
Committee of Adjustment

Date: June 13, 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 B32.24
101 Fairview Road W (Ward 7)
 - 4.2 B34.24
5128 Elderview Court (Ward 11)
 - 4.3 B29.24, A156.24, A157.24
958 Fourth Street (Ward 1)
 - 4.4 A221.24
6074 Leaside Cres (Ward 9)
 - 4.5 A234.24
65 Kenninghall Cres (Ward 11)
 - 4.6 A240.24
954 Tennyson Ave (Ward 2)
 - 4.7 A241.24
4207 Wilcox Road (Ward 4)
 - 4.8 A244.24
1542 Merrow Road (Ward 2)
 - 4.9 A245.24
1177 Central Parkway West (Ward 6)
 - 4.10 A248.24
1028 Beachcomber Road (Ward 1)
 - 4.11 A251.24
3233 Cactus Gate (Ward 10)
 - 4.12 A252.24
1345 Lakeshore Rd E (Ward 1)

4.13 A254.24
2666 Royal Windsor Drive (Ward 2)

4.14 A255.24
3041 Keynes Cres (Ward 9)

4.15 A260.24
30 Elm Drive W (Ward 7)

4.16 A409.23
1066 Ogden Ave (Ward 1)

5. **OTHER BUSINESS**

6. **ADJOURNMENT**

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 101 Fairview Road W, zoned R3- Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 15.24m (approx. 50.00ft) and an area of approximately 930.01sq m (approx. 10010.54sq ft).

The Committee has set **Thursday, June 13, 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.

How to participate:

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

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Additional Information:

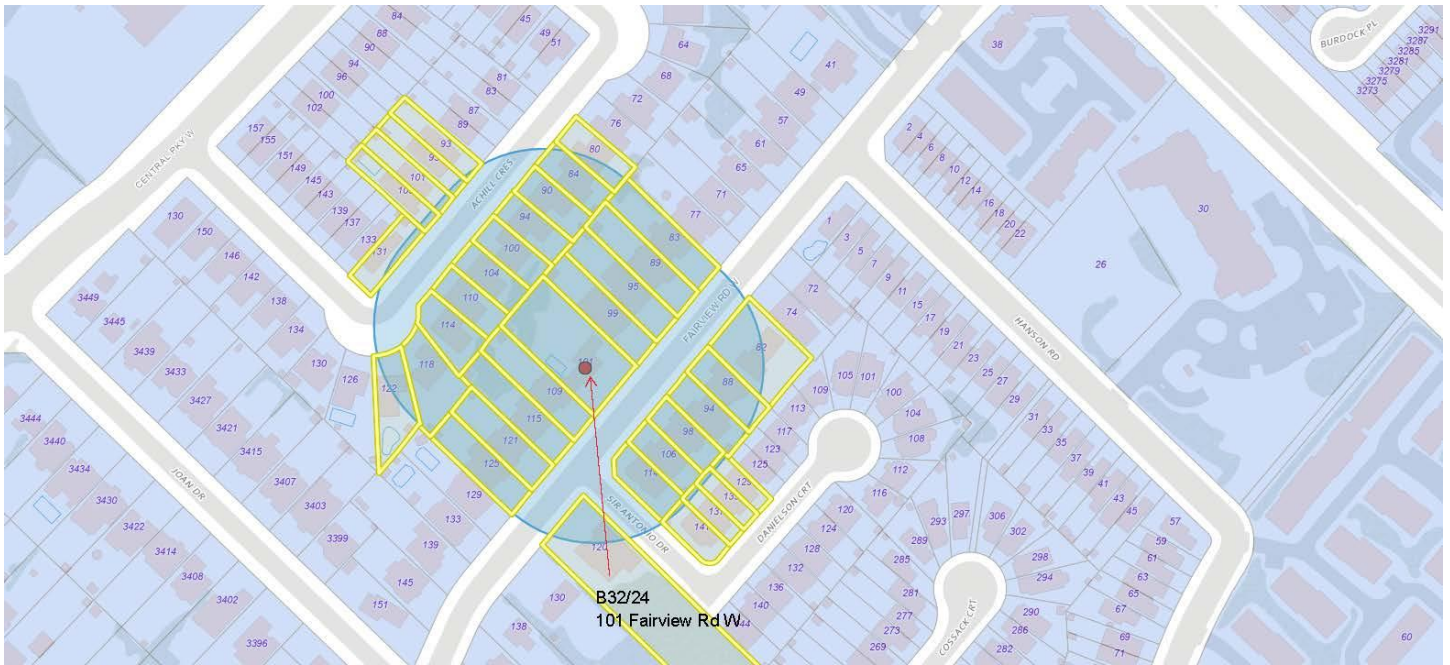
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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): B32.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent application.

Application Details

The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 15.24m (approx. 50.00ft) and an area of approximately 930.01sq m (approx. 10010.54sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 101 Fairview Road W

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

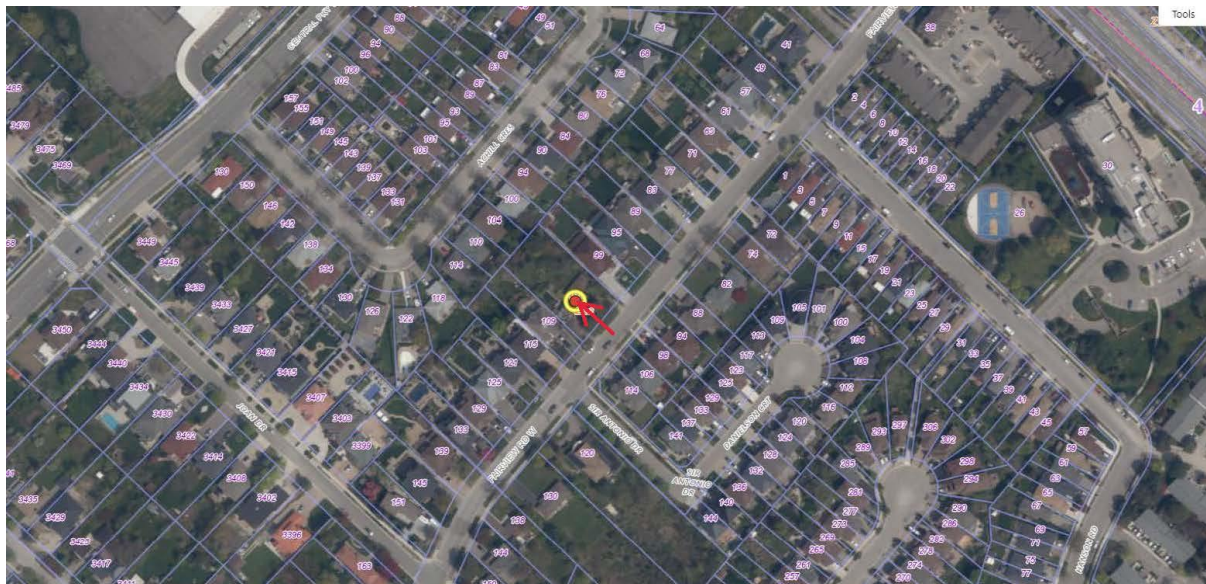
Zoning: R3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the north side of Fairview Road West, west of the Hurontario Street and Fairview Road West intersection in the Fairview Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. The subject property has an approximate lot frontage of +/- 30.48m (100ft) and a lot area of +/- 1,854.34m² (19,959.95ft²). Mature vegetation exists along the property frontage with limited landscaping elements being present. The surrounding context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant proposes a severance of the existing lot to create two new residential lots.



Comments

Planning

Planning Act

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

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards

intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application for consent are as follows:

The subject property is located in the Fairview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with existing site conditions, the surrounding context and landscape of the character area.

Staff are satisfied that the application is consistent with the official plan, as the severed lands and retained lands would be adequately sized lots for residential dwellings. The proposed lot sizes are appropriate given the lot sizes along Fairview Road and will not negatively impact the character of the street or the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

Staff note there are no variances required for the proposal, as the proposed retained and severed lands meet both the lot frontage and lot area requirements for an R3 zone. Planning staff are satisfied that the lots will fit appropriately into the character of the surrounding area and are complementary to the existing lot fabric. As such, Planning staff have no objections to the consent application.

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 are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Site Plan/Grading and Drainage Plan

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

Upon the review of the Site Plan/Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

2. Municipal Address Requirement

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

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

B. GENERAL INFORMATION

1. Lot Grading and Drainage

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

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 375 mm storm sewer on Fairview Road West. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

For further information please contact Walter Copping at walter.copping@mississauga.ca or (905) 615-3200 ext. 5831.

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

Appendix 2 – Zoning Comments

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

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

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

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry Section of the Community Services Department has reviewed the above noted consent application. Should the application be approved, Forestry wishes to impose the following conditions:

1. The applicant shall provide a cash contribution of \$849.91 for the planting of one (1) street tree on 101 Fairview Road West. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

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

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Consent: B-24-032M / 101 Fairview Road W

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

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.
- We have no objection with the adjustment of the lots provided water service curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- Installation of and alterations to property line water valves require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.

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

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 5, 2023.

5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 5, 2023.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 5, 2023.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: B34.24
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 5128 Elderview Court, zoned R2-8-Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 39.23m (approx. 128.71ft) and an area of approximately 1261.50sq m (13578.67sq ft).

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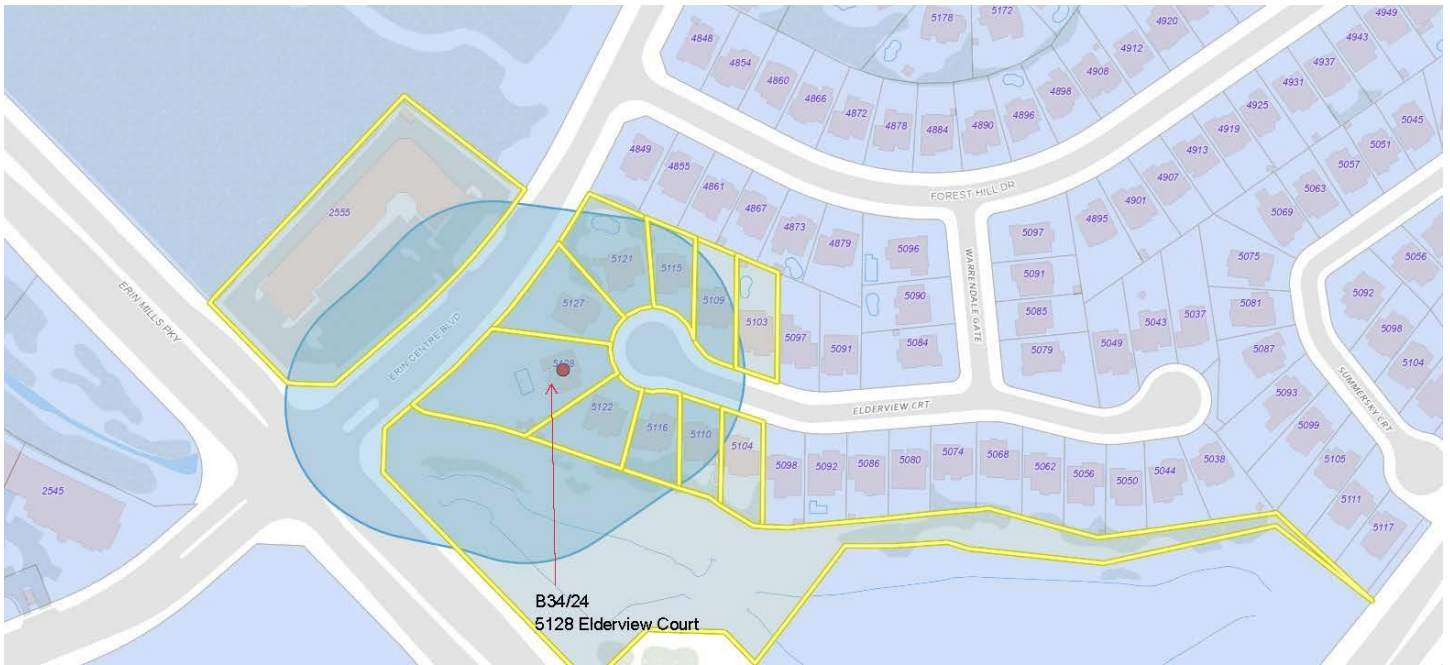
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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): B34.24
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 39.23m (approx. 128.71ft) and an area of approximately 1261.50sq m (13578.67sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 5128 Elderview Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

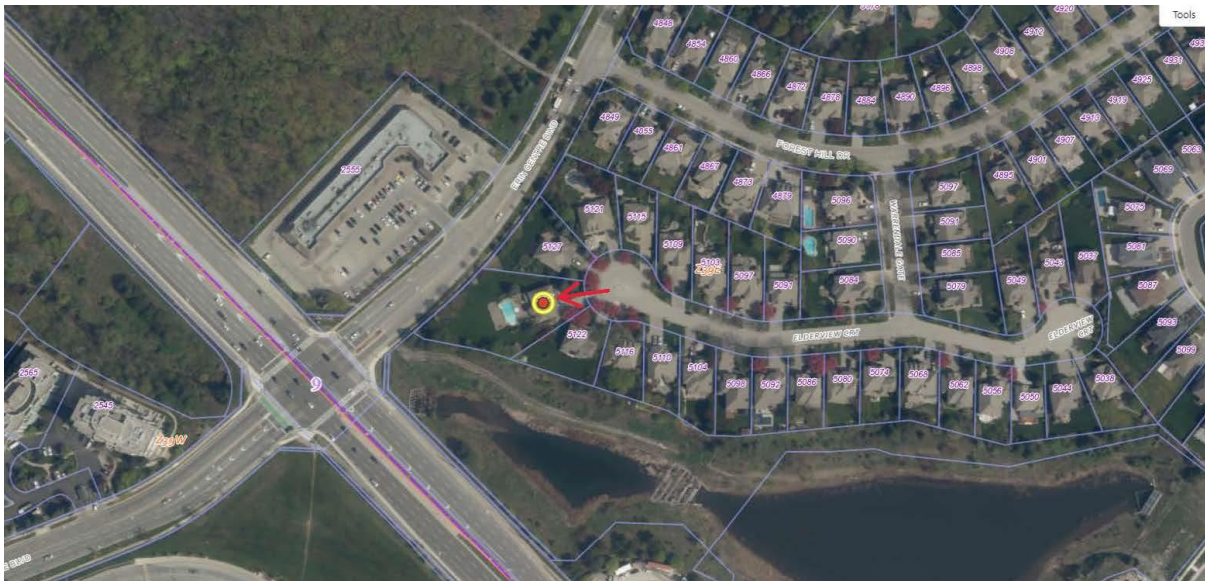
Zoning: R2-8-Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Erin Mills Parkway and Erin Centre Boulevard intersection in the Central Erin Mills Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. The subject property has an approximate lot area of +/- 2,912.50m² (31,349.88ft²) and a lot frontage of +/- 19.77m (64.86ft). Limited landscaping elements are present with mature vegetation along the property frontage and lot boundaries. The surrounding context is predominantly residential, consisting of detached dwellings but also includes a mix of uses including a commercial plaza to the north and greenlands abutting the property to the west.

The applicant proposes a severance of the existing lot to create two new residential lots.



Comments

Planning

Planning Act

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

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards

intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application for consent are as follows:

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). As noted above, Section 51(24) of the Planning Act sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identified in the local legislation.

Planning staff are of the opinion that the consent application does not align with the criteria outlined in Subsections 51(24)(c), (d), (f) and (g) of the Planning Act. These subsections pertain to conformity with adjacent plans of subdivision, the suitability of land, the dimensions and configurations of the proposed lots and the restrictions on the land proposed to be subdivided. The subject property is located within the Central Erin Mills Neighbourhood Character Area and are designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached and duplex dwellings.

Section 9.2.2.3 of the MOP states that while new development need not mirror existing development; new development in Neighbourhoods will respect the existing lotting pattern. The application proposes a new access on Erin Centre Boulevard through an irregularly shaped lot which fails to adhere to the established lotting pattern.

Section 51(24)(g) states the proposal shall have regard for the restrictions or proposed restrictions, if any, on the land proposed to be subdivided. Staff note the subject property incurs a 0.3m reserve along the rear lot line to restrict any type of future access onto Erin Centre Boulevard. Transportation & Work's staff further noted they would not be in support of lifting the 0.3m reserve to create legal access to Erin Centre Boulevard. Additionally, Transportation & Work's staff have concerns about the proposed access location to the severed lands due to its proximity within the functional area of a major intersection.

Based on the preceding information, staff are of the opinion that the proposed severance does not conform to Section 51(24) of the Planning Act and as such, staff recommend the application be refused.

Given the above, Planning staff are of the opinion that the criteria of Section 51(24) of the Planning Act are not met. Furthermore Planning staff are of the opinion that the proposal does not represent appropriate development of the subject property and do not maintain the general intent of the official plan. Staff therefore recommend that the application be refused.

Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department cannot support this consent application and strongly requests that the application be refused.

The intent of the application would be to sever the rear portion of this extraordinary sized lot to create a new frontage onto Erin Centre Boulevard. The subject lands are identified as Lot 74 and were developed under Plan of Subdivision 43M-856. Acknowledging the significant size of this lot when developed, it was never envisioned that the lot could be subdivided in the future to have a new access to Erin Centre Boulevard.

At the time of the development of the subject lands under Plan of Subdivision 43M-856, the City placed a 0.3M reserve identified as Block 12 across the rear of the subject and abutting two lots (Lots 72 & 73) to restrict any type of future access onto Erin Centre Boulevard. Without the City lifting the 0.3M reserve, no legal access can be provided to Erin Centre Boulevard, and there is no intention that the Transportation and Works Department would lift this 0.3M reserve.

In addition to the above, we note that to be consistent with Traffic Engineering best practices, driveways should typically not be located within the functional area of a major intersection. Slow-moving or stopped vehicles are typically encountered on the roadway immediately beyond a major intersection. This is a particular problem for vehicles that have made a left or right turn at the intersection as drivers are still focused on the manoeuvre and are ill-prepared to perceive and react to an unexpected vehicle.

We also note that, in accordance with the Vision Zero Action Plan and Traffic Engineering best practices, it is the City's intent to limit the number of driveways on major roads to optimize roadway safety and efficiency, reduce the number of vehicular and pedestrian/cyclist conflict points, ensure sufficient space is available for street appurtenances (trees, utilities, streetlights, signage, etc.), allow for an uninterrupted streetscape, and optimize traffic flows.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

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

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

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

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Woodland Chase Trail (P-269), 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. If future development is proposed, construction access from the adjacent park/greenlands is not permitted.
2. If future access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Credit Valley Conservation

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

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due slope hazard associated with Mullet creek. As such, the property is regulated by CVC under Ontario Regulation 41/24. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 41/24). 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 sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 39.23m (approx. 128.71ft) and an area of approximately 1261.50sq m (13578.67sq ft).

COMMENTS:

Based on the review of the information provided, it appears that the hazards associated with Mullet Creek are just off-lot (assuming that a 6m access allowance is an appropriate buffer and can be applied on lot), CVC has no concern with the approval of the proposed severance at this time.

However, a CVC permit will be required prior to any proposed development in the Regulated Area, and setbacks from the southern property limit (along the valley) will be required (generally, a minimum 10 m buffer is applied to the greatest constraint).

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Consent 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

Appendix 5 – Region of Peel

Consent: B-24-034M / 5128 Elderview Ct.

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

Comments:

- The severed lot will not have frontage to existing municipal sanitary sewer.
- We have no objection with the adjustment of the lots provided water service curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.
- Installation of and alterations to property line water valves require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Planning: Petrele Francois (905) 791- 7800 x3356

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within a Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy 2.14.18 of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.

4. A letter shall be received from the Region of Peel indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated June 5, 2023.

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

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

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

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

1. A lot frontage of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 11.07m (approx. 36.32ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 9.98m (approx. 32.74ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.47m (approx. 31.07ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

A157/24

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

1. A lot frontage of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 9.98m (approx. 32.74ft) whereas By-law 0225-2007, as amended permits a

maximum height of 9.50m (approx. 31.17ft) in this instance;

7. A flat roof building height of 9.47m (approx. 31.07ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;

8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,

9. A front yard porch encroachment (including stairs) of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

The Committee has set **Thursday, June 13, 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.

How to participate:

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

- **In person:** The hearing will be held in person at Mississauga Civic Centre, Council Chambers, 300 City Centre Drive, 2nd Floor. Advance registration is preferred if you wish to speak at the hearing in person. If you wish to make a presentation you must send your request to speak and your presentation (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. A document projector will also be available, if preferred.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.
- **By telephone:** Advance registration is required to speak virtually at the hearing. To register, please call 905-615-3200 x2408 by 4:30 PM on the Friday prior to the hearing. You must provide your name, phone number, and the application file number. Committee staff will provide you with call in details prior to the start of the hearing.
- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and the application file number or property address you are commenting on.

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

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

Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the "Book an appointment" button on the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.
- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.

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

Committee of Adjustment Appeal Process:

The Province of Ontario's Bill 23, the More Homes Built Faster Act, 2022, limits who is allowed to appeal decisions made by the Committee of Adjustment. Going forward, only the applicant, the municipality, certain public bodies and the Minister can appeal a decision to the OLT. Individuals are no longer permitted to do so. If a person or public body has the ability to appeal the decision of the Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal. For more information please see the "Appeal process" section on the Committee of Adjustment webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.



Legal notice:

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

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): B29.24 A156.24 A157.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

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

Application Details

B29/24

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

A156/24

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

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law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

A157/24

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2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
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9. A front yard porch encroachment (including stairs) of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

Recommended Conditions and/or Terms of consent

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

Recommended Conditions and/or Terms of minor variance

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

Background

Property Address: 958 Fourth Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

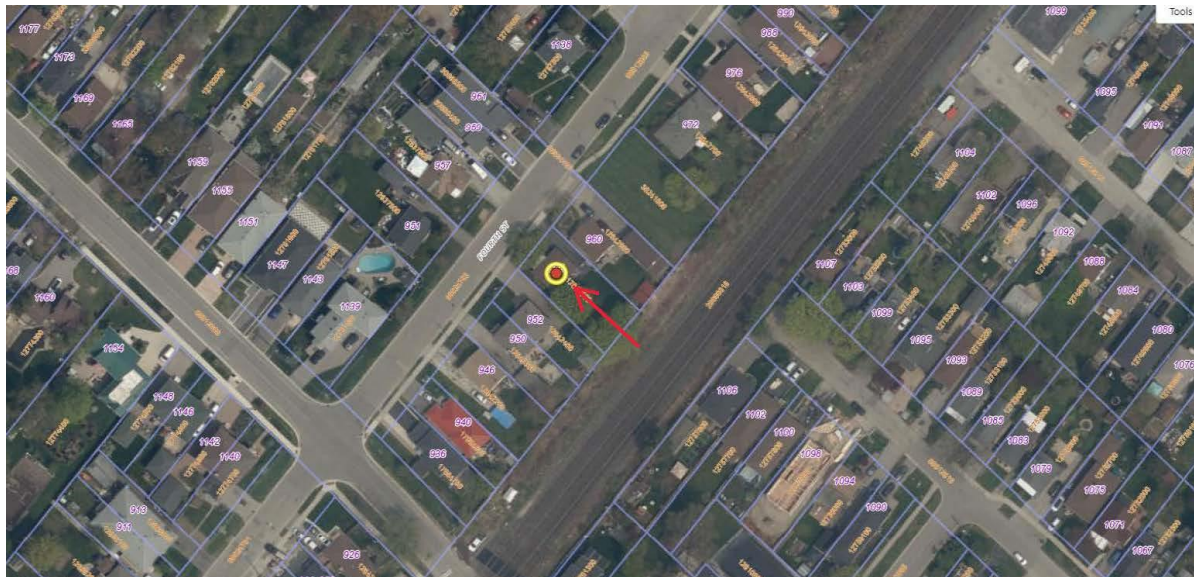
Zoning: **RM1-26- Residential**

Other Applications:

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of the Lakeshore Road East and Alexandra Avenue intersection. The neighbourhood contains a mix of detached and semi-detached dwellings with approximate frontages ranging from 6m (19.69ft) to 18m (59.1ft) with vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing to sever the existing lot for the purposes of developing semi-detached dwellings, requiring variances relating to lot frontage, lot area, coverage, setbacks, heights and porch encroachments.



Comments

Planning

Planning Act

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

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

Provincial Matters

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

Staff comments concerning the request are as follows:

The applicant is proposing to sever the subject property to create two new parcels having lot frontages of 7.58m (24.87ft) and lots areas of 253.40 m² (2728.65ft²)

The zoning by-law requires lot frontages of 9m (29.93ft) and lot areas of 340 m² (3659.73ft²).

The subject applications were deferred by the Committee on April 4, 2024. The subject property abuts the Metrolinx railway corridor which has significant railway traffic volumes and noise levels. As such, Planning staff requested deferral of the application to satisfy Transportation and Work's staff's request for a noise and vibration impact study to determine the feasibility of the proposed severance. Planning staff also noted concerns regarding the proposed dwelling heights and insufficient information regarding lot coverage.

The applicant has submitted the requested information above and has submitted a revised application with reduced roof heights identified in variances #6 and 7. The revised proposal has sloped roof heights of 9.98m (approx. 32.74ft) and flat roof heights of 9.47m (31.07ft). The previous proposal was a sloped roof building heights of 10.77m (35.33ft) and flat roof building heights of 9.68m (31.76ft).

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

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. As stated in the MOP, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area.

The subject property is located within the Cawthra Village boundary of the Central Residential Neighbourhood Precinct. The MOP notes that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing

and planned character. The surrounding neighbourhood contains a mix of lot frontages ranging approximately 6m (19.69ft) to 18m (59.1ft). Staff are of the opinion the application contributes to the overall eclectic nature of the neighbourhood. Furthermore, the proposed lots can accommodate semi-detached dwellings that are in scale with other semi-detached dwellings in the neighbourhood, preserving the existing streetscape character.

Staff is of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and that the lot sizes are compatible with the surrounding area.

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

Variance #1 and 2 are for both minor variance applications which propose deficient lot frontages and areas. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The proposed lot frontages generally maintain the existing and planned area context due to the eclectic lot fabric. The proposal is consistent with other lots within the immediate area and does not significantly impact the character of the neighbourhood from a streetscape perspective.

Variance #3 proposes increased lot coverage on both lots. The intent in restricting lot coverage is to control the massing of a dwelling and ensure that there isn't an overdevelopment of the lot. The subject property is zoned RM1-26 (Residential) permits a maximum lot coverage of 35%. The applicant is proposing lot coverages of 39.9%, which is generally consistent with lot coverages found on parcels in the immediate area. Furthermore, the overall massing of the dwellings does not represent overdevelopment of the lots.

Variances #4 and 5 and 9 are for reduced setbacks and an encroachment variance on each lot. The reduced side yards and encroachment represent common characteristics throughout the surrounding area. As such, staff are of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

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

The proposed lot frontages are appropriate, given the eclectic nature of the surrounding neighbourhood that contains a mixture of frontages. The proposed lots are generally consistent with other semi-detached lots within the immediate area and do not pose any significant adverse impact to the community. The proposed lot coverage does not significantly impact the character of the existing streetscape as the proposed semi-detached dwellings are compatible with newer two-storey dwellings within the immediate area. Furthermore, the proposal maintains appropriate setbacks measured to all lot lines and does not represent overdevelopment of the lot. As such, staff are of the opinion that the applications represent orderly development of the lands and are minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

A156-157.24 - We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B'-29.24.

We note for Committee's information that the applicant has now supplied this Department with the Noise and Vibration Study that was asked for in our initial comments for the March 4, 2024 hearing. The report (prepared by HGC Engineering dated April 29, 2024) clearly states that the standard outdoor living areas in the proposed rear yards cannot achieve the maximum required MECP noise level of 59dBA due to the abutting Metrolinx rail line. Unmitigated levels of up to 78dBA were noted in the report.

Considering the small amount of rear yard frontage for the two lots along the rail track, a proper acoustical barrier (berm and fence) is not feasible. The report mentions that a stand alone 6m high fence (which is not practical) would reduce the noise levels down to only 75dBA.

As such, the report proposes front yard amenity areas which will be attenuated by the proposed dwellings themselves in order to meet the MECP maximum guideline noise levels of 59dBA.

Should Committee see merit in the applicant's request we supply the following conditions:

A. Items Required Prior to Final Consent

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval. The plan must include the proposed 2m high acoustical fence that is recommended in the Noise Report.

2. Development Agreement

The owner will be required to enter into a Development Agreement with the City of Mississauga which is to be registered on title of the subject lands. The said Agreement is to advise any prospective purchasers of the existing and potential impacts of rail use and operations and location of outdoor living areas. The said Agreement will also contain warning clauses and notice provisions relating to the MECP noise guidelines that cannot be achieved due to the abutting Metrolinx rail line.

3. Outdoor Living Rear Warning Clause

The Noise Report recommends several noise warning clauses that must be included within Schedule 'B' of the Development Agreement. In addition, the following clause advising any perspective purchasers about the front yard amenity area is to be included:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to existing and increasing Metrolinx rail traffic may on occasions interfere with some activities of the dwelling occupants in the outdoor living areas as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

4. Fee Requirements as Per Fees and Charges Bylaw

As per the City of Mississauga's Fees and Charges by-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for the items pertaining to the Development Agreement. The fee amount payable will be in accordance with the current Fees and Charges By-law.

5. Municipal Address Requirement

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

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

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the

owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

We advise the applicant that all costs incurred in providing access to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 825mm storm sewer on Fourth Street. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

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

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

Appendix 2 – Zoning Comments

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

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

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

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

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

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

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

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

In addition, Community Services notes the following:

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

Should further information be required, please contact Rita Di Michele, By Law Officer, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By Law Officer

Appendix 4 – Region of Peel

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

Comments:

- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

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

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

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 6074 Leaside Cres, zoned R5-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 retaining wall with a side yard setback of 0.04m (approx. 0.13ft) 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, June 13, 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.

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

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

Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the "Book an appointment" button on the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A221.24 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a retaining wall with a side yard setback of 0.04m (approx. 0.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

The Building Department is processing Building Permit application 23-8338. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Proposed Below Grade Stairwell with a side yard set back of 0.04m; whereas By-Law 0225-2007, as amended, requires minimum 1.2 m in this instance.

Background

Property Address: 6074 Leaside Cres

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

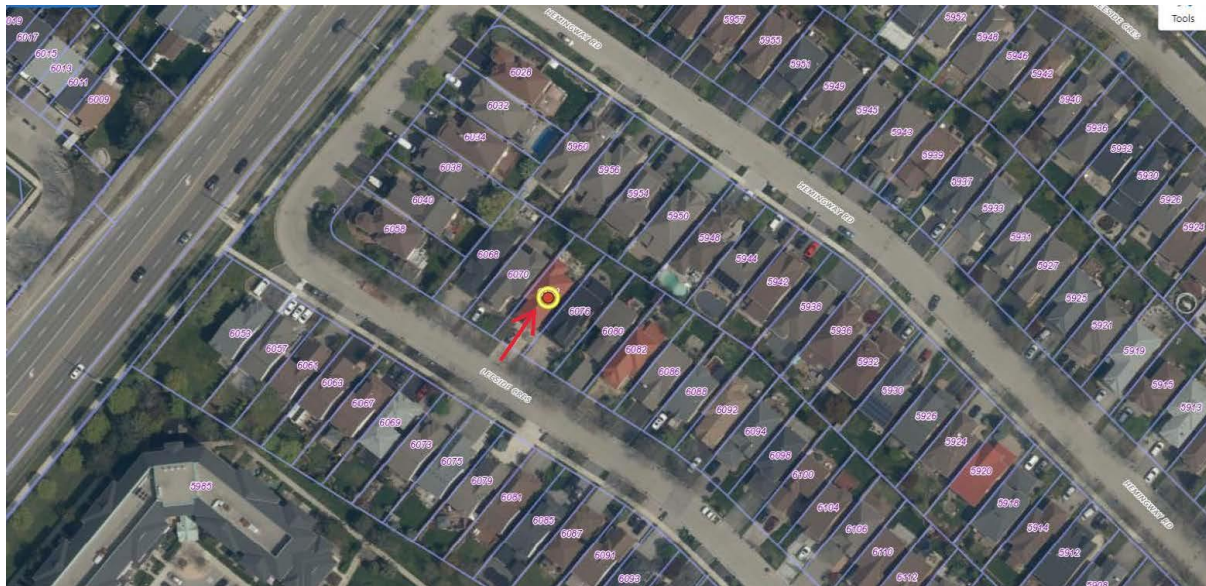
Zoning: R5-Residential

Other Applications: BP 23-8338

Site and Area Context

The subject property is located south-east of the Britania Road West and Glen Erin Drive intersection in the Central Erin Mills Neighbourhood Character Area. 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 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 of the four tests to this minor variance request are as follows:

The subject property is located in the Central Erin Mills 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 a 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 access to the rear yard remains unencumbered. Planning staff initially had concerns with the location of the below grade entrance, as it would require those accessing the entrance and exiting the dwelling to traverse onto the abutting neighbour's property. However, the proposal indicates construction of a 23-inch high timber retaining wall, which will eliminate the ability for those entering and exiting the below grade entrance in traversing on the abutting neighbour's property. Staff note there is an appropriate buffer between the adjoining properties, access to the rear yard remains unencumbered on the opposite side of the dwelling and Transportation and Works staff have raised no drainage concerns with the site.

Staff are therefore of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

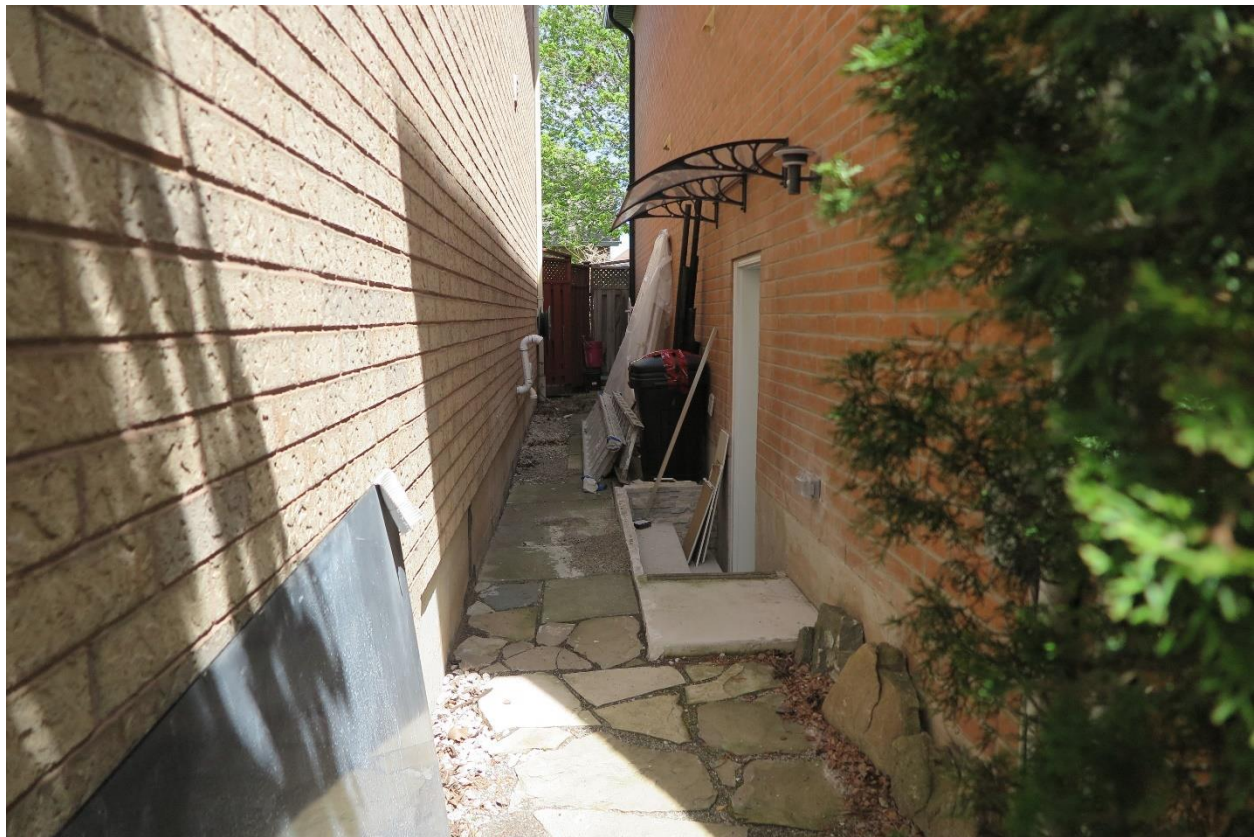
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that this property has a split drainage pattern which means that the high point is approximately in the middle of the dwelling in the area of the entrance stairwell. With the minimal 0.04M setback requested a drainage swale would not be functional, however, in this instance we do not foresee any significant concerns as the entrance is located at the high point and drainage could still be directed to both the front and rear of the dwelling.

It is clearly evident from the enclosed photos that what currently exists on site is not functional, in fact the owner has placed steps within the stairwell which exit onto the neighbouring property. The Site Plan submitted depicts a 23-inch timber retaining wall with a wider walkway (abutting the dwelling) which would allow for access to be restricted to the subject property and not having to utilize the neighboring property which would be an improvement over what currently exists.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-8338. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Proposed Below Grade Stairwell with a side yard set back of 0.04m; whereas By-Law 0225-2007, as amended, requires minimum 1.2 m in this instance.

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

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 65 Kenninghall Cres, zoned R2- 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 second kitchen (spice kitchen) in a dwelling unit whereas By-law 0225-2007, as amended permits one kitchen per dwelling unit in this instance.

The Committee has set **Thursday, June 13, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A234.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 a second kitchen (spice kitchen) in a dwelling unit whereas By-law 0225-2007, as amended permits one kitchen per dwelling unit in this instance.

Background

Property Address: 65 Kenninghall Cres

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2- Residential

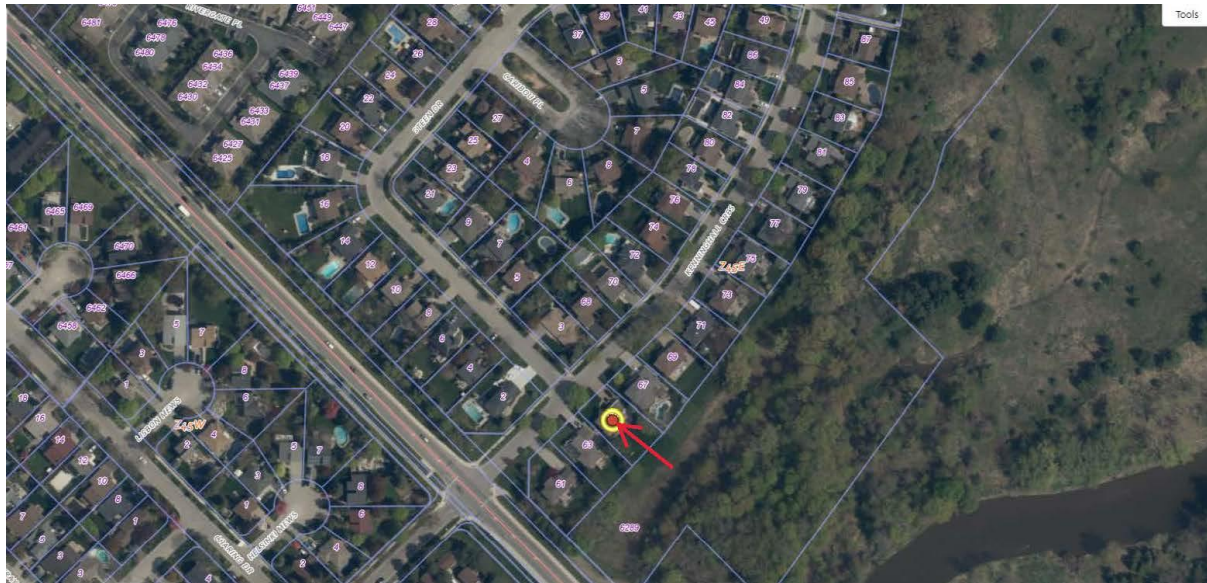
Other Applications: BP 9ALT 24-1353

Site and Area Context

The subject property is located south-east of the Creditview Road and Argentic Road intersection in the Streetsville Neighbourhood Character Area. It is located on 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 surrounding neighbourhood is predominantly residential, consisting of detached and townhouse dwellings.

The applicant is constructing a spice kitchen in the existing dwelling requiring a variance for number of kitchens.



Comments

Planning

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

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

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

The sole variance requests an additional spice kitchen within the dwelling. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of second unit policies as well as new provincial and municipal legislation regulating three and four dwelling units as of right, additional kitchens are minor in nature. The proposed additional kitchen does not impact the streetscape, adjacent properties or the neighbourhood.

Staff are satisfied that the proposal represents appropriate development of the subject lands. The variance is minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the area of the second kitchen and note that we have no drainage related concerns with the request.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 24-1353. The plans within the building permit application depict a wet bar, whereas the minor variance plans depict a second kitchen.

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: Brian Bonner, Supervisor

Appendix 3 – Parks, Forestry & Environment

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Credit Meadows (P-122), 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. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Credit Valley Convention

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

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy statement (2020);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due flood hazard associated with Credit River. As such, the property is regulated by CVC under Ontario Regulation 41/24. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to

Shorelines & Watercourses Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow construction a second kitchen (spice kitchen) in a dwelling unit whereas Bylaw 0225-2007, as amended permits one kitchen per dwelling unit in this instance.

COMMENTS:

Based on the review of the information provided, CVC has no concern with the minor variance proposed at this time as no new development is being proposed that will result in the change in existing footprint of the house. The applicant is advised to contact CVC as the subject property is regulated by CVC and a CVC clearance will be required. 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

Appendix 5 – Region of Peel**Minor Variance: A-24-234M / 65 Kenninghall Cres.**

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

Comments:

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

Planning: Petrele Francois (905) 791- 7800 x3356

Comments:

The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development

applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 954 Tennyson Ave, zoned R2-5-Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A setback to the garage face (side yard) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a garage face (side yard) of 7.50m (approx. 24.61ft) in this instance;
2. A side yard setback (corner lot) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (corner lot) of 7.50m (approx. 24.61ft) in this instance;
3. A garage projection beyond the main wall (side yard) of 0.057m (approx. 0.19ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection beyond the main wall (side yard) of 0m in this instance;
4. A setback to the porch (encroachment into required side yard) of 2.071m (approx. 6.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the porch (encroachment into required side yard) of 5.90m (approx. 19.36ft) in this instance;
5. An accessory structure encroaching into the boulevard by 3.06m (approx. 10.04ft) whereas By-law 0225-2007, as amended, does not permit an accessory structure to encroach into the boulevard in this instance; and,
6. A side yard setback to the eaves (side yard porch) of 0.451m (approx. 1.48ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves (side yard porch) of 7.05m (approx. 23.13ft) in this instance.

The Committee has set **Thursday, June 13, 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.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.
- **By telephone:** Advance registration is required to speak virtually at the hearing. To register, please call 905-615-3200 x2408 by 4:30 PM on the Friday prior to the hearing. You must provide your name, phone number, and the application file number. Committee staff will provide you with call in details prior to the start of the hearing.

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

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

Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the “Book an appointment” button on the Committee’s webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.
- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.
- If you wish to be notified of the decision of the Committee, you must submit a written request to committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. This will also entitle you to be advised of any Ontario Land Tribunal (OLT) appeals.

Committee of Adjustment Appeal Process:

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



Legal notice:

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

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A240.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 setback to the garage face (side yard) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a garage face (side yard) of 7.50m (approx. 24.61ft) in this instance;
2. A side yard setback (corner lot) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (corner lot) of 7.50m (approx. 24.61ft) in this instance;
3. A garage projection beyond the main wall (side yard) of 0.057m (approx. 0.19ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection beyond the main wall (side yard) of 0m in this instance;
4. A setback to the porch (encroachment into required side yard) of 2.071m (approx. 6.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the porch (encroachment into required side yard) of 5.90m (approx. 19.36ft) in this instance;
5. An accessory structure encroaching into the boulevard by 3.06m (approx. 10.04ft) whereas By-law 0225-2007, as amended, does not permit an accessory structure to encroach into the boulevard in this instance; and,
6. A side yard setback to the eaves (side yard porch) of 0.451m (approx. 1.48ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves (side yard porch) of 7.05m (approx. 23.13ft) in this instance.

Background

Property Address: 954 Tennyson Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

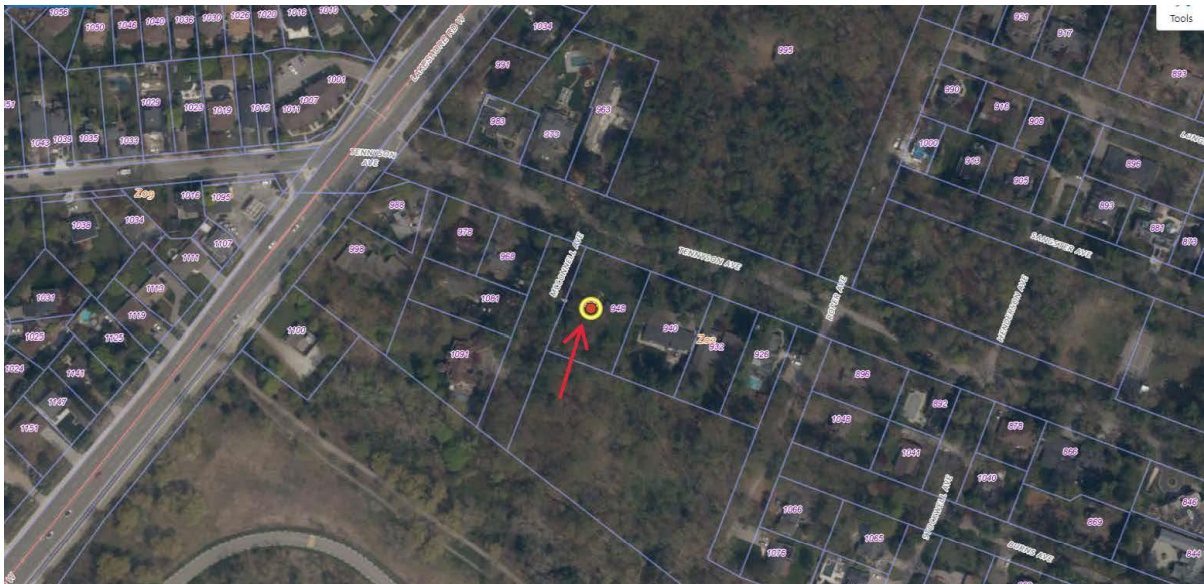
Zoning: R2-5-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road and Lakeshore Road West. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one and a half storey detached dwellings with mature vegetation in the front yard.

The applicant is proposing a detached garage requiring variances related to side yard setbacks, encroachments, and garage projection.



Comments

Planning

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

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

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

Variances #1, 2, 4 and 6 are for reduced side yard setbacks. Staff note that the proposed setbacks are consistent with the existing side yard setbacks. As such, the requested variances will not pose additional impacts to adjacent properties, the street and ensure access to the rear yard is maintained.

Variance #3 is for a garage projection. Planning staff has no concerns regarding this variance as it is numerically minor and negligible. Furthermore, the proposed garage is set back further than the existing garage and the covered porch projects further forward than the proposed garage, lessening its visual impact on the streetscape.

Variance #5 is for an accessory structure. Staff note that this variance appears to be incorrect as the boulevard that the structure encroaches into is privately owned by Lorne Park Estates Association. As such, approval must be granted by Lorne Park Estates Association. Furthermore, staff note that an additional 0m setback to the structure may be required, as the structure straddles the northern property line.

Although Planning staff have no concerns regarding variances #1, 2, 3, 4 and 6, staff are of the opinion that the application should be deferred to allow the applicant an opportunity to seek permission for the existing accessory structure from Lorne Park Estates Association, and to confirm if additional variances are required.

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.

With regards to Variance #5 that speaks to the "existing structure within the boulevard", these lands are not Municipally owned Public Rights of way by The City of Mississauga, they are privately owned by Lorne Park Estates Association. Any matters relating to the structure encroaching onto their lands will need to be reviewed and approved by them.

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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Enbridge

RE: 954 Tennyson Ave – Minor Variance

Your File #: A240.24

Our Reference #: R240514-002ON

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquids Pipeline network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Application

We understand that this application is an application for Minor Variance for the property owner of 954 Tennyson Avenue.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed application does intersect with the Pipeline Assessment Area and the Prescribed Area with respect to Enbridge's pipeline infrastructure.

Assessment & Requirements

Based on a review of the project materials provided, **Enbridge has identified concerns with the proposed application as it relates to their infrastructure and is therefore opposed to its approval at this time.**

Enbridge has reviewed the development plan which includes the encroachment of a home's foundation and covered patio of approximately 4m inside the easement and within 0.9m of Enbridge's 20" deactivated liquids pipeline. We sincerely regret to inform you that the proposed encroachment of the easement is not compatible with our Right-of-Way Encroachments Guideline, and we will not be able to permit the proposed permanent encroachment.

Damage Prevention is an important component of Enbridge's Integrated Management System, and the goal of the Damage Prevention Management Program is to anticipate, prevent, manage and mitigate damage to our assets to ensure the safety of people, property, and the environment. After a review of the proposed encroachment by appropriate internal stakeholders we have determined that permitting the encroachment would be contrary to our company's Damage Prevention standards.

Enbridge is supportive of home development outside of the easement, but still within the prescribed area (defined by the Canada Energy Regulator as 30m from the centreline of the pipeline) and is supportive of an application that accomplishes that setback. Please note that any ground disturbance activities (disturbance of the ground deeper than 30cm) within the prescribed area of the pipeline requires the pipeline company's written consent (per the Canada Energy Regulator's Damage Prevention Regulations—Authorizations Section 10(1)) and depending on the proximity of the ground disturbance to the pipeline, may require an Enbridge rep on-site to monitor the ground disturbance activities per our company's Damage Prevention standards. Our application guidance can be found on our website, [here](#). A completed application form (found within the guidance document) can be submitted to est.reg.crossing@enbridge.com for further handling.

Please reach out to the contact listed at the bottom of this letter to coordinate a meeting prior to any work taking place.

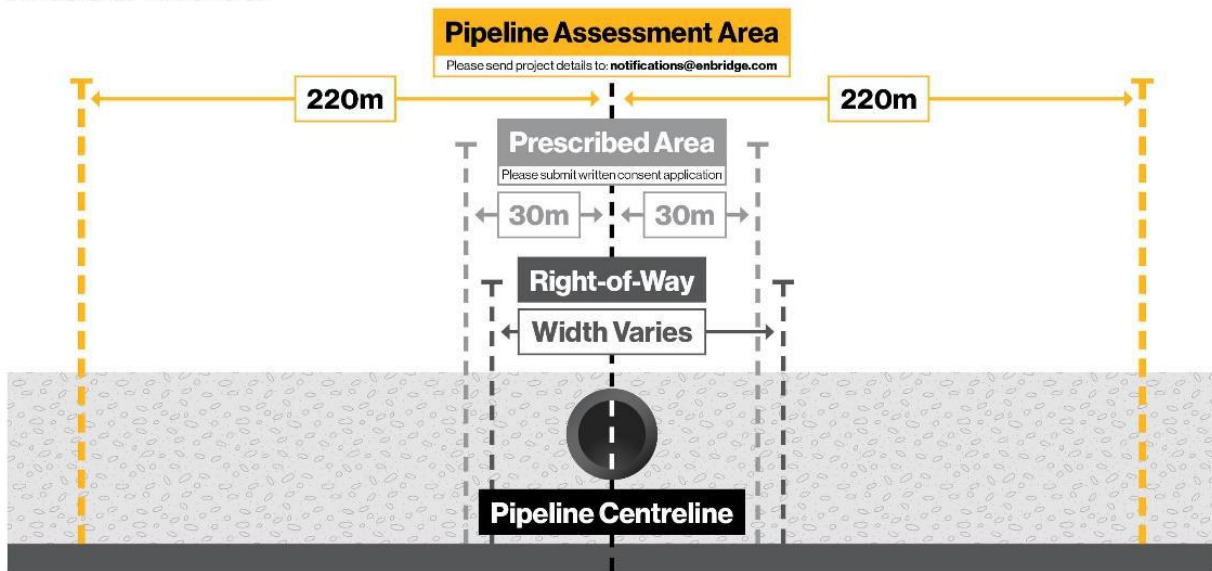
The following requirements and those detailed within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all development. The landowner/developer shall ensure that all contractors and subcontractors are aware of and comply with the terms and conditions set out in this letter.

Areas of Interest

The following diagram illustrates the areas of interest to which the following requirement apply. Please refer to Attachment 1 to see the approximate location of these areas of interest as it relates to your project area. Please note the location of the pipeline illustrated in Attachment 1 is approximate and should be verified onsite through a Locate Request.

PLANNING IN PROXIMITY OF PIPELINES

Areas of Interest



*Drawing not to scale.

- A **Right-of-Way (ROW)** or **Easement** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it. The width of the Right-of-Way varies for each pipeline and property. This can be referenced on the parcel's land title, a legal survey, and/or in the easement agreement.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19.

Requirements

1. **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.
2. **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.
3. **Written Consent from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area".** For more information about when written consent is required and

how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

4. **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline.** For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.

The written authorization request must include:

- a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.
 - b. Drawings should include any new utilities that will cross the right-of-way.
5. **Road Crossings:** Where future development such as a roadway or a parking area is proposed within the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.
 6. **Subdivision lot lines should not divide the pipeline right-of-way.** Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see **Attachment 02** for details.
 7. **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.
 8. **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see **Attachment 02** for details.
 9. **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see **Attachment 02** for details.
 10. **Fencing** should be installed along the identified open space easement. Please see **Attachment 02** for details
 11. **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.
 12. **Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**. The pipeline assessment area GIS data can be provided to the municipality upon request to notifications@enbridge.com.

The above requirements are those identified as relevant based on the application materials

provided. Additional detail on these requirements and other general development requirements are included in Attachment 02 | Enbridge Development Requirements. For additional resources on safe development in proximity of Enbridge's pipeline network please view Enbridge's Public Awareness Brochures or visit the Land Use Planning and Development website.

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Zane Davey, Community Planner

Appendix 5 – Region of Peel

Minor Variance: A-24-240M / 954 Tennyson Ave

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

Comments:

- This site does not have frontage to existing municipal sanitary sewer.
- Installation of and alterations to property line water valves require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- 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/>

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 4207 Wilcox Road, zoned R3- 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 area occupied by an accessory structure of 44.00sq m (approx. 473.62sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance.

The Committee has set **Thursday, June 13, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A241.24 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 amended, 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 an area occupied by an accessory structure of 44.00sq m (approx. 473.62sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance.

Background

Property Address: 4207 Wilcox Road

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

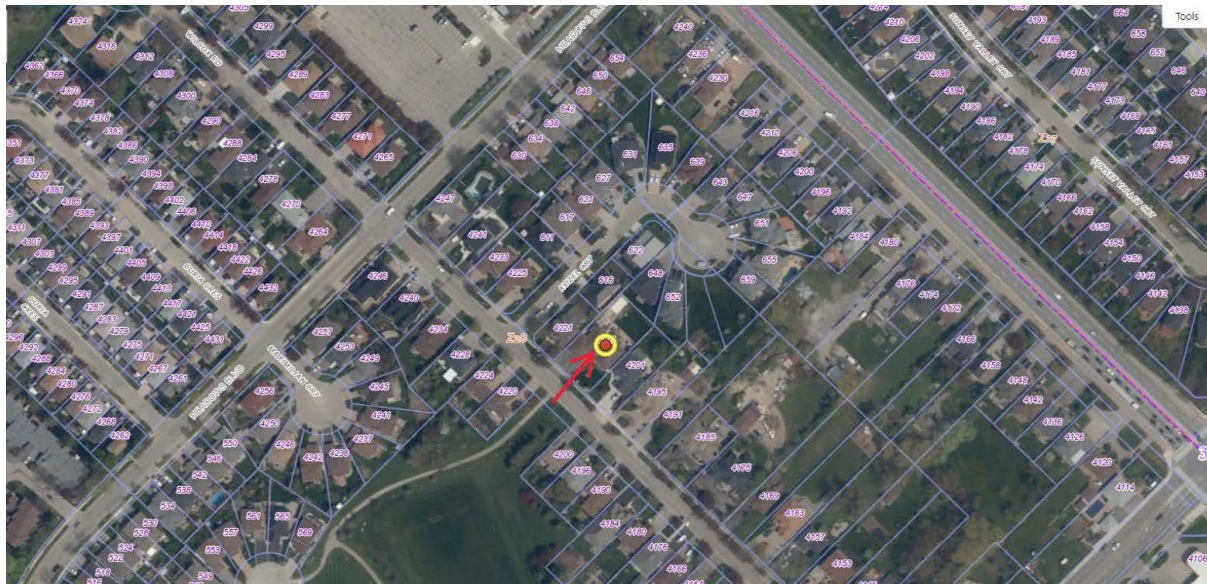
Zoning: R3- Residential

Other Applications: BP 9NEW 23-8901

Site and Area Context

The subject property is located north-west of the Rathburn Road East and Cawthra Road intersection in the Rathwood Neighbourhood Character Area. 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 surrounding context is predominantly residential, consisting of detached dwellings.

The applicant is proposing to legalize the existing accessory structure requiring a variance for 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:

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The proposed variance pertains to the area of the existing accessory structure on the subject property. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory while not presenting any massing concerns to neighbouring lots. Staff note that while the individual proposed area exceeds the by-law regulations, the proposed area is well within the maximum permissible combined area of 60m² (645.83ft²) that is permitted on lots of this size. No additional variances for setbacks or height have been requested further mitigating any potential impact. Staff are of the opinion that the proposed structure remains accessory to the principle use on the lands and are satisfied that any massing impacts on abutting properties are minor in nature.

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: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing accessory structure and note that we have no drainage related concerns with the request.

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





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-8901. 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 – Parks, Forestry & Environment

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

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 1542 Merrow Road, 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 side yard setback of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
2. A gross floor area of 558.41sq m (approx. 6010.73sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 450.00sq m (approx. 4843.80sq ft) in this instance;
3. A flat roof height of 8.87m (approx. 29.10ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
4. A combined side yard width of 4.26m (approx. 13.98ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.23m (approx. 27.00ft) in this instance; and,
5. A building depth of 20.73m (approx. 68.02ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

The Committee has set **Thursday, June 13, 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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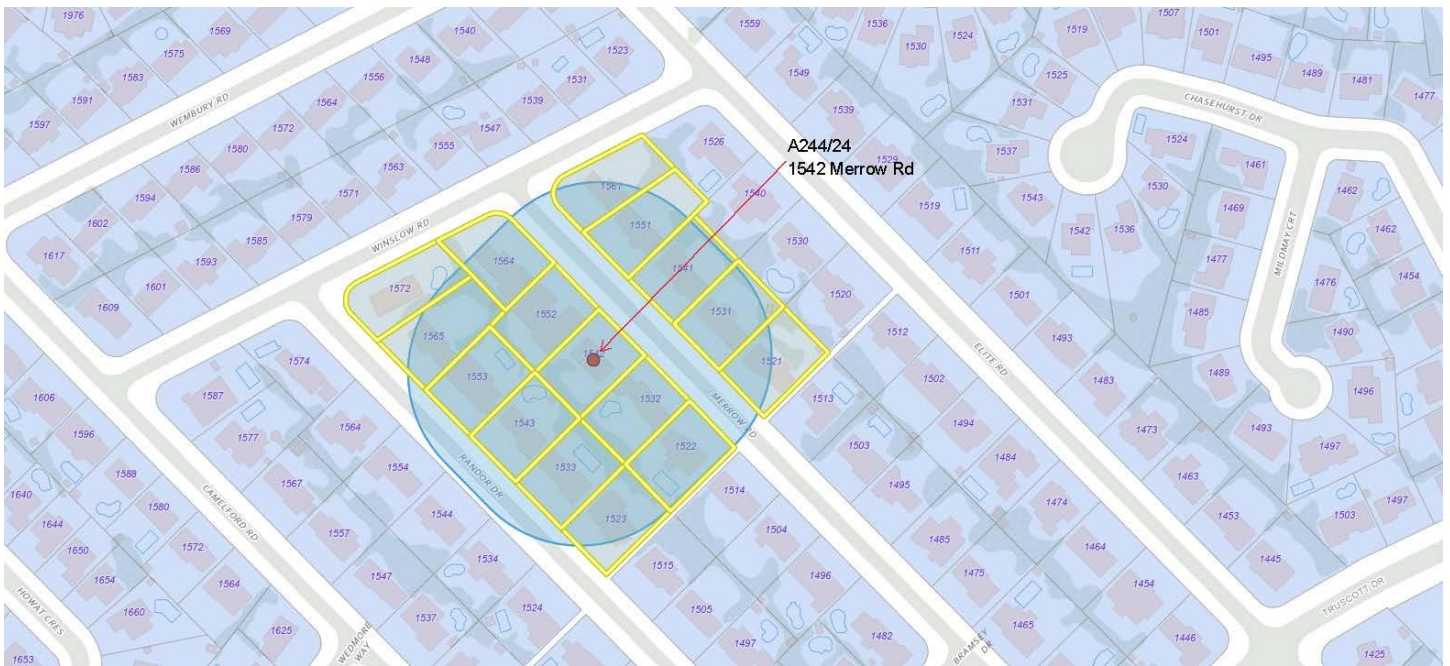
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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A244.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 side yard setback of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
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5. A building depth of 20.73m (approx. 68.02ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Background

Property Address: 1542 Merrow Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

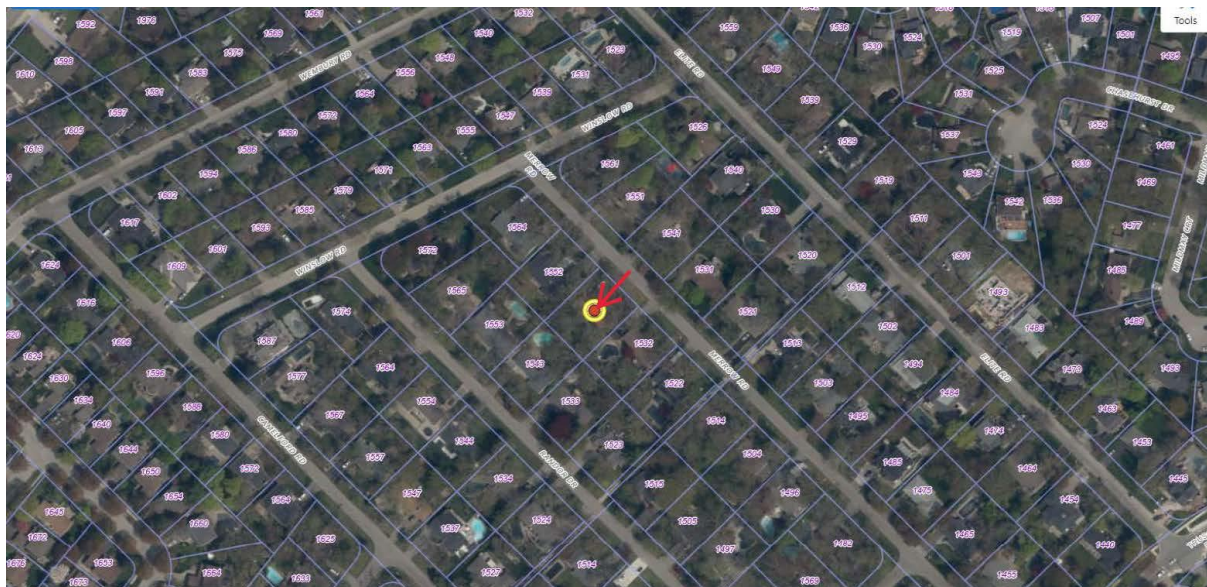
Zoning: R2-4-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the Lorne Park Road and Indian Road intersection. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one and a half storey detached dwellings with mature vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring variances related to setbacks, side yard widths, gross floor area, flat roof height and dwelling depth.



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

The intent of the infill regulations is to regulate the overall massing of new dwellings and ensure they are compatible with the surrounding area. The proposed variances raise concerns with respect to the intent of the infill regulations. Staff are of the opinion that the proposed dwelling would create significant massing concerns to neighbouring properties due to its flat roof height and gross floor area variances. Staff have no immediate concerns with the remaining variances. As such, staff recommends that the application be deferred to allow the applicant an opportunity to discuss the proposal with planning staff and redesign the proposed dwelling.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

1. 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.
2. 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.
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Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email Rita Di Michele, By-law Inspector rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Minor Variance: A-24-244M / 1542 Merrow Road

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

Comments:

- The applicant is required to adhere to Region of Peel Watermain Design Criteria Standard 6.6, that all residential service boxes (curb stops) shall be installed in grass areas with a minimum distance of 1.0 meter from the edge of the driveway.
- Installation of and alterations to property line water valves require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

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

Comments Prepared by: Petrele Francois, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A245.24
Ward: 6

REVISED HEARING DATE

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 1177 Central Parkway W, zoned C3-46, 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 continued operation of the existing Karaoke Bar-Lounge within Unit 63 of the subject property being located within 381.21m (approx. 1250.75ft) of a residential zone, whereas By-law 0225-2007, as amended, requires a minimum separation distance of 800m (approx. 2624.80ft) to the nearest residential zone in this instance.

The Committee has set **Thursday, June 13, 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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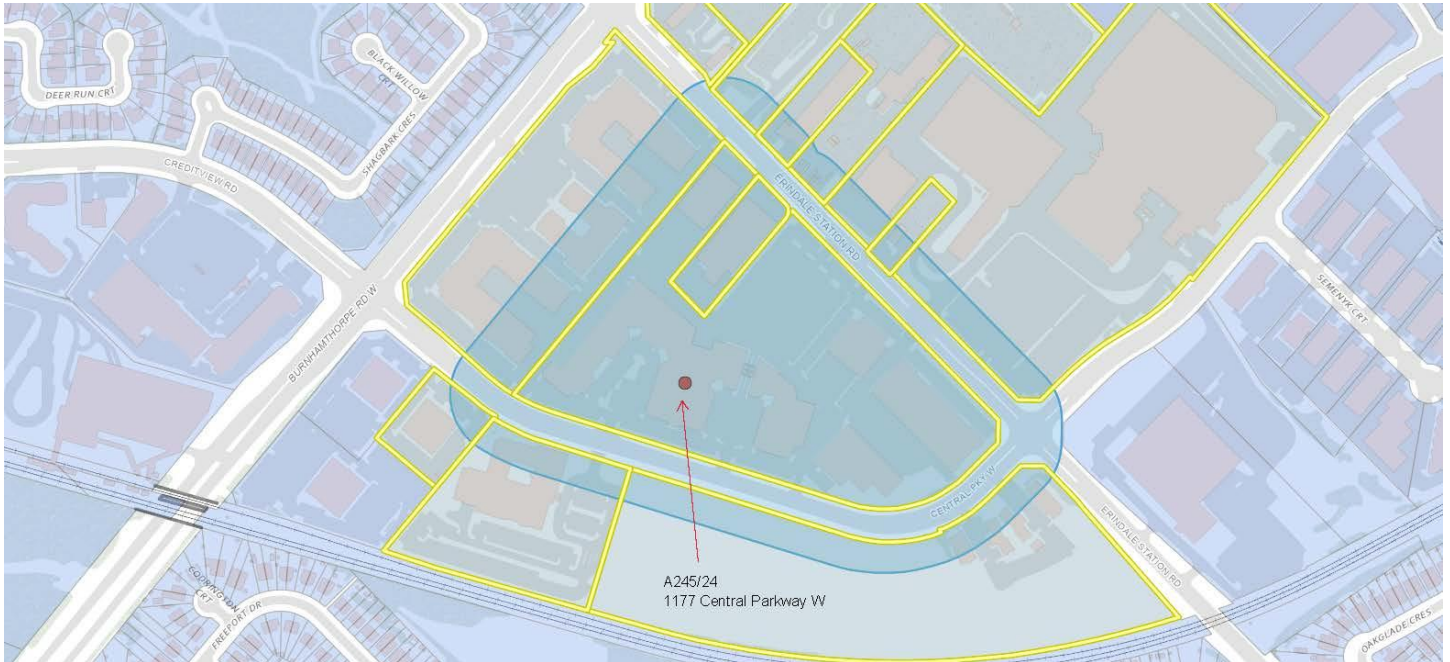
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City of Mississauga Department Comments

Date Finalized: 2024-06-07	File(s): A245.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 amended, 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 for the continued operation of the existing Karaoke Bar-Lounge within Unit 63 of the subject property being located within 381.21m (approx. 1250.75ft) of a residential zone, whereas By-law 0225-2007, as amended, requires a minimum separation distance of 800m (approx. 2624.80ft) to the nearest residential zone in this instance.

Background

Property Address: 1177 Central Parkway W

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Business Employment; Mixed Use

Zoning By-law 0225-2007

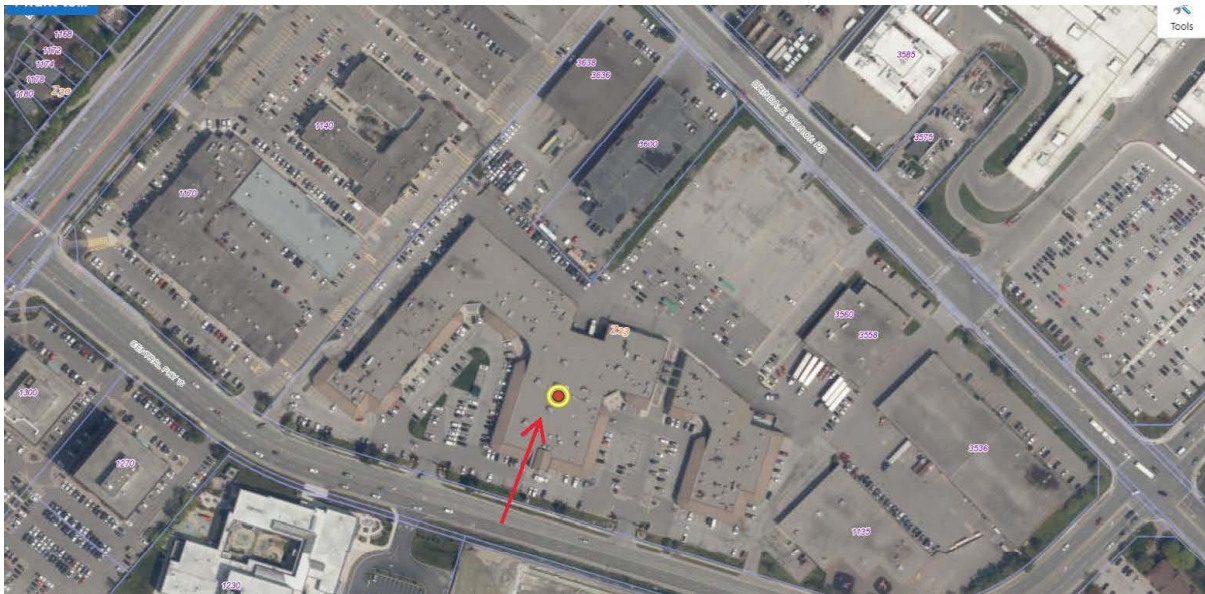
Zoning: C3-46

Other Applications: None

Site and Area Context

The subject lands are located in the Mavis-Erindale Employment Area, north-west of the Central Parkway West and Erindale Station Road intersection. The subject plaza contains multiple units with commercial uses. The site has a total area of +/- 78477.02m² (+/- 844719.61ft²) and does not contain any notable vegetation or landscaping elements.

The applicant is proposing a minor variance to allow the continued use of the existing Karaoke Bar-Lounge within Unit 63 of the subject property being located within 381.21m (1250.75ft) of a residential zone.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property is located in the Mavis-Erindale Employment Area Character Area and is designated Business Employment and Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP).

Staff note that similar minor variance applications, A179.11 and A233.16, were approved by the Committee of Adjustment temporarily for a period of 5 years. The previous application A233.16

was approved on June 23, 2016, set to expire on July 31, 2021, subject to the following conditions:

1. This decision is personal to “Young St Karaoke LTD” and shall be in effect so long as the subject premises are leased and/or occupied by same.
2. No dance floor shall be permitted within the night club.

The current application is requesting an extension of the previous approval, requesting a variance for reduced separation distance from a residential zone. Staff note that no alterations have been proposed to the site conditions and operations. Given the ongoing use and no significant changes to the existing structure, staff are satisfied that a continued operation of the existing use is appropriate in this instance.

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

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

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





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, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections to the following application: A-24-245M.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1177 Central Parkway W to allow for the continued operation of the existing Karaoke Bar-Lounge within Unit 63 of the subject property with a reduced setback to a residential zone. 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 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.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 1028 Beachcomber Road, zoned RM6-16-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 rear yard setback of 5.22m (approx. 17.13ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance.

The Committee has set **Thursday, June 13, 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.
- **Electronically (computer, tablet or smartphone):** Advance registration is required to speak virtually at the hearing. If you wish to make a presentation at the hearing you must send your request to speak and your presentation material (as an attachment) via email to committee.adjustment@mississauga.ca by 4:30 PM on the Friday prior to the hearing. If you have connection issues on the hearing date, please email virtualmeeting.help@mississauga.ca.
- **By telephone:** Advance registration is required to speak virtually at the hearing. To register, please call 905-615-3200 x2408 by 4:30 PM on the Friday prior to the hearing. You must provide your name, phone number, and the application file number. Committee staff will provide you with call in details prior to the start of the hearing.
- **Submit a written comment:** Written comments to the Committee must be received no later than 4:30 p.m. on the Friday prior to the hearing. Submissions are accepted by email at committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and the application file number or property address you are commenting on.

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

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

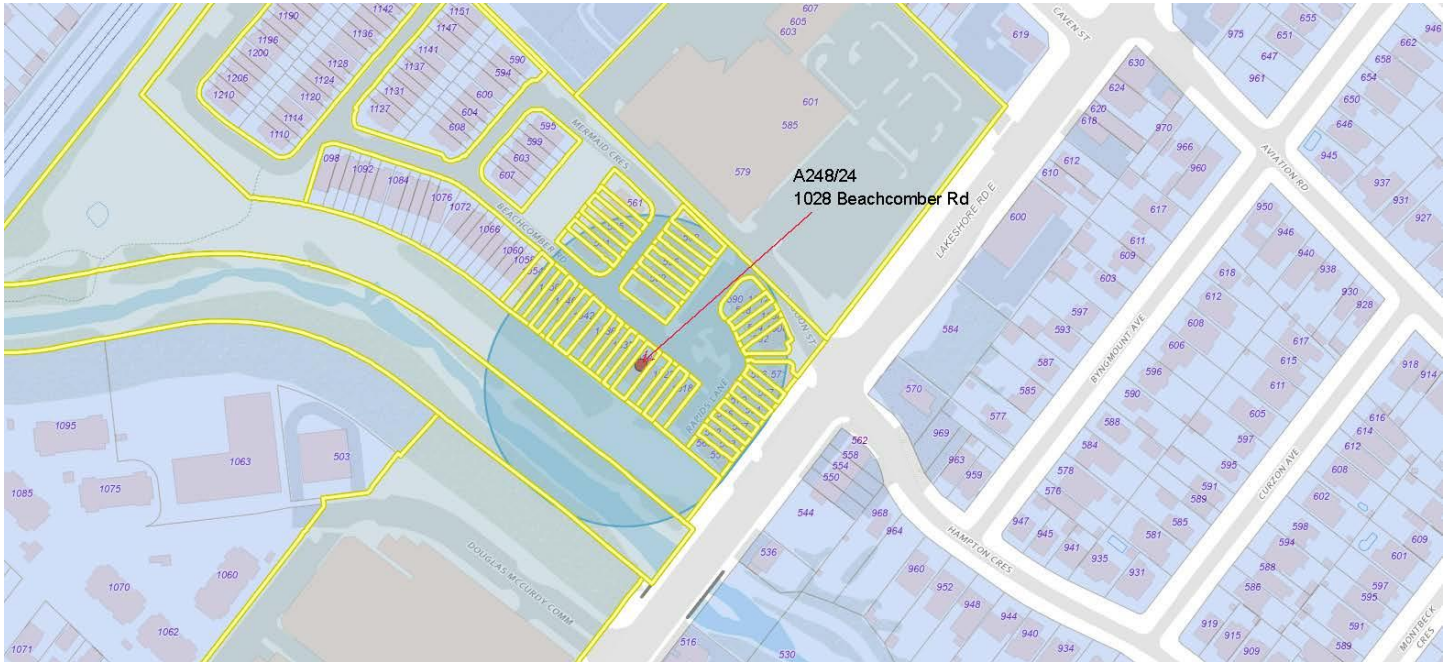
Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the "Book an appointment" button on the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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

Committee of Adjustment Appeal Process:

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



Legal notice:

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

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A248.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow a rear yard setback of 5.22m (approx. 17.13ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 1028 Beachcomber Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

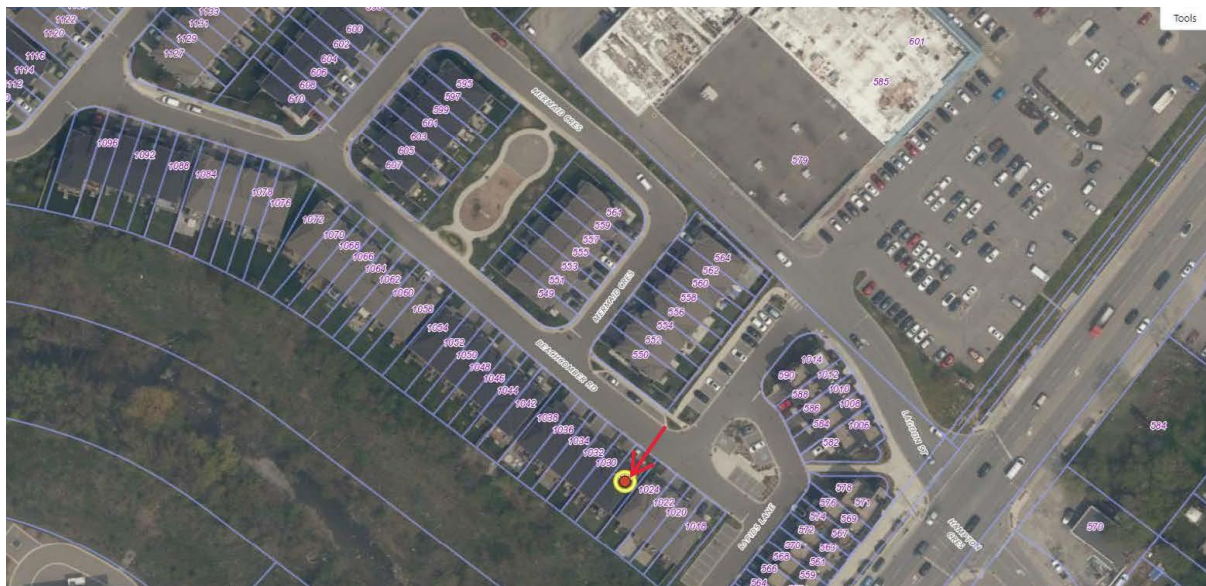
Zoning: RM6-16-Residential

Other Applications: Building Permit application BP 9ALT 23-9260

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northwest of the Cawthra Road and Lakeshore Road East intersection. The property is located within a townhouse complex containing three-storey townhouses with minimal vegetation in the front yards. The subject property also contains a three-storey townhouse with minimal vegetation in the front yard.

The applicant proposes a balcony requiring a variance for reduced rear 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 Lakeview Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium designation permits all forms of townhouse dwellings.

The applicant requests a variance for a reduced rear yard setback to a balcony projecting from the second storey of the dwelling. Planning staff have no concerns regarding the proposed variance. The reduced setback does not result in any reduced rear yard amenity area, as the area below the balcony is entirely open and the rear wall of the dwelling itself does not require the variance. Furthermore, the balcony will not pose any privacy or overlook concerns to adjacent properties, as no variances for reduced side yard setbacks or increased balcony area

are required. Lastly the townhouse unit backs onto municipally owned open space land, further insuring that there will be no impact to adjacent properties.

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

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no comments.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application **BP 9ALT 23-9260**. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Helen Molasy Memorial Park (P-261), 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. Construction access from the adjacent park/greenlands is not permitted.

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

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Credit Valley Conservation

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

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due flood hazard associated with Cooksville creek. As such, the property is regulated by CVC under Ontario Regulation 41/24. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow construction a rear yard setback of 5.22m (approx. 17.13ft) whereas Bylaw 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has no concern with the approval of the minor variance proposed at this time. CVC staff previously reviewed and approved the

proposed development as part of CVC permit FF 23/325.

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

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1028 Beachcomber Rd to allow a reduced setback of a proposed new 2nd storey balcony for the existing 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.

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.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 6 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 3233 Cactus Gate, zoned R5-32 - 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 for a below grade entrance proposing an interior side yard setback of 0.11m (approx. 0.36ft) 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, June 13, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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

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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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Committee of Adjustment Appeal Process:

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Legal notice:

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A251.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 for a below grade entrance proposing an interior side yard setback of 0.11m (approx. 0.36ft) 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: 3233 Cactus Gate

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-32 - Residential

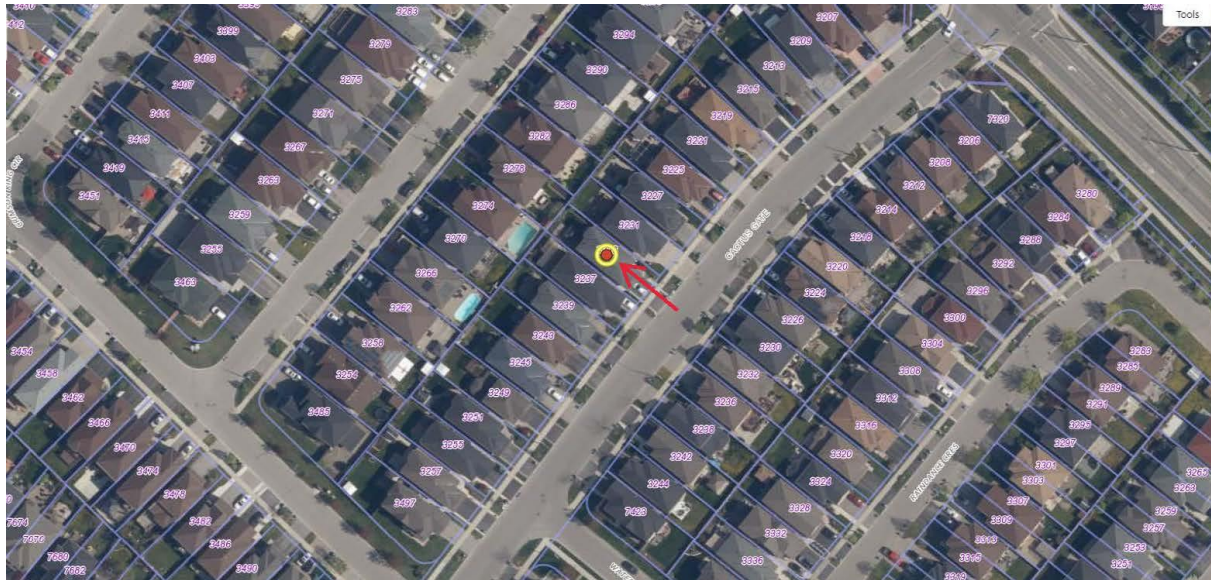
Other Applications: SEC UNIT 24-577

Site and Area Context

The subject property is located north-west of the Derry Road West and Tenth Line West intersection in the Lisgar Neighbourhood Character Area. 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 surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

The applicant is proposing a below grade entrance to facilitate a second unit in the basement requiring a variance for a 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 of the four tests to this minor variance request are as follows:

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

The sole variance requests a reduced side yard setback to the below grade stairwell. The intent of this provision is to ensure that an appropriate buffer is provided between the massing of structures on abutting properties, access to the rear yard remains unencumbered and that appropriate drainage patterns be maintained. Staff note there is an appropriate buffer between the adjoining properties, access to the rear yard remains unencumbered on the opposite side of the dwelling and Transportation and Works staff have raised no drainage concerns with the site.

Staff are therefore of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

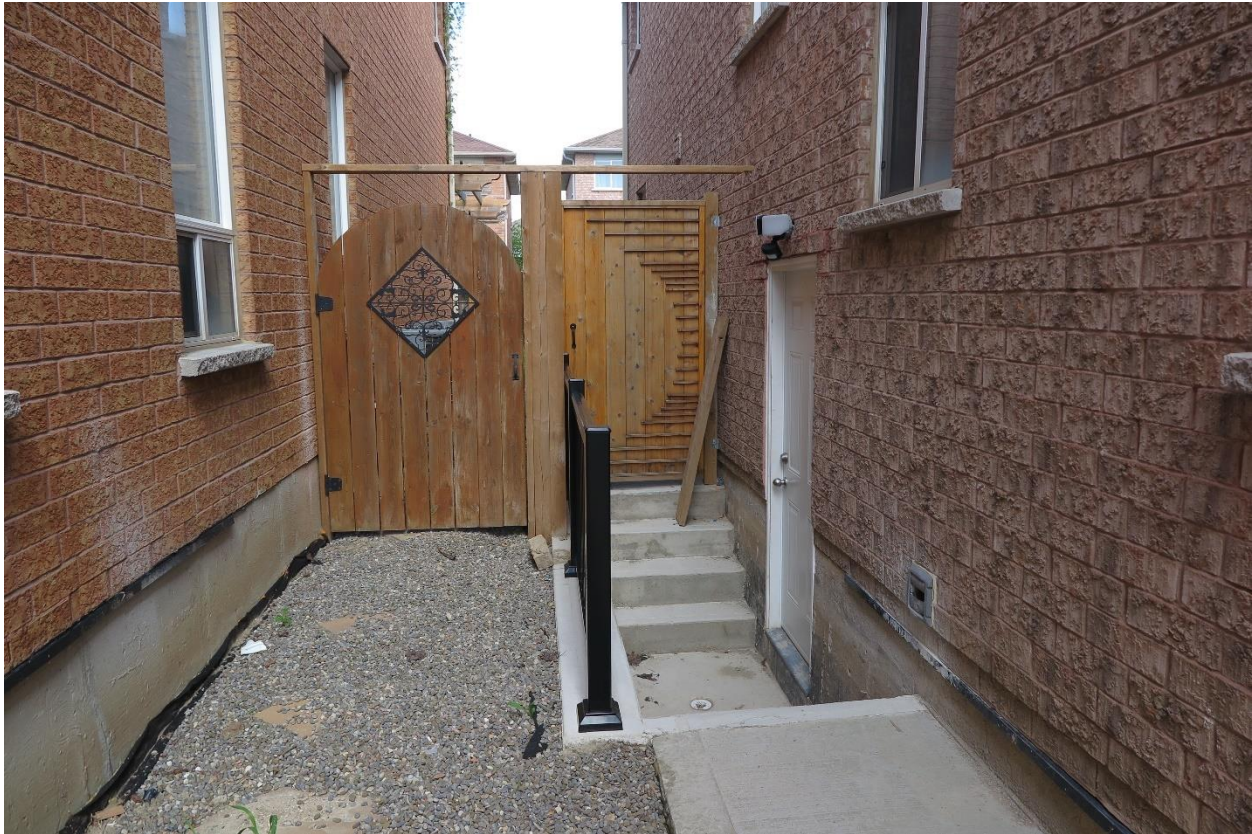
Appendices

Appendix 1 – Transportation and Works Comments

We note that this property has a split drainage pattern, which means that the high point is approximately in the middle of the dwelling in the area of the entrance stairwell. With the minimal 0.11M setback requested, a drainage swale would not be functional; however, in this instance, we do not foresee any significant concerns as the entrance is located at the high point and drainage could still be directed to both the front and rear of the dwelling.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file SEC UNIT 24-577. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Tague Crooks, Planner Zoning Examination

Appendix 3 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 3233 Cactus Gate to allow for a below grade entrance with a reduced side yard setback to support a proposed basement suite.

Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

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

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-24-251M / 3233 Cactus Gate

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

Comments:

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

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 1345 Lakeshore Rd E, zoned H-RA2-57 - Residential & G1 - Greenlands, 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 condominium building proposing:

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft) in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft) in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m (approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively in this instance;
6. Trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights by a maximum of 3.5m (approx. 11.5ft) whereas By-law 0225-2007, as amended, requires all structures to remain within the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance; and
7. To permit a minimum of 0 Electric Vehicle Ready Parking Spaces whereas By-law 0225-2007, as amended, requires a minimum of 20% of the total required resident parking spaces for a Condominium Apartment Building and a minimum of 10% of the total required visitor and non-residential parking spaces for a Condominium Apartment Building to be Electric Vehicle Ready Parking in this instance.

The Committee has set **Thursday, June 13, 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.

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

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

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

Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the “Book an appointment” button on the Committee’s webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.
- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.
- If you wish to be notified of the decision of the Committee, you must submit a written request to committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. This will also entitle you to be advised of any Ontario Land Tribunal (OLT) appeals.

Committee of Adjustment Appeal Process:

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



Legal notice:

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

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A252.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 amended, meets the requirements of Section 45(1) of the Planning Act. Should Committee see merit in the Application, Planning Staff would recommend the condition(s) and amendments identified below be imposed.

Application Details

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

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft) in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft) in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m

(approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively in this instance;

6. Trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights by a maximum of 3.5m (approx. 11.5ft) whereas By-law 0225-2007, as amended, requires all structures to remain within the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance; and

7. To permit a minimum of 0 Electric Vehicle Ready Parking Spaces whereas By-law 0225-2007, as amended, requires a minimum of 20% of the total required resident parking spaces for a Condominium Apartment Building and a minimum of 10% of the total required visitor and non-residential parking spaces for a Condominium Apartment Building to be Electric Vehicle Ready Parking in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, Zoning staff advise that the following variance(s) should be amended as follows:

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard and beyond the buildable area identified in exception schedule RA2-57 up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) and does not permit encroachments beyond the buildable area identified in exception schedule RA2-57 in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard and beyond the buildable area identified in exception schedule RA2-57 up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone and outside the buildable area identified in exception schedule RA2-57 in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft), as identified in exception schedule RA2-57, in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft), as identified in exception schedule RA2-57, in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft)

and 40.0m (approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively, as identified in exception schedule RA2-57, in this instance;

Recommended Conditions and Terms

Should the Committee see merit in the application, staff recommends that a condition be added for variance #7. Planning staff recommends that this variance be approved subject to the applicant providing a suitable electrical supply and rough-ins for 20% of the total required resident parking spaces for a Condominium Apartment Building, to allow future residents the opportunity to have electric vehicle parking.

Background

Property Address: 1345 Lakeshore Rd E

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Greenlands & Residential High Density

Zoning By-law 0225-2007

Zoning: H-RA2-57 - Residential & G1 - Greenlands

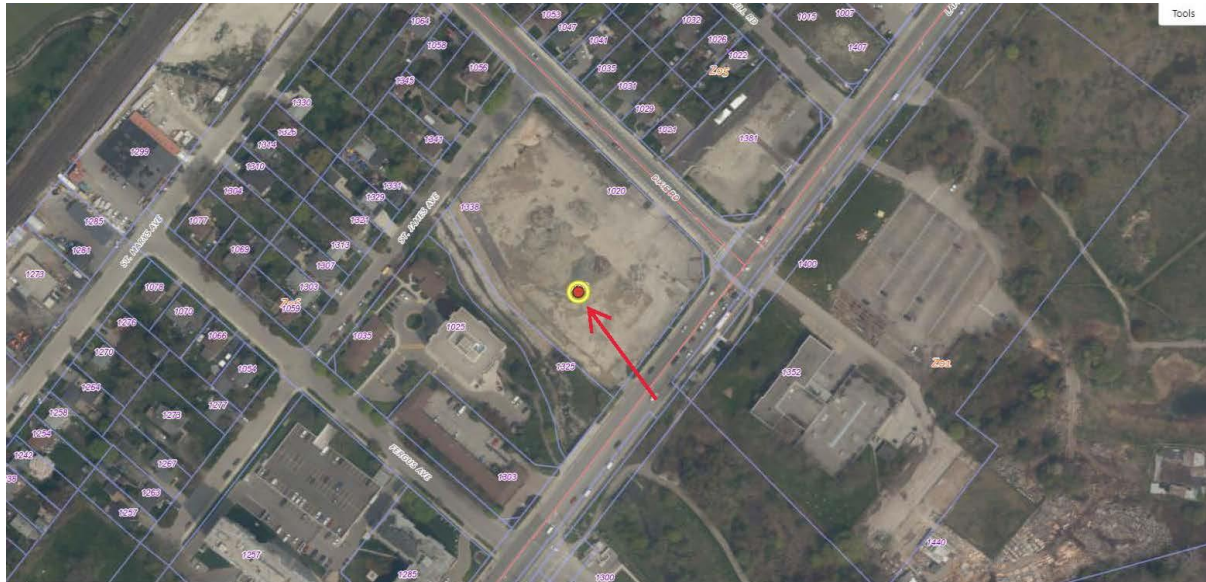
Other Applications: Site Plan application - SP 21-143, Official Plan and Zoning By-law Amendment applications – OZ 18/009 W1 & HO-Z 20 6; Minor Variance application – A143.22

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, positioned at the northwestern junction of Lakeshore Road East and Dixie Road. The immediate vicinity encompasses a diverse mix of residential, commercial, open space, greenlands, and community/cultural land uses. Notably, the subject site features limited vegetation primarily along the front and side lot lines.

The application proposes to develop two “L”-shaped buildings of 4 to 8 storeys and 4 to 12-storeys with an interior courtyard. The proposed development will contain 478 dwelling units and ground floor commercial fronting both Lakeshore Road East and Dixie Road.

The required variances are for encroachments; setbacks; a building separation distance; heights of trellises, privacy screens, parapets, handrails and guardrails; and electric vehicle ready parking spaces.



Comments

Planning

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

Staff comments concerning the application are as follows:

The subject property is designated Greenlands & Residential High Density on Schedule 10 of the Mississauga Official Plan (MOP). The applicant proposes two mixed-use buildings that are entirely located on lands designated Residential High Density. The Residential High-Density designation permits apartment dwellings with commercial uses on the ground floor.

Staff note for the Committee that an Official Plan Amendment and Rezoning application was approved for the site, under file OZ 18/009 W1, to permit a 12-storey apartment building with ground floor non-residential space. The zoning amendment was approved with a holding ("H") provision, of which conditions are intended to be cleared through the update of detailed engineering design and environmental reports, which are currently in review under file H-OZ 20 006 W1. The Committee also approved minor variance application A143.22 on March 24, 2023, for reduced parking rates for residential and visitor parking, as well as increased residential gross floor area.

Staff are currently reviewing a site plan application (SP 21-143 W1) for the property. Through the site plan process, several technical variances were identified.

The Planner reviewing the above noted site plan has reviewed the requested variances with staff and has no concerns regarding the applicant's minor variance proposal.

With respect to variance #1, through the site plan process it was identified by Zoning staff that the frontage of the property faces St. James Avenue. Staff note that the buildings and site are designed to front onto Lakeshore Road East and Dixie Road. Furthermore, the buildings fronting onto Lakeshore Road East and Dixie Road provide appropriate setbacks. Planning staff have no concerns regarding these variances as the proposed encroachments facilitate the detailed design of the proposal and are minor in nature.

Variance #2 is for encroachments of building features into a Greenlands zone. Credit Valley Conservation (CVC) and Community Services are the City's technical advisors on these matters. CVC and Community Services staff have no imminent concerns regarding these variances. The applicant is encouraged to continue to address CVC comments through the site plan process.

Variance #3 is for a reduced exterior side yard setback to a mechanical penthouse. Staff note that the mechanical penthouse was redesigned and now requires a setback reduction. Staff has no concerns regarding this variance, as the proposed setback represents a minor decrease from the minimum requirement and still provides for an adequate separation from the roof parapet.

Variances #4 and 5 are required to accommodate reduced setbacks/separation distances to balconies on the 7 and 8th storeys, respectively. Balconies, although always envisioned, were not included in the concept plan considered during the zoning by-law amendment process. Based on the drawings, the subject balconies will largely be within the footprint of the overall building. Staff note that the allowance of balconies is desirable for the subject property and is supportive of the request.

Variance #6 is required to accommodate trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance. These dwelling features were not included in the concept plan considered during the zoning by-law amendment process. Staff note that these features is appropriate and desirable for future residents.

Variance #7 is for reduced EV (electrical vehicle) resident parking spaces. Planning staff note that the requested variance is for reduced EV parking spaces only. Although EV resident parking spaces are not proposed, planning staff can support the requested variance, subject to the above noted condition which would require that the building will be energized with rough-ins to accommodation future EV parking spaces in all required resident parking spaces. Therefore, the proposal provides purchasers with the option for EV parking by ensuring suitable electrical supply and rough-ins for each parking space.

Through a detailed review of the application, staff are 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 all Transportation and Works Department concerns/requirements for this property have been reviewed and commented on through the previous Site Plan Application process, File SP 21/143 and also H-OZ-20/006. We have no concern with the proposal.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard **and beyond the buildable area identified in exception schedule RA2-57** up to 5.0m (approx. 16.40ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) **and does not permit encroachments beyond the buildable area identified in exception schedule RA2-57** in this instance;
2. A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard **and beyond the buildable area identified in exception schedule RA2-57** up to 3.0m (approx. 9.84ft) to a Greenlands zone whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone **and outside the buildable area identified in exception schedule RA2-57** in this instance;
3. An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft), **as identified in exception schedule RA2-57**, in this instance;
4. An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft), **as identified in exception schedule RA2-57**, in this instance;
5. A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m

(approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively, **as identified in exception schedule RA2-57**, in this instance;

The Building Department is currently processing a site plan approval application under file SP 21-143. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Comments Prepared by: Ramsen Hedoo, Planner.

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Appledale Park (P-329), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

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

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

1. Given that the property is subject to a development application, SP 21-143, all of Community Services' comments and/or requirements are being addressed through the development application.

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

Forestry

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

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Credit Valley Conservation

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

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy statement (2020);
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA:

Based on information available, the property is located within CVC's Regulated Area due to the presence of Applewood Creek, valleyland, and associated hazards. As such, this property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). 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 maximum encroachment of retaining walls, stairwells, stairs, ramps, trellises, parapets, cornices, balconies, guard rails dividers, awnings, canopies, signage, pillars, piers, gas metres, planters and mechanical vent shafts into any required yard up to 5.0m (approx. 16.40ft), whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required front yard of an awning or pier of 3.0m (approx. 9.84ft) in this instance;
- A maximum encroachment of retaining walls, stairs, planters, ramps (including associated guard rails and handrails), awnings, canopies, pillars, piers, exit stairs, light fixtures and mechanical vent shafts into any required yard up to 3.0m (approx. 9.84ft) to a Greenlands zone, whereas By-law 0225-2007, as amended, requires that encroachments and/or projections shall not be permitted in a minimum required setback to a Greenlands zone in this instance;
- An exterior side yard of 8.2m (approx. 26.9ft) from the mechanical penthouse, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.0m (approx. 32.8ft) in this instance;
- An exterior side yard setback of 3.8m (approx. 12.5ft) from the 7th and 8th storey, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 5.5m (approx. 18.0ft) in this instance;
- A building separation distance of 28.0m (approx. 91.9ft) and 36.0m (approx. 118.1ft) on the 7th and 8th storey of the easterly building respectively, whereas By-law 0225-2007, as amended, requires a minimum building/tower separation of 31.0m (approx. 101.7ft) and 40.0m (approx. 131.2ft) to the 7th and 8th storey of the easterly building respectively in this instance;
- Trellises, privacy screens, parapets, handrails and guardrails to exceed the permitted heights by a maximum of 3.5m (approx. 11.5ft), whereas By-law 0225-2007, as amended, requires all structures to remain within the permitted heights outlined in the site exception schedule of zone RA2-57 in this instance; and
- To permit a minimum of 0 Electric Vehicle Ready Parking Spaces, whereas By-law 0225-2007, as amended, requires a minimum of 20% of the total required resident parking spaces for a Condominium Apartment Building and a minimum of 10% of the total required visitor and non-residential parking spaces for a Condominium Apartment Building to be Electric Vehicle Ready Parking in this instance.

COMMENTS:

CVC staff have been involved in review of this proposal through Site Plan application SP 21-143, and recently provided comments to be addressed. One of our comments requires a geotechnical opinion/justification for the proposed reduced setback along the Applewood Creek

channel. This appears to be related to some of the proposed encroachments in the Minor Variance application.

In principle, we can accept a reduced buffer in this case, with the appropriate supporting justification provided. We note that this is not CVC's approval of the current plans, and we will continue our review of the plans to address our remaining comments through the Site Plan process. A CVC permit will be required prior to any development proposed in the Regulated Area.

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.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 3250).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1345 Lakeshore Rd E to facilitate various variances in relation to a proposed 8 and 12 storey mixed-use condominium with respect to encroachments, setbacks and separation distances, projections and the provision of EV spaces. 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:

- Metrolinx is a stakeholder that is currently engaged in, and has provided comments on, the comprehensive application of the development including the Site Plan application.
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.

Advisory Comments (Conditions to be Fulfilled Prior to Site Plan Approval):

- The following are items that should be addressed prior to final Site Plan Approval or as Conditions of Approval for the comprehensive development:
 - The applicant is advised that all conditions/requirements/agreements related to the comprehensive application must be fulfilled prior to approval of the Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of

agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

- 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.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 6 – Region of Peel

Minor Variance: A-24-252M / 1345 Lakeshore Rd. E

Planning: Petrele Francois (905) 791- 7800 x3356

Comments:

- The subject land is located in the regulated and floodplain area of the Credit Valley Conservation Authority (CVC). The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy 2.16.11. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the CVC for the review of development

applications located within or adjacent the regulated area in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 2666 Royal Windsor Drive, zoned E3-1-Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales use in Units 11 and 12 of 2666 Royal Windsor Drive whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales use in this instance.

The Committee has set **Thursday, June 13, 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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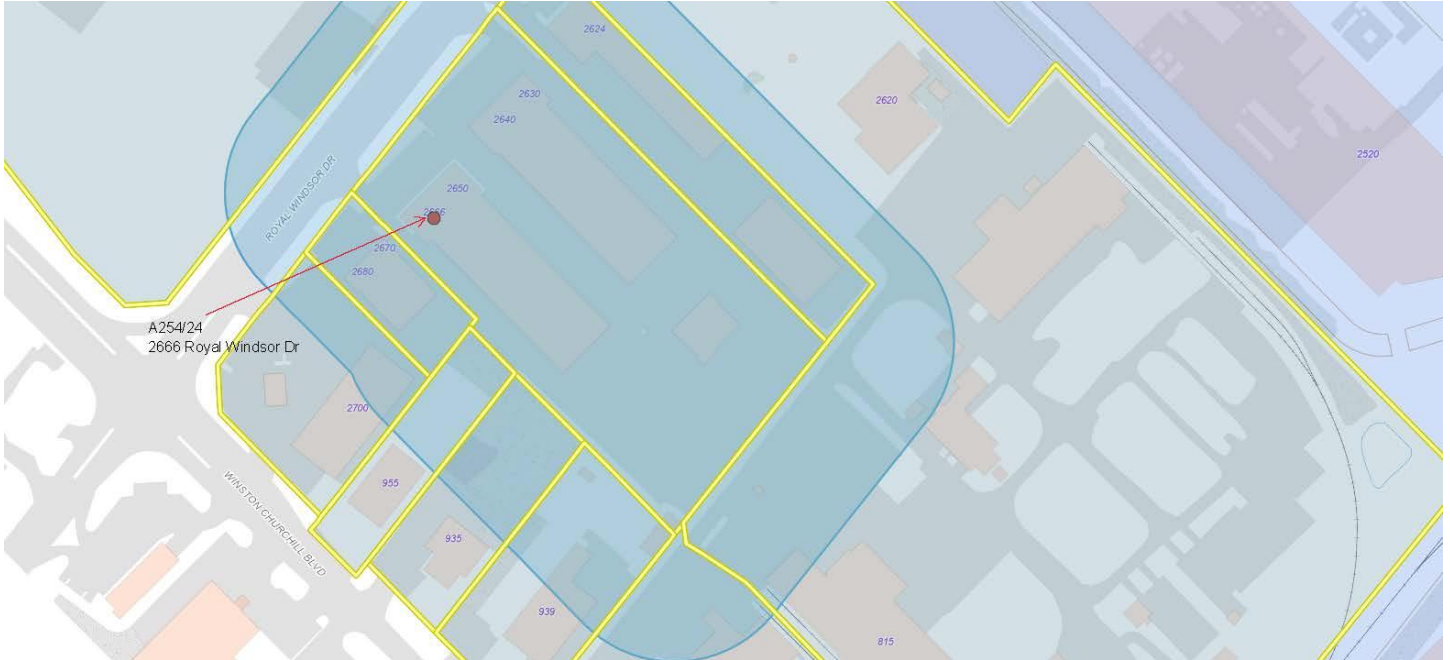
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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A254.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 Sales use in Units 11 and 12 of 2666 Royal Windsor Drive whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales use in this instance.

Background

Property Address: 2666 Royal Windsor Drive

Mississauga Official Plan

Character Area: Southdown Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3-1-Employment

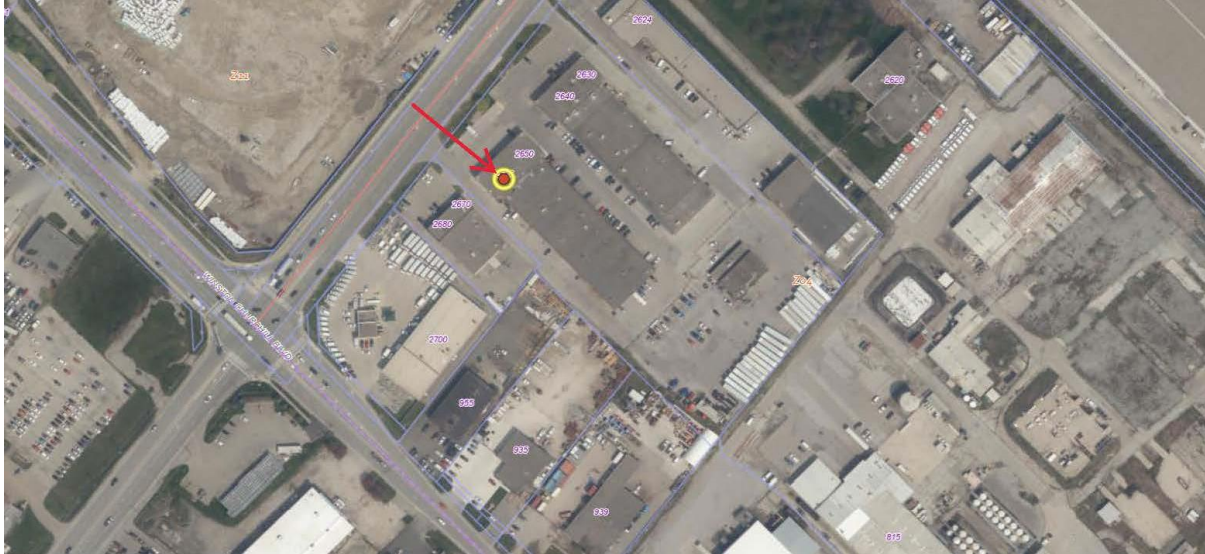
Other Applications: 21CDM-M 23-8; B41.2, A254.21, A255.21

Site and Area Context

The subject units are located within a plaza located south-east of the Winston Churchill Boulevard and Royal Windsor Drive intersection. The property contains 3 two-storey buildings with employment uses. The subject property is an interior parcel possessing minimal vegetation and landscape elements along the front lot line. The existing buildings and site configuration

reflect the industrial employment character of the broader surrounding area. Properties within the immediate vicinity possess minimal vegetation and landscaping which is kept to the periphery of each parcel.

The applicant is proposing a Motor Vehicle Sales use in Units 11 and 12 of the subject property.



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 site is designated "Industrial" in Schedule 10 of the Mississauga Official Plan limits motor vehicle uses to a motor vehicle repair facility, motor vehicle commercial and motor vehicle rental facility. 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 are of the opinion that the variance does not maintain the general intent and purpose of the official plan.

The subject site is zoned 'E3-1' (Industrial). The variance proposes to permit a restricted motor vehicle sales 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 E3 zone, however it is limited to commercial

vehicles and not regular vehicles. 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 only permit the use in the C3 zone, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained.

The official plan does not envision motor vehicle sales in the Industrial designation and the zoning by-law does not permit the requested use in the 'E3-1' zone. Staff are of the opinion that the application is not desirable nor minor in nature. Furthermore, motor vehicle sales require additional parking and storage. Staff is of the opinion that the use was not envisioned by the official plan or zoning by-law and would be unsuitable on the subject property. Staff are also concerned that approval of the use may result in site function issues given the nature of the site as an industrial plaza containing 23 industrial units.

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

This department has no comments.

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, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 2666 Royal Windsor Drive to allow a Motor Vehicle Sales use in Units 11 and 12 of 2666 Royal Windsor Drive. Metrolinx's comments on the subject application are noted below:

- The subject property is located partially 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.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 3041 Keynes 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 a driveway proposing:

1. A driveway width of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
2. A walkway attachment width of 8.87m (approx. 29.10ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

The Committee has set **Thursday, June 13, 2024 at 1:00 PM** for the public hearing on this matter. The hearing will begin at the noted start time and items on the agenda are generally heard in the order shown. Minor variance applications are evaluated based on the four tests as set out by Section 45(1) of the Planning Act. For more information please see the "What is a minor variance" section of the Committee's webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A255.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway proposing:

1. A driveway width of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
2. A walkway attachment width of 8.87m (approx. 29.10ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 3041 Keynes Cres

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

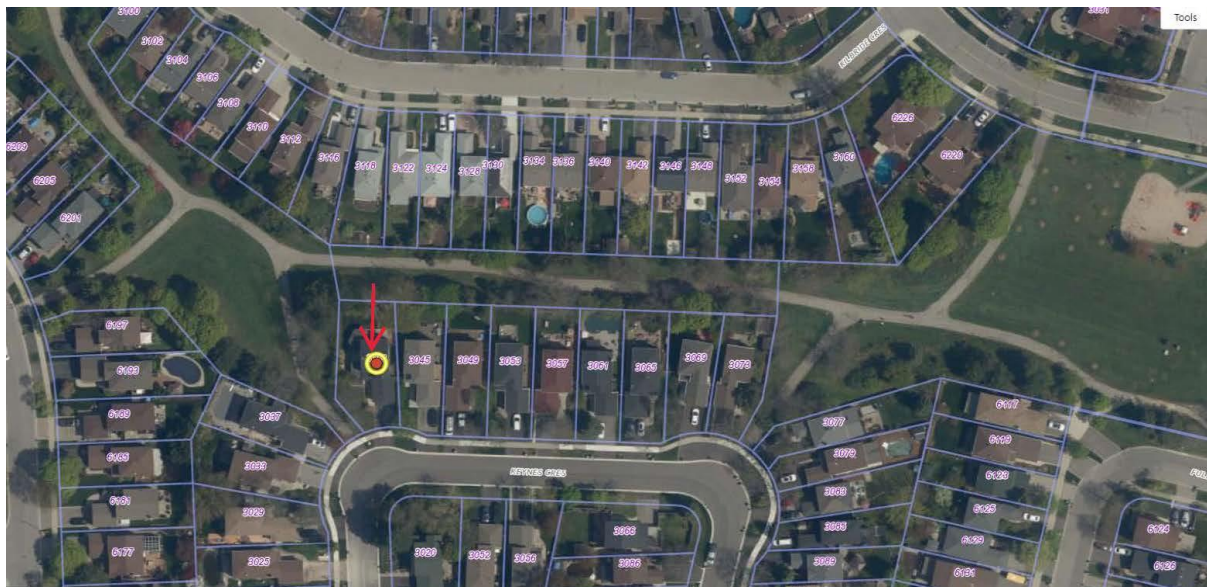
Zoning: R4-Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Britannia Road and Winston Churchill Boulevard intersection in the Meadowvale Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. The subject property has an approximate lot area of +/- 559.49m² (6,022.30ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing to legalize a widened driveway on the subject property requiring variances for driveway width and a walkway attachment width.



Comments

Planning

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

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

The subject property is located in the Meadowvale Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the Mississauga Official Plan (MOP) promotes development (including its features such as driveways and landscaping) with appropriate urban form and site design, regulating that such development is compatible with the existing conditions, the surrounding context and the landscape of the character area. The planned character of the area are dwellings accessed by appropriately sized driveways. The existing driveway is not compatible with the existing or

planned character of the area. Staff are of the opinion that the general intent and purpose of the official plan is not maintained in this instance.

The proposed variance relates to a widened driveway on the subject property. The intent of the driveway width regulations in the by-law is to allow a driveway to accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The existing driveway width can facilitate the parking of three or more vehicles and the existing walkway can be utilized for parking purposes. Further, the existing driveway creates a significant amount of hardscaping that dominates the perceived street frontage of the property. The subject property does not possess the frontage that can support the size of the driveway and walkway and remain with the intent of the regulations.

Staff are of the opinion that the application be deferred to allow the applicant to redesign the driveway.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

We would also request that the gravel placed within the municipal boulevard also be removed.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

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

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

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Millgrove Trail (P-196), 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. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

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

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Minor Variance: A-24-255M / 3040 Keynes Cres.

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

Comments:

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

Comments Prepared by: Petrele Francois, Junior Planner

In Person and Virtual Public Hearing

Why you received this letter:

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

Details of the application and meeting information:

The property owner of 30 Elm Drive W, zoned RA5-46, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to reduce the minimum dimension of five parking spaces proposing:

1. A parking space width for Level A – Spot R14 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
2. A parking space width for Level B – Spot R44 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
3. A parking space width for Level C – Spot R44 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
4. A parking space width for Level D – Spot R44 of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance; and,
5. A parking space width for Level E – Spot R44 of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance.

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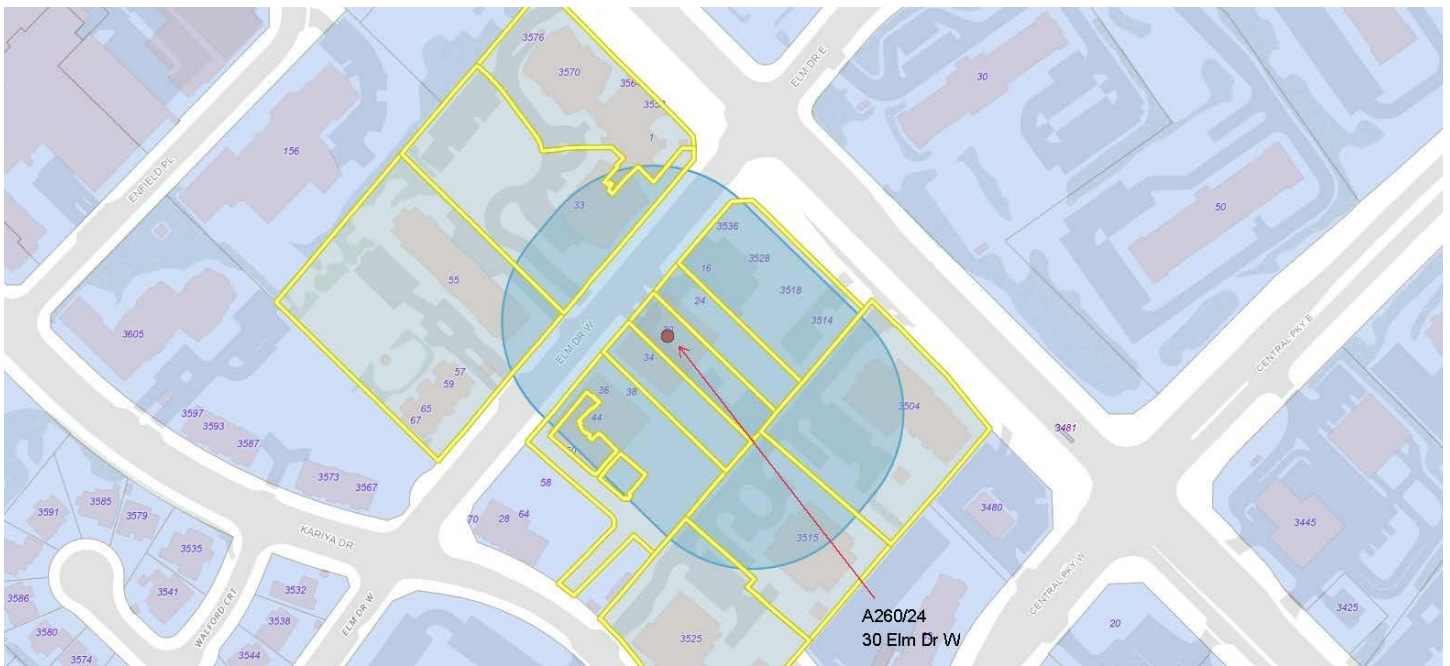
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Legal notice:

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

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A260.24 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the condition. 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 reduce the minimum dimension of five parking spaces proposing:

1. A parking space width for Level A – Spot R14 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
2. A parking space width for Level B – Spot R44 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
3. A parking space width for Level C – Spot R44 of 2.56m (approx. 8.40ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
4. A parking space width for Level D – Spot R44 of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance; and,
5. A parking space width for Level E – Spot R44 of 2.55m (approx. 8.37ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance.

Recommended Conditions and Terms

Should the committee see merit in this application, Planning staff recommend supporting the requested parking variances subject to the following condition:

1. The applicant shall include a warning clause in Schedule B of the Development Agreement to advise owners and potential purchasers of size deficiency. The applicant shall register on title a warning clause identifying the parking spaces that are substandard in size.

Background

Property Address: 30 Elm Drive W

Mississauga Official Plan

Character Area: Downtown Fairview
Designation: Residential High Density

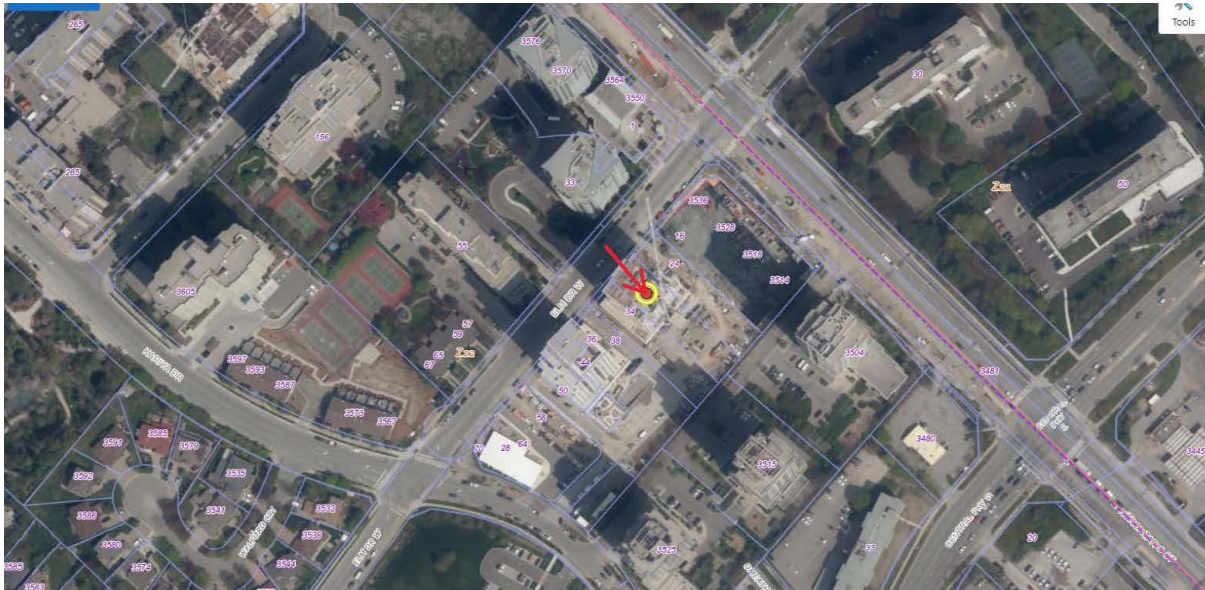
Zoning By-law 0225-2007

Zoning: RA5-46

Other Applications: 21CDM-M 24-5

Site and Area Context

The subject property is located south-west of the Hurontario Street and Elm Drive West intersection in the Downtown Fairview Character Area. Currently, the site is under construction with a condominium development consisting of three residential apartment buildings. The surrounding area includes a mix of uses including commercial, office and residential uses. The residential uses consist of a mix of built forms such as detached dwellings, townhouse dwellings and apartment dwellings.



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 within the Downtown Fairview Character Area, and is designated Residential High Density in the Mississauga Official Plan (MOP).

The intent of the zoning by-law is to provide parking spaces with dimensions that accommodate the standard vehicle size. As per the zoning by-law regulation, a parking space width of 2.6m (8.53ft), whereas the applicant is requesting a parking space width of 2.56m (8.40ft) for three parking spots and a parking space width of 2.55m (8.36ft) for two parking spots in various locations within the underground parking garage.

The required parking dimensions for a parking space allows standard vehicles to be parked. Through the information provided in the applicant's cover letter and in reviewing the plans submitted, staff note the reduced parking space width variance sought is the result of the construction and placement of one of the support columns in the underground parking area. Staff note a small amount of parking spaces will be impacted with the substandard parking space width dimensions. Staff require that the applicant shall include a warning clause in the Agreement of Purchase and Sale to advise owners and potential purchasers of the substandard parking dimensions with the affected units.

Staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents orderly development of the lands.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through Site Plan Application, SP 19-86. We also note that the City has processed Rezoning Application OZ/OPA 13/22 for this development.

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

Appendix 2 – Zoning Comments

The Building Department received a CDM application under file 21CDM-M 24-5. This application has been reviewed by Zoning staff. We are unable to provide comment with respect to the accuracy of the requested variance(s) or whether additional variance(s) will be required.

NOTE: The variances appear to be based on as-built conditions and may have been initiated by the applicant to ensure compliance with inspection.

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

Comments Prepared by: Ramsen Hedoo, Planner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 30 Elm Drive W to allow the minimum dimension of five (5) parking spaces to be reduced as a result of current final construction (and location of supporting columns) of the proposed "Building B" on the subject site. Metrolinx's comments on the subject application are noted below:

Advisory Comments:

- The subject property is located partially within 60m of the proposed Hazel McCallion LRT (formerly Hurontario LRT).
- At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the Hazel McCallion LRT will require approval and coordination with Metrolinx through circulation by the City of Mississauga.
- Please be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive application of this site. Any comments/requirements previously provided by Metrolinx/our Technical Advisor are still applicable.

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- Please continue to engage Metrolinx as the development progresses.

Construction Coordination (Advisory Comment)

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
 - Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

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

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A409.23
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 1066 Ogden Ave, zoned R3-75- Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an addition and porch proposing:

1. A driveway width of 6.17m (approx. 20.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
3. A right side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A left side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A right side yard setback of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
6. A window well encroachment of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, permits a window well encroachment of 0.59m (approx. 1.94ft) in this instance;
7. A lot coverage of 41.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
8. A setback to the centreline of the street of 17.25m (approx. 56.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street of 20.00m (approx. 65.62ft) in this instance;
9. A left setback to the eaves of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
10. A right side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A left side yard setback to a wall hung fire rated shutter of 1.16m (approx. 3.81ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

The Committee has set **Thursday, June 13, 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.

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

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

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

Additional Information:

- For more information about this matter, contact committee.adjustment@mississauga.ca or call 905-615-3200 x2408. Alternatively, information can be obtained in person by making an appointment with the Committee of Adjustment at 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Appointments can be booked using the “Book an appointment” button on the Committee’s webpage: <https://www.mississauga.ca/council/committees/committee-of-adjustment/>.
- You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>.
- If you wish to be notified of the decision of the Committee, you must submit a written request to committee.adjustment@mississauga.ca or by mailing the Committee of Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. This will also entitle you to be advised of any Ontario Land Tribunal (OLT) appeals.

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City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A409.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition and porch proposing:

1. A driveway width of 6.17m (approx. 20.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
3. A right side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A left side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A right side yard setback of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
6. A window well encroachment of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, permits a window well encroachment of 0.59m (approx. 1.94ft) in this instance;
7. A lot coverage of 41.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
8. A setback to the centreline of the street of 17.25m (approx. 56.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street of 20.00m (approx. 65.62ft) in this instance;
9. A left setback to the eaves of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
10. A right side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A left side yard setback to a wall hung fire rated shutter of 1.16m (approx. 3.81ft)

whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

The Building Department is processing Building Permit application BP 9ALT 24-12. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

2. A front yard setback to the porch of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance;
3. A left side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A right side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A left side yard setback of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
8. A setback to the centreline of the street of 17.25m (approx. 56.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street of 20.00m (approx. 65.62ft) in this instance;
9. A right setback to the eaves of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
10. A left side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A right side yard setback to a wall hung fire rated shutter of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and
12. A setback to the centreline of the street to the front porch of 15.87m (approx. 52.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street to the front porch of 20.00m (approx. 65.62ft) in this instance.

Background

Property Address: 1066 Ogden Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

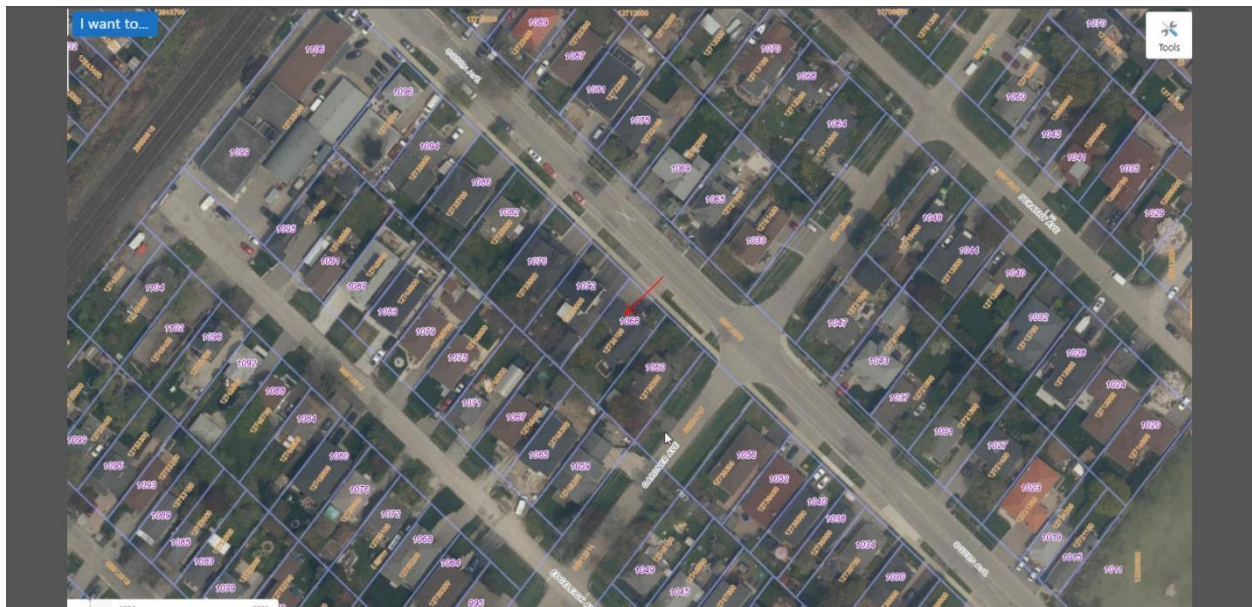
Zoning: R3-75- Residential

Other Applications: Building Permit application BP 9ALT 24-12

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood consists of newer and older one and two-storey detached dwellings. The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a one-storey addition to the principal dwelling and the legalization of an existing front porch requiring variances for driveway width, lot coverage, window well encroachment and centreline, side and front yard setbacks.



Comments

Planning

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

Staff comments concerning the application are as follows:

The application was deferred on November 9th, 2023 and again on April 11th, 2024, to allow the applicant an opportunity to work with Zoning staff to identify the required variances accurately through the building permit process. The applicant has worked with City staff to capture all necessary variances to legalize the existing structure as well as for the proposed one-storey addition.

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

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, duplex, triplexes, 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. Staff are of the opinion that the proposal represents compatible development that is in line with the planned character of the area 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 in the driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. Staff are of the opinion that the proposed width represents a minor increase of 0.17m (0.55ft) from the maximum permissible driveway width of 6m (19.69ft). Staff note the applicant is proposing to reinstate a portion of the existing driveway with sod. Staff are satisfied that the proposed driveway width will not accommodate additional parking spaces and that it maintains appropriate soft landscaping.

Variance #2, as amended, pertains to the front yard setback measured to the porch. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff note that the dwelling itself maintains a front yard setback of 6.72m (22.04ft), which is consistent with other dwellings found in the neighbourhood. The reduced front yard is required to accommodate an existing unenclosed porch. Therefore, the proposal does not pose massing concerns. Staff have no concerns with the requested variance and are of the opinion that the reduction in the front yard is minor and that adequate front yard amenity space is maintained in this instance.

Variances #3, #4, #5, #9, #10 and #11, as amended, all pertain to side yard setbacks measured to the dwelling, eaves and wall hung fire rated shutters. Variance #6 pertains to window well encroachment. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and to ensure access to the rear yard remains unencumbered. Staff note that the variances arise due to the existing position and orientation of the dwelling on the lot. The dwelling is positioned at an angle, reducing the side yard setback on the east side of the lot at a pinch point. As you move towards the rear of the property, the side yard setback increases on the east side and decreases on the west side. Staff note that on January 13, 2022, the Committee of Adjustment approved a minor variance for a side yard setback of 0.1m measured to the gable roof under file

A537.21. The current application seeks relief for the existing and proposed setbacks. Staff have no concerns regarding any massing impacts as the addition is one storey in height and is located at the back of the property. Furthermore, building permits indicate that the dwelling has existed on the subject property since the 1960s. Staff have identified similar setbacks in the immediate neighbourhood and are of satisfied that access to the rear yard remains unencumbered.

Variances #8 and #12, as amended, pertain to a reduction to the centreline of the street measured to the dwelling and the porch. The intent of this portion of the zoning by-law is to ensure that any proposed construction will not come at the expense of a potential road widening. Transportation and Works Staff have not identified any issues with the proposed setback.

Variance #7 is regarding an increase in the lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The dwelling itself represents a lot coverage of 36.05%, with the additional lot coverage of 5.09% being attributed to the existing porch, walkout and deck. Staff are of the opinion that these elements do not pose the same massing impacts as an enclosed structure and presents negligible massing concerns. Further, no variances are requested for gross floor area and height, mitigating overdevelopment concerns.

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

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

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

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Please apply previous comments.

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed by our Development Construction Section through Building Permit BP 9ALT-24/12.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-12. Based on review of the information available in this application, we advise that following amendments are required:

2. A front yard setback to the porch of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance;
3. A left side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A right side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A left side yard setback of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
8. A setback to the centreline of the street of 17.25m (approx. 56.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street of 20.00m (approx. 65.62ft) in this instance;
9. A right setback to the eaves of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
10. A left side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A right side yard setback to a wall hung fire rated shutter of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and
12. A setback to the centreline of the street to the front porch of 15.87m (approx. 52.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street to the front porch of 20.00m (approx. 65.62ft) in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application.

To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1066 Ogden Ave to facilitate the construction of an addition and porch to the existing 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.

Advisory Comments:

- The Proponent is advised 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