
Committee of Adjustment

Date: April 18, 2024
Time: 1:00 PM
Location: Council Chambers, Civic Centre, 2nd Floor
300 City Centre Drive, Mississauga, Ontario, L5B 3C1
and Online Video Conference

Members

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

Contacts

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 A128.24
7562 Middlebrook Street (Ward 5)
 - 4.2 A130.24
3197 Eden Oak Cres (Ward 8)
 - 4.3 A163.24
3215 Derry Road East (Ward 5)
 - 4.4 A164.24
2190 Mississauga Road (Ward 8)
 - 4.5 A165.24
2182 Gordon Drive (Ward 7)
 - 4.6 A166.24
6741 Historic Trail (Ward 11)
 - 4.7 A167.24
3181 Wolfedale Rd Unit 3 (Ward 6)
 - 4.8 A168.24
3494 Burngelm Cres (Ward 3)
 - 4.9 A169.24
70 Wesley Ave (Ward 1)
 - 4.10 A171.24
1204 Kane Road (Ward 1)
 - 4.11 A172.24
1402 Indian Grove (Ward 2)
 - 4.12 A111.23
85 Hammond Rd (Ward 11)

- 4.13 A464.23
 839 Othello Court (Ward 11)
- 4.14 A43.24
 178 Briarhill Drive (Ward 1)
- 4.15 A112.24
 5430 Remington Court (Ward 6)
- 5. **OTHER BUSINESS**
- 6. **ADJOURNMENT**



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A128.24
Ward: 5

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 7562 Middlebrook Street, zoned R4-64- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A lot coverage of 39.93% (228.18sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (199.99sq m) in this instance;
2. An area occupied for all accessory structures of 38.24sq m (approx. 411.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum area for all accessory structures of 30.00sq m (approx. 322.92sq ft) in this instance; and,
3. An area occupied for a single accessory structure of 38.24sq m (approx. 411.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum area for a single accessory structure of 10.00sq m (approx. 107.64sq ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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- **In person:** The hearing will be held in person at Mississauga Civic Centre, Council Chambers, 300 City Centre Drive, 2nd Floor. Advance registration is preferred if you wish to speak at the hearing in person. If you wish to make a presentation you must send your request to speak and your presentation (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. A document projector will also be available, if preferred.
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- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and the application file number or property address you are commenting on.

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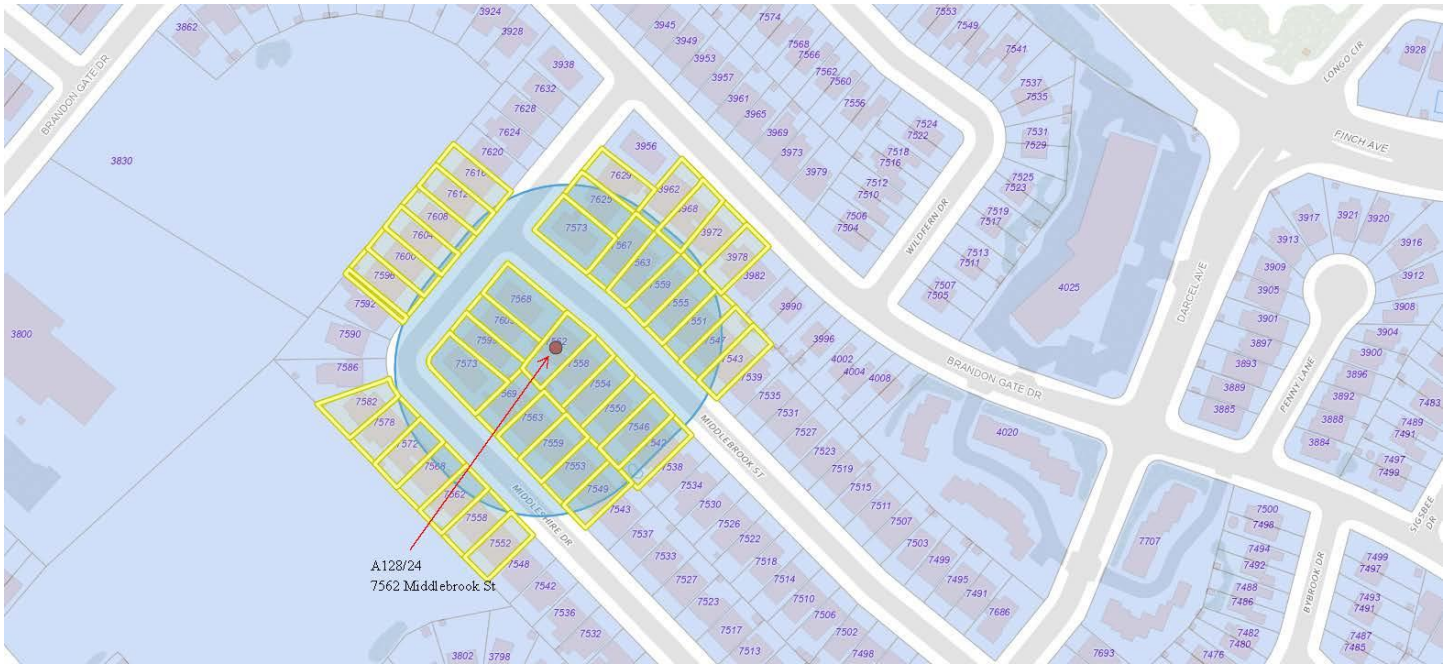
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Committee of Adjustment Appeal Process:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A128.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

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

1. A lot coverage of 39.93% (228.18sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (199.99sq m) in this instance;
2. An area occupied for all accessory structures of 38.24sq m (approx. 411.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum area for all accessory structures of 30.00sq m (approx. 322.92sq ft) in this instance; and,
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Background

Property Address: 7562 Middlebrook Street

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

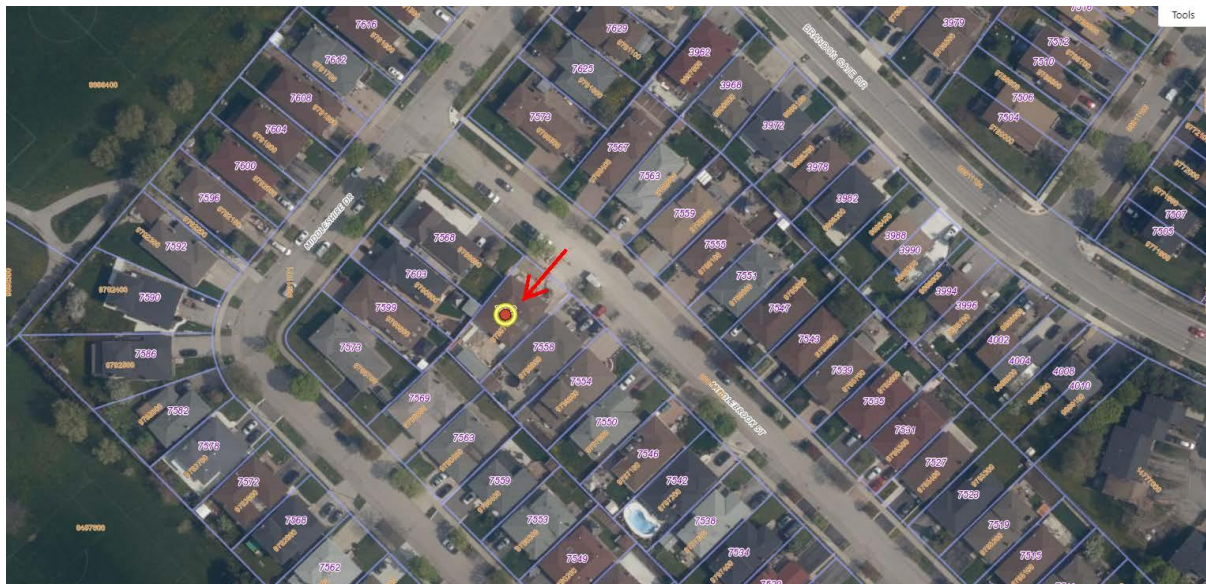
Zoning: R4-64- Residential

Other Applications: Building Permit application 23-8303

Site and Area Context

The subject property is located within the Malton Neighbourhood Character Area, northeast of Goreway Drive and south of Finch Avenue. The immediate neighbourhood is entirely residential consisting of an eclectic mix of detached and semi-detached dwellings with limited vegetation in the front yards. The subject property contains an existing one storey dwelling with limited vegetation in the front yard.

The applicant is proposing to legalize an existing accessory structure requiring variances related to lot coverage and accessory structure 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 of the four tests to this minor variance request are as follows:

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

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. The Residential Low-Density II designation permits detached, semi-detached, duplex, triplex, street townhouses and

other forms of low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The proposal respects the designated and surrounding land uses. The accessory structure is located at the rear of the property and staff are satisfied it will not negatively impact the streetscape. Furthermore, staff are of the opinion that the built form is compatible with the surrounding context and meets 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 requests an increase to the total lot coverage for the property. The intent of the lot coverage provision in the zoning by-law is to ensure that the lot is not overdeveloped to the detriment of the streetscape and neighbouring properties. Upon review of the drawings, staff note that the existing dwelling and front porch account for a lot coverage of 33.24%, which is below the permitted 35% on the subject property. The accessory structure represents an additional lot coverage of 6.69%. Staff note that the accessory structure is primarily an open structure with the major portion of the area consisting of a canopy and is located in the rear yard. Staff are satisfied that the increase in lot coverage is appropriate for the accessory structure and does not represent an overdevelopment of the lot.

Variances #2 and #3 both relate to the floor area of accessory structures on the property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and are clearly accessory, while not presenting any massing concerns to neighbouring lots. Out of the total 38.24m² (411.61 ft²) of accessory structure area, the shed itself has an area of 8.24 m² (88.69 ft²). The accessory structure mainly consists of a canopy that does not have significant massing impacts because it's open on all four sides. Furthermore, no additional variances for setbacks or height have been requested, further mitigating any potential impacts to abutting properties. Staff are of the opinion that the request is minor in nature and clearly accessory in nature to the principal dwelling. Staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

Based on the above, staff are of the opinion that the general intent and purpose of the by-law is maintained in this instance.

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

Staff are of the opinion that the proposed accessory structure will not have any significant impacts on neighbouring properties or the streetscape and represents an appropriate development of the subject lands. As such, the variances are minor in nature and result in the orderly development of the subject property.

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos depicting the existing accessory structure. From our site inspection of the property, we note that we do not foresee any drainage related concerns as there is a significant slope towards the front of the dwelling. We do note that the accessory structure has been equipped with an evestrough and downpipe, however, we could not confirm if the downpipe has been directed towards the applicant's rear yard and away from the abutting property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 23-8303. 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: Sibila Lass Weldt, 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 3197 Eden Oak Cres, zoned R4- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A lot coverage of 42.32% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A rear yard setback to the edge of the stair of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
3. A rear yard setback to the eaves of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance;
4. An encroachment of stairs into the rear yard of 6 risers whereas By-law 0225-2007, as amended, permits a maximum encroachment of 3 risers in this instance; and,
5. A rear yard setback to the stairs of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

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Committee of Adjustment Appeal Process:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A130.24
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

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

Application Details

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

1. A lot coverage of 42.32% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
2. A rear yard setback to the edge of the stair of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.90m (approx. 22.64ft) in this instance;
3. A rear yard setback to the eaves of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the eaves of 7.05m (approx. 23.13ft) in this instance;
4. An encroachment of stairs into the rear yard of 6 risers whereas By-law 0225-2007, as amended, permits a maximum encroachment of 3 risers in this instance; and,
5. A rear yard setback to the stairs of 5.96m (approx. 19.55ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 3197 Eden Oak Cres

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

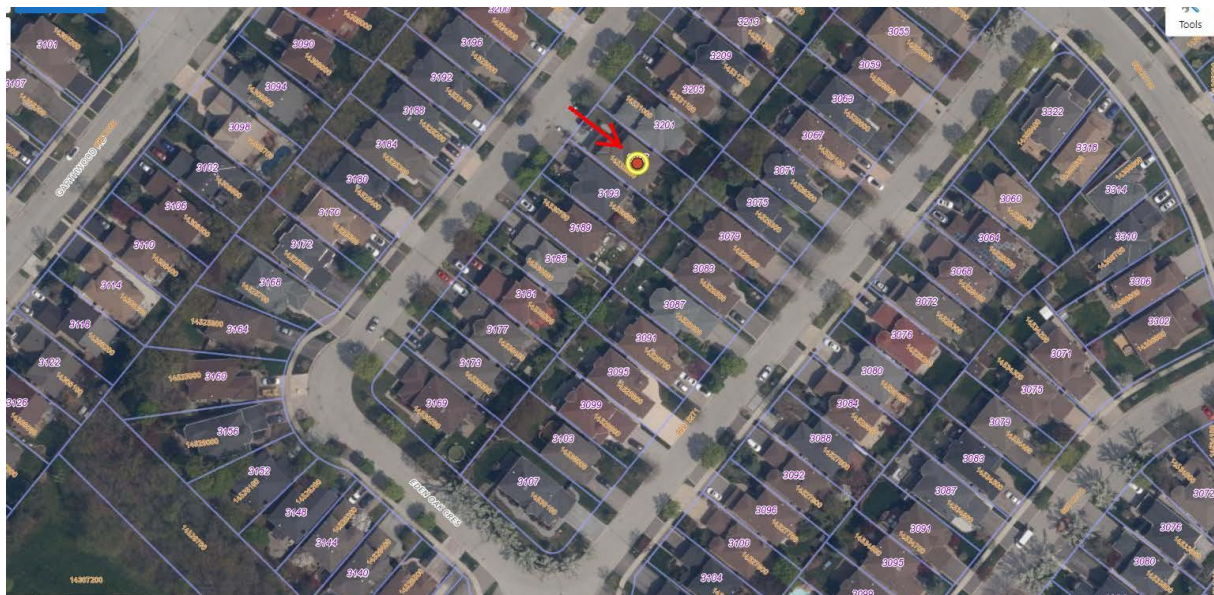
Zoning: **R4- Residential**

Other Applications: Building Permit 23-10209

Site and Area Context

The subject property is located in the Erin Mills Neighbourhood Character Area, northeast of the Cawthra Road and North Service Road intersection. The immediate neighbourhood consists primarily of two-storey detached dwellings with projecting garages and vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The application proposes a new one-storey addition (sunroom) and covered deck requesting variances for setbacks, lot coverage and an encroachment.



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

Variance #1 is for lot coverage of 42.32%, where a maximum lot coverage of 40% is permitted. Staff note that the dwelling's footprint, inclusive of the one-storey addition, covers approximately 38.6% of the subject property. The remaining coverage would be attributed to the wood deck area, covered concrete slab area and front covered porch, which are primarily open structures and do not pose any significant massing concerns. The proposed addition is one-storey in height and does not require additional variances for gross floor area or height which can have the effect of exacerbating the massing impact of the dwelling.

Variances #2, 3, 4 and 5 are regarding rear yard setbacks and a stair encroachment. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Staff note that the requested setbacks are only requested to the eaves and stairs of the one-storey addition. These features do not pose significant massing impacts. Staff note that the addition is small and does not span the entire width of the rear wall of the dwelling. The remaining portions of the dwelling complies with the rear yard setback requirements. This ensures that an appropriate rear yard amenity area is maintained.

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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 23/10209.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit 23-10209. 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.

City Department and Agency Comments	File:A130.24	2024/04/10	5
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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: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 4- CVC Comments

Please see below comments for minor variance application for 957 Beechwood Ave:

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

CVC has previously reviewed and issued a permit for the proposed development as part of CVC permit application FF 23/073. It appears that the proposal is the same, however if any changes are required to the plans permitting by CVC. The applicant needs to contact CVC to obtain a revised 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



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A163.24
Ward: 5

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 3215 Derry Road East, zoned C3 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow temporary approval for an outdoor storage space for a period of up to two years, whereas By-law 0225-2007, as amended, does not permit such a use in a C3 Zone.

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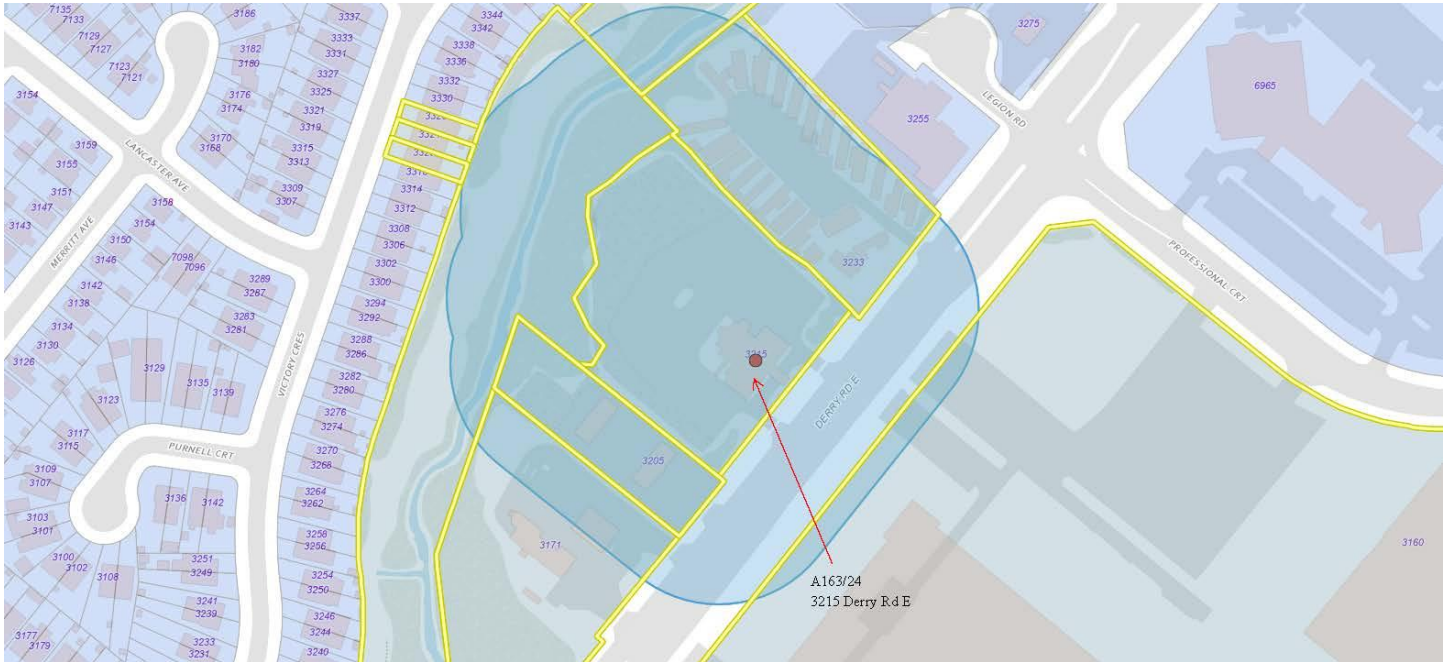
Additional Information:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A163.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow temporary approval for an outdoor storage space for a period of up to two years, whereas By-law 0225-2007, as amended, does not permit such a use in a C3 Zone.

Background

Property Address: 3215 Derry Road East

Mississauga Official Plan

Character Area: **Malton Neighbourhood**
Designation: **Mixed Use**

Zoning By-law 0225-2007

Zoning: **C3 - Commercial**

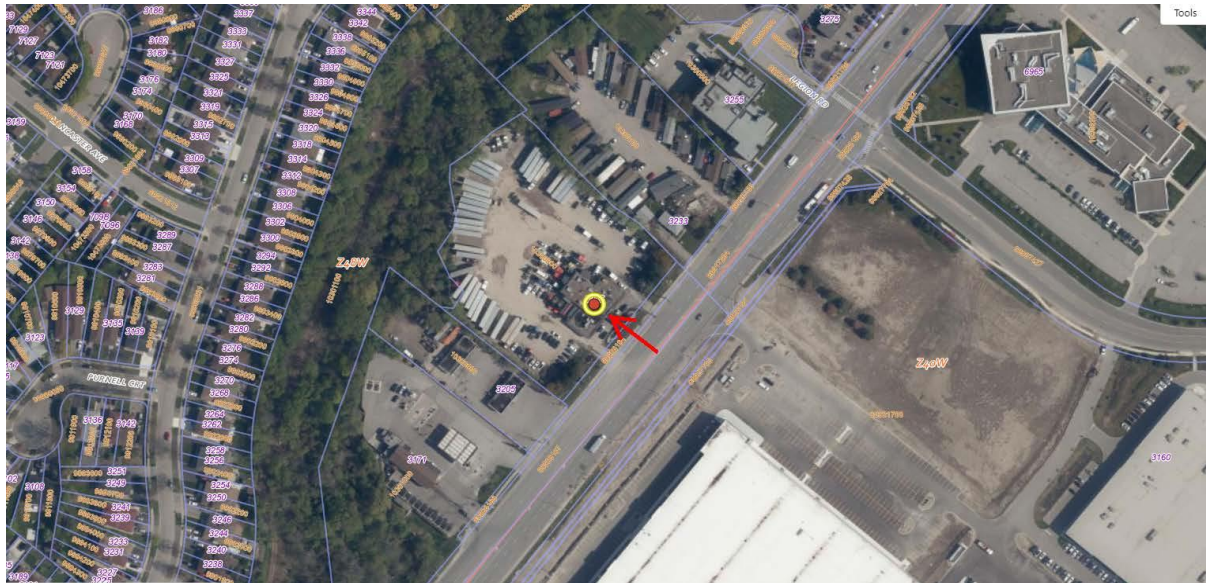
Other Applications: None

Site and Area Context

The subject property is located on the north side of Derry Road East, east of the Airport Road and Derry Road intersection in the Malton Neighbourhood Character Area. A one-storey commercial building is present on the subject property, which has a lot area of +/- 1.18ha (2.91ac). Limited landscaping and mature vegetation exists along all of the lot boundaries of the

site. The surrounding context contains a mix of commercial, employment and motor vehicle commercial uses with a mobile home park abutting the property to the east. Additionally, the Derry Greenway abuts the property to the north.

The applicant is proposing an outdoor storage use requiring a variance for the 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 of the four tests to this minor variance request are as follows:

The subject property is located in the Malton Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of uses, including commercial, funeral establishment, motor vehicle, residential and service establishment uses. Post-secondary educational facilities are also permitted.

The applicant has proposed an Outdoor Storage use, which permits the storage of goods, including motor vehicles. The site plan submitted indicates the subject property will be utilized for the temporary parking of trucks. Staff note the Transportation Facility use may apply to the subject property, depending on the specifics of the vehicles intended to be stored. The zoning by-law defines a Transportation Facility use as an area set aside exclusively for the storage of commercial motor vehicles exceeding 3,000kg (6,613.86lbs) in weight.

Staff note that the proposed Outdoor Storage or Transportation Facility uses are only permitted in Employment zones. Furthermore, Chapter 11 of the MOP only permits Transportation Facilities in Business Employment and Industrial designations, while Outdoor Storage is only permitted in the Industrial designation.

Planning staff are of the opinion that the MOP has clear policies to discourage this type of use in this area. The proposal is not appropriate for a site designated Mixed Use in the MOP and therefore does not maintain the general intent and purpose of the official plan. Furthermore, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework. Staff find that the application is not minor in nature and does not represent appropriate development of the subject property.

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 also note that any access related concerns will be addressed by the Region of Peel as Derry Road East is under their jurisdiction.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment Comments

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

The property is also adjacent to lands leased by the City of Mississauga, identified as Derry Greenway (P-125), 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. Storage areas shall maintain a minimum setback of 5.0 m or greater to adjacent lands zoned G1 – Greenlands.
2. All existing encroachments onto City parkland identified as Derry Greenway (P-125) shall be removed.
3. Storage use in the adjacent park/greenlands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
5. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
6. 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.
7. 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.

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 - TRCA Comments

Re: Minor Variance Application – A163.24

3215 Derry Road East

City of Mississauga, Region of Peel

Owner: MSK Derry Hotel Inc.

Agent: Harper Dell & Associates Inc. c/o Nicholas H. Dell

This letter acknowledges receipt of the above subject application received on March 18, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and the circulated materials listed in Appendix A to this letter in accordance with the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. With respect to Planning Act matters, conservation authorities have a role to ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a provincial plan.

In addition, TRCA staff have also reviewed this application in accordance with Ontario Regulation 41/24. Where development activity is proposed within a regulated area, a permit is required to ensure that it conforms to the applicable tests for implementation of the regulation. The subject property is located partially within TRCA's Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is within TRCA's Regulated Area owing to the presence of a valley corridor with Regulatory floodplain.

Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application assigned City File No. A163.24 is to allow temporary approval for an outdoor storage space for a period of up to two years, whereas By-law 0225-2007, as amended, does not permit such a use in a C3 Zone.

It is our understanding that the requested variances are required to facilitate the outdoor storage of trucks on a temporary basis for a period of 1 to 2 years. The proposed works also include the development of a screened fence with screened gate. It is unclear if the existing structure is to remain or is to be removed. It is also unclear if the proposed parking expansion will require aggregate fill to be placed or require paving. TRCA staff understand there is no change to the access on Derry Road East.

Background

In 2016 the applicant opened a TRCA Concept Development Application (CFN 55091.06) to determine the limits of development through a staking of the Top of Bank. At that time, it was noted that a geotechnical report confirming the extent of the Long-Term Stable Top of Slope was required to confirm the extent of the erosion hazard. TRCA has no record of this study having been submitted and as such the extent of the erosion hazard has not been confirmed to

date. As such, a geotechnical study remains outstanding. Staff recommends applicant contact TRCA to scope the geotechnical study Terms of Reference.

Through the City's pre-application consultation request (assigned project no. PAM 24-24 W5) the following comments were provided:

- As was noted in the initial PAM meeting, portions of Derry Road to the south near the rail underpass will be subject to unsafe flood depths.
- Portions of Derry Road to the north by the Mimico Creek crossing will be subject to safe but not flood free conditions. While the access into Derry Road at 3215 Derry Road itself is not subject to flooding, we would request confirmation from the City that the wider area meets their emergency access criteria.

Application Specific Comments

Based on our review, the proposed temporary change of use of the existing parking will be located within TRCA's regulated portion of the site. We encourage the applicant to locate the fencing outside of the slope hazard. TRCA does not regulate the construction of fences under Ontario Regulation 41/24. As such the fencing works do not require a permit from TRCA under Ontario Regulation 41/24.

If the application does require aggregate filling or paving to expand the parking area, a permit will be required under Ontario Regulation 41/24. Please ensure that the proposed expansion of the parking is setback 10m from the Long-Term Stable Top of Bank as per the required geotechnical study that remains outstanding.

Recommendation

TRCA's staff recommend **deferral** to the above noted Minor Variance Application – A163.24. As noted above, without supporting technical information on the overall limits of development, TRCA staff cannot support the parking configuration as currently shown as it appears to be within the potential Erosion Hazard to the adjacent valley feature. To facilitate TRCA's continuing review of this application, we would request that the applicant undertakes the noted geotechnical study to confirm the overall Long Term Stable Top of Slope for the current and future development and revised the proposed parking spaces to provide a 10m buffer from this hazard.

A TRCA permit pursuant to Ontario Regulation 41/24 may be required for any additional future works on the subject property.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,250.00 received on March 11, 2024.

City Department and Agency Comments	File:A163.24	2024/04/10	10
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We thank you for the opportunity to review the Minor Variance Application and provide our comments. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

Appendix 5 – Region of Peel

Minor Variance: A-24-163M / 3215 Derry Road East

Transportation Development: Damon Recagno (905)-791-7800

Comments:

- Traffic related concerns to be dealt with at the planning application stage (PAM-24-024M) or any future application.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A164.24
Ward: 8

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 2190 Mississauga Road, 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 an addition proposing a lot coverage of 28.66% (505.95 sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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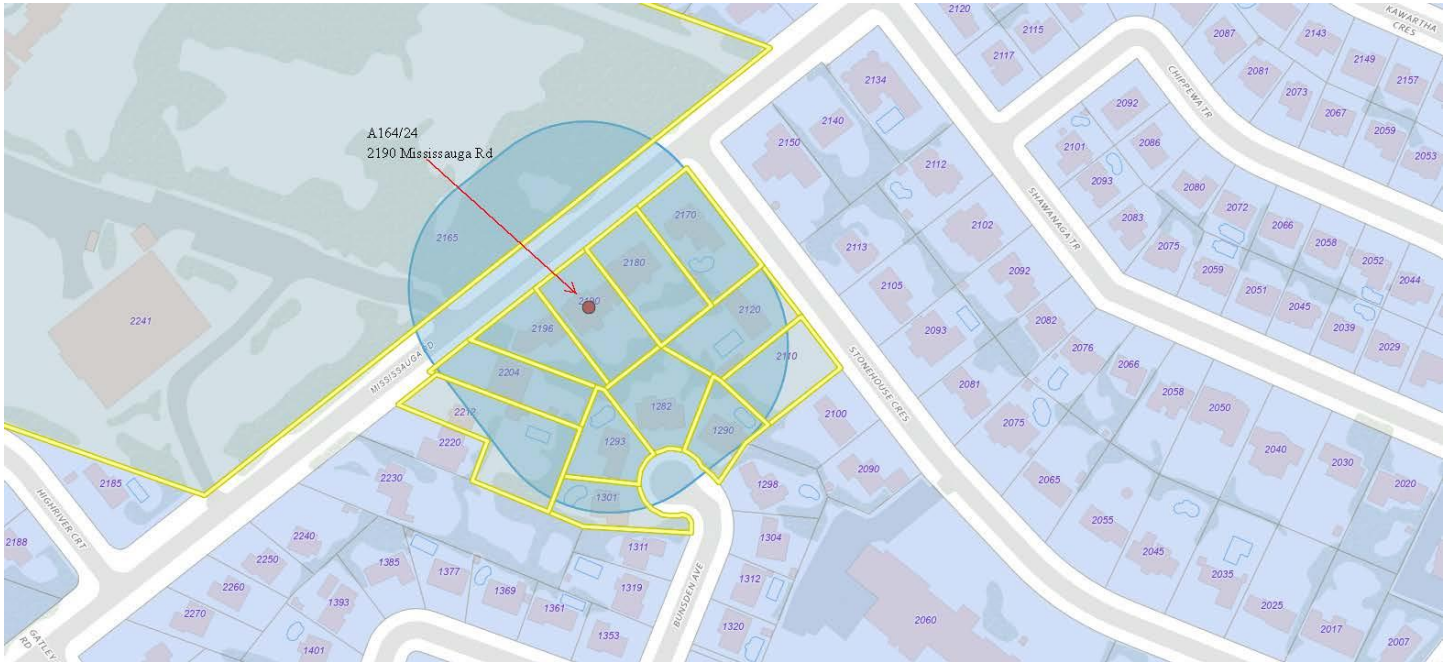
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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A164.24
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a lot coverage of 28.66% (505.95 sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% in this instance.

Background

Property Address: 2190 Mississauga Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R1 - Residential

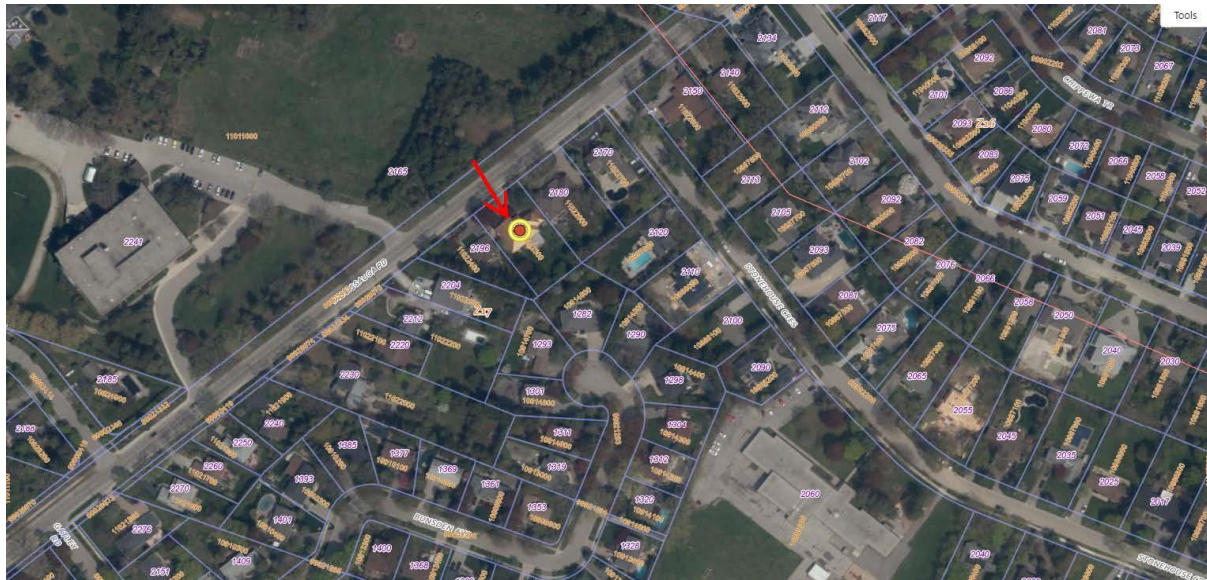
Other Applications: Building Permit BP24-42.

Site and Area Context

The subject property is located in the Sheridan Neighbourhood Character Area, west of the Mississauga Road and North Sheridan Way intersection. The immediate neighbourhood

consists of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The application proposes a new one-storey addition requesting a variance for lot coverage.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property is located in the Sheridan 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.

The requested variance is for a lot coverage of 28.66%, where a maximum lot coverage of 25% is permitted. Staff note that the dwelling's footprint covers approximately 25% of the subject property. The remaining coverage would be attributed to the rear wood deck and walk out basement, which do not pose any massing concerns. The proposed addition is one-storey and projects into the rear yard, minimizing its massing impact.

City Department and Agency Comments	File:A164.24	2024/04/10	3
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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 addition are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/42.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Division is processing Building Permit BP24-42. 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-164M / 2190 Mississauga Road

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

Comments:

-
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
 - All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
 - Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A165.24
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 2182 Gordon Drive, zoned R1-6- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure proposing:

1. 4 garages (including carport) whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
2. A garage area of 287.78sq m (approx. 3097.64sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29sq ft) in this instance;
3. A driveway width beyond the 6m of a side loaded garage of 29.10m (approx. 95.47ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
4. A garage height of 9.105m (approx. 29.87ft) whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m (approx. 15.09ft) in this instance;
5. A garage eaves height of 4.54m (approx. 14.90ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 3.00m (approx. 9.84ft) in this instance;
6. An accessory structure height (pergola) of 4.166m (approx. 13.67ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
7. An accessory structure area (pergola) of 76.35sq m (approx. 821.82sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
8. A gross area of all accessory structures of 205.60sq m (approx. 2213.06sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 60.00sq m (approx. 645.84sq ft) in this instance;
9. A side yard setback to the AC Unit of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance.

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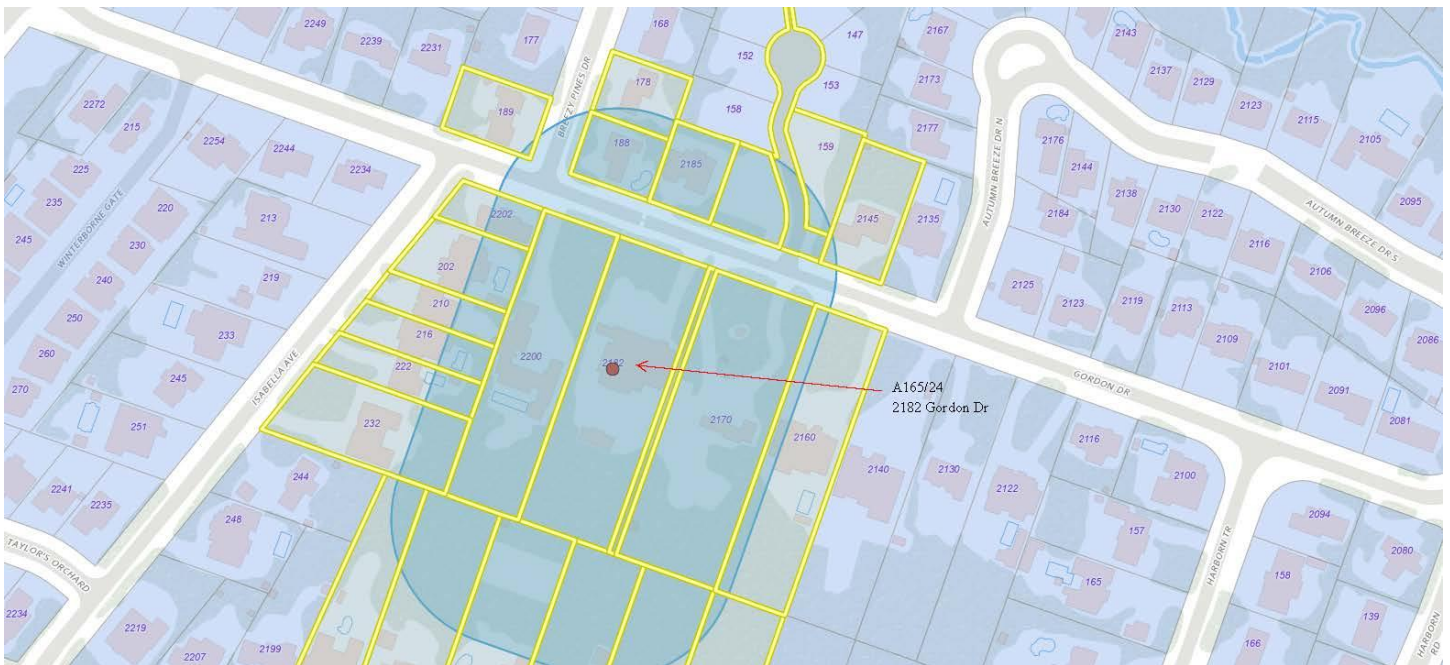
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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A165.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. 4 garages (including carport) whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
2. A garage area of 287.78sq m (approx. 3097.64sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.29sq ft) in this instance;
3. A driveway width beyond the 6m of a side loaded garage of 29.10m (approx. 95.47ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
4. A garage height of 9.105m (approx. 29.87ft) whereas By-law 0225-2007, as amended, permits a maximum garage height of 4.60m (approx. 15.09ft) in this instance;
5. A garage eaves height of 4.54m (approx. 14.90ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 3.00m (approx. 9.84ft) in this instance;
6. An accessory structure height (pergola) of 4.166m (approx. 13.67ft) whereas By-law 0225-2007, as amended, permits a maximum height of 3.50m (approx. 11.48ft) in this instance;
7. An accessory structure area (pergola) of 76.35sq m (approx. 821.82sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 20.00sq m (approx. 215.28sq ft) in this instance;
8. A gross area of all accessory structures of 205.60sq m (approx. 2213.06sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 60.00sq m (approx. 645.84sq ft) in this instance;
9. A side yard setback to the AC Unit of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance.

Background

Property Address: 2182 Gordon Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)

Designation: Residential Low Density I

Zoning By-law 0225-2007

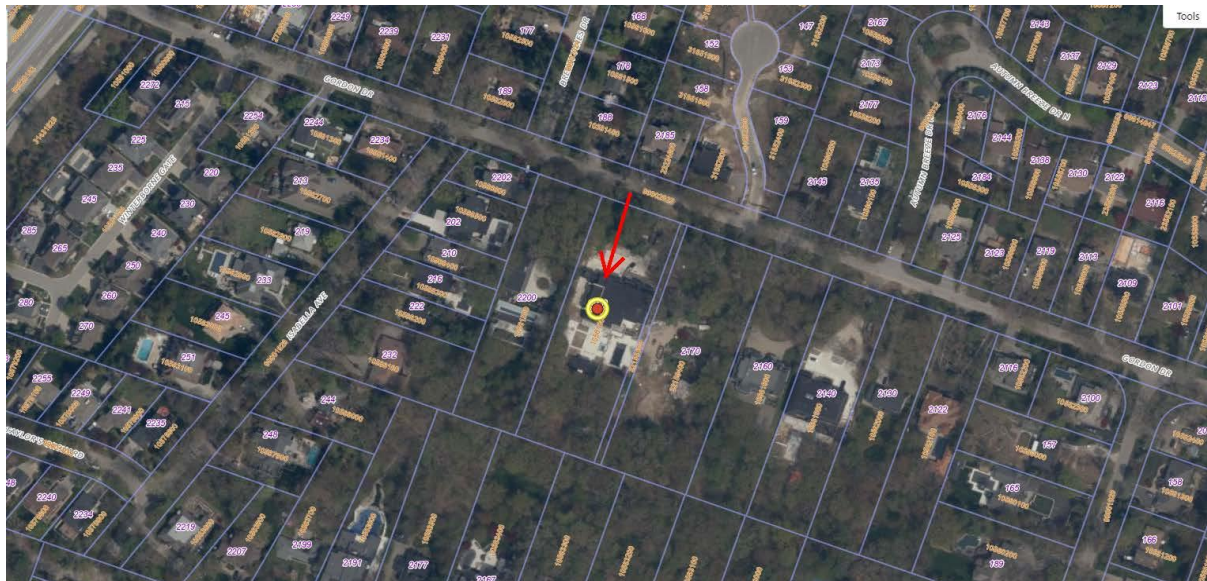
Zoning: R1-6- Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Hurontario Street and Queensway West intersection in an area known as Gordon Woods. The subject property currently contains a two-storey detached dwelling and on a lot with an area of +/- 0.65ha (1.61ac). The subject property is one of the largest in the Gordon Woods area and contains significant mature vegetation in both the front and rear yards. The surrounding area context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing an accessory structure and garage requiring variances for multiple garages, garage area, driveway width, garage height, garage eve height, accessory structure height and area, total gross floor area for all accessory structures and side yard setback to AC unit.



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 Cooksville 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 only detached dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The property also forms part of Special Site 4, which includes policies surrounding the maintenance of vegetation and generous setbacks.

The applicant is proposing an accessory structure and additional garage, requiring variances for areas, height and driveway width.

Staff note that the subject property has been before the Committee of Adjustment under Files A148.19 and A517.22, where multiple variances regarding garage and accessory structures were approved. A variance for driveway width of 34.5m (113.19ft) was also previously approved. As such, Planning staff are unable to determine whether Variance #3 for driveway width would be required.

Further, staff are of the opinion that the proposed garage area and height appear excessive in conjunction with the previous approvals. At this time, Zoning staff are unable to confirm the accuracy of the requested variances and if additional variances are required. Staff are of the

City Department and Agency Comments	File:A165.24	2024/04/10	4
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opinion that the application go through a full zoning review before the variances can be fully evaluated.

Given the above, Planning staff recommend that the application be deferred in order to allow the applicant to ensure the accuracy of the requested variances and if additional variances are required to allow Planning staff to fully review the combined impacts of all required variances within a single application.

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 this property will be addressed through the Building Permit and Site Plan 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 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A166.24
Ward: 11

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 6741 Historic Trail, zoned R10-1- 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 a below grade entrance with a side yard setback of 0.06m (approx. 0.20ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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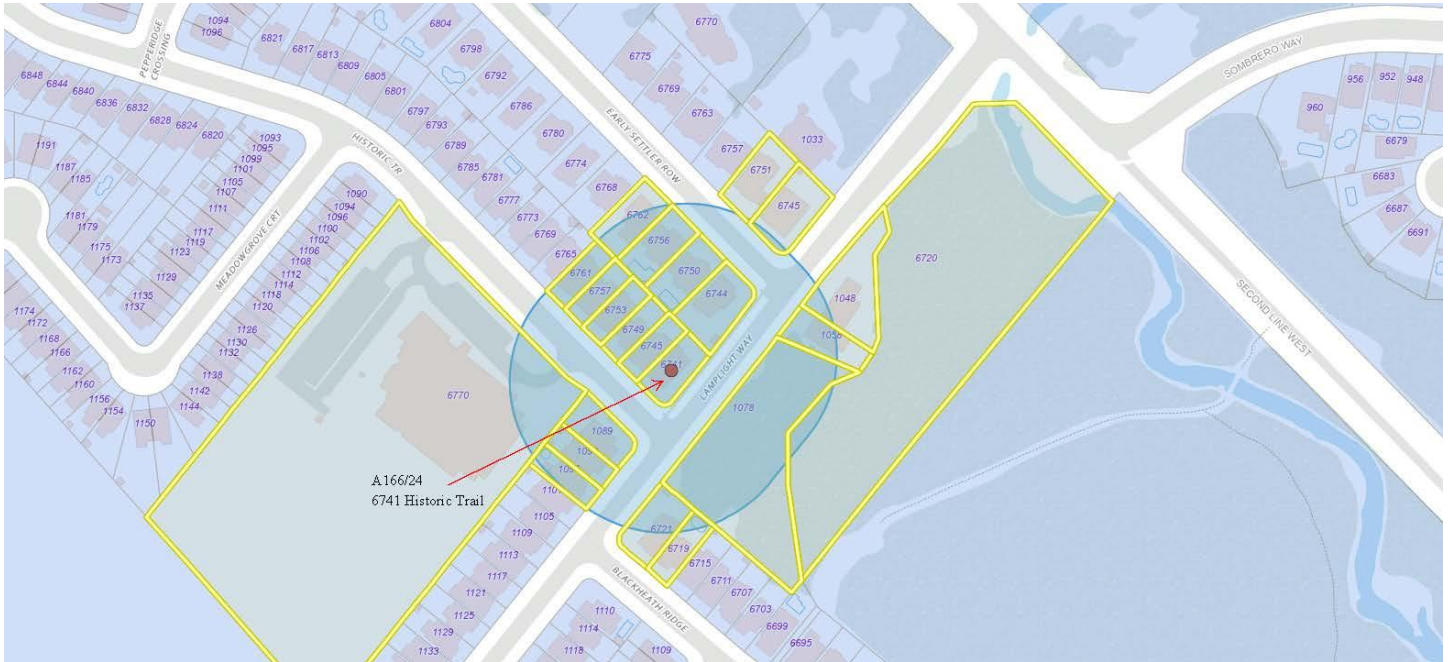
Additional Information:

- 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/>.

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A166.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance with a side yard setback of 0.06m (approx. 0.20ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 6741 Historic Trail

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R10-1- Residential

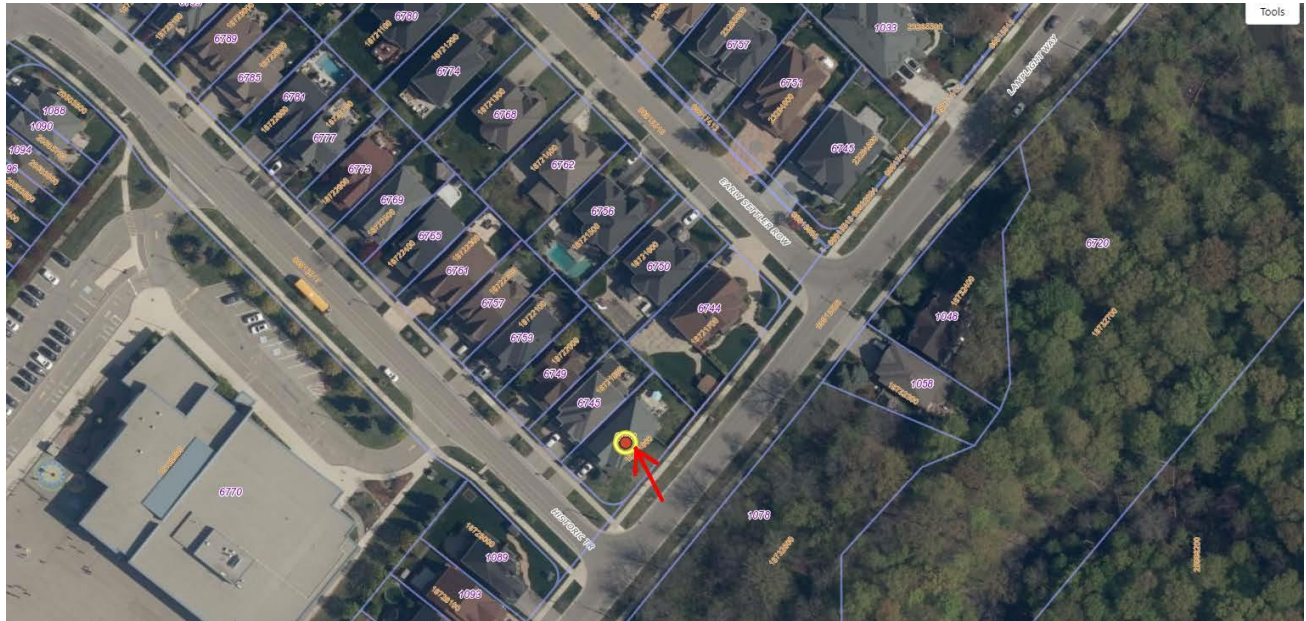
Other Applications: None

Site and Area Context

The subject property is located south-west of the Old Derry Road and Second Line West intersection in the Meadowvale Village Neighbourhood. It's a corner lot containing a two-storey detached dwelling with an attached garage. Some landscaping and vegetative elements are

present on the subject property. The surrounding context is predominantly residential, consisting of detached dwellings.

The applicant is proposing a below grade entrance requiring a variance for side yard setback.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property is located in the Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

The sole variance requested pertains to side yard setback measured to a below grade entrance. The general intent of the side yard regulations in the by-law is to ensure that: an adequate buffer exists between the primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard remains unencumbered.

Transportation and Works staff have identified drainage related concerns which should be addressed to mitigate impacts to abutting properties. Planning staff echo these comments and

therefore recommend that the application be deferred in order to allow the applicant an opportunity to address concerns raised by the Transportation and Works Department.

Comments Prepared by: Shivani Chopra, Planning Associate

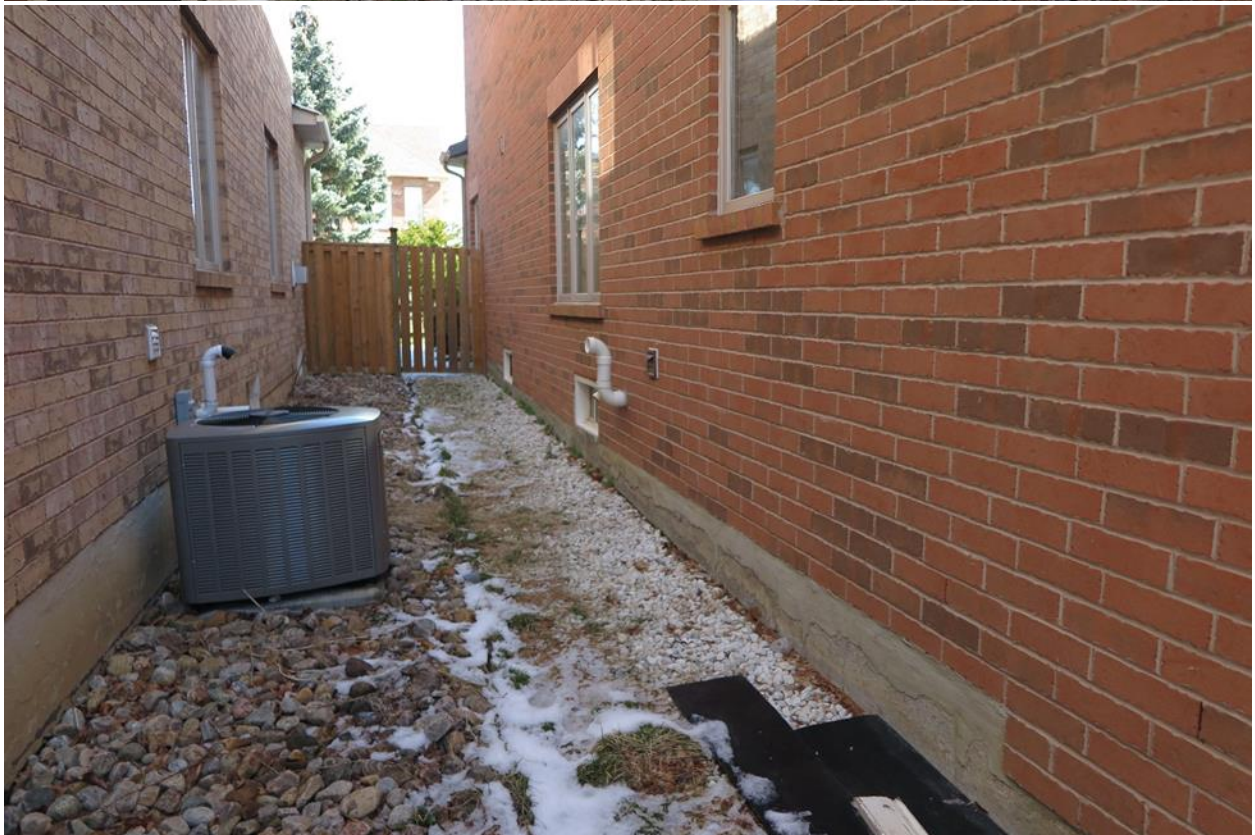
Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the area where the proposed side entrance is being proposed. We note that the Grading Plan (Plan C-43163) approved for this property under Registered Plan of Subdivision 43M-1395 depicts a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale.

The requested reduction in the side yard setback significantly reduces the side yard setback and this would not allow for a fully functional drainage swale between the properties resulting in some drainage being directed onto the adjacent property. Should the Committee see merit in the applicant's request, we would recommend that the existing drainage pattern in the area of the proposed side stairwell be maintained by narrowing the stairwell so that the foundation wall is offset a minimum of approximately 6 inches/0.15m from the property line.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance: A-24-166M / 6741 Historic Trail

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

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service

may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

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

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A167.24
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 3181 Wolfedale Rd Unit 3, zoned E2-133, 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 motor vehicle repair, sales, leasing, and rental facility whereas By-law 0225-2007, as amended, permits only a motor vehicle repair facility in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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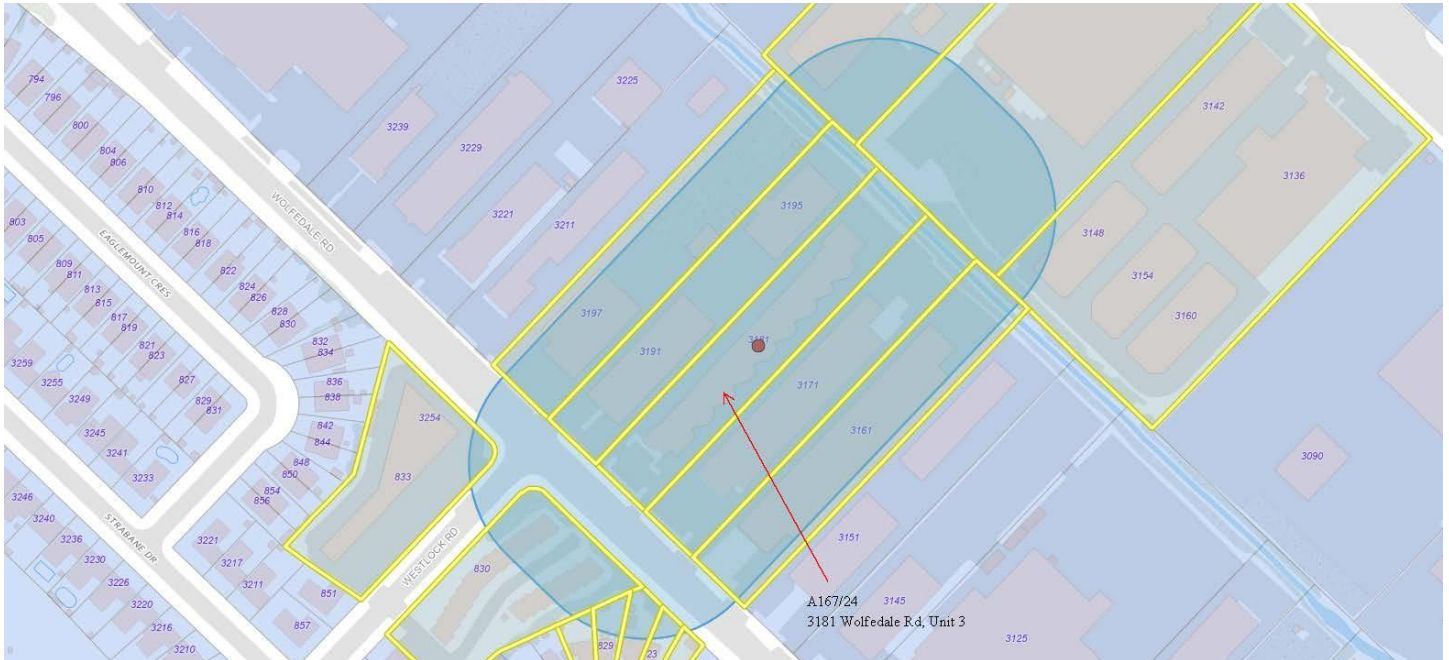
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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A167.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 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 a motor vehicle repair, sales, leasing, and rental facility whereas By-law 0225-2007, as amended, permits only a motor vehicle repair facility in this instance.

Amendments

The Building Department is currently processing a Certificate of Occupancy permit under file C 23-8982. Based on review of the information currently available in this permit application, the variance as requested should be amended to accurately reflect the wording of the Zoning By-law. The wording of the variance should read as follows:

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted whereas By-law 0225-2007, as amended, does not permit this use.

Background

Property Address: 3181 Wolfedale Rd Unit 3

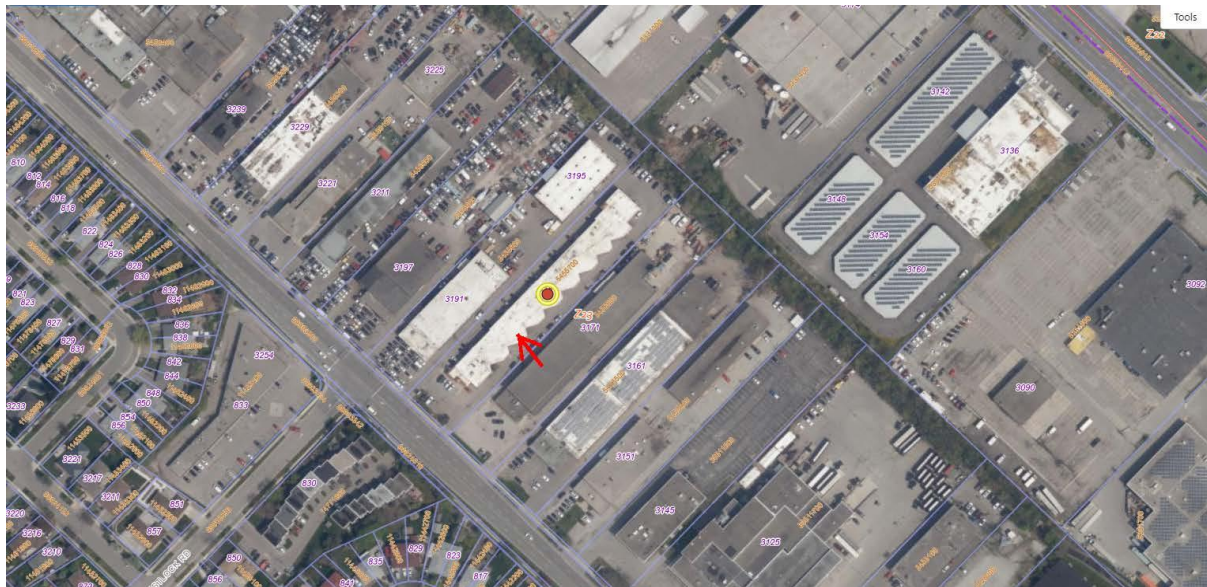
Mississauga Official Plan

Character Area: **Mavis-Erindale Employment Area**
Designation: **Business Employment, Greenlands**

Zoning By-law 0225-2007**Zoning: E2-133****Other Applications: C 23-8982****Site and Area Context**

The subject property is located on the east side of Wolfedale Road, north-east of the Wolfedale Road and Dundas Street West intersection in the Mavis-Erindale Employment Area. The property contains a single storey industrial building containing multi-tenant industrial units with little vegetation and landscaping, which is mostly located along the property frontage. The context of the surrounding area consists of varied sizes of industrial buildings and both commercial and residential uses across the street from the subject property on the west side of Wolfedale Road.

The applicant is proposing to change the use of the property, requiring a variance for a motor vehicle sales, lease and rental facility.

**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 Mavis-Erindale Employment Area Character Area and is designated Business Employment and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits several motor vehicle related uses including service, repair, wash, and rental, however it specifically does not permit motor vehicle sales uses. Staff are therefore of the opinion that the proposed variance does not maintain the general intent and purpose of the zoning by-law.

The variance proposes to permit a restricted motor vehicle sales facility use in a zone where it is not permitted. The intent and purpose of the zoning by-law is to permit motor vehicle retail uses in Commercial zones with other retail uses and not in employment zones as of right. The use requested is limited solely to the C3 zone. Staff note that vehicle sales and rentals are permitted within the E2 zone, however it is limited to commercial vehicles and not regular cars. This is due to the use serving the surrounding businesses, their commercial vehicle needs and the intensity of the use when selling, renting and repairing those types of commercial motor vehicles. Given the City's active decision to remove the proposed use from the permissions of the E2 zone and to only permit it in E3 zones, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained.

Staff are therefore of the opinion that the proposed variance does not maintain the general intent and purpose of the zoning by-law and does not represent appropriate development of the lands. The requested use was intentionally prohibited from Employment zones and is not minor in nature.

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.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering





Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy permit under file C 23-8982. Based on review of the information currently available in this permit application, the variance as requested should be amended to accurately reflect the wording of the Zoning By-law. The wording of the variance should read as follows:

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted whereas By-law 0225-2007, as amended, does not permit this use.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Tage Crooks Planner, Zoning Examination

Appendix 3 – CVC Comments

Credit Valley Conservation (CVC) staff were circulated the above noted Minor Variance application for 3181 Wolfedale Rd, Unit 3 in Mississauga. Please see our comments below.

Ontario Regulation 41/24:

A portion of 3181 Wolfedale Road in Mississauga is regulated due to Wolfedale Creek and the associated flood and slope hazards. As such, the property is subject to Section 28 of the Conservation Authorities Act and Ontario Regulation 41/24, the Prohibited Activities, Exemptions, and Permits Regulation. 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 motor vehicle repair, sales, leasing, and rental facility whereas By-law 0225-2007, as amended, permits only a motor vehicle repair facility in this instance.

CVC Comments:

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

It is our understanding that the proposal is for a change in use and that no new development is being proposed at this time. Further, based on the plans provided and information available, Unit 3 is outside of the CVC Regulated Area. As such, a CVC permit is not required for this proposal.

Should future development be proposed within the Regulated Area on this property, the owner should contact CVC to discuss any proposals and requirements.

Should you have any questions on the above, please let me know.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 4 – Metrolinx

3181 Wolfedale Rd Unit 3 - A167.24

Metrolinx is in receipt of the Minor Variance application for 3181 Wolfedale Rd (unit 3) to allow an existing motor vehicle repair, sales, leasing, and rental facility. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- As the requested variances have minimal impact on Metrolinx property (i.e., Milton Corridor), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – Zoning Comments

Minor Variance: A-24-167M / 3181 Wolfedale Rd (Unit 3)

Planning: Ayooluwa Ayoola (905)-791-7800

Comments:

- We recognize that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP) and within a Provincially Significant Employment Zone. The Region will not be in support of the proposed motor vehicle sales, leasing, and rental facility, as it does not keep with the general intent of the ROP and not compatible with the exiting land use pattern.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A168.24
Ward: 3

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 3494 Burningham Cres, zoned R3, 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 for the construction of a proposed swimming pool located in a required exterior side yard, whereas By-law 0225-2007, as amended, does not permit a swimming pool in a required exterior side yard in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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

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

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A168.24
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow for the construction of a proposed swimming pool located in a required exterior side yard, whereas By-law 0225-2007, as amended, does not permit a swimming pool in a required exterior side yard in this instance.

Background

Property Address: 3494 Burninglem Cres

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3

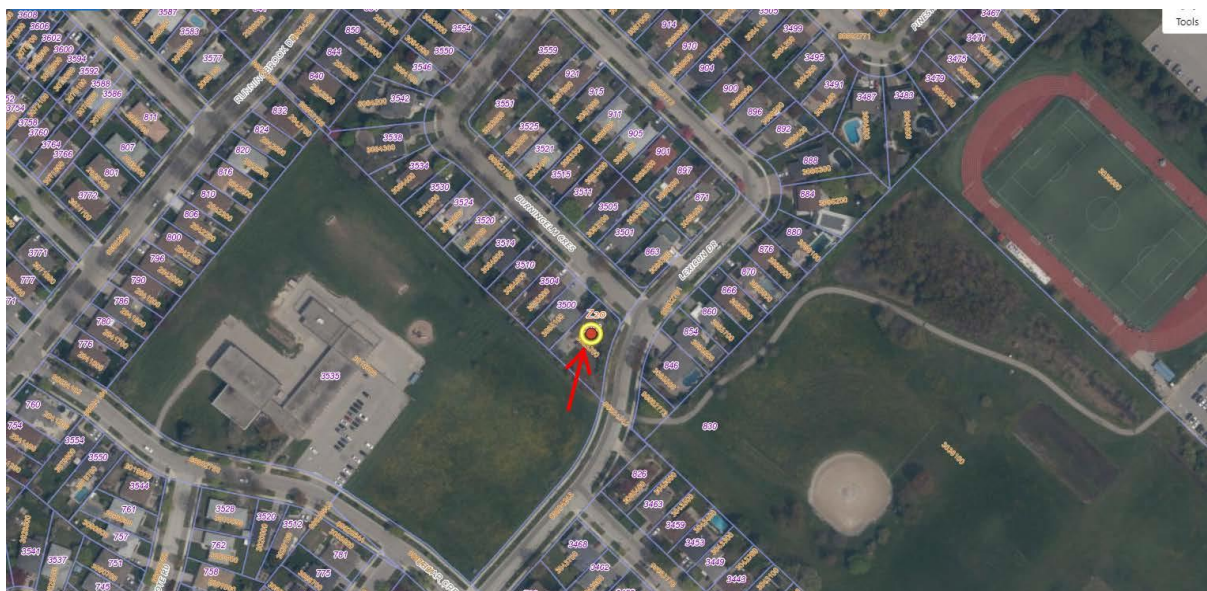
Other Applications: PREAPP 24-139

Site and Area Context

The subject property is located south-west of the Tomken Road and Runningbrook Drive intersection in the Applewood Neighbourhood Character Area. It is a corner property, containing

a detached dwelling with an attached garage. The subject property has a lot area of +/- 1,050.18m² (11,304.04ft²). Mature vegetation exists in the front, rear and exterior side yards of the subject property. The surrounding area context contains detached dwellings with the Silverthorn Public School abutting the property to the west. Staff note there is a Trans-Northern Pipeline easement located in the rear yard. The easement is approximately 9.08m (29.79ft) wide and runs parallel to the rear property line of the subject property.

The applicant is proposing a new pool on the property, requiring a variance for its location in the 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 of the four tests to this minor variance request are as follows:

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

The subject property is located in the Applewood 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. The proposed pool is compatible with the surrounding area and does not directly abut other residential properties. Staff note the applicant

is proposing to locate the pool in the exterior side yard due to the Trans-Northern Pipeline easement encompassing a large portion of the rear yard. Furthermore, wood fencing screens the proposed pool from public view in the exterior side yard of the property. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

The general intent of the regulations regarding pools in the by-law is to ensure that they are appropriately located on the property, do not impact the streetscape, and provide adequate drainage around the pool. Staff note there is an existing fence that would screen the swimming pool from the streetscape providing the necessary privacy while maintaining a typical exterior side yard streetscape. It is worth noting that the variance is to permit a pool in the exterior side yard only and that the pool meets the setback requirements from the established lot lines. Staff are satisfied that the request meets the general intent and purpose of the zoning by-law.

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

Staff note that the swimming pool meets all other required setbacks. The exterior side yard where the pool is proposed does not directly abut any other residential properties. The variance does not pose any significant negative impact to the streetscape and is an appropriate use of the amenity space. Staff are satisfied that the proposal is minor in nature and represents appropriate development of the subject lands.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

There is an existing Transnorthern Pipeline Easement in the rear yard. We note that this is a corner lot and do not foresee drainage related concerns with the location of the proposed swimming pool within the side yard.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Preliminary Zoning Review application PREAPP 24-139. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Comments Prepared by: Andrew Wemekamp, Zoning Plans Examiner.

Appendix 3 – Region of Peel

Comments of Conditions for Approval

Minor Variance/ Consent: A-24-168M / 3494 Burninglem Cres

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

Comments:

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- 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 at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

Conditions:

- Existing easements dedicated to the Region of Peel for the purpose of sanitary sewer and/or watermain, must be maintained to the satisfaction to the Region of Peel. The applicant shall notify the Region of any proposed encroachments on the easement, including structures, signs, landscaping, walkways, parking and servicing.

In order to ensure that the proposed works do not encroach on our easement; the applicant is required to provide us with a site plan and grading & landscape drawing so that we can complete a high-level review to determine if a full encroachment review is required with the appropriate Regional departments.

Comments Prepared by: Andrew Wemekamp, Zoning Plans Examiner.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A169.24
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 70 Wesley Ave, zoned D-Development Zone, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A Motor Vehicle Repair Facility – Restricted use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance; and,
2. A Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted as an accessory sales use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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Committee of Adjustment Appeal Process:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A169.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused. Should the Committee see merit in the application, staff recommends that the following terms be included.

Application Details

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

1. A Motor Vehicle Repair Facility – Restricted use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance; and,
2. A Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted as an accessory sales use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance.

Terms

Should the Committee see merit in the application, Planning staff recommend that the following terms be included:

1. No outside storage of motor vehicles shall occur on the premises.
2. No outdoor repairs of motor vehicles and all business shall be contained indoors.
3. No auto body repair shall be permitted on the subject property.
4. No sales signage of motor vehicles.
5. No more than two vehicles shall be for sale at any given time.

Background

Property Address: 70 Wesley Ave

Mississauga Official Plan

Character Area: **Port Credit Neighbourhood (West)**
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: D-Development Zone

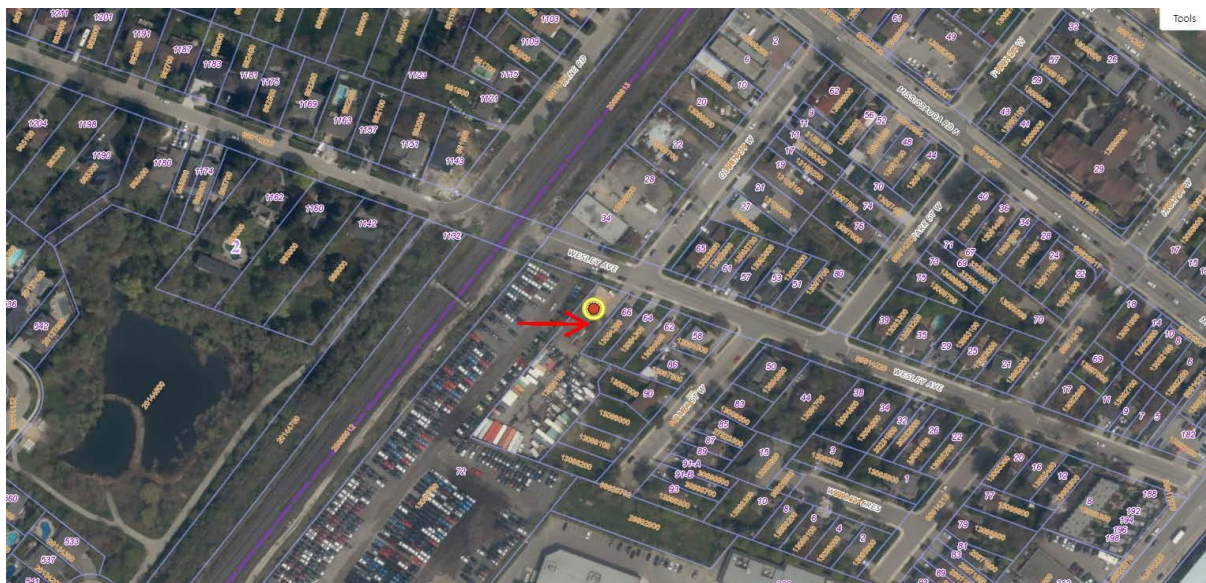
Other Applications: A223/20

Site and Area Context

The subject site is located within the Port Credit Neighbourhood Character Area, northwest of the Mississauga Road North and Lakeshore Road West intersection. Further north of the subject site is a Metrolinx railway line.

The immediate area primarily consists of residential uses. However, there are a few business employment uses located to the east of the subject site on the north side of Queen Street West.

The subject site contains an existing single storey building with outdoor storage in the rear yard. The applicant requests minor variances to permit the existing land uses listed above. The applicant was granted temporary minor variance approval for the same uses on August 20, 2020, for a period of three years. The Committee approved the application subject to the terms above.



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:

Planning staff echo their comments from application A223.20 and continue to recommend refusal of the requested variances.

The subject site is designated "Business Employment" in Schedule 10 of the Mississauga Official Plan limits motor vehicle uses to a motor vehicle repair facility, motor vehicle commercial and other non motor vehicle uses. The official plan only allows motor vehicle sales in a 'Mixed Use' designation. The intent of the official plan is to allow motor vehicle retail uses in a commercial zone with other retail uses and to not create a precedence in establishing retail car dealerships in other designations as of right. Therefore, staff is of the opinion that variance #2 does not maintain the general intent and purpose of the official plan.

The subject site is zoned 'D' (Development) which permits buildings/structures that were legally existing on the date of passing of Zoning By-law 0225-2007. The City's records indicate that a motor vehicle repair and motor vehicle sales facility did not legally exist on the date of passing the by-law. The intent of a 'D' zone is to only allow building or structures that were legally existing on the date the by-law was passed or to have the property rezoned to bring a site in conformity with the official plan and to create applicable zoning regulations. In this instance, the proposed uses did not legally exist on the date the by-law was passed. As a result, the general intent and purpose of the zoning by-law is not maintained.

The official plan does not envision motor vehicle sales in the Business Employment designation and the zoning bylaw does not permit either of the requested uses in the 'D' zone. Furthermore, the 'D' zone only permits buildings/structures that were legally existing prior to the passage of the zoning by-law in effect. A motor vehicle repair and motor vehicle sales facility did not legally exist on the subject property prior to the passing of the zoning by-law. Staff are of the opinion that the application is not desirable nor minor in nature. As such, Planning staff recommends that the application be refused.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the subject property.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

70 Wesley Ave - A169.24

Metrolinx is in receipt of the Minor Variance application for 70 Wesley Ave to allow an existing motor vehicle repair, sales, leasing, and rental facility. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- As the requested variances have minimal impact on Metrolinx property (i.e., Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 –Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A171.24
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 1204 Kane Road, zoned R2-1- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. An interior side yard setback of 1.91m (approx. 6.27ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.11m (approx. 6.92ft) in this instance;
2. An interior side yard setback of 1.95m (approx. 6.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.11m (approx. 6.92ft) in this instance;
3. An eave height of 6.99m (approx. 22.93ft) 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 522.86sq m (approx. 5628.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 465.79sq m (approx. 5013.72sq ft) in this instance;
5. A dwelling depth of 26.49m (approx. 86.91ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width of 6.43m (approx. 21.10ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A hardscaping setback of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
8. A pool shed setback of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, requires a minimum pool shed setback of 1.20m (approx. 3.94ft) in this instance;
9. An eave width of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave width of 0.45m (approx. 1.48ft) in this instance;
10. A western eave encroachment into the side yard of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance; and,
11. An eastern eave encroachment into the side yard of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance.

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Committee of Adjustment Appeal Process:

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



Legal notice:

Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process of the application. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended, public feedback to planning proposals is considered a public record and will be disclosed to any individual (including being posted on the internet) upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1 or (905) 615-3200 x2408.

City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A171.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. An interior side yard setback of 1.91m (approx. 6.27ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.11m (approx. 6.92ft) in this instance;
2. An interior side yard setback of 1.95m (approx. 6.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.11m (approx. 6.92ft) in this instance;
3. An eave height of 6.99m (approx. 22.93ft) 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 522.86sq m (approx. 5628.01sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 465.79sq m (approx. 5013.72sq ft) in this instance;
5. A dwelling depth of 26.49m (approx. 86.91ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width of 6.43m (approx. 21.10ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
7. A hardscaping setback of 0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
8. A pool shed setback of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, requires a minimum pool shed setback of 1.20m (approx. 3.94ft) in this instance;
9. An eave width of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave width of 0.45m (approx. 1.48ft) in this instance;
10. A western eave encroachment into the side yard of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance; and,
11. An eastern eave encroachment into the side yard of 0.77m (approx. 2.53ft) whereas By-

City Department and Agency Comments	File:A171.24	2024/04/10	2
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law 0225-2007, as amended, permits an eave encroachment of 0.45m (approx. 1.48ft) in this instance.

Condition

Should the Committee find merit in the application, staff advises that the variance for dwelling depth be granted solely to accommodate the covered front entry and rear covered deck as delineated in the submitted plans.

Background

Property Address: 1204 Kane Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

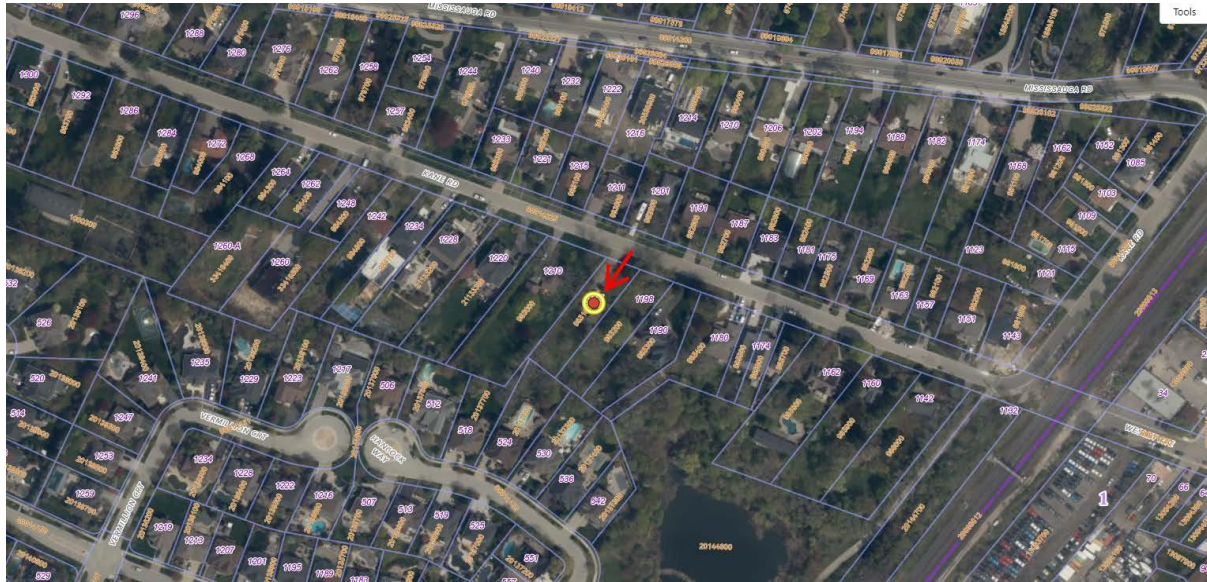
Zoning: R2-1- Residential

Other Applications: none

Site and Area Context

The subject site is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Indian Road and Kane Road. The immediate neighbourhood is entirely residential consisting of older one-storey and newer two-storey detached dwellings on lots with significant mature vegetation in both the front and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant requests the Committee to permit a new two-storey dwelling requiring variances related to setbacks, eave height, gross floor area and eave encroachments.



Comments

Planning

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

Staff comments concerning the application are as follows:

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

Planning staff is unable to accurately locate variance #7 on the plans submitted. Through discussions with Transportation and works staff, staff may not be able to support the requested variance due to existing onsite drainage patterns and the absence of a swale.

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

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.

We advise that we cannot support the Minor Variance for the 0m hard surface setback along the side yard. The future Building Permit will be circulated to our Development Construction Section. They will need to ensure that sufficient swales are included along the side yards to carry the surface drainage away from the dwelling. The proposed walkways as they are shown on the plan will be cause for concern.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

1204 Kane Road - A171.24

Metrolinx is in receipt of the Minor Variance application for 1204 Kane Rd to facilitate the construction of a new two-storey dwelling. Metrolinx's comments on the subject application are noted below:

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

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The

Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-24-171M / 1204 Kane Road

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

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A172.24
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 1402 Indian Grove, 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 dwelling depth of 21.95m (approx. 72.01ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A flat roof height of 10.33m (approx. 33.89ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
3. A height to the underside of the eaves of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A side yard measured to a balcony of 2.15m (approx. 7.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 2.41m (approx. 7.91ft) in this instance;
5. 2 walkways from a driveway whereas By-law 0225-2007, as amended, permits a maximum of 1 walkway from a driveway in this instance;
6. A walkway width of 3.10m (approx. 10.17ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
7. A walkway width of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and
8. A driveway width of 15.75m (approx. 51.67ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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- **By telephone:** Advance registration is required to speak virtually at the hearing. To register, please call 905-615-3200 x2408 by 4:30 PM on the Friday prior to the hearing. You must provide your name, phone number, and the application file number. Committee staff will provide you with call in details prior to the start of the hearing.
- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and the application file number or property address you are commenting on.

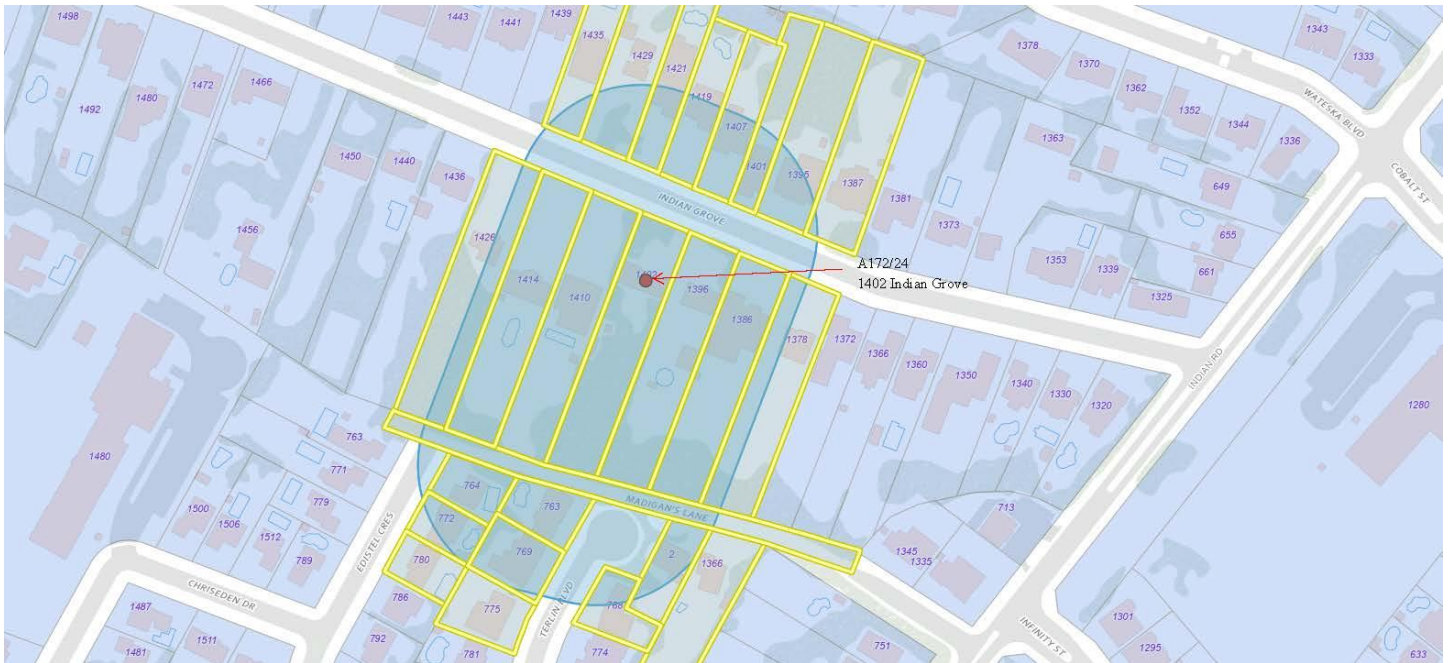
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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A172.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A dwelling depth of 21.95m (approx. 72.01ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
2. A flat roof height of 10.33m (approx. 33.89ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
3. A height to the underside of the eaves of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A side yard measured to a balcony of 2.15m (approx. 7.05ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a balcony of 2.41m (approx. 7.91ft) in this instance;
5. 2 walkways from a driveway whereas By-law 0225-2007, as amended, permits a maximum of 1 walkway from a driveway in this instance;
6. A walkway width of 3.10m (approx. 10.17ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
7. A walkway width of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and
8. A driveway width of 15.75m (approx. 51.67ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 1402 Indian Grove

Mississauga Official Plan

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

Zoning By-law 0225-2007

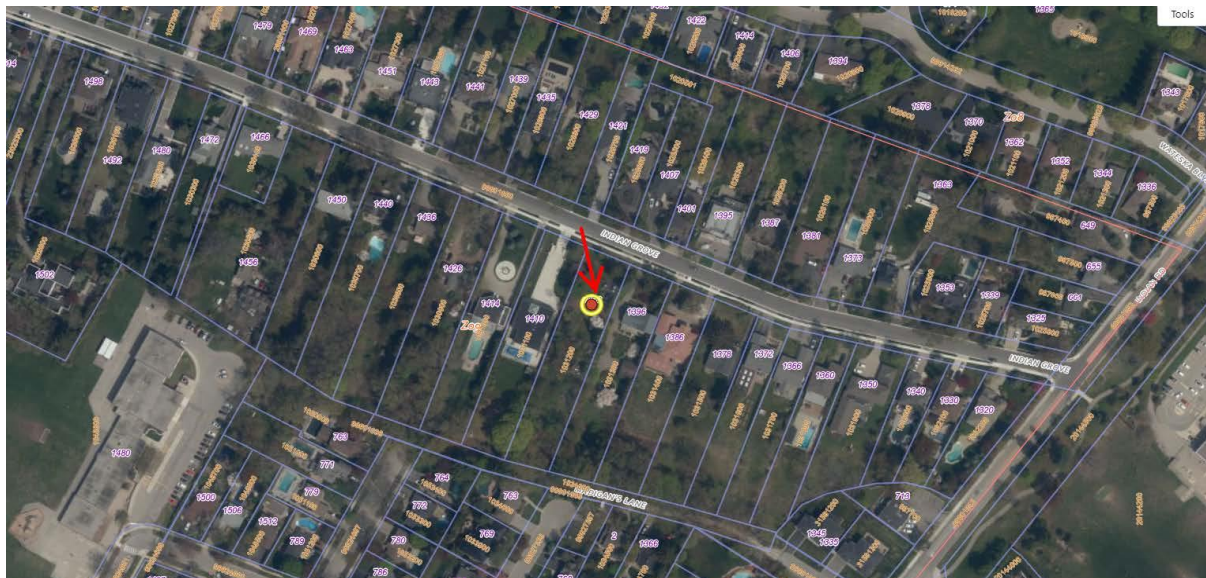
Zoning: **R2-4 - Residential**

Other Applications: **Building Permit application 24-341**

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the South Sheridan Way and Mississauga Road intersection. The immediate neighbourhood consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The application is proposing to construct a new two-storey dwelling and requests variances related to dwelling depth, flat roof height, eave height, setbacks, walkways and driveway width.



Comments

Planning

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

Staff comments concerning the application are as follows:

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

Planning staff are not supportive of variances #2 and 3 for flat roof and eave heights. These variances are excessive and exacerbate the massing impact of the dwelling. Furthermore, the proposed heights do not maintain compatibility with the existing dwellings in the neighbourhood or preserve the neighbourhood's character.

Planning staff are also of the opinion that the walkway widths proposed in variances #6 and 7 represent a significant departure from the maximum width requirement. Lastly, Planning staff are unable to locate variance #8 on the drawings submitted and therefore are unable to determine if it meets the requirements set under section under 45(1) in the *Planning Act*.

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

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 9NEW 24/341.

Our Development Construction Section advises that the additional surface drainage that will be created by the increased hard surface driveway area must be accommodated via the proposed side swales along the property limits. This will be enforced through their review of the Building Permit application once submitted.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-341. 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: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-172M / 1402 Indian Grove

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

Comments:

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

City Department and Agency Comments	File:A172.24	2024/04/10	5
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- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
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Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A111.23
Ward: 11

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

1. An exterior side yard setback to the dwelling of 3.513m (approx. 11.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance and,
2. An exterior side yard setback to the stairs of 2.113m (approx. 6.93ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.40m (approx. 14.44ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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Additional Information:

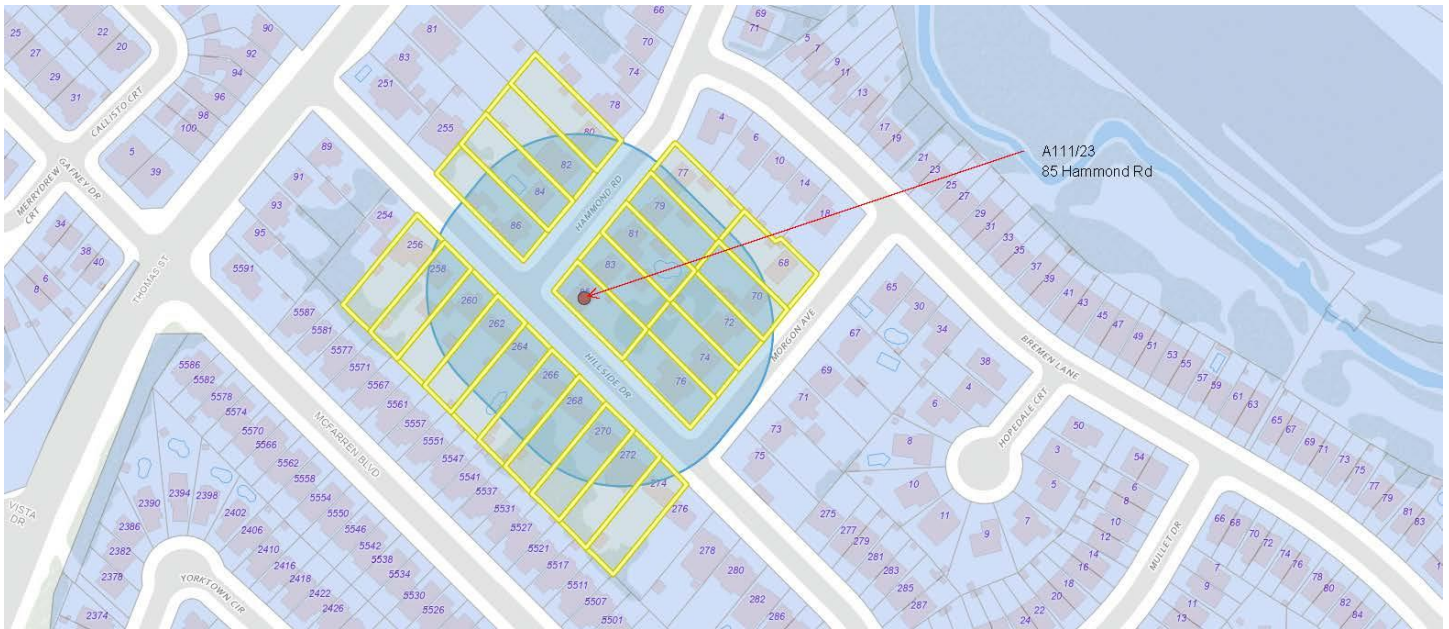
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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A111.23
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. An exterior side yard setback to the dwelling of 3.513m (approx. 11.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance and,
2. An exterior side yard setback to the stairs of 2.113m (approx. 6.93ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.40m (approx. 14.44ft) in this instance.

Background

Property Address: 85 Hammond Rd

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: PREAPP 22-1219

Site and Area Context

The subject property is located south-west of the Thomas Street and Queen Street South intersection. It currently contains a detached dwelling with no garage on the subject property. The property has a lot area of +/- 816.89m² (8,792.93ft²), characteristic of lots along Hammond Road. Limited vegetative and landscaping elements are present on the subject property. The surrounding area context is exclusively low density residential, consisting of detached dwellings.

The applicant is proposing the construction of a new dwelling requiring variances for an exterior side yard setback to the dwelling and a below grade stairwell.



Comments

Planning

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

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

Staff note there are no changes to the application from the previous Committee of Adjustment hearing on February 29th, 2024. Please note the comments from the previous report still apply and as such, staff are supportive of the proposed variances.

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 Preliminary Zoning Review application PREAPP 22-1219. 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: Alana Zheng, Planner Zoning Examination

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A464.23

Ward: 11

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 839 Othello Court, zoned RM5-27- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an entrance for a second unit proposing:

1. An interior side yard setback of 1.067m (approx. 3.50ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.21m (approx. 3.97ft) in this instance; and,
2. A driveway width of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20 m (approx. 17.06 ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

How to participate:

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

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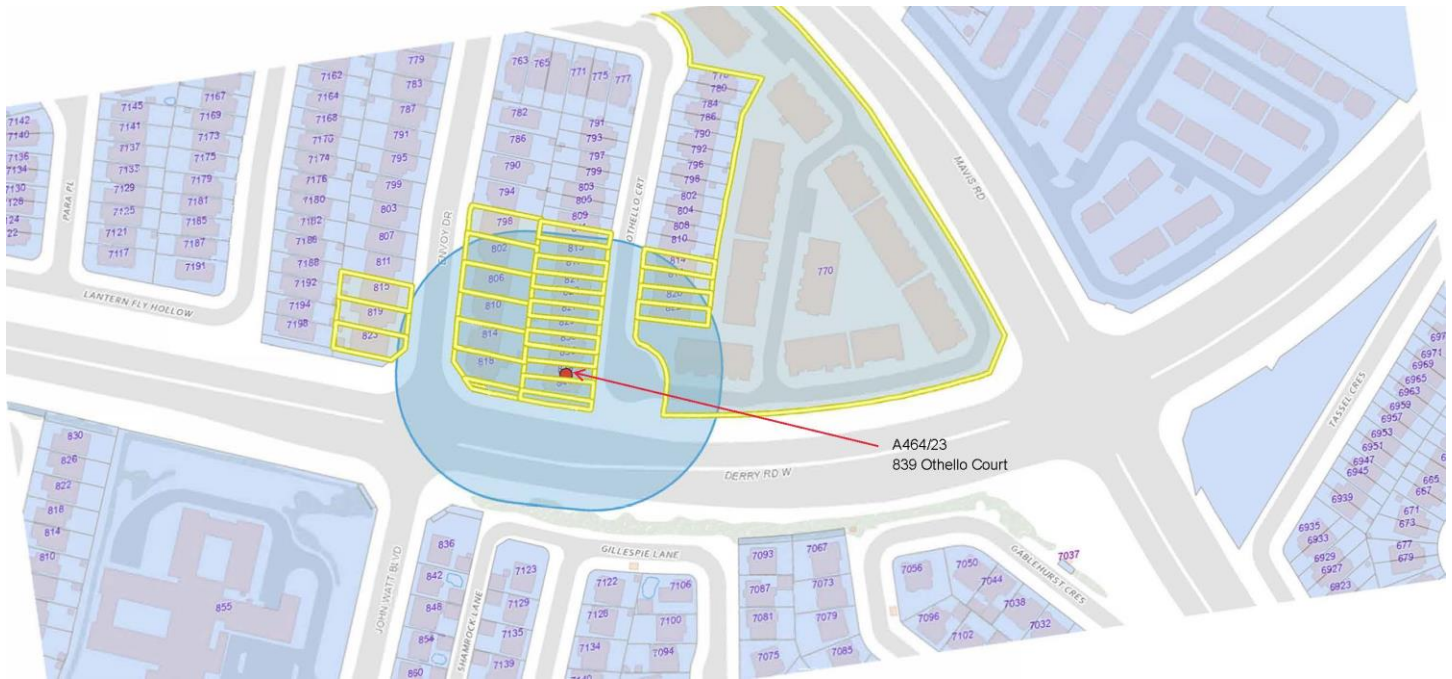
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Committee of Adjustment Appeal Process:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A464.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances.

Application Details

The applicant requests the Committee to approve a minor variance to allow an entrance for a second unit proposing:

1. An interior side yard setback of 1.067m (approx. 3.50ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.21m (approx. 3.97ft) in this instance; and,
2. A driveway width of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20 m (approx. 17.06 ft) in this instance.

Background

Property Address: 839 Othello Court

Mississauga Official Plan

Character Area: **Meadowvale Village Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

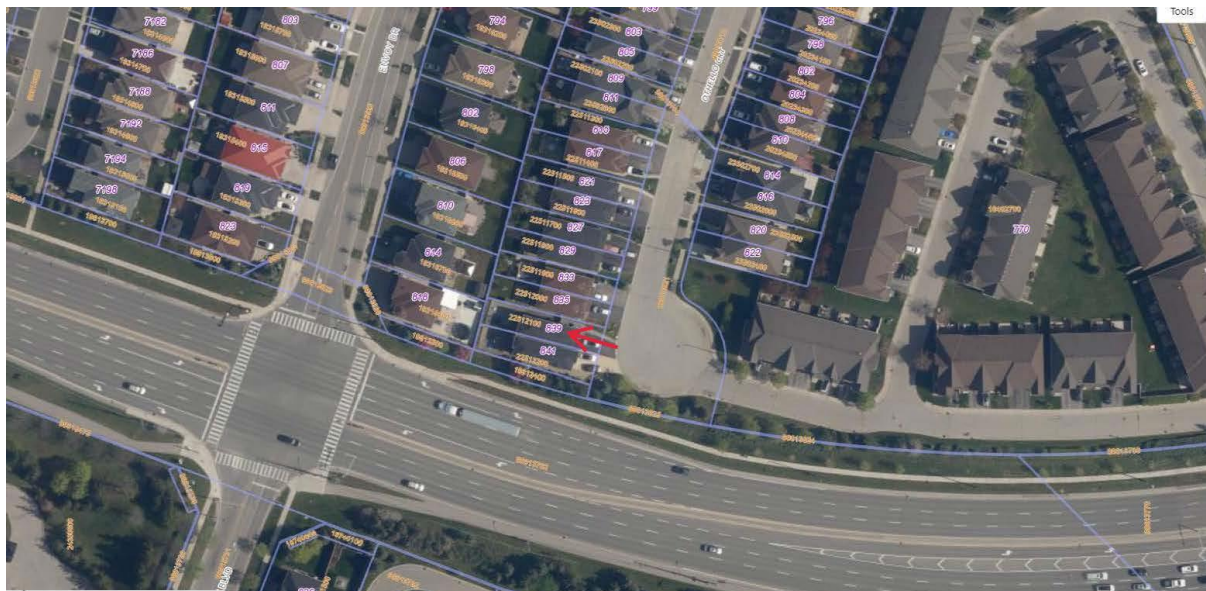
Zoning: **RM5-27- Residential**

Other Applications: None

Site and Area Context

The subject property is located north-west of the Mavis Road and Derry Road West intersection in the Meadowvale Village neighbourhood. It is an interior lot containing a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate frontage of +/- 7.61m (24.96ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached, semi-detached and townhouse dwellings.

The applicant is proposing an above grade staircase in the side yard for personal use requiring a variance for a side yard setback and a driveway width variance.



Comments

Planning

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

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

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

The general intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between primary structures on adjoining properties, that appropriate drainage can be provided and that access to the rear yard remains unencumbered. Staff note that the stairs do not create any impact on the abutting property. Furthermore, Transportation and Works staff

have raised no drainage concerns with the site and access to the rear yard remains unencumbered.

While planning staff are not in a position to interpret the zoning by-law, staff note the proposed variance for the side yard setback is still incorrect, as noted in the previous Committee of Adjustment report dated January 10th, 2024. The scope of work is limited to an above grade staircase to facilitate a side yard entrance. The side yard setback variance sought relates to provisions in the zoning by-law concerning below grade stairwells requiring a 1.2m (3.93ft) setback to the side lot line. The scope of work does not propose a below grade stairwell. In conversations with zoning staff, they have stated an encroachment variance as per regulation 4.1.5.5 in the zoning by-law may be required instead of the proposed setback variance. While staff do not have any objections to the proposed variance, staff recommend the application be deferred or amended in order for the correct variance to be noted.

Variance 2 pertains to an increased driveway width. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side. Staff note the driveway width of 6.63m (21.75ft) is at the top of the driveway at its widest point. The driveway then narrows down to a width of 4.95m (16.24ft) towards the street, which meets the permissible zoning regulations. Staff are of the opinion that the proposed increase in the driveway width is minor. Further, staff are satisfied that the proposed driveway width does not facilitate the parking of additional vehicles across the driveway.

While planning staff have no concerns with the proposed above grade staircase in the side yard and the driveway width, staff recommend deferral at this time to allow the applicant to identify the correct variances.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the existing above grade entrance be maintained. We note that with a reduced 1.067M (approx. 3.50ft) setback, the reduced setback in this instance can still allow for drainage.

With regards to Variance #2, we have no objections to the requested driveway width variance.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Please apply previous comments

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A43.24
Ward: 1

REVISED

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 178 Briarhill Drive, zoned R1-2- 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 walkway attachment width of 1.83m (approx. 6.00ft) whereas the By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
2. A combined side yard width of 19% (5.25m) whereas the By-law 0225-2007, as amended, requires a minimum combined side yard width of 27% (7.37m) in this instance;
3. A lot coverage of 30.29% (375.29sq m) whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (309.67sq m) in this instance;
4. An eaves height of 7.09m (approx. 23.26ft) whereas the By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A gross floor area of 479.42sq m (approx. 5160.48sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 437.74sq m (approx. 4711.83sq ft) in this instance; and,
6. A garage projection of 0.00m whereas the By-law 0225-2007, as amended, permits a maximum garage projection of 0.51m (approx. 1.67ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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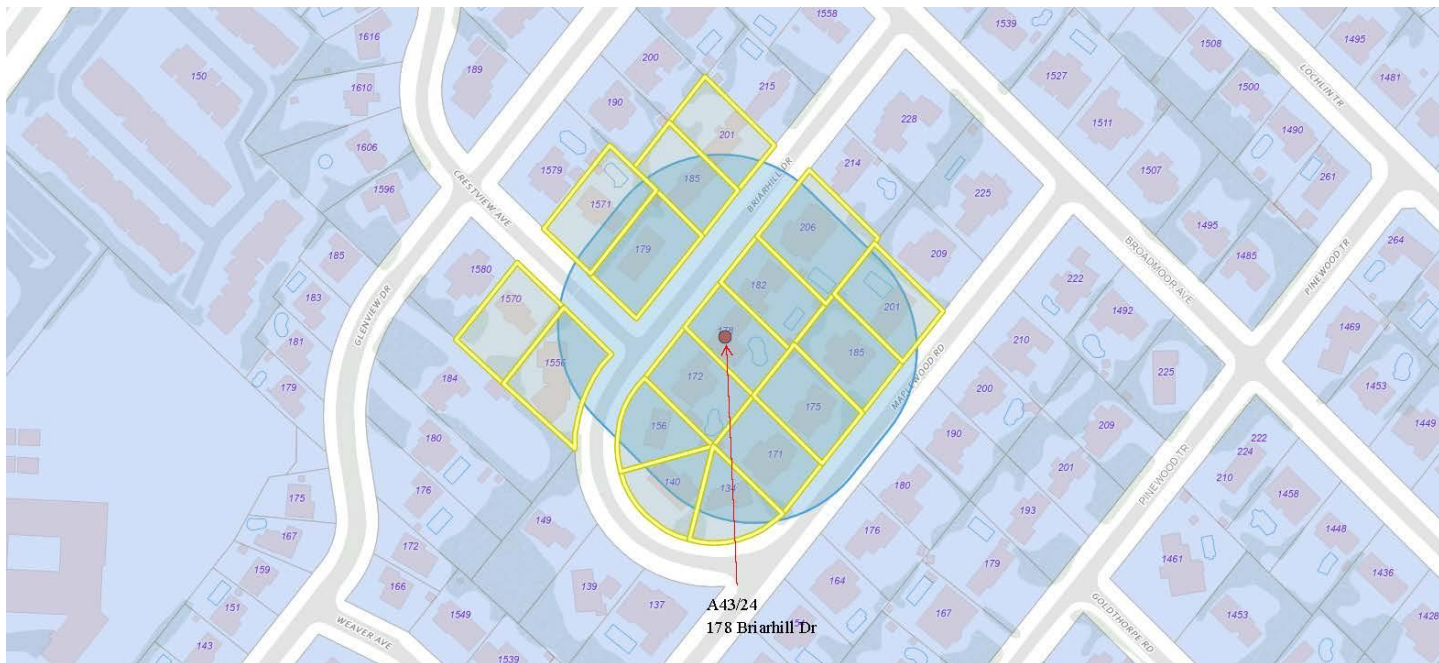
<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

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Committee of Adjustment Appeal Process:

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City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A43.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

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

Application Details

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

1. A walkway attachment width of 1.83m (approx. 6.00ft) whereas the By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
2. A combined side yard width of 19% (5.25m) whereas the By-law 0225-2007, as amended, requires a minimum combined side yard width of 27% (7.37m) in this instance;
3. A lot coverage of 30.29% (375.29sq m) whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (309.67sq m) in this instance;
4. An eaves height of 7.09m (approx. 23.26ft) whereas the By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A gross floor area of 479.42sq m (approx. 5160.48sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 437.74sq m (approx. 4711.83sq ft) in this instance; and,
6. A garage projection of 0.00m whereas the By-law 0225-2007, as amended, permits a maximum garage projection of 0.51m (approx. 1.67ft) in this instance.

Background

Property Address: 178 Briarhill Drive

Mississauga Official Plan

Character Area: **Mineola Neighbourhood**
Designation: **Residential Low Density I**
Zoning By-law 0225-2007

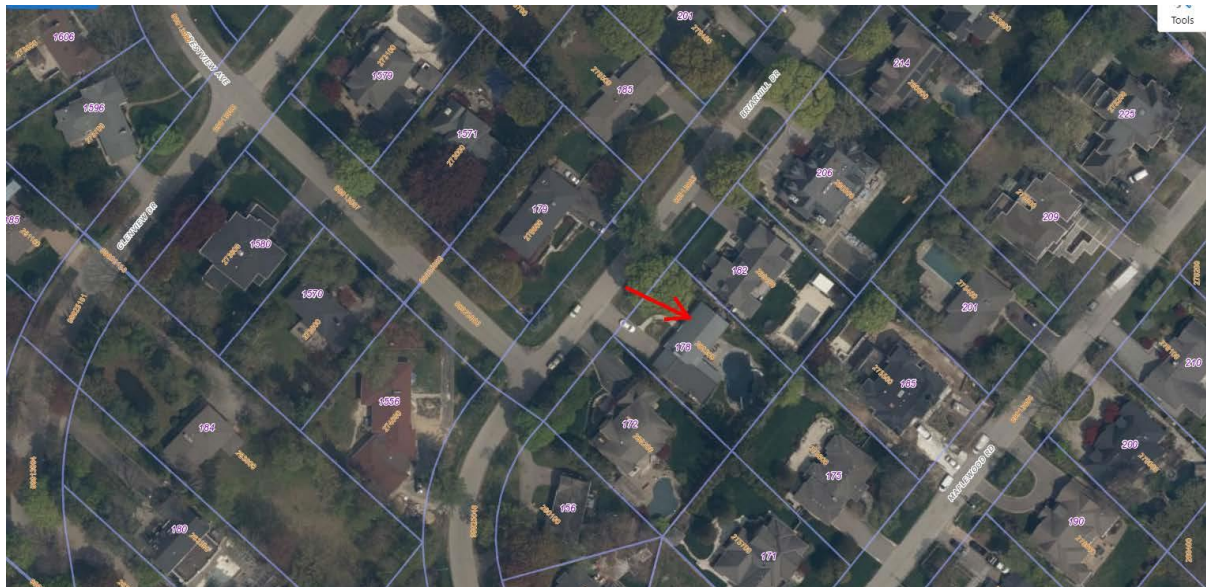
Zoning: **R1-2- Residential**

Other Applications: Building Permit process BP9 NEW-23/7167.

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and the Queen Elizabeth Way. The immediate neighbourhood is entirely residential, consisting of one and two-storey detached dwellings with mature vegetation in both the front and side yards. The subject property contains a one-storey dwelling with vegetation in the property's front and rear yards.

The applicant is proposing a new two-storey dwelling requiring variances related to walkway width, combined side yard width, lot coverage, gross floor area, eave height and garage projection.



Comments

Planning

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

Staff comments concerning the application request are as follows:

The application was deferred by the Committee on January 25, 2024. In their comments, staff identified concerns with the proposed lot coverage and gross floor area variances.

In response, the applicant has adjusted the proposal and provided additional clarifications to staff. A reduction in lot coverage is proposed, from 36.14% to 30% where a maximum lot coverage of 25% is permitted. A reduced gross floor area is also proposed, from 513.42m² (5526.41 ft²) to 479.42m² (5160.43ft²), where a maximum gross floor area of 437.74m² (4711.79ft²) is permitted.

Planning staff are satisfied that these adjustments have addressed their concerns regarding overdevelopment, compatibility, and massing. Staff has no concerns regarding the remaining variances, as these are minor and reflective of existing developments found in the immediate area.

Through a detailed review of the application, staff is of the opinion that the revised 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 9NEW 23/7167.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-7167. Based on the review of the information available in this application, the following requested variances are correct:

1. A walkway attachment width of 1.83m (approx. 6.00ft) whereas the By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
2. A combined side yard width of 19% (5.25m) whereas the By-law 0225-2007, as amended, requires a minimum combined side yard width of 27% (7.37m) in this instance;
4. An eaves height of 7.09m (approx. 23.26ft) whereas the By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. A gross floor area (infill residential) of 513.42sq m (approx. 5526.45sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 437.74sq m (approx. 4711.83sq ft) in this instance; and,
6. A garage projection of 0.51m (approx. 1.67ft) whereas the By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance.

We also advise that more information is required to verify the accuracy of the requested remaining lot coverage variance or determine whether additional variances will be required.

Please note that comments reflect those provided through the above application submitted on 11/24/2023. 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

Please apply previous comments

Comments Prepared by: Ayooluwa Ayoola, Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A112.24
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 5430 Remington Court, zoned R5-5- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing an interior side yard setback of 0.07m (approx. 0.29ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

The Committee has set **Thursday, April 18, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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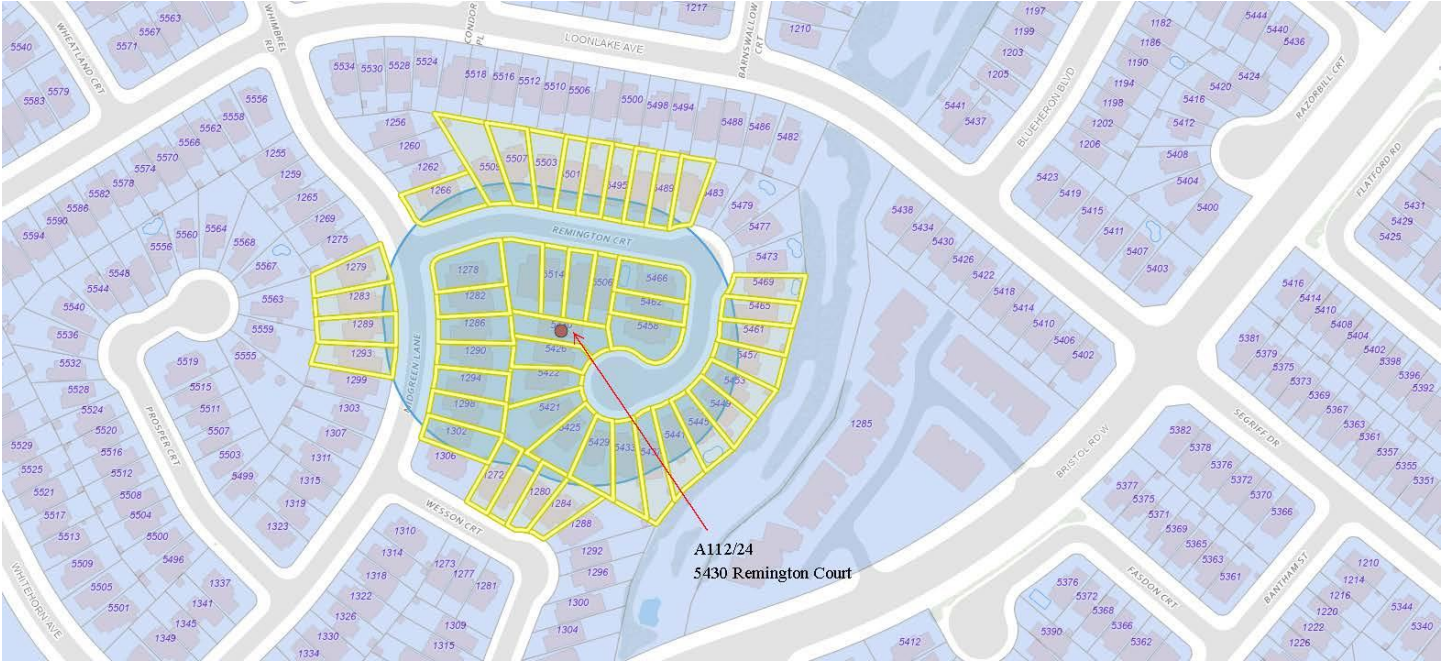
<http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>

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.

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 on 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: 2024-04-10	File(s): A112.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing an interior side yard setback of 0.07m (approx. 0.29ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 5430 Remington Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R5-5- Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Bristol Road West and Creditview Road intersection in the East Credit Neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate area of +/- 539.67m² (5,808.95ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of detached dwellings.

The applicant is proposing a below grade entrance for personal access requiring a variance for side yard setback.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

The application was deferred on March 7th 2024, to allow the applicant an opportunity to work with Transportation and Works staff to address drainage concerns. Planning staff had no concerns with the proposal at the time. Staff note the applicant has worked with the Transportation and Works staff to resolve the resulting drainage issues.

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As such, Planning staff reiterate comments made in their original report dated March 7th, 2024 that the proposal is appropriately located on the property, maintains access to the rear yard and does not negatively impact 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: Shivani Chopra, Planning Associate

Appendices

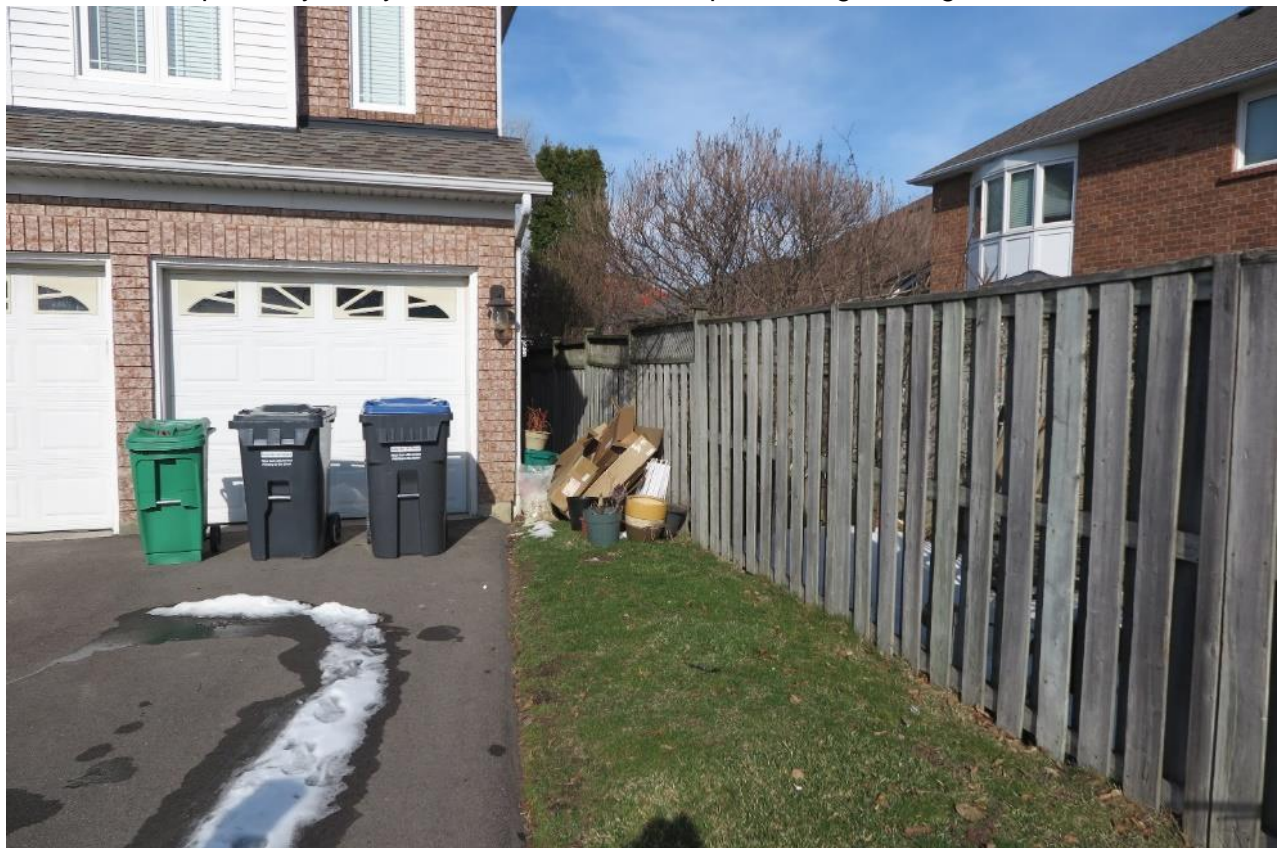
Appendix 1 – Transportation and Works Comments

Further to our previous comments submitted for the March 7, 2024 Hearing we are advising that we have no objections or requirements to the applicant's request to permit the construction of the below grade entrance proposing an interior side yard setback of 0.07 M.

In our previous comments we had noted that from our site inspection, the attached photos and the survey plan submitted that this was not your typical lot where there is another property immediately abutting the side yard. In this instance there are 4 other lots (Lots 148 to 151, Plan 43M-1172) which abut the side yard. We reviewed Grading Plan (Plan C-33818) approved for this property under Registered Plan of Subdivision 43M-1172 which indicates that the drainage from the side yard, along with the 4 abutting properties was designed to flow into the catchbasin located on Lot 148 (Plan 43M-1172).

We have discussed this application with the applicant and they are aware that some very minor regrading will be required in the area in the front of the below grade entrance to ensure that there will be no drainage impacts on the abutting property.

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