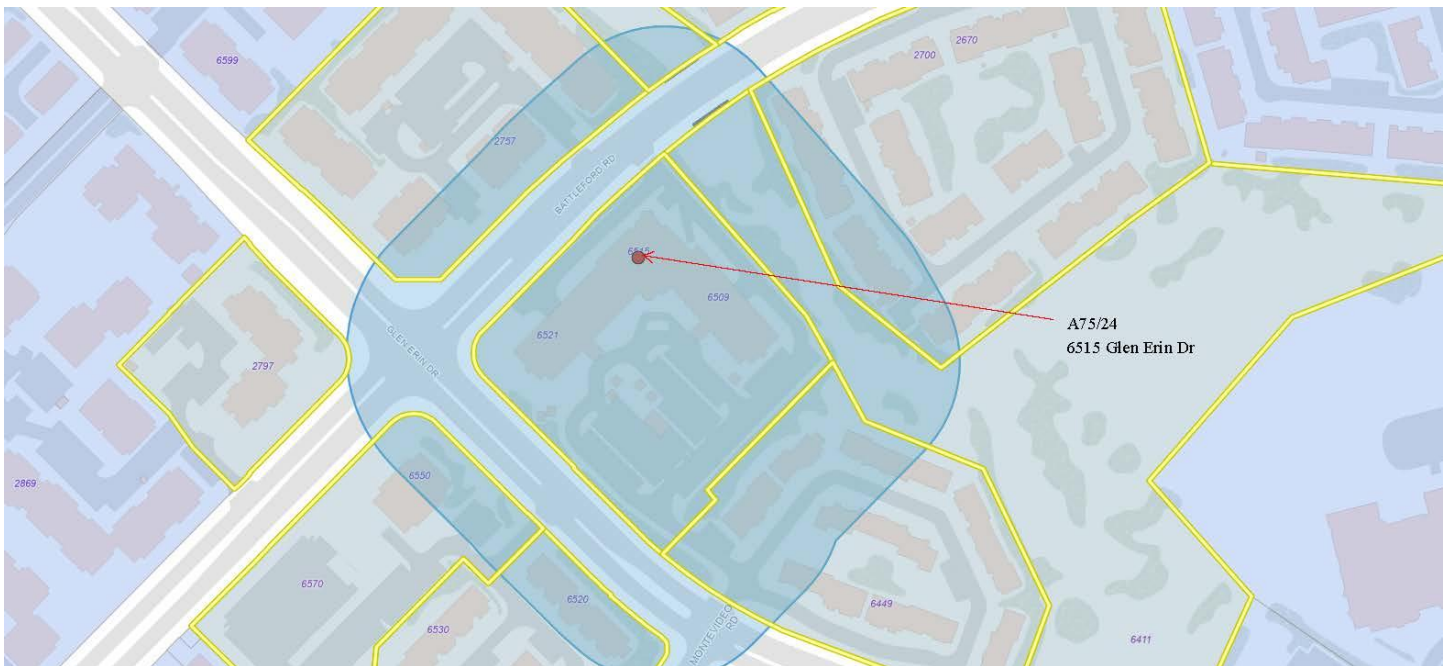
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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A75.24 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow renovations to the existing building proposing:

1. An interior side yard setback of 24.80m (approx. 81.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 25.50m (approx. 83.66ft) in this instance;
2. A setback to the below grade parking structure of 2.42m (approx. 7.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance;
3. A Floor Space Index of 1.52 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 1.00 in this instance;
4. 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance; and,
5. 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Background

Property Address: 6515 Glen Erin Drive

Mississauga Official Plan

Character Area: **Meadowvale Neighbourhood**
Designation: **Residential High Density**

Zoning By-law 0225-2007

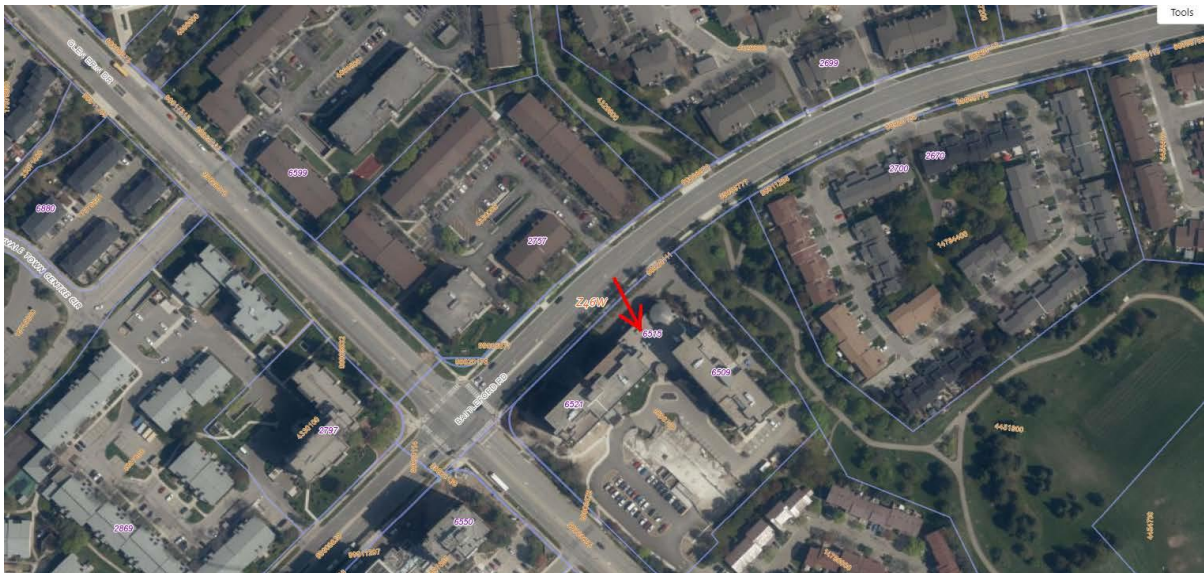
Zoning: RA3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the south-east corner of the Glen Erin Drive and Battleford Road intersection in the Meadowvale Neighbourhood Character Area. It currently contains two 10-storey residential buildings that are linked together by a two-storey portico and a surface parking lot. The subject property has an approximate lot area of +/- 1.67ha (4.14ac) and contains mature vegetation along the street frontages and east and south property lines. The surrounding area context is predominantly residential consisting of detached homes, townhomes and apartments. Additionally, Plowman's Park directly abuts the property to the east.

The applicant is proposing to renovate and update the residential apartment dwellings requiring variances for side yard setbacks, floor space index and parking deficiencies.



Comments

Planning

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

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

The subject property is located in the Meadowvale Neighbourhood Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment 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. Furthermore, Section 16.16.2.2 states existing and new building heights of up to 12 stores may be permitted on lands designated Residential High Density and will not exceed a maximum floor space index (FSI) of 2.0. Additionally, Section 16.16.5.1 states Meadowvale will expand on the range of housing options in new developments by promoting housing options, including appropriately sized units that meet the need of young adults, older adults and families. Staff note the renovation of the existing apartment buildings will result in no changes to the built form and the requested variances are represented in the existing conditions on the subject property. Staff are satisfied 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 relate to the side yard setbacks to the existing apartment dwellings and below grade parking structure. The intent of the side yard setback regulation is to ensure an adequate buffer between structures on abutting properties, appropriate drainage can be maintained and unencumbered access is provided to different areas on the subject property. Staff note there are no material changes to the footprint of the existing apartment dwelling or below grade parking structure. The variances are a result of existing conditions on the subject property. Staff note the setback reductions are negligible and are satisfied that an adequate buffer is maintained between the abutting townhomes subdivision to the south.

Variance 3 pertains to an increase in floor space index (FSI). Staff note the variance is a result of the existing apartment dwellings currently on site. Although the proposed renovation will add more units to the apartment building, staff note the increased FSI does not fundamentally change the intended design or functionality of the site.

Variances 4 and 5 request a parking reduction. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 75.24, 6515 Glen Erin Drive, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

1. 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance;
2. 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Per the materials provided by the Applicant, the subject property currently functions as a Retirement Building with two ten-storey buildings. The requested variance is triggered by the applicant's intention to convert this property to a Rental Apartment that caters to all age groups. The subject property is located within RA3 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Rental Apartment uses located in Parking Precinct 4 require a minimum of 1.0 resident space per unit and 0.2 visitor spaces per unit. Therefore, with 331 residential units being proposed, a minimum of 331 resident spaces and 66 visitor spaces with a total of 397 parking spaces would be required. The Applicant proposes a total of 346 parking spaces, including 298 resident spaces, 46 visitor spaces, and 2 unallocated spaces. As such, 397 parking spaces are required whereas 346 parking spaces can be accommodated, which generates a parking deficiency of 51 spaces or 12.8%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant submitted a Parking Utilization Study dated December 2023, prepared by BA Group. A six-day survey at three proxy sites was undertaken from October to November 2023. The results of the survey indicate that the peak demand for resident parking at 2645 Battleford Road was observed on a Tuesday at 1 a.m., with a total of 146 occupied parking spaces on site, which represents a utilization rate of 80% and a demand ratio of 1.05 spaces per residential unit. The peak demands of two other proxy sites were observed to be 0.38 and 0.9 space per unit. In addition, the peak demand for visitor parking was observed at 2797 & 2859 Battleford Road on a Sunday at 8 p.m., with 64 occupied spaces, which represents a utilization rate of 55% and a demand ratio of 0.14 space per unit.

Staff advise that although compared to the proposed resident parking rate of 0.9 space per unit, the observed peak parking ratio at one of the proxy sites suggests a higher parking demand for a comparable development, given the number of residential unit types being proposed and the deficiency rate of resident parking is 9.9%, which is slightly below the 10% threshold, it is staff's opinion that the resident parking variance is relatively minor in nature and would not have a significant impact on the parking supply in the future. Furthermore, the survey results suggest an equivalent or lower demand for visitor parking for a comparable development.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed.

Given the above, Municipal Parking staff can support 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance; and 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Planning staff are of the opinion that the proposed variances maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the variances, both individually and cumulatively, are minor in nature. They will not have significant impacts to either the surrounding context or streetscape. Staff are also of the opinion that the application represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Lake Aquitaine Trail (P-130), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

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

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 1220 Haig Blvd, zoned R3-75- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A left side yard setback of 1.48m (approx. 4.86ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A right side yard setback of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A height to the roof eave of 7.19m (approx. 23.59ft) whereas By-law 0225-2007, as amended, permits a maximum height to the roof eave of 6.40m (approx. 21.00ft) in this instance;
4. A front yard setback of 6.32m (approx. 20.73ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
5. A setback to the eaves in the interior left side yard of 1.04m (approx. 3.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
6. A setback to the eaves in the interior right side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
7. A setback to the eaves in the front yard of 5.83m (approx. 19.13ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.55m (approx. 18.21ft) in this instance;
8. A front yard setback to the porch of 5.15m (approx. 16.90ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance; and,
9. A setback for the porch eaves in the front yard of 5.15m (approx. 16.90ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.45m (approx. 17.88ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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- **By telephone:** Advance registration is required to speak virtually at the hearing. To register, please call 905-615-3200 x2408 by 4:30 PM on the Friday prior to the hearing. You must provide your name, phone number, and the application file number. Committee staff will provide you with call in details prior to the start of the hearing.
- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday 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 the application file number or property address you are commenting on.

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- If you wish to be notified of the decision of the Committee, you must submit a written request to committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. This will also entitle you to be advised of any Ontario Land Tribunal (OLT) appeals.

Committee of Adjustment Appeal Process:

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Legal notice:

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.M.56, 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.M.56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x2408.

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A78.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

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

1. A left side yard setback of 1.48m (approx. 4.86ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A right side yard setback of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A height to the roof eave of 7.19m (approx. 23.59ft) whereas By-law 0225-2007, as amended, permits a maximum height to the roof eave of 6.40m (approx. 21.00ft) in this instance;
4. A front yard setback of 6.32m (approx. 20.73ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
5. A setback to the eaves in the interior left side yard of 1.04m (approx. 3.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
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7. A setback to the eaves in the front yard of 5.83m (approx. 19.13ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.55m (approx. 18.21ft) in this instance;
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and,

9. A setback for the porch eaves in the front yard of 5.15m (approx. 16.90ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.45m (approx. 17.88ft) in this instance.

Background

Property Address: 1220 Haig Blvd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

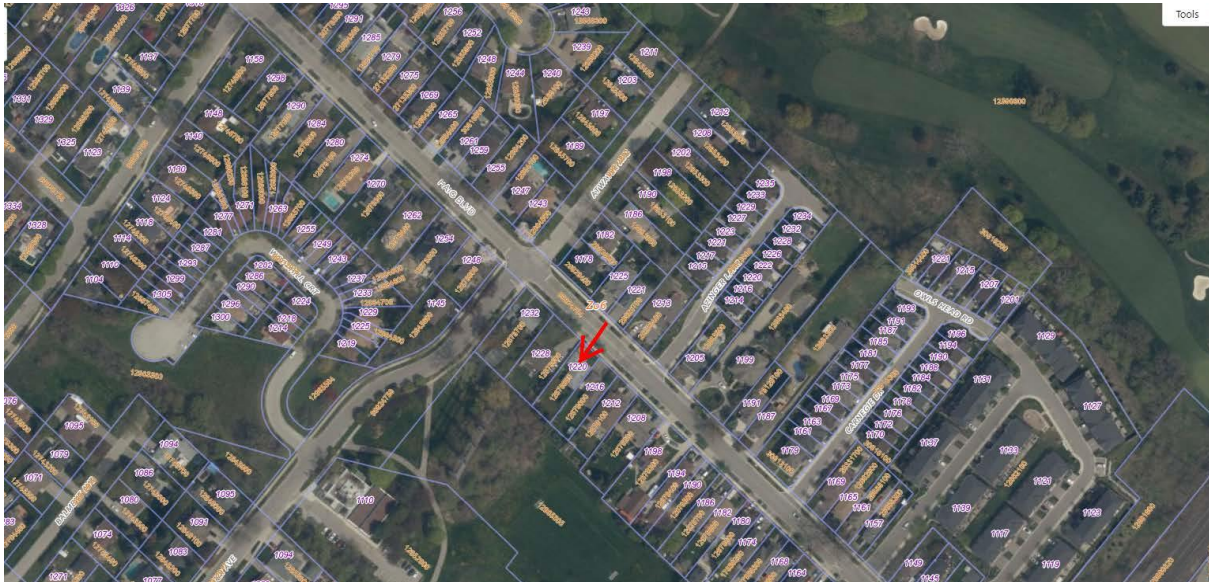
Zoning: R3-75- Residential

Other Applications: Building Permit application BP 9ALT 23-9227

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, southeast of the Atwater Avenue and Cawthra Road intersection. The immediate neighbourhood primarily consists of a mix of one and two-storey detached and semi-detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant proposes a second storey addition requiring variances related to setbacks and 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:

Variance #1-2, #4-9 all pertain to reduction in setbacks. Staff note variance #7 is incorrect, as the proposed setback to the eave is higher than the minimum requirement of the by-law. The general intent of side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. The intent of front yard setback regulations is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff note the reduced front yard setback is measured to a portion of the dwelling and that the majority of the dwelling meets the required front yard setback. Furthermore, staff note that the reduced front yard is required to accommodate the eaves, the porch and porch eaves. Staff are satisfied these elements do not pose massing concerns and maintain appropriate front yard space and buffer. Staff note the reduction in the side yard setback is measured to the second storey and the eaves. The first storey meets the minimum side yard setback requirement and the applicant is proposing to align the second storey on top of the first storey.

Staff have no concerns with the requested variances, as they are consistent with setbacks found within the immediate area.

Variance #3 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling. Planning staff note that no overall height variance is being requested which keeps the massing within an appropriate scale. Staff are satisfied the increase in eave height will not have a significant impact on the massing of the dwelling.

Comments Prepared by: Shivani Chopra, Planner in Training

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/9227.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 23-9227. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of

Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

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

The lands to the rear of the property are owned by Hydro One and leased by the City of Mississauga, identified as Serson Park (P-002) and zoned U – Utility.

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

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

Minor Variance: A-24-078M -1220 Haig Blvd

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- 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 contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 1 Fairview Road East, zoned H-RA5-57 and RA5-57- 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 permit utilities such as a gas meter and associated structures within the area identified as Landscaped Buffer on Schedule RA5-57 whereas By-law 0225-2007, as amended, does not permit a gas meter within the Landscape Buffer in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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Additional Information:

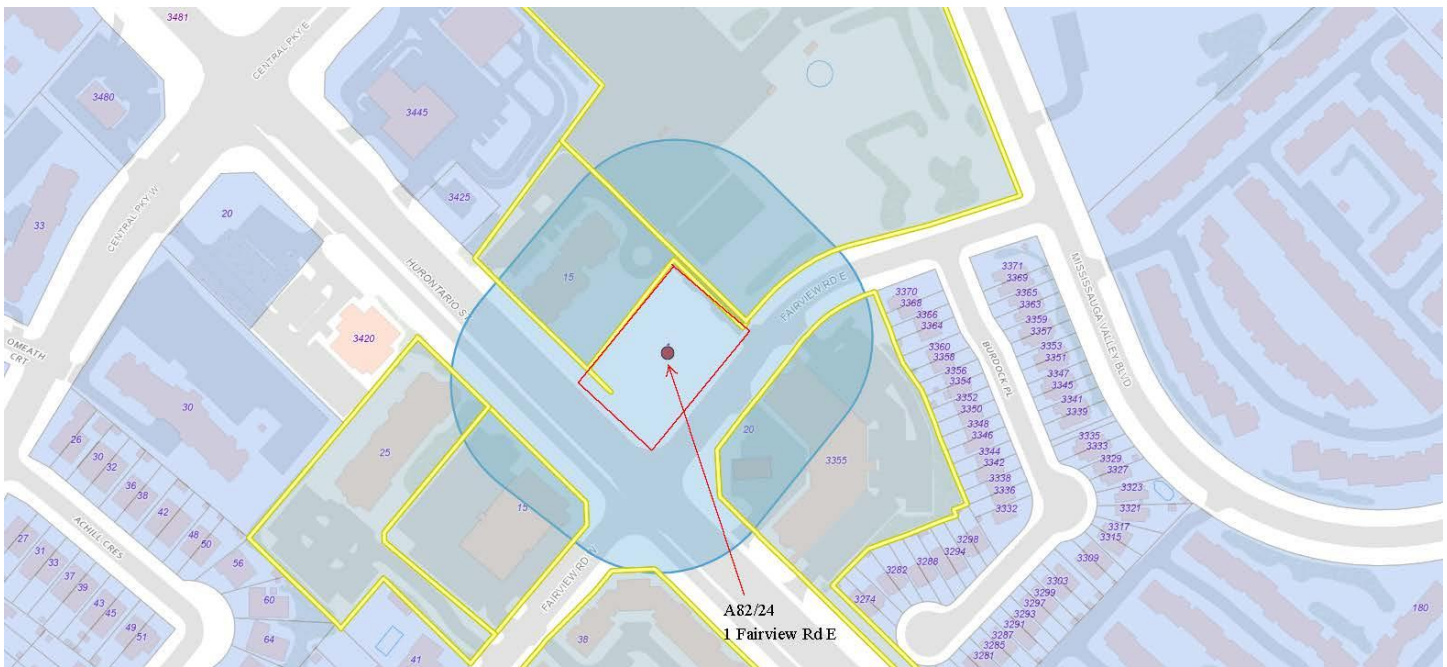
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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A82.24 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 permit utilities such as a gas meter and associated structures within the area identified as Landscaped Buffer on Schedule RA5-57 whereas By-law 0225-2007, as amended, does not permit a gas meter within the Landscape Buffer in this instance.

Background

Property Address: 1 Fairview Road East

Mississauga Official Plan

Character Area: **Downtown Fairview**
Designation: **Residential High Density**

Zoning By-law 0225-2007

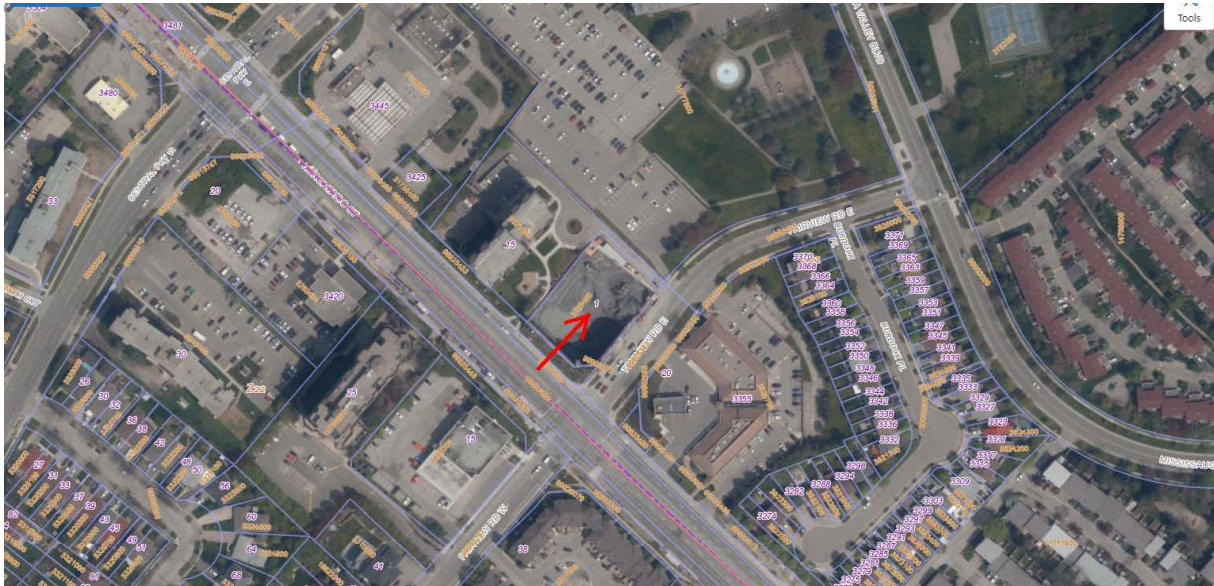
Zoning: H-RA5-57 and RA5-57- Residential

Other Applications: SP 21-121, H-OZ 21-5

Site and Area Context

The subject property is located on the north-east corner of Hurontario Street and Fairview Road East in Downtown Fairview. It is currently a vacant site with a lot area of +/- 2,916m²

(31,387.56ft²). There are no landscaping elements present on the subject property. The surrounding area consists of a mix of uses, including commercial, open space, and various residential built forms.



Comments

Planning

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

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

The subject property is located in the Downtown Fairview Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The applicant is requesting a minor variance to permit a gas meter within the landscape buffer. The intent of this provision is to ensure the landscape buffer remains a continuous, open, unobstructed width of land for the growth and maintenance of plant materials and other landscape features.

Section 9.3.1.10 of the MOP states consideration will be given to the location of utilities on private property and the public right-of-way. Utilities will be grouped or located underground where possible to minimize visual impact. The City encourages utility providers to consider innovative methods of containing utility services. Staff note Enbridge Inc. requested the applicant to relocate the existing gas meter to remain consistent with the gas line installed as part of the Hurontario LRT construction process. Furthermore, staff note the proposed gas meter is planned to be screened accordingly, using decorative metal, and further internal screening mechanisms for residents using soft landscaping and window frosting.

In conversations with the landscape architect and planner on the site plan file, there were some initial concerns identified with the proposed location of the gas meter. The concerns pertained to the permission of plant materials being planted over the proposed gas lines, ensuring the gas meter was placed in a location that had sufficient access for initial installation and ongoing maintenance, and subject to Metrolinx approval. Staff have received correspondence from Enbridge and Metrolinx indicating no objection to the proposed location of the gas meter.

Given the above, staff are of the opinion that the proposal conforms to the general intent and purpose of the official plan and zoning by-law, is minor in nature and results in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 this property will be addressed through the Site Plan Application process, File SP-21/121.

Comments Prepared by: Joe Alava, T&W Development Engineering

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

A82.24 - 1 Fairview Road East

Metrolinx is in receipt of the Minor Variance application for 1 Fairview Rd E to allow the relocation of a gas meter to the landscaped buffer area along Hurontario St. We note that the gas meter is not directly fronting onto Hurontario St. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 60m of the proposed Hazel McCallion LRT.
- Please note that Metrolinx is a stakeholder reviewing the comprehensive application of this site including the Site Plan application. Any comments/requirements previously made by Metrolinx are still applicable.

Construction Coordination

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's

Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.

- Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Projects Review

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 1620 Tech Ave, Unit 4, zoned E2- Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an accessory restaurant use to a recreation establishment whereas By-law 0225-2007, as amended, does not permit this accessory use in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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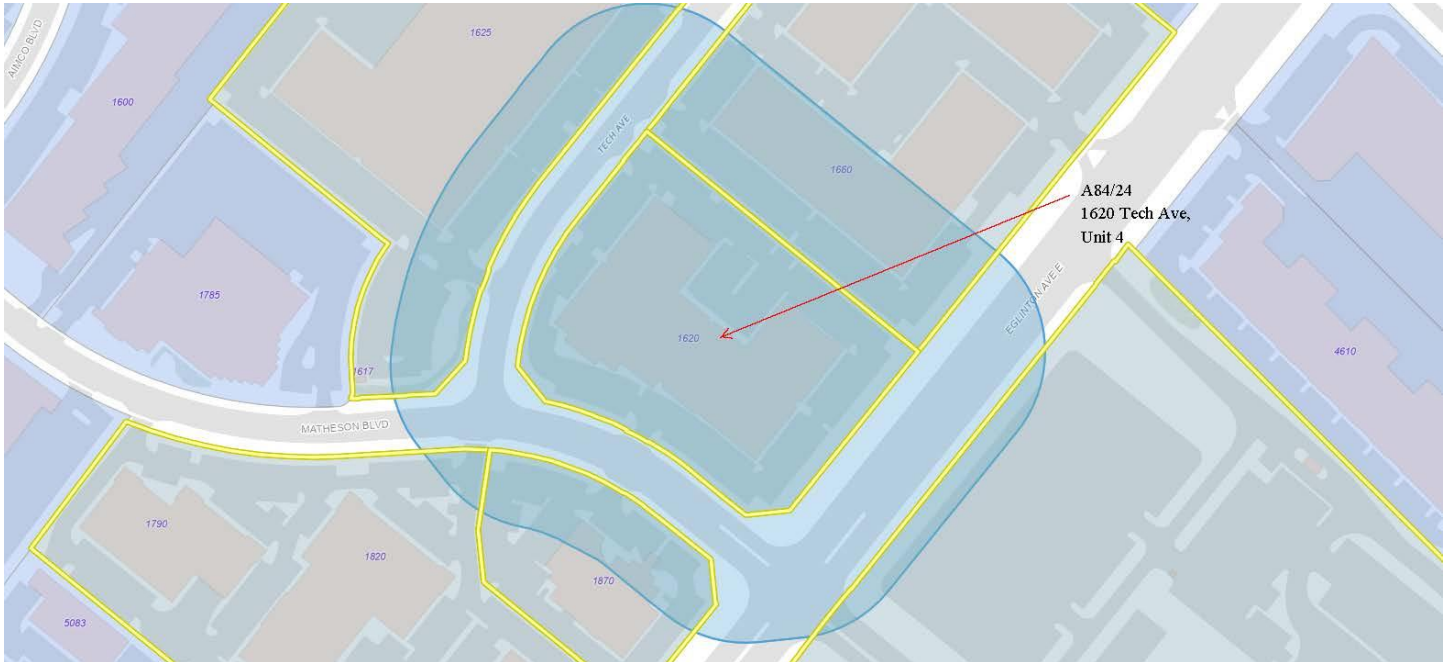
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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A84.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 an accessory restaurant use to a recreation establishment whereas By-law 0225-2007, as amended, does not permit this accessory use in this instance.

Background

Property Address: 1620 Tech Ave, Unit 4

Mississauga Official Plan

Character Area: **Northeast Employment Area (West)**
Designation: **Business Employment**

Zoning By-law 0225-2007

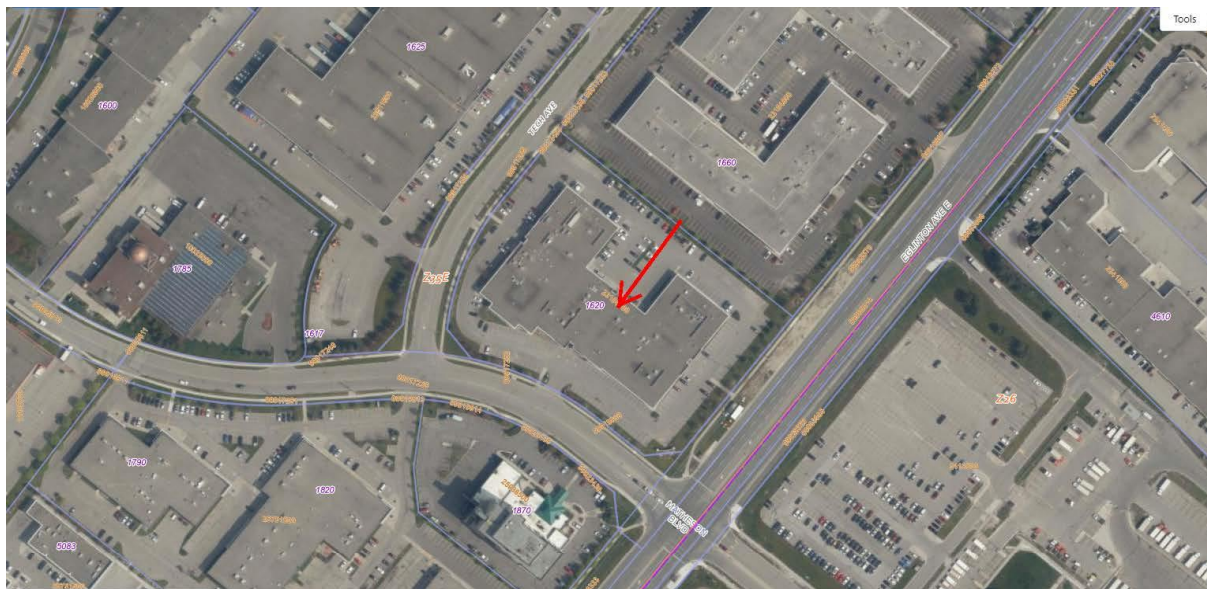
Zoning: E2- Employment

Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Eglinton Avenue East and Matheson Boulevard intersection in the Northeast Employment Character Area. It currently contains a one-storey office building with an associated surface parking lot. The subject property has a lot area of +/- 1.86ha (4.59ac) with vegetative and landscaping elements located along the property boundaries. The surrounding area consists exclusively of commercial, employment and industrial uses on lots of varying sizes.

The applicant is requesting a variance for a restaurant accessory to a recreational establishment.



Comments

Planning

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

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

The subject property is located in the Northeast Employment Area (West) and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context and the landscape of the character area.

Planning staff note the primary use of the subject property is a recreational establishment, with the proposed variance being an accessory restaurant, which is not permitted. Staff note the proposed restaurant space will occupy 10% of the facility's gross floor area and provides food and beverage for patrons visiting the recreational establishment. Staff are satisfied that the proposed accessory restaurant is clearly subordinate and will positively compliment the function of the recreational establishment. Staff note that restaurants and take-out restaurants are permitted as accessory uses in E1 zones within office and medical office buildings. Additionally, restaurants as a primary use are permitted within an E2 zone. It is staff's opinion that the proposal represents the same or reduced intensity of use as a take-out restaurant in an office or medical office building. The proposed restaurant will have no impacts to the streetscape or surrounding context, and will have no direct external access to the facility or signage advertising the restaurant.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Furthermore the request raises no concerns of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola

In Person and Virtual Public Hearing

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 6147 Duford Drive, zoned R5-14- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a driveway proposing a driveway width of 12.07m (approx. 39.60ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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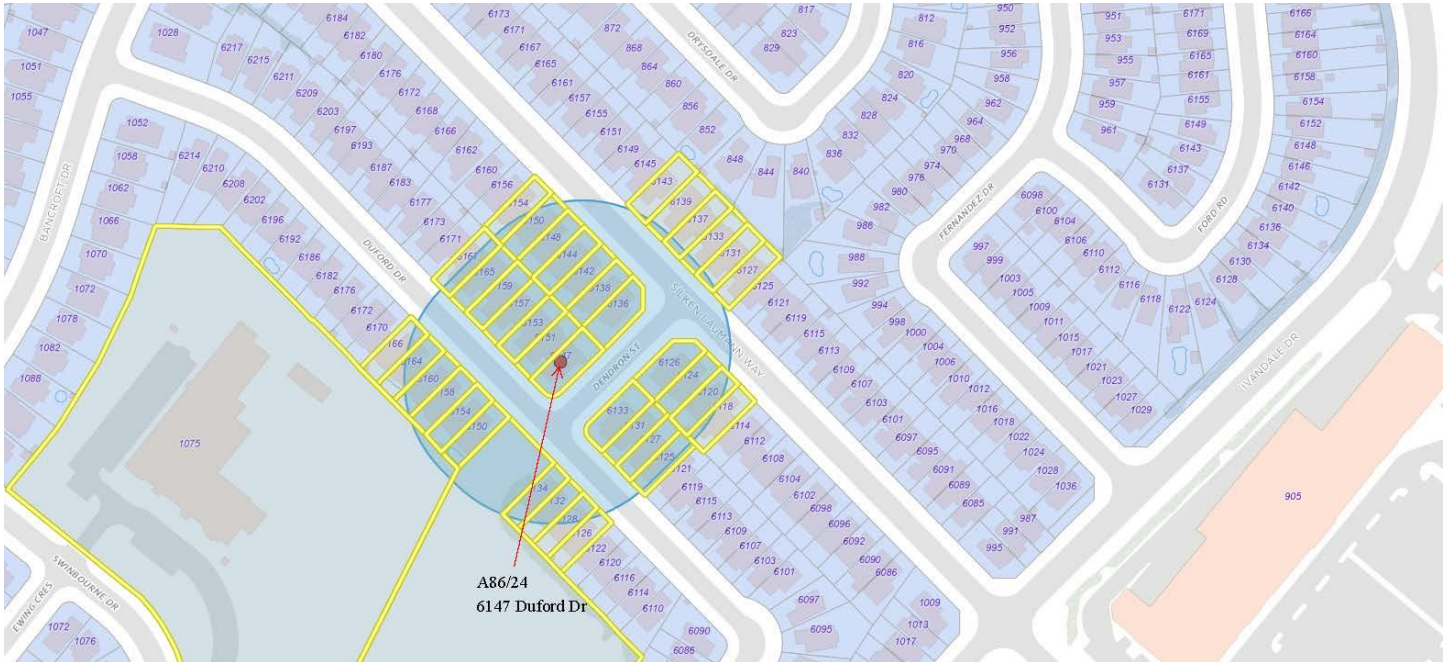
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City of Mississauga Department Comments

Date Finalized: 2024-02-07 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A86.24 Ward: 11
	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway proposing a driveway width of 12.07m (approx. 39.60ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 6147 Duford Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R5-14- Residential

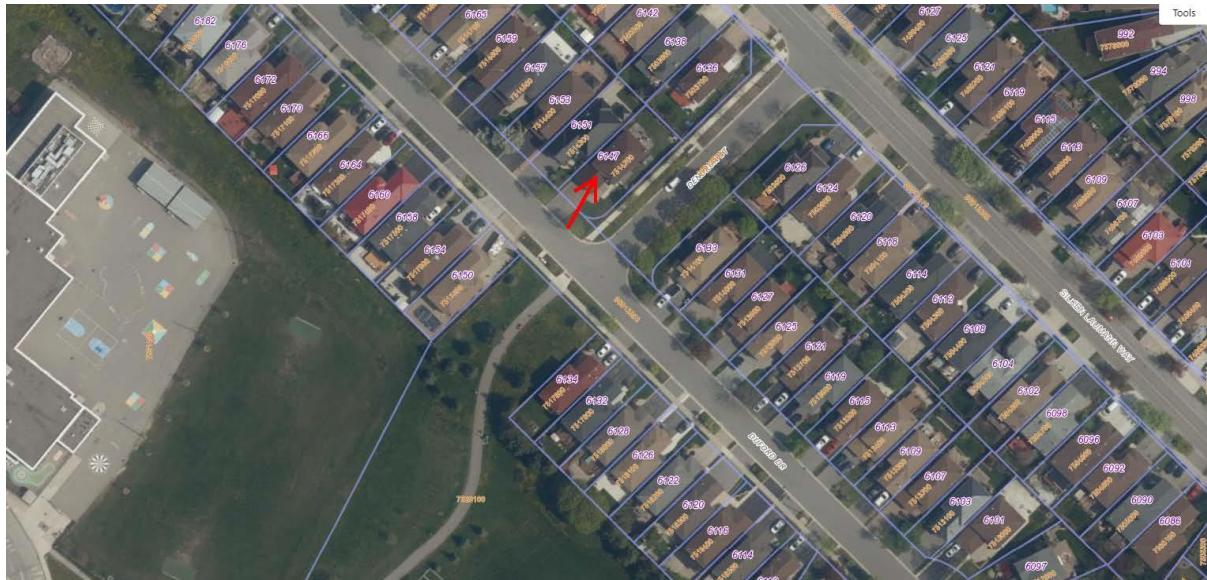
Other Applications: None

Site and Area Context

The subject property is located north-west of the Silken Laumann Way and Britannia Road West intersection in the East Credit Neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate lot area of +/- 470.35m²

(5,062.80ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing to legalize a widened driveway on the subject property requiring a variance for driveway width.



Comments

Planning

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

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

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II. Section 9 of the Mississauga Official Plan (MOP) promotes development (including its features such as driveways and landscaping) with appropriate urban form and site design, regulating that such development is compatible with the existing conditions, the surrounding context and the landscape of the character area. The planned character of the area are dwellings accessed by appropriately sized driveways. The existing driveway is not compatible with the existing or planned character of the area. Staff are of the opinion that the general intent and purpose of the official plan is not maintained in this instance.

The proposed variance relates to a widened driveway on the subject property. The planned character of the area are dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway to accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. While the existing driveway would be able to facilitate the parking of 3 or more motor vehicles across, the existing driveway eliminates a large portion of the soft landscaping required by the zoning by-law in the front yard. Further, the existing driveway creates a significant amount of hardscaping that dominates the perceived street frontage of the property. The subject property does not possess the frontage that can support the size of the driveway and remain within the intent of the regulations.

While staff are not in a position to interpret the zoning by-law, staff note properties zoned R5 require a minimum landscaped soft area of 30% in the yard containing the driveway. In reviewing the drawings submitted, the front yard does not appear to meet the minimum landscaped soft area requirement and further variances may be required. Staff are of the opinion that the application be deferred to allow the applicant to redesign the driveway.

Comments Prepared by: Daniel Grdasic, 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 would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

From the enclosed photos, it is evident that two or three vehicles could park within the widened driveway area. We are concerned that any vehicles parked within this area, in particular the portion in close proximity to the property line that site manoeuvrability for any vehicle exiting the driveway out into the municipal roadway may be a concern.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A255.23
Ward: 2

In Person and Virtual Public Hearing

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 1918 Barsuda Drive, zoned R3-1-Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling proposing:

1. A front yard setback of 7.21m (approx. 23.65ft) to the dwelling whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) in this instance;
2. A front yard setback of 5.56m (approx. 18.24ft) to the front porch whereas By-law 0225-2007, as amended, requires a front yard setback of 5.90m (approx. 19.35ft) in this instance;
3. An interior side yard setback of 1.17m (approx. 3.83ft) to the west whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the west in this instance;
4. An interior side yard setback of 0.76m (approx. 2.49ft) to the west eaves whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.36m (approx. 4.46ft) to the west eaves in this instance;
5. A combined side yard setback of 3.30m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
6. A height of 6.80m (approx. 22.30ft) to the underside of the eaves whereas By-law 0225-2007, as amended, permits a height of 6.40m (approx. 20.99ft) to the underside of the eaves in this instance;
7. A gross floor area of 353.43sq m (approx. 3804.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 325.56sq m (approx. 3504.29sq ft) in this instance;
8. A garage projection of 0.99m (approx. 3.24ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
9. A front yard setback of 5.56m (approx. 18.24ft) to the pilaster whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) to the pilaster in this instance;
10. A front yard setback of 5.28m (approx. 17.32ft) to the eaves whereas By-law 0225-2007, as amended, requires a front yard setback of 7.05m (approx. 23.12ft) to the eaves in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday 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 the application file number or property address you are commenting on.

If you wish to view the public hearing online and do not wish to speak, the hearing will be streamed at the following link:

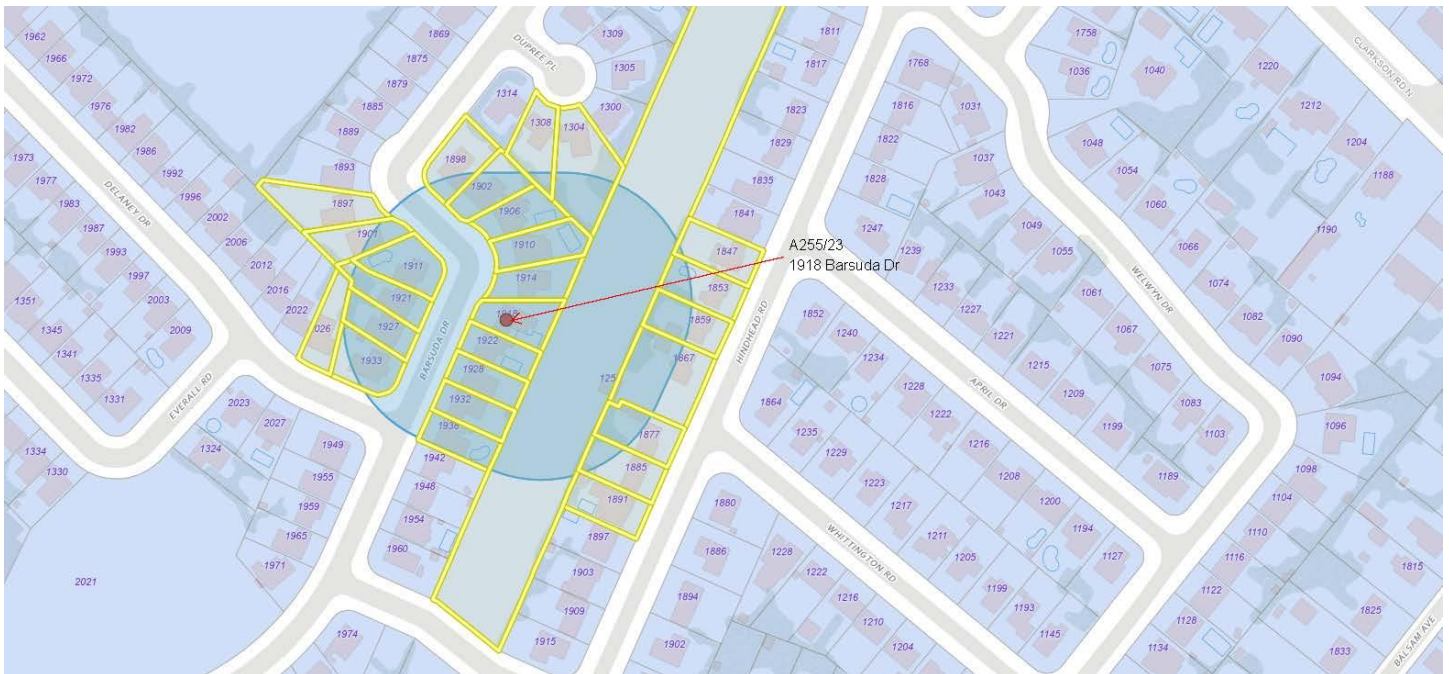
<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

Additional Information:

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A255.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and to determine if additional variances are required.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling proposing:

1. A front yard setback of 7.21m (approx. 23.65ft) to the dwelling whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) in this instance;
2. A front yard setback of 5.56m (approx. 18.24ft) to the front porch whereas By-law 0225-2007, as amended, requires a front yard setback of 5.90m (approx. 19.35ft) in this instance;
3. An interior side yard setback of 1.17m (approx. 3.83ft) to the west whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the west in this instance;
4. An interior side yard setback of 0.76m (approx. 2.49ft) to the west eaves whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.36m (approx. 4.46ft) to the west eaves in this instance;
5. A combined side yard setback of 3.30m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
6. A height of 6.80m (approx. 22.30ft) to the underside of the eaves whereas By-law 0225-2007, as amended, permits a height of 6.40m (approx. 20.99ft) to the underside of the eaves in this instance;
7. A gross floor area of 353.43sq m (approx. 3804.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 325.56sq m (approx. 3504.29sq ft) in this instance;
8. A garage projection of 0.99m (approx. 3.24ft) whereas By-law 0225-2007, as amended, permits a garage projection of 0m in this instance;
9. A front yard setback of 5.56m (approx. 18.24ft) to the pilaster whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.60ft) to the pilaster in this instance;

instance;

10. A front yard setback of 5.28m (approx. 17.32ft) to the eaves whereas By-law 0225-2007, as amended, requires a front yard setback of 7.05m (approx. 23.12ft) to the eaves in this instance.

Background

Property Address: 1918 Barsuda Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1-Residential

Other Applications: None

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Truscott Drive and Southdown Road intersection. The immediate neighbourhood primarily consists of a mix of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant proposes a new detached dwelling requiring variances related to setbacks, combined side yard width, height, gross floor area and garage projection.



Comments

Planning

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

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

Staff note this application was deferred on September 21, 2023 due to excessive gross floor area (GFA) and eave height. The applicant has since worked with planning staff to revise the proposal to address staff concerns and reduce the proposed GFA and eave height.

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

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Section 16.5.1.4 (Infill Housing) encourages infill housing to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The proposed detached dwelling respects the designated land use. Staff are of the opinion that the proposal will not negatively impact the character of the streetscape and 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?

Variance #1, #2, #9 and #10 pertain to front yard setbacks measured to the dwelling, the front porch, the pilaster and the eaves respectively. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard

space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff have no concerns with the requested variances, as they are consistent with front yards found within the immediate area. Staff note the reduced front yard setback is measured to a pinch point due to the irregular shape of the lot and that the majority of the dwelling meets the required front yard setback of 7.50m (24.60ft). Furthermore, staff note that the reduced front yard is required to accommodate the eaves, a porch and an architectural feature. Staff are of the opinion that these dwelling features do not present any massing concerns. Staff are of the opinion that the reduction in the front yard is minor and that adequate front yard amenity space is maintained in this instance.

Variance #3 and #4 pertain to side yard setbacks and variance #5 requests a reduced combined side yard width. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and to ensure access to the rear yard remains unencumbered. Staff note the reduction in the side yard setback is measured to the second storey and the eaves. The first storey meets the minimum side yard setback requirement and the applicant is proposing to align the second storey on top of the first storey. Further, the reduction in the combined side yard width is due to a deficient east side yard setback measured to a pinch point as a result of the irregular shape of the lot. Staff are satisfied that the proposed setbacks ensure and maintain adequate access to the rear yard. Furthermore, the proposed setbacks are consistent with the setbacks found in the immediate area and provide an adequate buffer.

Variance #6 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling. Planning staff note that no overall height variance is being requested and the applicant worked with staff to reduce the eave height from 7.10m (23.29ft) to 6.80m (22.30ft). Furthermore, there is a discrepancy of approximately 1m (3.28ft) between average grade and finished grade. Therefore, the visual height of the dwelling would appear less than the maximum permissible by-law regulations. As such, staff are satisfied the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character streetscape.

Variance #7 request an increase in the gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and to ensure the existing and planned character of a neighbourhood is preserved. Staff note the GFA has been reduced from 374.52m² (4031.29ft²) to 353.43 m² (3804.28ft²) and no variance has been requested for lot coverage, mitigating massing impacts. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts on both abutting properties and the streetscape.

Variance #8 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling has been designed in a manner that projects the front porch to balance the garage projection. Staff are satisfied that this minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Given the above it is the opinion of Planning staff that the application maintains the general intent and purpose of the Zoning By-law.

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

Staff are satisfied that the application is minor in nature and represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively, will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

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

The lands to the rear of the property are owned by Hydro One and leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and zoned U – Utility.

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

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

In Person and Virtual Public Hearing

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 401 Winfield Terrace, zoned R4-15-Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a cube van to park on the driveway proposing:

1. A length of 7.6m (approx. 24.93ft) whereas By-law 0225-2007, as amended, permits a length of 5.6m (approx. 18.37ft) in this instance;
2. A height of 2.9m (approx. 9.51ft) whereas By-law 0225-2007, as amended, permits a height of 2.0m (approx. 6.56ft) in this instance; and,
3. A driveway width of 7.1m (approx. 23.29ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.0m (approx. 19.68ft) in this instance.

The Committee has set **Thursday, February 15, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

Public participation at hearings helps the Committee make informed decisions. There are several methods to participate:

- **In person:** The hearing will be held in person at Mississauga Civic Centre, Council Chambers, 300 City Centre Drive, 2nd Floor. Advance registration is preferred if you wish to speak at the hearing in person. If you wish to make a presentation you must send your request to speak and your presentation (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. A document projector will also be available, if preferred.
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Additional Information:

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City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A440.23
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City recommends variances 1 and 2 be REFUSED, however there are no objections to variance 3.

Application Details

The applicant requests the Committee to approve a minor variance to allow a cube van to park on the driveway proposing:

1. A length of 7.6m (approx. 24.93ft) whereas By-law 0225-2007, as amended, permits a length of 5.6m (approx. 18.37ft) in this instance;
2. A height of 2.9m (approx. 9.51ft) whereas By-law 0225-2007, as amended, permits a height of 2.0m (approx. 6.56ft) in this instance; and,
3. A driveway width of 7.1m (approx. 23.29ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.0m (approx. 19.68ft) in this instance.

Background

Property Address: 401 Winfield Terrace

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

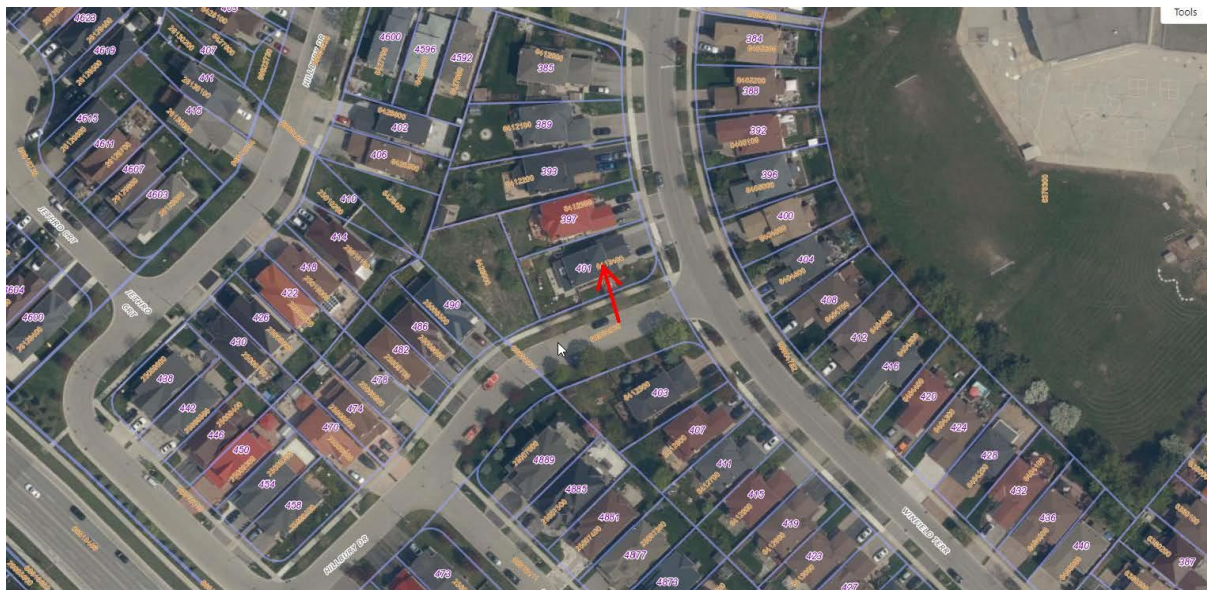
Zoning: R4-15-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Hurontario Neighbourhood Character Area, south-east of the Eglinton Avenue West and Confederation Parkway intersection. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front yard. The property has an approximate frontage of +/- 16.52m (54.19ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing to park a commercial vehicle on the property requiring variances for vehicle height and length and driveway width.



Comments

Planning

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

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

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings.

The applicant is requesting minor variances to allow for a commercial motor vehicle to be located on a driveway located in the front yard of the subject property. The zoning by-law permits commercial motor vehicles to be parked in residential zones subject to specific parameters outlined in section 4.1.10 of the zoning by-law.

The intent of limiting the size of commercial motor vehicles being parked in residential zones is to ensure that larger commercial motor vehicles are stored and parked in employment or commercial zones, and not on residentially zoned properties. Planning staff are of the opinion that the variances requested are excessive and that the drawings provided do not indicate any existing or proposed screening measures to mitigate any potential massing impacts caused by the commercial motor vehicle. Staff are concerned that the variances, if approved, will cause massing impacts to the adjacent property owners, the streetscape and ultimately effect the character of the neighbourhood.

Variance 3 pertains to an increase in the driveway width. The intent of the driveway width regulations is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. Staff are satisfied that the proposed driveway width does not facilitate the parking of additional vehicles across the driveway, nor does it create excessive hardscaping on the subject property.

Staff are of the opinion that the proposed driveway maintains the general intent and purpose of the official plan and the zoning by-law, represents appropriate development of the subject property and is minor in nature, however, variances 1 and 2 do not result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are recent photos depicting the cube van parked on the driveway. With regards to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

Comments Prepared by: Joe Alava, T&W Development Engineering





Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner