
Committee of Adjustment

Date: April 4, 2024
Time: 3:30 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

Taranjeet Uppal, Committee of Adjustment Coordinator, Legislative Services
905-615-3200 ext.3817
taranjeet.uppal@mississauga.ca

Nathan Tega, Committee of Adjustment Co-op, Legislative Services
905-615-3200 ext.8928
nathan.tega@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 B29.24, A156.24, A157.24
958 Fourth Street (Ward 1)
 - 4.2 B53.23, A151.24, A152.24
1346 Lakeshore Road West (Ward 2)
 - 4.3 A136.24
1760 Bristol Road West (Ward 6)
 - 4.4 A139.24
1413 Glenburnie Road (Ward 1)
 - 4.5 A143.24
3059 Churchill Ave (Ward 5)
 - 4.6 A147.24
1362 Lochlin Trail (Ward 1)
 - 4.7 A149.24
1627 Tarn Road (Ward 1)
 - 4.8 A150.24
1712 Caverly Court (Ward 8)
 - 4.9 A153.24
2447 Anson Drive, Unit 2 (Ward 5)
 - 4.10 A158.24
1613 Birchwood Drive (Ward 2)
 - 4.11 A159.24
86 and 90 Dundas Street East (Ward 7)
 - 4.12 A482.23
1990 Lushes Avenue (Ward 2)

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 958 Fourth Street, zoned RM1-26- Residential, has applied for Consent under Section 53 of the Planning Act. B29/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 7.58m (approx. 24.87ft) and an area of approximately 253.50sq m (2728.65sq ft). A156/24

The applicant requests a minor variance for the severed lands (left unit) of B29/24 proposing:

1. A lot frontage of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 11.07m (approx. 36.32ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 10.77m (approx. 35.33ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.68m (approx. 31.76ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

A157/24

The applicant requests a minor variance for the retained lands (right unit) of B29/24 proposing:

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The Committee has set **Thursday, April 4, 2024 at 3:30 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.

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.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.
- **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.

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>.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment via email at 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:

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. If a person or public body has the ability to appeal the decision of the Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal. 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: 2024-03-28	File(s): B29.24 A156.24 A157.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B29/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 7.58m (approx. 24.87ft) and an area of approximately 253.50sq m (2728.65sq ft).

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Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A156.24 and A157.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A156.24 and A157.24 shall lapse if the consent application under file B29.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 958 Fourth Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

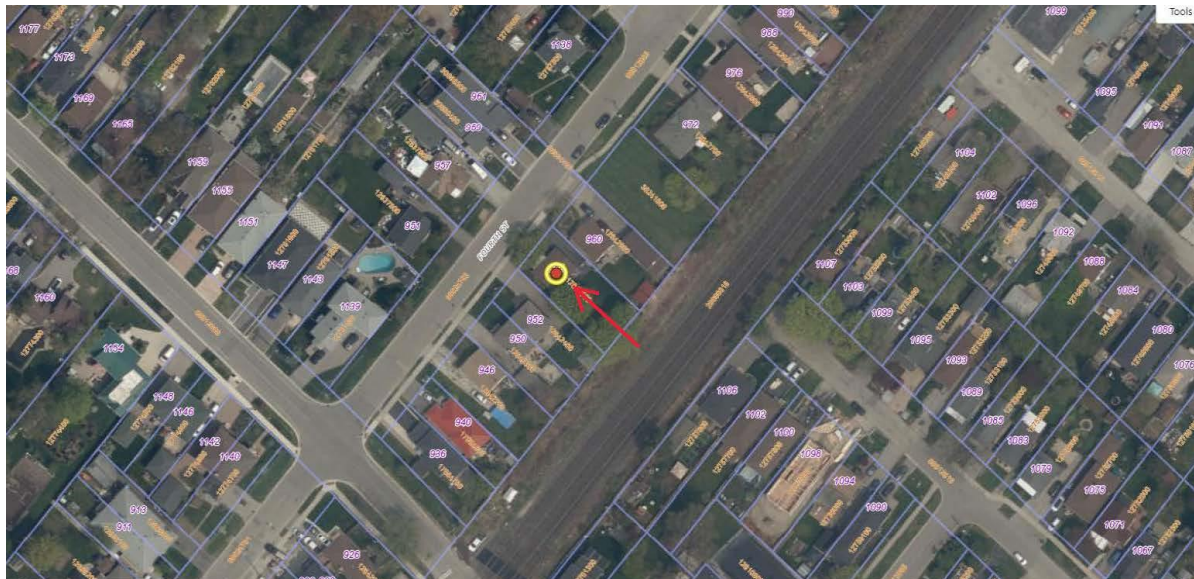
Zoning: RM1-26- Residential

Other Applications:

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of the Lakeshore Road East and Alexandra Avenue intersection. The neighbourhood contains a mix of detached and semi-detached dwellings with approximate frontages ranging from 8.5m to 18m (27.89ft to 59.1ft). On Fourth street, a few lots located within the immediate area have lot frontages of approximately 6m (19.69ft) dating back to the original plan of subdivision.

The subject property contains an existing one-storey detached dwelling. The applicant is proposing to sever the existing lot for the purposes of developing semi-detached dwellings, requiring variances relating to lot frontage, lot area, coverage, setbacks and heights.



Comments

Planning

Planning Act

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

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

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the request are as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages.

Planning staff note that the subject property abuts the Metrolinx railway corridor which has significant railway traffic volumes and noise levels. Section 6.10.4.1 of the MOP, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55 dBA or less). Planning staff echo Transportation and Works staff's request to defer the application to allow the applicant an opportunity to provide a noise and vibration impact study, to determine the feasibility of the proposed severance. According to T&W staff, excess noise above the limit will not be acceptable if it exceeds 60 dBA.

Planning staff have also identified concerns regarding the proposed dwelling heights and are unable to adequately evaluate the lot coverage variances, as a breakdown of the lot coverage has not been provided.

Based on the preceding, Planning staff recommends that the applications be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

A156/24 and A157/24

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' B29.24.

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

Through our initial review of this application, we anticipate some issues/concerns which may have a significant impact on the feasibility of proposed severance. Further review and analysis need to be undertaken to ensure that the proposed outdoor living area (OLA) and building design for the 2 lots can be adequately mitigated to Ministry of the Environment, Conservation and Parks (MECP) requirements for noise and vibration emanating from railway activities adjacent to the site. Until a detailed noise and vibration study is submitted for review, this Department cannot support the application in its current form. We note that this section of the Metrolinx railway corridor has significant railway traffic volumes and noise levels emanating from the railway traffic as has been exhibited in other noise and vibration studies along this railway corridor.

For the applicant's information, an OLA is identified in the Environmental Noise Guidelines (Publication NPC-300) of the MECP. A minimum area of 56.00m² (602.79sq.ft.) is required for single family dwellings to be protected.

In addition, under Section 6.10.4.1 of Mississauga Official Plan, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55 dBA or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic, or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 dBA.

In view of the above noted concerns, we strongly request that this application be deferred to provide the applicant an opportunity to provide the required noise and vibration impact study to determine the feasibility of the proposed severance.

G. Russell,
Supervisor, Development Engineering South
905-615-3200, ext. 5833

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard on Fourth Street:

- Norway Maple (47 cm DBH) – Good Condition – \$4,300.00

Should the application be approved, Community Services wishes to impose the following condition(s):

1. The applicant shall provide tree protection securities in the amount of \$4,300.00 for the preservation of the municipal trees.
2. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
3. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

In addition, Community Services notes the following:

1. The applicant shall provide framed tree hoarding at the dripline of the above noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please

call Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.

2. Payment for street tree fees and other charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West, in the form of a certified cheque, bank draft, or money order made payable to "The Corporation of the City of Mississauga". A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquiries regarding the payment process.
3. 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 – CVC Comments

Please see below CVC comments for minor variance application for the above-mentioned property:

Although our online mapping indicates that a portion of the subject site at 958 4th St in Mississauga is regulated by CVC, we have had a chance to review and the subject property is not located within CVC's Regulated Area. As such, a CVC permit is not required for development on this property and we do not need to be circulated the formal application for review.

If you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Metrolinx

958 Fourth Street - B29.24, A156.24, A157.24

Metrolinx is in receipt of the Minor Variance application for 958 Fourth St to facilitate the severance of the lands for the purpose of creating a new lot and to facilitate the construction of a new 2-storey semi-detached dwelling on both the severed and retained lot with a proposed setback of 10.66m to the mutual (Metrolinx rail corridor) property line. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- Metrolinx would like to note that additional drainage from the proposed development is not permitted onto Metrolinx-owned lands, without prior approval from Metrolinx and our Technical Advisor, AECOM.
- The proposed development is adjacent to the Metrolinx Rail Corridor Right-of-Way, and may be subject to a work permit and review. The Proponent can find more information on the submission requirements here:
<https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors>.
- In addition to the technical review (by our Technical Advisor AECOM), it should be noted that various Metrolinx permits/approvals/agreements with associated fees may be required for implementation/construction. For example, this includes, but not limited to, private property when works are proposed within 30ft (~10m) of an active rail. This includes, but is not limited to, works involving, shoring, tiebacks and crane swing(i.e. crane, crane boom/crane swing) that fall within 30ft of the active rail.
- As such, these permits/approvals/agreements with their required fees and processing timelines in advance of proposed work, should be factored into your construction cost and schedule accordingly. More detail can be provided as the application and details progress.
- The Proponent may contact Farah.Faroque@metrolinx.com with questions and to preliminarily assess if work permits/flagging/additional approvals/agreements may be required for this proposal.

Conditions of Approval:

- As Per Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact Farah.Faroque@metrolinx.com with any questions and for a copy of the Infill Adjacent Development Agreement.

- 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:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. 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.

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

Appendix 6 – Region of Peel

Minor Variance and Consent: A-24-156M, A-24-157M, B-24-029M / 958 Fourth Street
Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- 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 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 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 by email at siteplanservicing@peelregion.ca
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@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.

Comments Prepared by: Ayooluwa Ayoola, Planner

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 156/24, "A" 157/24)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 28, 2024.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 28 , 2024.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 25, 2024.
7. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 26, 2024.
8. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated Mar 11, 2024.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: B53.23 A151.24 A152.24
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 1346 Lakeshore Road West, zoned R2-5- Residential, has applied for Consent under Section 53 of the Planning Act and Minor Variance under Section 45 of the Planning Act.

B53/23

The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 15.24m (approx. 50.00ft) and an area of approximately 1047.14sq m (approx. 11,271.32sq ft).

A151/24

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

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;
3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,
4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

A152/24

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

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;
3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,
4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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.

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.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the

Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.

- **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.

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>

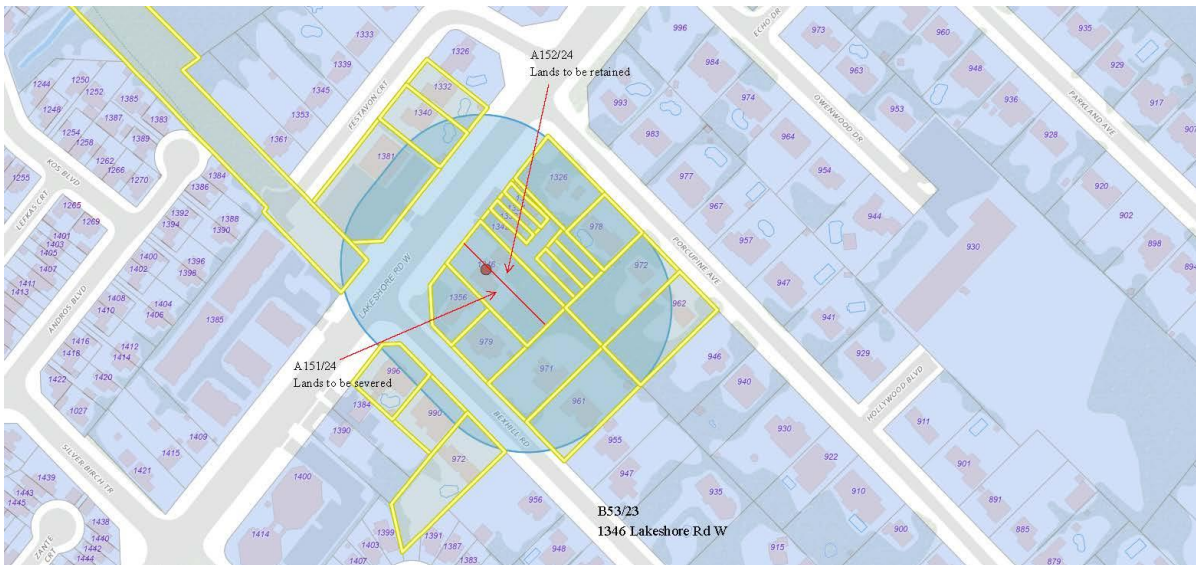
Additional Information:

- 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>.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment via email at 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:

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. If a person or public body has the ability to appeal the decision of the Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal. 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: 2024-03-28	File(s): B53.23 A151.24 A152.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. 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

B53/23

The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 15.24m (approx. 50.00ft) and an area of approximately 1047.14sq m (approx. 11,271.32sq ft).

A151/24

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

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;
3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,
4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

A152/24

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

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft)

whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;

3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,

4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

Amendments

While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, it appears that the required frontage for lots in R2-5 zone is 30m (98.42ft). As such, Variance #1 for file A151.24 and A152.24 should be amended.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A151.24, A152.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A151.24, A152.24 shall lapse if the consent application under file B53.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1346 Lakeshore Road West

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the Lakeshore Road West and Bexhill Road intersection. The surrounding area includes a mix of residential uses, including one and two-storey detached dwellings with mature vegetation in the front yards. The residential lots have frontages ranging from approximately 15m (49.21ft) to 30m (98.42ft). The subject property contains an existing one-story detached dwelling with mature vegetation in the front yard. The applicant is proposing to sever the parcel of land for the creation of a new lot for residential purposes.



Comments

Planning

Planning Act

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

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

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

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

The application was previously deferred by on December 14, 2023, to allow the applicant an opportunity to prepare a survey to confirm the exact lot areas, frontages and measurements of the proposed lots.

The applicant has included a survey in their revised application package, satisfying staff concerns.

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

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. The applicant is proposing to sever the subject property into two new lots for the purpose of constructing two-storey detached dwellings.

Section 16.1.2.1 of the MOP states, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. The official plan and zoning by-law envision a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are generally consistent with other detached lots found within the immediate area and will contribute to the eclectic nature of the existing and planned community.

As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhood's existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood.

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

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

Variance #1 (A151/24 and A152/24) pertains to lot frontage. While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, it appears that the required frontage for lots in R2-5 zone is 30m (98.42ft). The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff recognise that while the intent of the by-law is to maintain larger frontages in this particular zone, the proposed lot frontages are generally reflective of the existing area context due to the existing eclectic lot fabric, which contains frontages ranging from 15m (49.21ft) to 30m (98.42ft). Through a comprehensive review of the surrounding lands, planning staff are

satisfied that the proposal fits appropriately into the character of the surrounding area and is complementary to the existing and proposed lot fabric. Further, staff are satisfied that the proposal does not impact the character of the neighbourhood from a streetscape perspective.

Variances #2 and #3 (A151/24 and A152/24) request reduction in the side yard setback measured to the first and second storeys. 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. Planning staff are of the opinion that the proposed setbacks do not pose massing impacts to neighbouring lots. Furthermore, the proposed setbacks ensure access to the proposed rear yards is maintained. Lastly, the proposed side yards are consistent with setbacks found to detached dwellings within the immediate neighbourhood.

Variance #4 (A151/24 and A152/24) pertains to eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. Staff note that the increase in eave height of 0.23m (0.75ft) is numerically minor. Furthermore, no variance is requested for overall dwelling height. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling which helps to create an overall massing that is more inline with the streetscape and neighbouring properties. Lastly, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Given the above, staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

It is staff's opinion that the proposed development is sympathetic to the surrounding area and the proposed lots are capable of reasonably accommodating new detached dwellings. Furthermore, the proposed side yard setbacks for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and represents a sensitive form of intensification that is minor in nature.

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

A151.24 and A152.24

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' B53.23.

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

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

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

2. Municipal Address Requirement

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

B. GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. Access

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

3. Lot Grading and Drainage

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

4. Storm Sewer Outlet

Based on the information available, both the retained and severed parcels drain to the existing 300mm diameter storm sewer on Lakeshore Rd W. Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

G. Russell

Supervisor, Development Engineering South
905-615-3200, ext. 5833

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard on Lakeshore Road West:

- Colorado Spruce (27 cm DBH) – Good Condition – \$1,800.00
- Colorado Spruce (27 cm DBH) – Good Condition - \$ 1,800.00
- Colorado Spruce (19 cm DBH) – Good Condition - \$1000.00

Should the application be approved, Community Services wishes to impose the following condition(s):

1. The applicant shall provide tree protection securities in the amount of \$4,600.00 for the preservation of the municipal trees.
2. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
3. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

In addition, Community Services notes the following:

1. The applicant shall provide framed tree hoarding at the dripline of the above noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.
2. Payment for street tree fees and other charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West, in the form of a certified cheque, bank draft, or money order made payable to “The Corporation of the City of Mississauga”. A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquires regarding the payment process.

3. 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 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. Due to the archaeological potential, an archaeological assessment must be completed. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine if an archaeological assessment has been completed for this property. If an assessment has already been completed, please provide Heritage Planning with a letter from the Ministry confirming all archaeological resource concerns have met licensing and resource conservation requirements for the property. If an assessment has not been completed a licenced archaeologist with experience in (heritage resource management) must be retained by the property owner in order to meet the requirements of the Ministry.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Bell

Bell Canada's response to the original circulation from November 2023 to kindly continue to be applied to the application at 1346 Lakeshore Rd.

Comments Prepared by: Carrie Gordon, Right of Way Associate

Appendix 6 – Region of Peel

Minor Variance and Consent: A-24-151M, A-24-152M & B-23-053M – 1346 Lakeshore Rd W.

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

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

The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.

- 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 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 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 by email at siteplanservicing@peelregion.ca
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 151/24, "A" -152/24)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 28, 2024.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 28, 2024.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 28, 2024.
7. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 4, 2024.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A136.24
Ward: 6

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 1760 Bristol Road West, zoned R1- 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 building proposing:

1. 20 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance; and,
2. A building height of 13.00m (approx. 42.65ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 11.50m (approx. 37.73ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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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- **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.

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Additional Information:

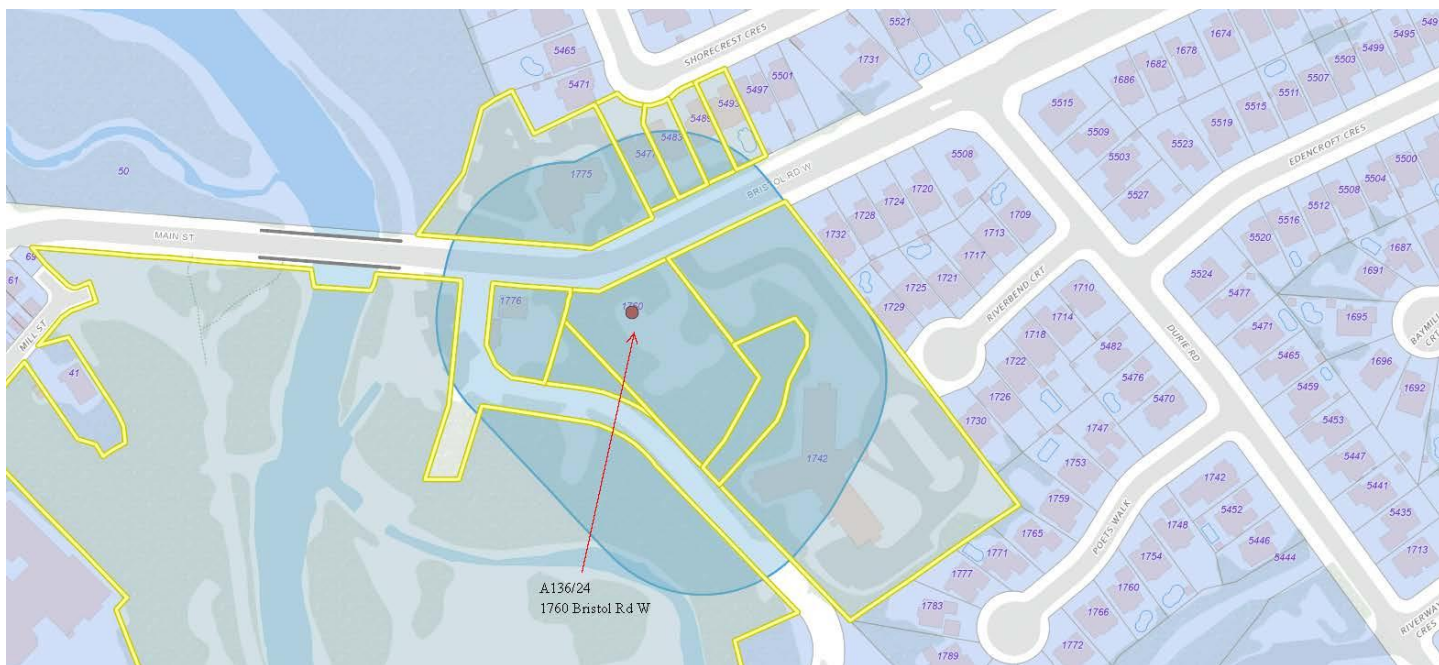
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Legal notice:

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: 2024-03-28	File(s): A136.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

Application Details

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

1. 20 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance; and,
2. A building height of 13.00m (approx. 42.65ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 11.50m (approx. 37.73ft) in this instance.

Background

Property Address: 1760 Bristol Road West

Mississauga Official Plan

Character Area: **East Credit Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

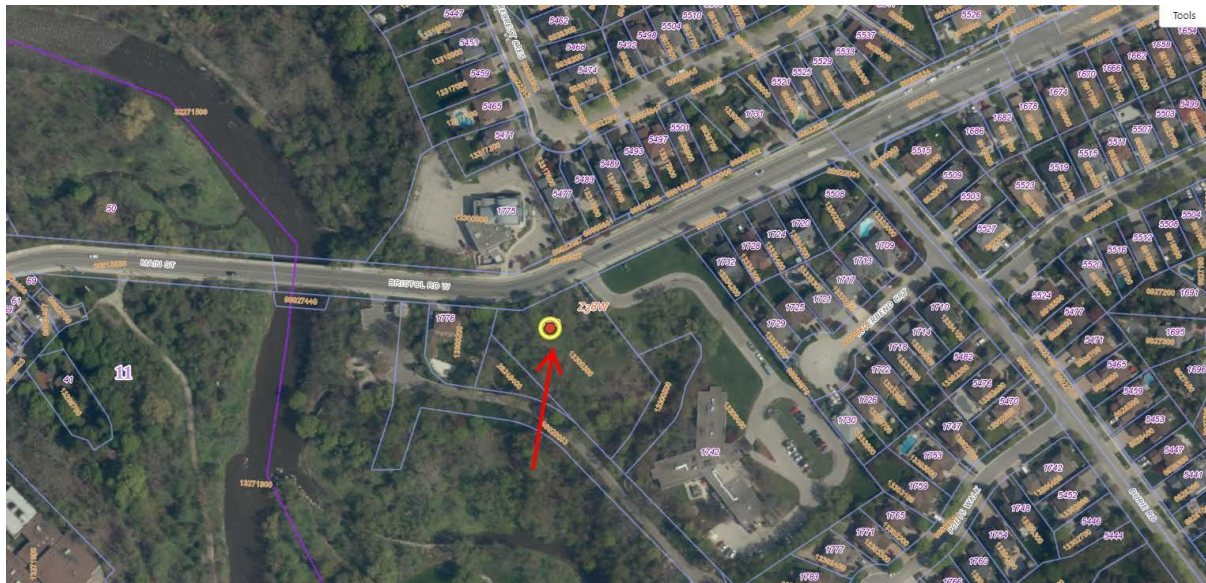
Zoning: R1- Residential

Other Applications: SP 19-141

Site and Area Context

The subject property is located on Bristol Road West, east of where the road crosses over the Credit River. It has a lot area of +/- 4,569.38m² (49,184.40ft²) and is currently vacant and undeveloped with the exception of a small driveway. The surrounding area contains a mix of uses including low rise residential, a nursing home, a church, and parkland.

The applicant is proposing a new daycare on the subject property requiring variances for setback to a parking area, landscape buffer, and front yard setback.



Comments

Planning

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

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

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density I 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.

Variance 1 requests 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' 136.24, 1760 Bristol Road West, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

20 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance.

Per the materials provided by the applicant, the subject site is currently vacant. A Day Care facility with a non-residential Gross Floor Area (GFA) of 997 square meters is being proposed. The subject site is located within R1 Zoning Area, Parking Precinct 4.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Day Care uses located in Parking Precinct 4 require a minimum of 2.5 parking spaces per 100 square meters of non-residential GFA. Therefore, with a non-residential GFA of 997 square meters, a minimum of 25 parking spaces are required. As such, 25 parking spaces are required whereas 20 parking spaces can be accommodated, which generates a parking deficiency of 5 spaces or 20%.

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

The applicant submitted a Transportation Letter dated February 5, 2024, prepared by Crozier Consulting Engineers. The letter suggests that the parking deficiency can be addressed by sharing 5 parking spaces at the adjacent Streetsville Public Cemetery parking lot at 1786 Bristol Road West. As the public cemetery is managed by the City of Mississauga, staff from Parks, Forestry and Environment Division at Community Services Department confirmed that no prior communication or request regarding shared usage of parking spaces at the cemetery has been received from the applicant. Community Services staff advise that parking spaces at municipally managed cemeteries are exclusively reserved for funeral services and visitors to the cemeteries. Conclusively, a satisfactory Parking Utilization Study is required to be submitted to justify the requested parking reduction. The applicant should refer to the City's Parking Study Terms of Reference for parking justification requirements to be included with a formal submission.

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

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Variance 2 requests an increase in the height of the building which is currently under review by the City's development planning team. The requested variance represents a minor change that has already been reviewed in consultation with municipal staff and does not fundamentally change the intended design or functionality of the site. Staff are satisfied that the increase in height is negligible and are of the opinion the proposal maintains the general intent and purpose of the zoning by-law.

While Planning staff have no concerns with the proposed building height, staff are in agreement with the comments from Municipal Parking staff and recommend deferral at this time to allow the applicant time to complete the required parking justification study.

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 development are being addressed through the Site Plan Application process, File SP-19/141 W6.

Comments Prepared by: Tony Iacobucci, 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 – Parks, Forestry & Environment Comments

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 Streetsville Public Cemetery (P-414), and zoned OS3-4 – Open Space – Cemetery.

The property is also adjacent to lands owned by the City of Mississauga, identified as Not to Be Named (P-303) *(SW of Poets Walk and Durie Rd), 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 measure(s):

- 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. Given that the property is subject to a development application, SP 19 141, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
5. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
6. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
7. 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 – CVC Comments

CVC staff were circulated the above noted Minor Variance application for 1760 Bristol Road West in Mississauga. Please see our comments below.

CVC Regulated Area

The subject property is regulated due valley slope associated with the Credit River. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06; Ontario Regulation 42/24 after April 1st). 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:

- 20 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance; and,
- A building height of 13.00m (approx. 42.65 ft), whereas By-law 0225-2007, as amended, permits a maximum building height of 11.50m (approx. 37.73 ft) in this instance.

CVC Comments

CVC staff have reviewed the provided information and have **no concerns** with the requested variances. CVC staff are currently reviewing the Site Plan application (SP 19/141) for the proposed development, and any outstanding concerns will be addressed through the Site Plan application process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

As noted above, a CVC permit will be required prior to any development proposed in the Regulated Area. We will continue to comment on CVC requirements through the site plan process.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Region of Peel

Minor Variance: A-24-136M / 1760 Bristol Rd West

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 a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, 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 1413 Glenburnie Road, zoned R2-5- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a driveway proposing:

1. A driveway width within 6m of the garage face of 15.92m (approx. 52.23ft) whereas By-law 0225-2007, as amended, permits a maximum width of 10.50m (approx. 34.45ft) in this instance;
2. A attachment width of one walkway to the driveway of 1.74m (approx. 5.71ft) whereas By-law 0225-2007, as amended, permits a maximum width of 1.50m (approx. 4.92ft) in this instance; and,
3. The combined width of the points of access of a circular driveway of 12.66m (approx. 41.54ft) whereas By-law 0225-2007, as amended, permits a maximum width of 8.50m (approx. 27.89ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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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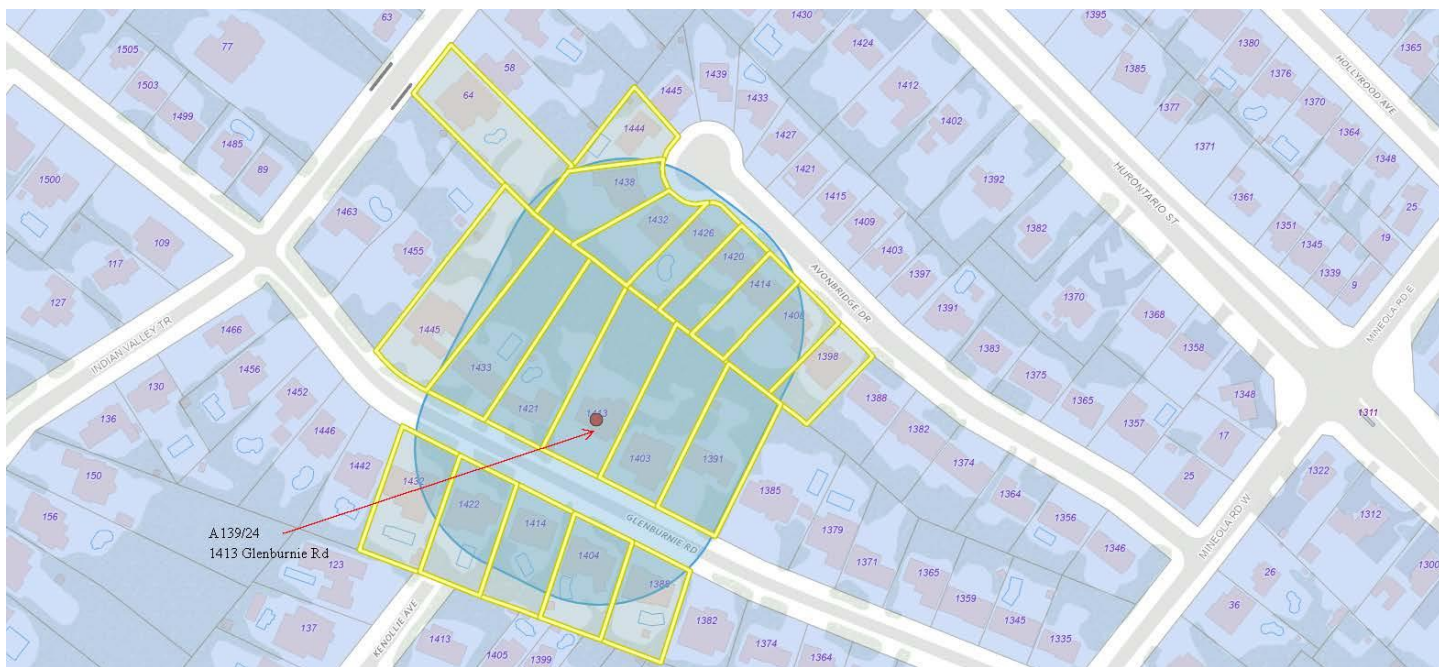
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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A139.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 a driveway proposing:

1. A driveway width within 6m of the garage face of 15.92m (approx. 52.23ft) whereas By-law 0225-2007, as amended, permits a maximum width of 10.50m (approx. 34.45ft) in this instance;
2. A attachment width of one walkway to the driveway of 1.74m (approx. 5.71ft) whereas By-law 0225-2007, as amended, permits a maximum width of 1.50m (approx. 4.92ft) in this instance; and,
3. The combined width of the points of access of a circular driveway of 12.66m (approx. 41.54ft) whereas By-law 0225-2007, as amended, permits a maximum width of 8.50m (approx. 27.89ft) in this instance.

Background

Property Address: 1413 Glenburnie Road

Mississauga Official Plan

Character Area: **Mineola Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

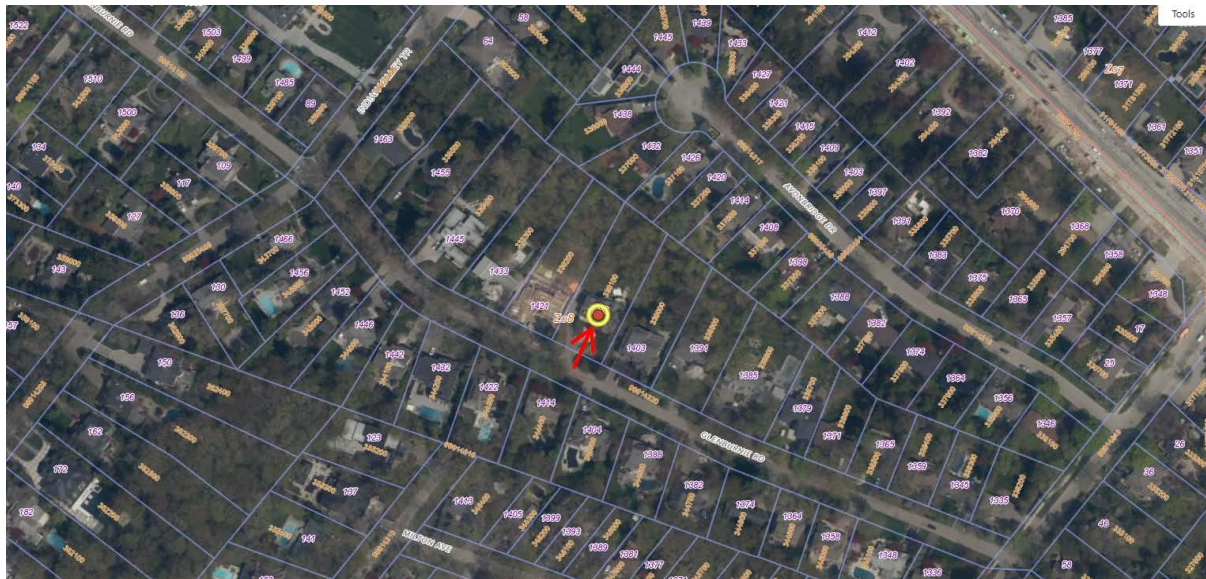
Zoning: **R2-5- Residential**

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, south-west of Hurontario Street and Indian Valley Trail intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in both of the front and rear yards.

The applicant is proposing a circular driveway and is requesting variances related to driveway width, walkway attachment and combined width of access points.



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 Mineola Neighbourhood Character Area and is designated Residential Low Density I in the Mississauga Official Plan (MOP). This designation permits

detached, semi-detached and duplex dwellings. Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. Staff are satisfied that the driveway width is appropriate for both the subject property and surrounding context, and therefore 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 relates to the existing driveway width. Under the zoning by-law, the maximum driveway width permitted on a property of this size, is 10.5 metres (34.45ft) within 6 metres (19.69ft) of the garage face, if it provides direct access to the garage and 8.5 metres (27.89ft) beyond 6 metres (19.69ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3-car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. Staff note that the portion of driveway providing access to the 3-car garage is existing. The applicant is modifying the driveway closer to the street to create a circular driveway. Staff note that the 3-car garage is side-loaded, and as such, the increased width is only to facilitate access to the garage. Staff are satisfied that the majority of the driveway's width is below the required regulations of 8.5m (27.89ft). Staff are of the opinion that the driveway does not appear excessive when viewed from the street and that it maintains the intent of the regulation by limiting the width closer to the street. Furthermore, staff are of the opinion that the driveway is appropriately sized for the property.

Variance #2 requests an increased width for an existing walkway attachment. The intent of the walkway attachment provision is to help define the entryway and to permit safe movement of pedestrians to the dwelling while prohibiting vehicle accommodation. The requested walkway is located in such a way that staff are satisfied that it will be unable to facilitate vehicular movements.

Variance #3 pertains to combined width of access points for a circular driveway. The zoning by-law permits circular driveways on lots that have a minimum frontage of 22.50m (73.81ft). Staff note that the subject property meets the required lot frontage for a circular driveway and that larger driveways are not out of character for the neighbourhood. Furthermore, the proposed driveway does not require additional variances for setbacks or soft landscaping.

Staff are of the opinion that, as currently proposed, the driveway 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?

The proposal maintains a soft landscaped area of approximately 61% and appropriately separates entrances for the circular driveway. 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 and existing character of the area.

Comments Prepared by: Shivani Chopra, Planning Associate

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 with regards to drainage will be addressed by our Development Construction Section through the future Building Permit process.

Our Traffic Planning does not support a circular driveway/secondary access for the subject site. As per the TAC Geometric Design Guide for Canadian Roads, "Single family residential properties [are] normally restricted to one driveway, irrespective of frontage." Consistent with Traffic Engineering best practices, the number of accesses to the municipal road network are to be minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces, clearly identify which property each driveway serves, etc. In addition, in this particular instance we cannot see the rationale for having a circular driveway on this property.

For further information on this comment please contact Bo Yu at x4784.

Comments Prepared by: John Salvino, 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

Minor Variance: A-24-139M / 1413 Glenburnie Road

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- We have no objection with the adjustment of the driveway provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway.

Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.

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.
- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy 2.14.18 of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 4 – CVC Comments

Re: CVC File No. A24/139

Municipality File No. A139.24

Nishchal Bhalla

1413 Glenburnie Road

Lot 2 Range 2 CIR

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 a driveway proposing:

1. A driveway width within 6m of the garage face of 15.92m (approx. 52.23ft) whereas By-law 0225-2007, as amended, permits a maximum width of 10.50m (approx. 34.45ft) in this instance;
2. A attachment width of one walkway to the driveway of 1.74m (approx. 5.71ft) whereas By-law 0225-2007, as amended, permits a maximum width of 1.50m (approx. 4.92ft) in this instance; and,
3. The combined width of the points of access of a circular driveway of 12.66m (approx. 41.54ft) whereas By-law 0225-2007, as amended, permits a maximum width of 8.50m (approx. 27.89ft) in this instance.

COMMENTS:

Based on the review of the information provided, it is our understanding that no new development is being proposed and the minor variance proposed at this time relates to existing conditions. As such, CVC has no objection to the approval of the minor variance at this time.

The applicant is advised that the subject property is regulated by CVC and any further development 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 3059 Churchill Ave, zoned R4-1 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A front yard setback of 7.43 m (approx. 24.38 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50 m (approx. 24.61 ft) in this instance;
2. A gross floor area of 227.62 sq m (approx. 2450.10 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31 sq m (approx. 1876.27 sq ft) in this instance;
3. A height to the highest ridge of 9.04 m (approx. 29.66 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (approx. 29.53 ft) in this instance;
4. A height to the eaves of 7.48 m (approx. 24.54 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;
5. An interior side yard setback (west side) of 1.45 m (approx. 4.76 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance;
6. A lot coverage of 34.47% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance; and,
7. An interior side yard setback (east side) of 1.49 m (approx. 4.89 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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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- **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.

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>.
- 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:

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: 2024-03-28	File(s): A143.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 new house proposing:

1. A front yard setback of 7.43 m (approx. 24.38 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50 m (approx. 24.61 ft) in this instance;
2. A gross floor area of 227.62 sq m (approx. 2450.10 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31 sq m (approx. 1876.27 sq ft) in this instance;
3. A height to the highest ridge of 9.04 m (approx. 29.66 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (approx. 29.53 ft) in this instance;
4. A height to the eaves of 7.48 m (approx. 24.54 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;
5. An interior side yard setback (west side) of 1.45 m (approx. 4.76 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance;
6. A lot coverage of 34.47% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance; and,
7. An interior side yard setback (east side) of 1.49 m (approx. 4.89 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance.

Amendments

The Building Department is processing Building Permit 24-316. Based on review of the information available in this application, we advise that following amendments are required:

Amend variance #4 to:

A height to the eaves of 6.76 m whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;

Add variance:

An interior side yard setback to the eaves of 1.04 m whereas By-law 0225-2007, as amended, requires a minimum interior side setback to the eaves of 1.36 m in this instance.

Background

Property Address: 3059 Churchill Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

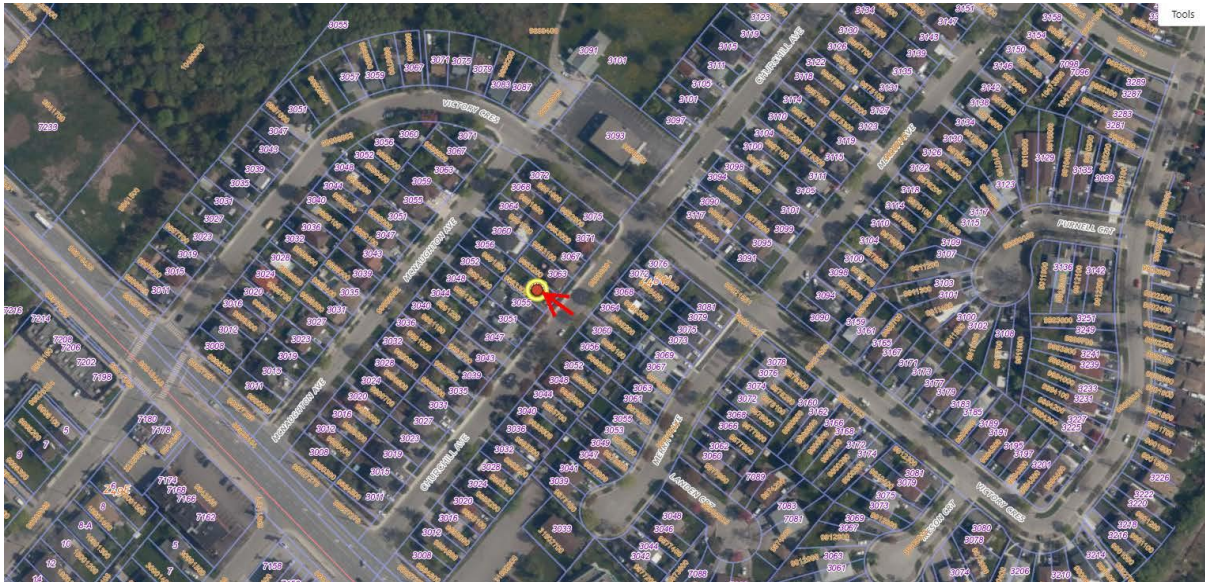
Zoning: **R4-1 - Residential**

Other Applications: **BP 24-316**

Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection in the Malton Neighbourhood. The site has a lot frontage of approximately +/- 12.19m (40ft) and a lot area of approximately +/- 371.40m² (3,997.71ft²). This portion of Churchill Avenue contains only detached dwellings, however semi-detached dwellings are present in the broader neighbourhood. The dwellings are one and two storey detached dwellings that were built in the area when it was originally developed. While the majority of dwellings date back to the original era of development, several new builds are present in neighbourhood. Limited vegetation and landscaping materials are present on the subject property.

The applicant is proposing to construct a new dwelling on the property requiring variances for gross floor area, dwelling and eave height, setbacks and 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*.

"[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 designated Residential Low Density II in the Mississauga Official Plan (MOP) and is within the Malton Neighbourhood Character Area. This designation permits detached, semi-detached, and duplex dwellings. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Staff note the presence of larger infill dwellings along this particular portion of Churchill Avenue. Staff are therefore satisfied that the proposal maintains the general intent and purpose of the official plan.

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

Variance 1 pertains to the front yard setback. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard amenity space is incorporated into the design of neighbourhoods. Staff have no concerns with the requested variance, as the reduction is negligible and is consistent with front yards found in

the immediate area. Staff are of the opinion that the reduction in the front yard is minor and maintains an adequate front yard amenity space in this instance.

Variance 2 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings while ensuring the existing and planned character of a neighbourhood is preserved. Staff are satisfied that the proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

Variances 3 and 4 pertain to dwelling height and eave height. The intent of restricting the height to the highest ridge of the dwelling and eaves is to lessen the visual massing of the 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. Additionally, staff note the average grade is 0.25m (0.82ft) below the finished grade of the dwelling. This reduces the appearance of the overall height of the structure by 0.25m or about 1ft. Staff are satisfied that the proposed increases in height are appropriate for the subject property and surrounding neighbourhood.

Variance 5, 7 and the added variance as per the amendments by building staff request a reduction to the side yard setbacks for the dwelling and eaves. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. Staff note the reduction in the side yard setback is measured to the second storey only. 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 note that the proposed setback reductions are minor and provide an appropriate buffer between neighbouring dwellings, which is reflective of the area. Furthermore the reduced setbacks also provide unencumbered access to the rear yard and the Transportation and Works Department has raised no concerns regarding drainage.

Variance 6 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. Staff note the proposed dwelling represents a lot coverage of approximately 31.87%, while the remaining 2.6% of the proposed lot coverage represent the front porch and rear deck. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the application proposes 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 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 24-316. Based on review of the information available in this application, we advise that following amendments are required:

Amend variance #4 to:

A height to the eaves of 6.76 m whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;

Add variance:

An interior side yard setback to the eaves of 1.04 m whereas By-law 0225-2007, as amended, requires a minimum interior side setback to the eaves of 1.36 m 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: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-143M / 3059 Churchill Ave

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A147.24
Ward: 1

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 1362 Lochlin Trail, zoned R2-4- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A gross floor area (infill residential) of 491.18sq m (approx. 5287.02sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 414.66sq m (approx. 4463.36sq ft) in this instance; and,
2. An interior garage area of 81.24sq m (approx. 874.46sq ft) whereas By-law 0225-2007, as amended, permits a maximum interior garage area of 75.00sq m (approx. 807.29sq ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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:

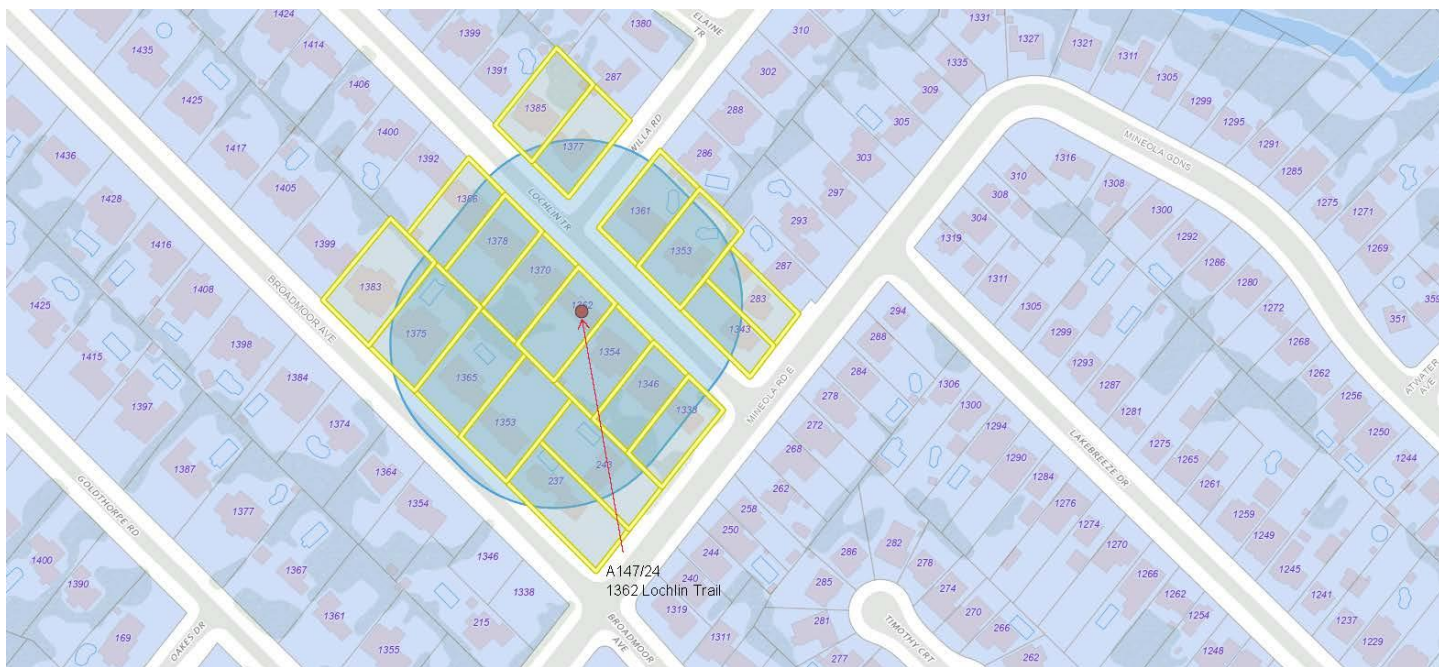
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City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the “Book an appointment” button on the Committee’s webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A147.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 the construction of a new house proposing:

1. A gross floor area (infill residential) of 491.18sq m (approx. 5287.02sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 414.66sq m (approx. 4463.36sq ft) in this instance; and,
2. An interior garage area of 81.24sq m (approx. 874.46sq ft) whereas By-law 0225-2007, as amended, permits a maximum interior garage area of 75.00sq m (approx. 807.29sq ft) in this instance.

Background

Property Address: 1362 Lochlin Trail

Mississauga Official Plan

Character Area: **Mineola Neighbourhood**
Designation: **Residential Low Density I**

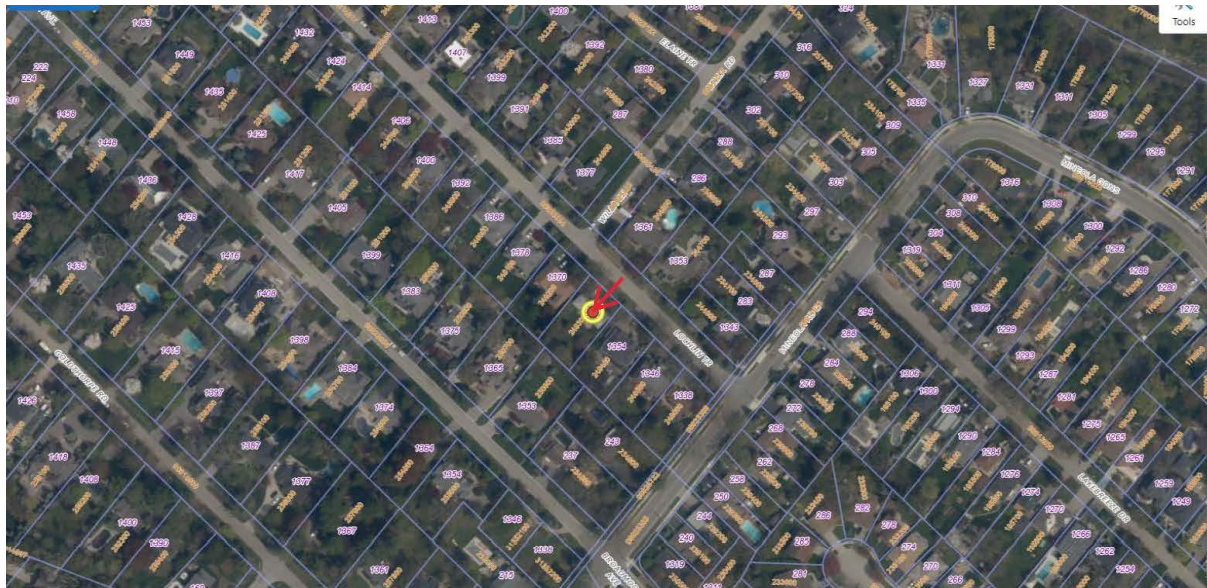
Zoning By-law 0225-2007

Zoning: **R2-4- Residential**

Other Applications: Building Permit application BP 9ALT 24-377.**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, northeast of the Broadmoor Avenue and Mineola Road East intersection. The neighbourhood is entirely residential, consisting of a mix of older and newer one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The application proposes a new two-storey detached dwelling requiring variances for garage area and gross floor area.

**Comments****Planning**

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

Staff comments concerning the application are as follows:

The Committee approved variances for lot coverage, combined side yard setback, eave height and gross floor area under file 759.22 on June 1, 2023.

Staff note that the drawings approved under file 759.22 are the same as A147.24. The applicant is seeking two additional variances for gross floor area and garage area as a garage located in

the basement level was not included in the original area calculations. Planning staff have no concerns regarding these variances, as the increase in area is attributable to a below grade garage with no massing.

Staff's opinion that the applicant's proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, 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: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/377.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 24-377. Based on the review of the information available in this application, the requested variances 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: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, 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 1627 Tarn Road, 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 dwelling proposing:

1. A dwelling depth of 20.46 m (approx. 67.13 ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (approx. 65.62 ft) in this instance;
2. A lot coverage of 37.26% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
3. A building height of 7.99 m (approx. 26.22 ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50 m (approx. 24.61 ft) in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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:

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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/>.



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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A149.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 the construction of a new dwelling proposing:

1. A dwelling depth of 20.46 m (approx. 67.13 ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (approx. 65.62 ft) in this instance;
2. A lot coverage of 37.26% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
3. A building height of 7.99 m (approx. 26.22 ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50 m (approx. 24.61 ft) in this instance.

Background

Property Address: 1627 Tarn Road

Mississauga Official Plan

Character Area: **Lakeview Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

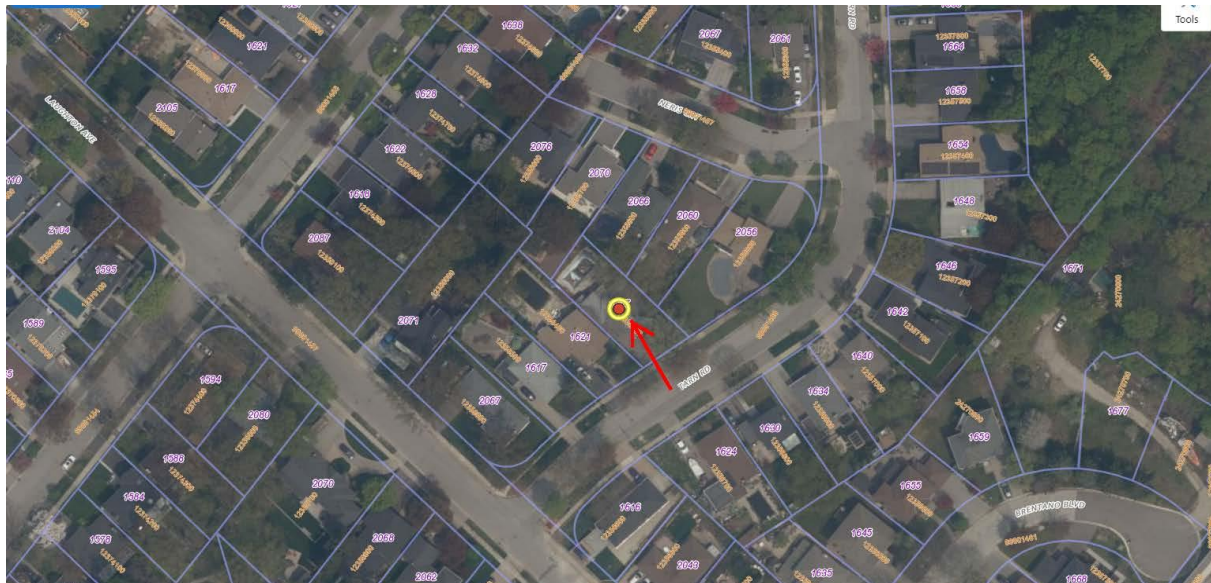
Zoning: **R3-75 - Residential**

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of the North Service Road and Dixie Road intersection. The immediate neighbourhood is entirely residential, consisting of a mix of older and newer one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The application proposes a new two-storey detached dwelling requesting variances for dwelling depth, lot coverage and flat roof 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:

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings.

Variance #1 is for a dwelling depth of 20.46m (67.13ft), where a maximum dwelling depth of 20 (65.62ft) is permitted. Planning staff are of the opinion that this variance is numerically minor and will have a negligible impact on the streetscape and adjacent properties.

Variance #2 is for a lot coverage of 37.26%, where a maximum lot coverage of 35% is permitted. Staff note that the dwelling's footprint covers approximately 33.7% of the subject property. The remaining coverage would be attributed to the second-floor overhang, eave projections, front covered porch and second floor roof projections, which do not pose any significant massing concerns. The proposed dwelling also contains staggered walls and clearly defined architectural features that would break up the first and second storeys. The combination of these factors minimizes any massing impact of the dwelling.

Variance #3 is for a flat roof height of 7.99m (26.22ft), where a maximum height of 7.50m (24.61 ft) is permitted. Planning staff are of the opinion that this increase is numerically minor. Furthermore, the proposal is for a two-storey flat roofed dwelling where the average grade is approximately 0.25m (0.82ft) below finished grade. Therefore, when standing in the front yard of the subject property, the dwelling would appear to be 7.74m (25.39ft) high which is representative of a minor increase over the maximum.

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

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling 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 – Region of Peel

Minor Variance: A-24-149M / 1627 Tarn Rd.

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, 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 1712 Caverly Court, zoned R2-13- 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 stairwell entrance in the exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell entrance in the exterior side yard in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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: 2024-03-28	File(s): A150.24 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 below grade stairwell entrance in the exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell entrance in the exterior side yard in this instance.

Background

Property Address: 1712 Caverly Court

Mississauga Official Plan

Character Area: **Erin Mills Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

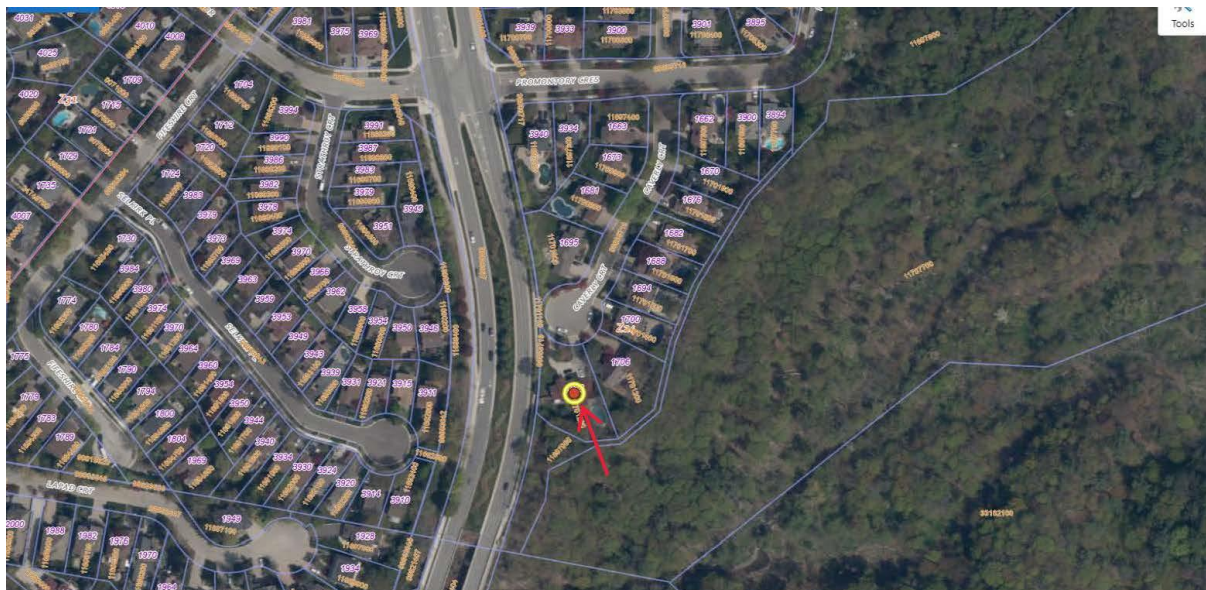
Zoning: R2-13- Residential

Other Applications: Building Permit application 24-315

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of the Mississauga Road and Burnhamthorpe Road West intersection. The neighbourhood is entirely residential consisting of two-storey detached dwellings with mature vegetation in the front, rear and side yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The application proposes a new below grade entrance requiring a variance for its location in an exterior side yard.



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 Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings.

The intent of the by-law in prohibiting a below grade entrance in the exterior side yard and facing a street is to prevent a negative visual impact to the overall streetscape. The proposed entrance faces Burnhamthorpe Road and is fully screened by two sets of fences and mature vegetation. Furthermore, staff note that the entrance is located approximately 6m (19.69ft) from the westerly property line a large municipal boulevard exists between the westerly lot line and Burnhamthorpe Road.

Staff's opinion that the applicant's proposal is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of the existing basement entrance. We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/315.

Comments Prepared by: John Salvino, Development Engineering Technologist









Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-315. 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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment Comments

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 Erindale Park (P-060), and zoned PB1 – Parkway Belt.

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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. 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 – CVC Comments

Re: City File No. A150.24
CVC File No. A 24/150
Mohammad Sawidan
1712 Caverly Court
Part of Lot 4, Range 3 NDS
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 information currently available in our office, the subject property is regulated due to the flood and slope hazards associated with Mullett Creek. As such, the property is regulated by CVC and subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06; Ontario Regulation 42/24 after April 1st). 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 a proposed below grade stairwell entrance in the exterior side yard, whereas By-law 0225-2007, as amended, does not permit a below grade stairwell entrance in the exterior side yard in this instance.

COMMENTS:

CVC staff have reviewed this proposal and have determined that the existing house and proposed below grade entrance are outside of the valley slope hazard, with a setback. On this basis, CVC staff have no concerns and no objection to the approval of the requested Minor Variance by the Committee at this time.

As noted above, a portion of the subject site is within the CVC Regulated Area. Following the Committee of Adjustment process, a CVC permit will be required prior to any development proposed in the Regulated Area. The applicant should contact CVC staff for to confirm permitting requirements before submitting a permit application.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 380).

Comments Prepared by: Ryan Pierce, Planning Technician

Appendix 5 – Region of Peel

Minor Variance: A-24-150M / 1712 Caverly Court

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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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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 a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, 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 2447 Anson Drive, Unit 2, zoned E2- Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to permit 25 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 46 parking spaces in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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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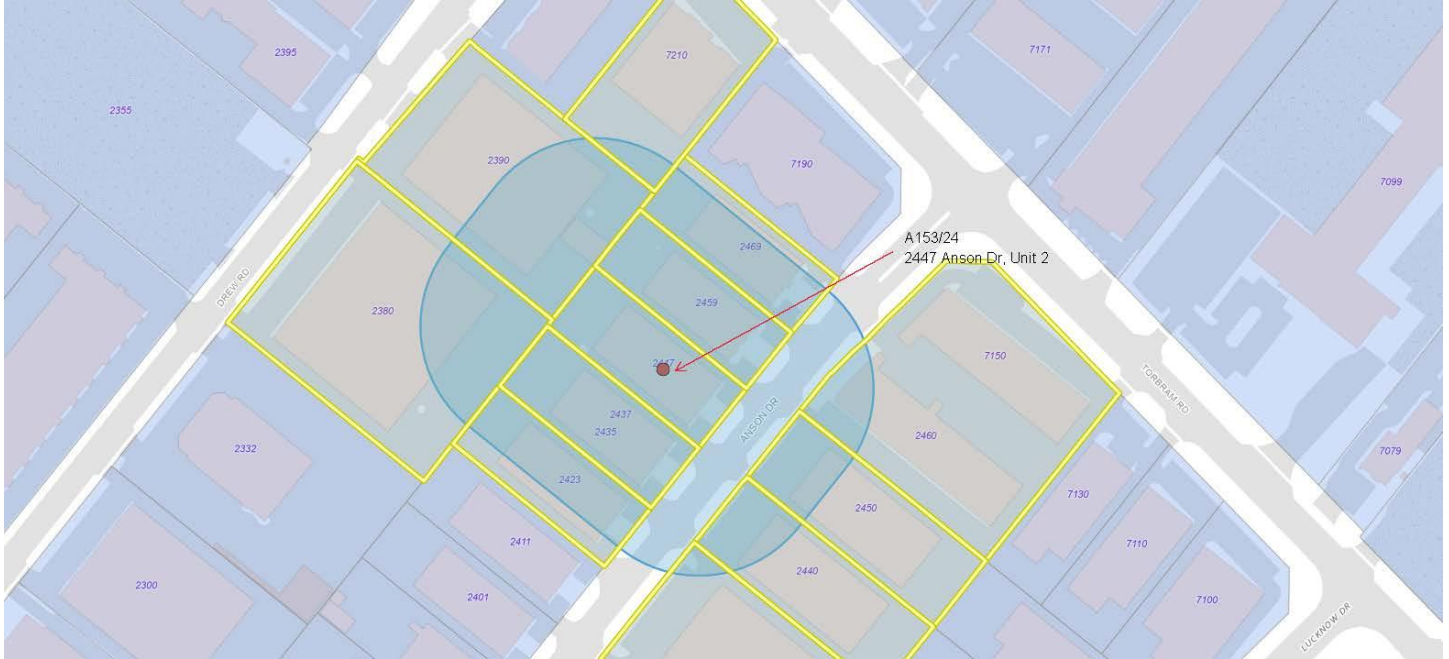
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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A153.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

Application Details

The applicant requests the Committee to approve a minor variance to permit 25 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 46 parking spaces in this instance.

Background

Property Address: 2447 Anson Drive, Unit 2

Mississauga Official Plan

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

Zoning By-law 0225-2007

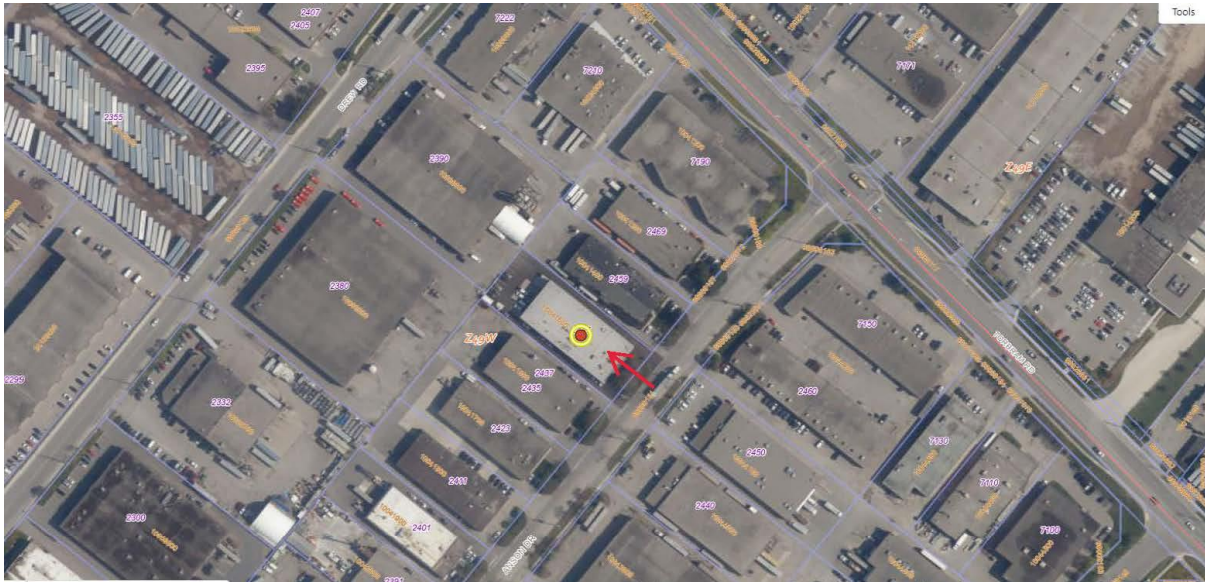
Zoning: **E2- Employment**

Other Applications: C 23-9910

Site and Area Context

The subject property is located south-west of the Drew Road and Torbram Road intersection in the Northeast Employment Character Area. The property contains a single storey industrial building. Limited vegetation and landscaping are present along the property frontage. The context of the surrounding area consists of varied sizes of industrial buildings.

The applicant is proposing to change the use of the property, requiring a variance for parking deficiency.



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 Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP).

The variance proposes a reduction in the required parking rate. 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 on 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' 153.24, 2447 Anson Drive, Unit 2, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

25 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 46 parking spaces in this instance.

Per the materials provided by the applicant, the requested variance is triggered by the proposed change of use at Unit 2 from a Warehouse to a Science and Technology Facility, which is consistent with the current use of Unit 1, with a non-residential Gross Floor Area (GFA) of 1,560.78 square meters. The subject property is located within E2 Zoning Area, Parking Precinct 4.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Science and Technology Facility uses located in Parking Precinct 4 require a minimum of 3 spaces per 100 square meters of non-residential GFA. Therefore, with a proposed GFA of 1,560.78 square meters, staff advise that a minimum of 47 parking spaces are required pursuant to Section 3.1.1.1.4 of the Zoning Bylaw. As such, 47 parking spaces are required whereas 25 parking spaces can be accommodated, which generates a parking deficiency of 22 spaces or 46.8%.

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

The applicant did not provide a PUS as justification for the proposed parking deficiency. The applicant should refer to the City's Parking Study Terms of Reference for parking justification requirements to be included with a formal submission.

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

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff are in agreement with the comments from Municipal Parking staff and recommend deferral at this time to allow the applicant time to complete the required parking justification study.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property. We note from our site inspection of the property and as depicted on the enclosed photos that vehicles are currently parked within the delineated parking spaces along Unit #1 (2447 Anson Drive) which is depicted as an existing driveway. We also note that the Site Plan DWG A1 submitted depicts parking spaces at the rear of the buildings which are questionable as this area is currently a truck loading area.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Certificate of Occupancy application 23-9910. 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: Andrea Patsalides, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, 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 1613 Birchwood Drive, zoned R2-5- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A combined side yard setback of 7.07m (approx. 23.20ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.10m (approx. 26.57ft) in this instance;
2. A dwelling height of 10.08m (approx. 33.07ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) in this instance;
3. An eaves height of 7.659m (approx. 25.13ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A gross floor area of 603.50sq m (approx. 6496.02sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 558.87sq m (approx. 6015.63sq ft) in this instance;
5. A driveway width of 10.45m (approx. 34.28ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance; and,
6. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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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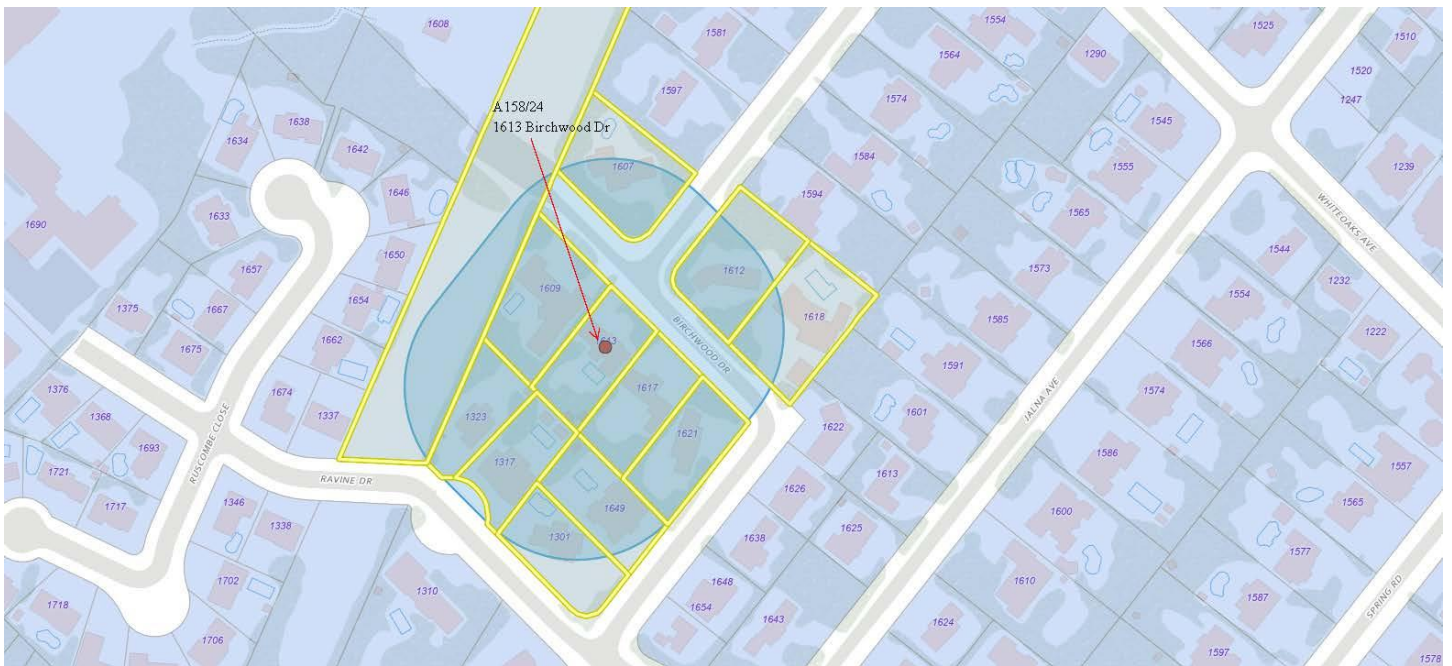
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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A158.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 the construction of a new house proposing:

1. A combined side yard setback of 7.07m (approx. 23.20ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.10m (approx. 26.57ft) in this instance;
2. A dwelling height of 10.08m (approx. 33.07ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) in this instance;
3. An eaves height of 7.659m (approx. 25.13ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
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5. A driveway width of 10.45m (approx. 34.28ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance; and,
6. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

Background

Property Address: 1613 Birchwood Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

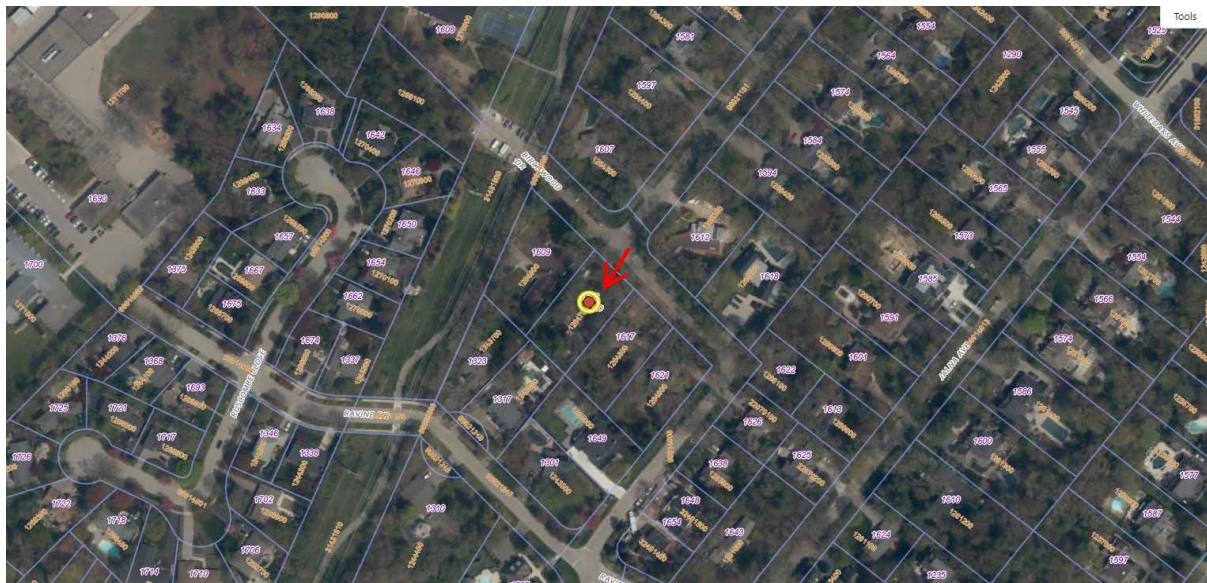
Zoning: **R2-5- Residential**

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southwest of the Lorne Park Road and Truscott Drive intersection. The immediate area consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation throughout the properties. The subject property contains an existing one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a driveway requesting variances for side yard widths, dwelling height, eave height, gross floor area, driveway width and number of kitchens.



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 Clarkson-Lorne Park Neighbourhood and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings.

Variance #1 is for a reduction to the combined width of side yard requirement. Staff note that the proposed side yards align with side yards found in the immediate area. Furthermore, the applicant is not requesting setbacks variances.

Variance #2, 3 and 4 are for dwelling height, eaves height and gross floor area. The intent of the infill regulations are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood. Staff note that there is a 0.76m discrepancy between average grade and finished grade. Therefore, when standing on the property in the front yard, it would appear to be 0.76m (2.49ft) lower than the value of the variances. The proposed gross floor area represents a minor increase over the maximum gross floor area regulation. Furthermore, the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roofline gables, decorative columns and multiple windows. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character of the streetscape.

Variance #5 is for driveway width. The requested variance appears excessive numerically however, staff note that this variance is technical in nature. The proposed driveway configuration can be described as a teardrop driveway. A teardrop driveway has only one entry and exit point off the road and opens into a loop that cars may drive around.

The requested variance required is only for one point of the driveway at its "loop" portion, with the remaining portions of the driveway maintaining a width between 5.47m (17.95ft) and 7.47m (24.51ft). Staff are of the opinion that the configuration of the proposed driveway represents a creative solution to eliminate the need for backing out or turning around on the driveway without constructing a traditional circular driveway with two access points. No additional variances are requested for reduced soft landscaping or setbacks.

Variance #6 is for number of kitchens. The applicant is proposing two kitchens where only one kitchen is permitted. Staff have no concerns regarding this in principle, however staff is of the opinion that this variance may not be required, as the additional kitchen is an outdoor kitchen and is part of the cooking area on the deck located in the rear yard.

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

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling 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 – Region of Peel

Minor Variance and Consent: A-24-158M / 1613 Birchwood Drive

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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 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 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 by email at siteplanservicing@peelregion.ca
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A159.24
Ward: 7

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 86 and 90 Dundas Street East, zoned RA4-52- 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 building proposing:

1. A parking space dimension of 2.55m wide x 5.00m long (approx. 8.37ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
2. A walkway width within a landscape buffer wider than 1.20m (approx. 3.94 ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.20m (approx. 3.94ft) in this instance;
3. A roof overhang whereas By-law 0225-2007, as amended, does not permit a roof overhang in this instance;
4. A balcony projection of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.00m (approx. 6.56 ft) in this instance;
5. A rooftop balcony setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
6. An amenity space of 4.80 sq m (approx. 51.67 sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity space of 4.90 sq m (approx. 52.74 sq ft) in this instance;
7. A medical office use whereas By-law 0225-2007, as amended, does not permit a medical office use in this instance;
8. A parking space obstruction of 2.55 m (approx. 8.37 ft) whereas By-law 0225-2007, as amended, requires a minimum parking space obstruction of 2.75 m (approx. 9.02 ft) in this instance;
9. A balcony projection whereas By-law 0225-2007, as amended, does not permit a balcony projection in this instance; and,
10. A balcony and building roof projection whereas By-law 0225-2007, as amended, does not permit a balcony and building roof projection in this instance.

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City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A159.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 building proposing:

1. A parking space dimension of 2.55m wide x 5.00m long (approx. 8.37ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
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5. A rooftop balcony setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
6. An amenity space of 4.80 sq m (approx. 51.67 sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity space of 4.90 sq m (approx. 52.74 sq ft) in this instance;
7. A medical office use whereas By-law 0225-2007, as amended, does not permit a medical office use in this instance;
8. A parking space obstruction of 2.55 m (approx. 8.37 ft) whereas By-law 0225-2007, as amended, requires a minimum parking space obstruction of 2.75 m (approx. 9.02 ft) in this instance;
9. A balcony projection whereas By-law 0225-2007, as amended, does not permit a balcony projection in this instance; and,
10. A balcony and building roof projection whereas By-law 0225-2007, as amended, does

not permit a balcony and building roof projection in this instance.

Amendments

Planning staff note the following amendments are required:

1. Notwithstanding Section 3.1.1.4.1 and illustration 8, twenty-seven permitted parking spaces shall have a minimum width of 2.55m and minimum length of 5.00m whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
2. To permit a walkway wider than 1.2m within a landscaped buffer abutting the westerly interior lot line and may traverse at any angle, whereas By-law 0225-2007, as amended, permits a walkway within a landscaped buffer abutting the westerly interior lot line with a maximum width of 1.2m;
3. To permit the portion of the building roof overhang to project outside of the buildable area depicted on Schedule RA4-52; whereas By-law 0225-2007, as amended, requires all site development plans to comply with Schedule RA4-52;
4. A balcony projection of 3.50m (approx. 11.48ft) for balconies at and below the 7th storey; whereas By-law 0225-2007, as amended permits a maximum balcony projection of 1m;
5. To allow rooftop balconies with a 0m setback from all exterior edges of the building whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
7. To permit an amenity area of 4.75 sq m per dwelling unit whereas By-law 0225-2007, as amended, requires a minimum amenity area of 4.90 sq m per dwelling area;
8. To permit twenty-seven parking spaces to be 2.6m in width when abutting a wall and/ or column deeper than 1.0m whereas By-law 0225-2007, as amended, requires parking spaces to be 2.75m in width when abutting a wall and/or column deeper than 1.0m;
9. To permit balconies to project outside of the buildable area depicted on Schedule RA4-52; whereas By-law 0225-2007, as amended, requires all site development plans to comply with Schedule RA4-52;
10. To permit balcony and the building roof projections that are outside of the buildable area to not be considered a yard encroachment; whereas By-law 0225-2007, as amended, only permits projections that are outside of the buildable area to not be considered a

yard encroachment when specified through a site-specific Exception Zone or Exception Schedule.

Background

Property Address: 86 and 90 Dundas Street East

Mississauga Official Plan

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

Zoning By-law 0225-2007

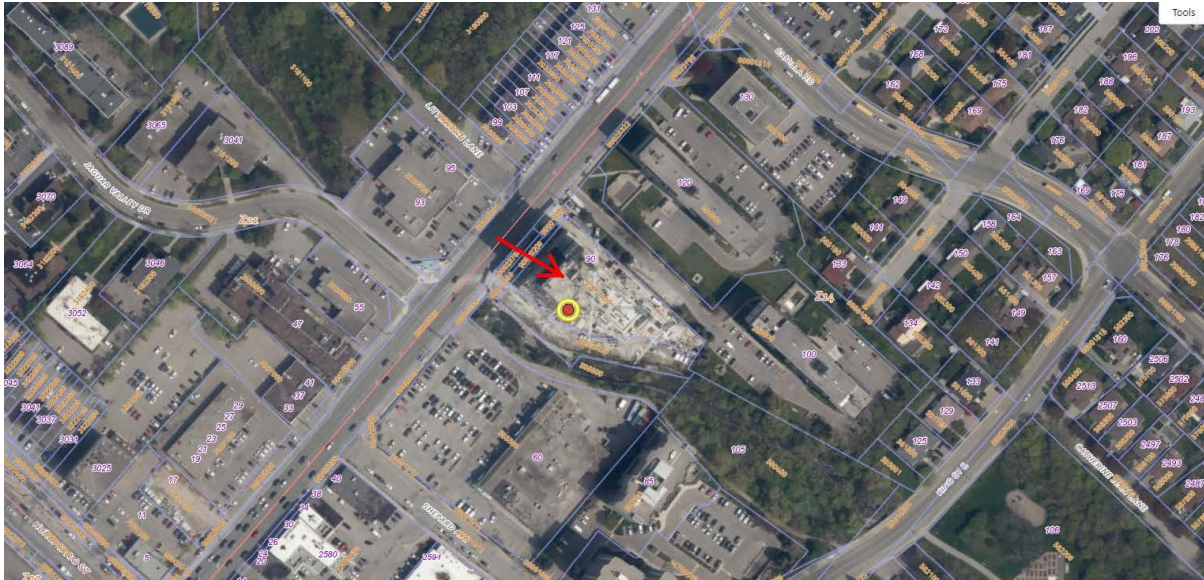
Zoning: RA4-52- Residential

Other Applications: None

Site and Area Context

The subject property is located on the south side of Dundas Street East, east of the Hurontario Street intersection. Currently, the site is under construction with a high density condominium development. The property has a lot frontage of +/- 60.65m (199ft) and a lot area of +/- 5,211.77m² (56,099ft²). The immediate neighbourhood includes a mix of residential uses with varying built forms and lot sizes. Additionally, there are commercial uses present along Dundas Street East and Cooksville Creek abuts the property to the west.

The applicant is proposing a new condominium tower requiring variances for parking space dimensions, walkway width, roof overhang, balcony, building and roof projection, amenity space and a change of use.



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*.

The subject property is located in the Downtown Cooksville Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential High Density designation permits apartment dwellings.

Variance 1 and 8 request reduced parking space dimensions. The intent of the zoning by-law is to provide parking spaces with dimensions that accommodate the standard vehicle size. As per the zoning by-law regulations, a parking space depth of 5.2m (17.06ft) is required whereas the applicant is requesting depths of 5m (16.40ft). The by-law also requires a parking space width of 2.6m (8.53ft) whereas the applicant is requesting 2.55m (8.36ft). Additionally, the by-law requires a parking space width of 2.75m when abutting a wall and/or column deeper than 1.0m. The required parking dimensions for a parking space allows standard vehicles to be parked. The proposed size reduction limits the serviceability and availability of spaces to smaller, more compact vehicles. Staff note the majority of the parking space deficiencies are a result of post construction where obstructions were created inadvertently. Additionally, the applicant confirmed that these conditions cannot be avoided and are the result of development requirements, which are required to support the intended density and unit count on the subject property. Staff note 27 parking spaces will be impacted with the substandard parking dimensions. Staff further note the reduction in the parking space dimensions will not adversely impact the function of the parking spaces or the overall site.

Variance 2 requests an increase to the walkway width within the landscaped buffer. The intent of the walkway width regulation is to balance the safe and efficient movement of pedestrians and a convenient surface to travel. Staff are satisfied that the increased walkway width will offer an extensive pedestrian route to enhance the pedestrian network.

Variations 3, 4, 5, 9 and 10 are to facilitate a design that is currently under site plan review by the City's development planning team. Upon review of the application, staff note that the request is for a limited number of areas within the proposal. The requested variations represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site. Planning staff are satisfied that the proposed variations will facilitate a development that is appropriate for the subject property.

Variance 6 proposes a reduction in amenity area per residential unit. The applicant is proposing both indoor and outdoor amenity areas. The intent of maintaining amenity area is to provide residents in a high density neighbourhood with outdoor space to accommodate an active lifestyle. Amenity areas are one of the most significant contributors to an area's character and quality of life. Staff note the slight reduction in amenity area is due to a connecting hallway on the ground floor not being accepted as a part of the amenity space calculation. Staff are of the opinion that the reduction in amenity area will meet the needs of future residents of the building.

Variance 7 requests a medical office use where it is not permitted. Staff note the medical office use will be located within the commercial component of the building. Staff further note that various commercial uses have been permitted as additional uses per the site specific zoning by-law amendment. Additionally, the subject property is surrounded by subject properties zoned C4 (Mainstreet Commercial) which permits medical offices as of right. Staff are satisfied that the proposed use is sympathetic to the surrounding area and does not impact the streetscape or neighbouring properties.

Given the above, staff are satisfied that the proposal maintains the intent and purpose of the zoning by-law.

Staff are satisfied that the impacts of the variations, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the application proposes 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 that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through Site Plan Application SP 19-130. We also note that other applications on this property included an application to lift the Holding Provision (H-OZ 20/05 W7), Rezoning OZ 16/008 and also through the Building Permit Process.

Comments Prepared by: Tony Iacobucci, 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 – Parks, Forestry & Environment Comments

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 Cooksville Park (P-071), 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 measure(s):

- 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...
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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. 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 - CVC Comments

**Re: City File No. A159.24
CVC File No. A 24/159
Mississauga I GP Inc. c/o Emblem Developments Inc.
86 and 90 Dundas Street East
Part of Lot 15, Concession 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 information currently available in our office, the subject property is adjacent to Cooksville Creek and its associated valley slope and floodplain. As such, the property is regulated by CVC and subject to the Development, Interference with Wetlands, and Alterations

to Shorelines & Watercourses Regulation (Ontario Regulation 160/06; Ontario Regulation 42/24 after April 1st). 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 a building proposing:

- A parking space dimension of 2.55m wide x 5.00m long (approx. 8.37ft x 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space dimension of 2.60m wide x 5.20m long (approx. 8.53ft x 17.06ft) in this instance;
- A walkway width within a landscape buffer wider than 1.20m (approx. 3.94 ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.20m (approx. 3.94ft) in this instance;
- A roof overhang whereas By-law 0225-2007, as amended, does not permit a roof overhang in this instance;
- A balcony projection of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 2.00m (approx. 6.56 ft) in this instance;
- A rooftop balcony setback of 0m whereas By-law 0225-2007, as amended, requires a minimum rooftop balcony setback of 1.20 m (approx. 3.94 ft) from all exterior edges in this instance;
- An amenity space of 4.80 sq m (approx. 51.67 sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity space of 4.90 sq m (approx. 52.74 sq ft) in this instance;
- A medical office use whereas By-law 0225-2007, as amended, does not permit a medical office use in this instance;
- A parking space obstruction of 2.55 m (approx. 8.37 ft) whereas By-law 0225-2007, as amended, requires a minimum parking space obstruction of 2.75 m (approx. 9.02 ft) in this instance;
- A balcony projection whereas By-law 0225-2007, as amended, does not permit a balcony projection in this instance; and,
- A balcony and building roof projection whereas By-law 0225-2007, as amended, does not permit a balcony and building roof projection in this instance.

COMMENTS:

CVC staff have been involved in review of this proposed development through site plan application SP 19/130, and a CVC permit has been issued (FF 22/165). It is our understanding that these Minor Variances are consistent with the previously reviewed plans and the limits of development have not changed. As such, CVC staff have reviewed the provided information and have **no objection** to the approval of this minor variance by the Committee at this time.

Should any changes be required to the previously approved plans, the applicant should contact CVC to confirm any permit requirements. Please circulate CVC any future correspondence regarding this application.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 325).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Metrolinx

86 and 90 Dundas Street East - A159.24

Metrolinx is in receipt of the Minor Variance application for 86 and 90 Dundas St E to facilitate variances related to parking, walkway widths, canopy projections, balcony projections and encroachments, amenity spaces, and the allowance of a medical office use. We understand that these variances have arisen as a result of the current construction of a proposed 17-storey mixed-use building on the subject lands. Metrolinx's comments on the subject application are noted below.

Advisory Comments:

- It is advised to coordinate with City of Mississauga and Metrolinx should there be any variance during construction that impacts the proposed ROW of the Dundas BRT.
- The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>

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

Appendix 6 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, 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 1990 Lushes Avenue, zoned D-1- Development, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A side yard setback to the first storey of the dwelling (south side) of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback to the second storey of the dwelling (south side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. A side yard setback to the eaves at the first storey of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the first storey of 0.75m (approx. 2.46ft) in this instance;
4. A side yard setback to the eaves at the second storey of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the second storey of 1.36m (approx. 4.46ft) in this instance;
5. A driveway width of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
6. A driveway width of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A driveway setback to the north side lot line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to the north side lot line of 0.60m (approx. 1.97ft) in this instance; and,
8. A new detached dwelling and detached garage at the rear of the new dwelling constructed in accordance with R-3 Zone standards, whereas By-law 0225-2007, as amended, D-1 Zone does not permit in this instance.

The Committee has set **Thursday, April 4, 2024 at 3:30 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.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.

- **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.

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>.
- 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:

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: 2024-03-28	File(s): A482.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

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

1. A side yard setback to the first storey of the dwelling (south side) of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback to the second storey of the dwelling (south side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. A side yard setback to the eaves at the first storey of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the first storey of 0.75m (approx. 2.46ft) in this instance;
4. A side yard setback to the eaves at the second storey of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the second storey of 1.36m (approx. 4.46ft) in this instance;
5. A driveway width of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
6. A driveway width of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A driveway setback to the north side lot line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to the north side lot line of 0.60m (approx. 1.97ft) in this instance; and,
8. A new detached dwelling and detached garage at the rear of the new dwelling constructed in accordance with R-3 Zone standards, whereas By-law 0225-2007, as amended, D-1 Zone does not permit in this instance.

Background

Property Address: 1990 Lushes Avenue

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Medium Density

Zoning By-law 0225-2007

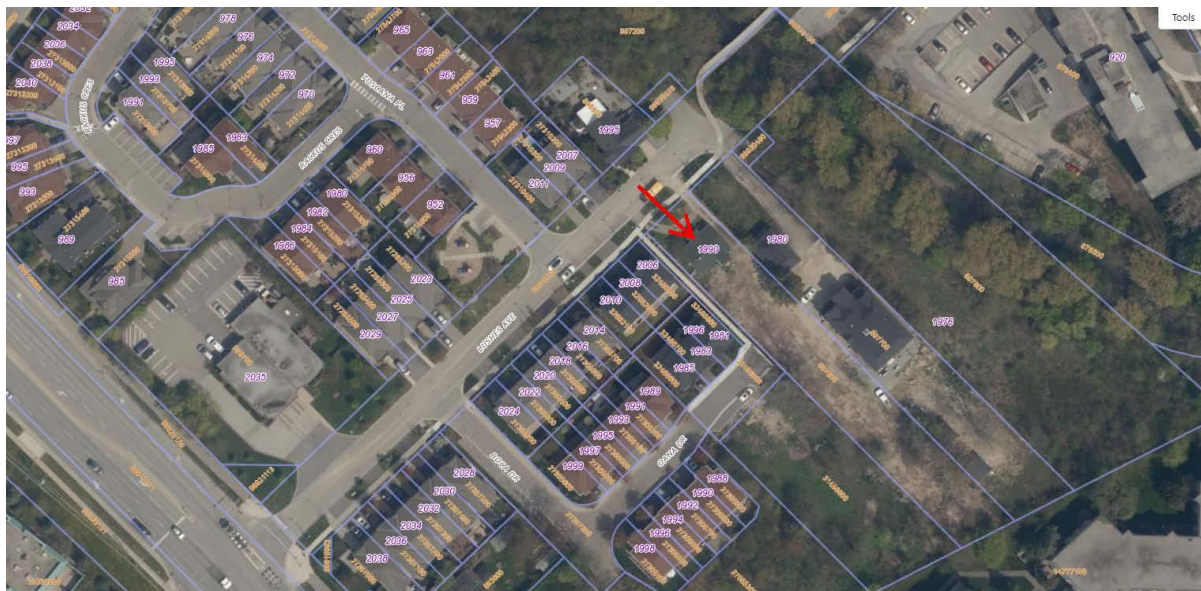
Zoning: D-1- Development

Other Applications: BP 9NEW-23/7168.

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Southdown Road and Lakeshore Road West intersection. The immediate area contains a mix of residential and employment uses. Residential uses consist primarily of two and three storey townhouse uses with vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing the construction of a new two-storey detached dwelling, one-storey detached garage and a new driveway. The proposal requires variances related to setbacks, driveway widths and to permit a new detached dwelling use.



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 Committee of Adjustment deferred the subject application on December 12, 2023. Staff recommended refusal of the application, citing concerns with variances #8, 9, 10, 11, 12, 14 and 15, required to permit the proposed development.

Following the Committee's deferral of the application, the applicant redesigned the proposal and is no longer seeking variances for a circular driveway, detached garage or accessory structure. While these changes address some of staff's concerns, staff echo their previous comments regarding variance #8 (previously 13) to permit a new detached dwelling in a D1 zone.

In summary, Variance #8 is inconsistent with the intent and purpose of both the official plan and zoning by-law. The subject property is zoned D1 and designated Residential Medium Density, which is intended for significant redevelopment to align with the Residential Medium Density designation, aiming for a built form with increased density congruent with the surrounding development.

As such, the City continues to recommend refusal of the application.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling, detached garage and driveway are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW 23/7168.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is currently processing a Building Permit application under file BP 9NEW 23-7168. Based on review of the information currently available in this permit application staff provided comments for the December 14, 2023 hearing. The proposal appears to have been modified since then and staff cannot guarantee the accuracy of these variances as the drawings have been changed. Further, staff required additional information and this has not been provided. Specifically, Staff have not received information from the Conservation Authority confirming compliance with regulations 2.1.18.1 and 2.1.18.2. Variances may be required.

Staff have requested for more information from the applicant for established grade of the garage/accessory structure to determine the height of building and landscaped soft area calculations for the front yard. Staff cannot verify compliance for these regulations at this time.

Comments Prepared by: Tage Crooks, Zoning Examiner

Appendix 3 – Parks, Forestry, and 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 Sheridan Creek Trail (P-171), 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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. 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

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 5 – CVC

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 CVC mapping and information available, the subject property at 1990 Lushes Avenue is regulated by CVC due to the floodplain associated with Sheridan Creek. As such, the property is subject to CVC's Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. 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 has applied for the following applications pertaining to the subject site:

1. A side yard setback to the first storey of the dwelling (south side) of 0.66m (approx. 17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback to the second storey of the dwelling (south side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. A side yard setback to the eaves at the first storey of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the first storey of 0.75m (approx. 2.46ft) in this instance;
4. A side yard setback to the eaves at the second storey of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves at the second storey of 1.36m (approx. 4.46ft) in this instance;
5. A driveway width of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
6. A driveway width of 7.30m (approx. 23.95ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A driveway setback to the north side lot line of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to the north side lot line of 0.60m (approx. 1.97ft) in this instance; and,
8. A new detached dwelling and detached garage at the rear of the new dwelling constructed in accordance with R-3 Zone standards, whereas By-law 0225-2007, as amended, D-1 Zone does not permit in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

CVC Staff has previously reviewed the preliminary plans for the proposed dwelling and detached garage. There remains outstanding information with respect to the floodproofing design of the proposed structures that must be addressed through the CVC permitting process.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at eric.james@cvc.ca or 905-670-1615 (ext. 284) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Eric James, Junior Regulations Officer