
Committee of Adjustment

Date: December 10, 2020
Time: 1:00 PM
Location: Online Video Conference

Members

Sebastian Patrizio (Chair)
David George
John Page
David Kennedy
Wajeeha Shahrukh
David Cook
John Kwast

Contacts

Umar Mahmood, Committee of Adjustment Coordinator, Legislative Services
905-615-3200 ext.5209
umar.mahmood@mississauga.ca

Alexander Davies, Committee of Adjustment Coordinator,
Legislative Services
905-615-3200 ext.5422
alexander.davies@mississauga.ca

PUBLIC MEETING STATEMENT: While some planning matters, such as consent or minor variance applications, do not specifically require that you participate in the process in order to appeal, the LPAT has the power to dismiss an appeal without holding a hearing if the person or public body that in circumstances such as appeal is not based on any apparent land use planning grounds and appeal is not made in good faith or is frivolous or vexatious, or is made only for the purpose of delay.

Send written submissions or request notification of future meetings to:

Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, Attn: Committee of Adjustment Coordinators – 2nd Floor 300 City Centre Drive, Mississauga, ON, L5B 3C1 or Email:
committee.adjustment@mississauga.ca

-
1. CALL TO ORDER
 2. DECLARATION OF CONFLICT OF INTEREST
 3. DEFERRALS OR WITHDRAWALS
 4. MATTERS TO BE CONSIDERED
 - 4.1. B-68/20- B-69/20
2475 EGLINTON AVE W (WARD 11)
DANIELS HR CORP
 - 4.2. A-391/20
4493 FULL MOON CIR (WARD 4)
JASPATIE & ISAAC ASSIBAD
 - 4.3. A-393/20
23 EARL ST (WARD 11)
RAMKRISHNA PEDDI VENKATA AND SASYA PEDDI
 - 4.4. A-394/20
1330 EGLINTON AVE E (WARD 3)
GREYCAN 6 PROPERTIES GP INC C/O PANATTONI DEVELOPMENT CO
 - 4.5. A-396/20
1131 HIGHGATE PL (WARD 3)
CHRIS & MALGOREATA KIDA
 - 4.6. A-399/20
2350 CAWTHRA RD (WARD 7)
NBIM SPIRE (MISSISSAUGA PORTFOLIO) LTD.
 - 4.7. A-400/20
19 MALDAVER AVE (WARD 11)
MUHAMMAD FAISAL JAMIL
 - 4.8. A-401/20
3090 BALLAD DR (WARD 5)
SARBJIT & NARINDERJIT SAROYA

- 4.9. A-402/20
2212 SHARDAWN MEWS (WARD 7)
TONY TRIGIANI
- 4.10. A-404/20
2543 WICKHAM RD (WARD 9)
HONG FU & MANYING PAN
- 4.11. A-406/20
915 FLAGSHIP DR (WARD 3)
MANOJKUMAR PANCHOLI
- 4.12. A-301/20
3972 BRANDON GATE DR (WARD 5)
GONZALO & CATALINA ALZATE
5. OTHER BUSINESS
6. ADJOURNMENT



COMMITTEE OF ADJUSTMENT NOTICE OF APPLICATION

File: "B" 68/20
Ward 11

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 2475 Eglinton Avenue West, zoned RA5-37 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the approval 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 158m (518ft) and an area of approximately 0.84ha (2.08ac).

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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If a person or public body that files an appeal of a decision of the Committee in respect to the proposed consent does not make written submissions to the Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

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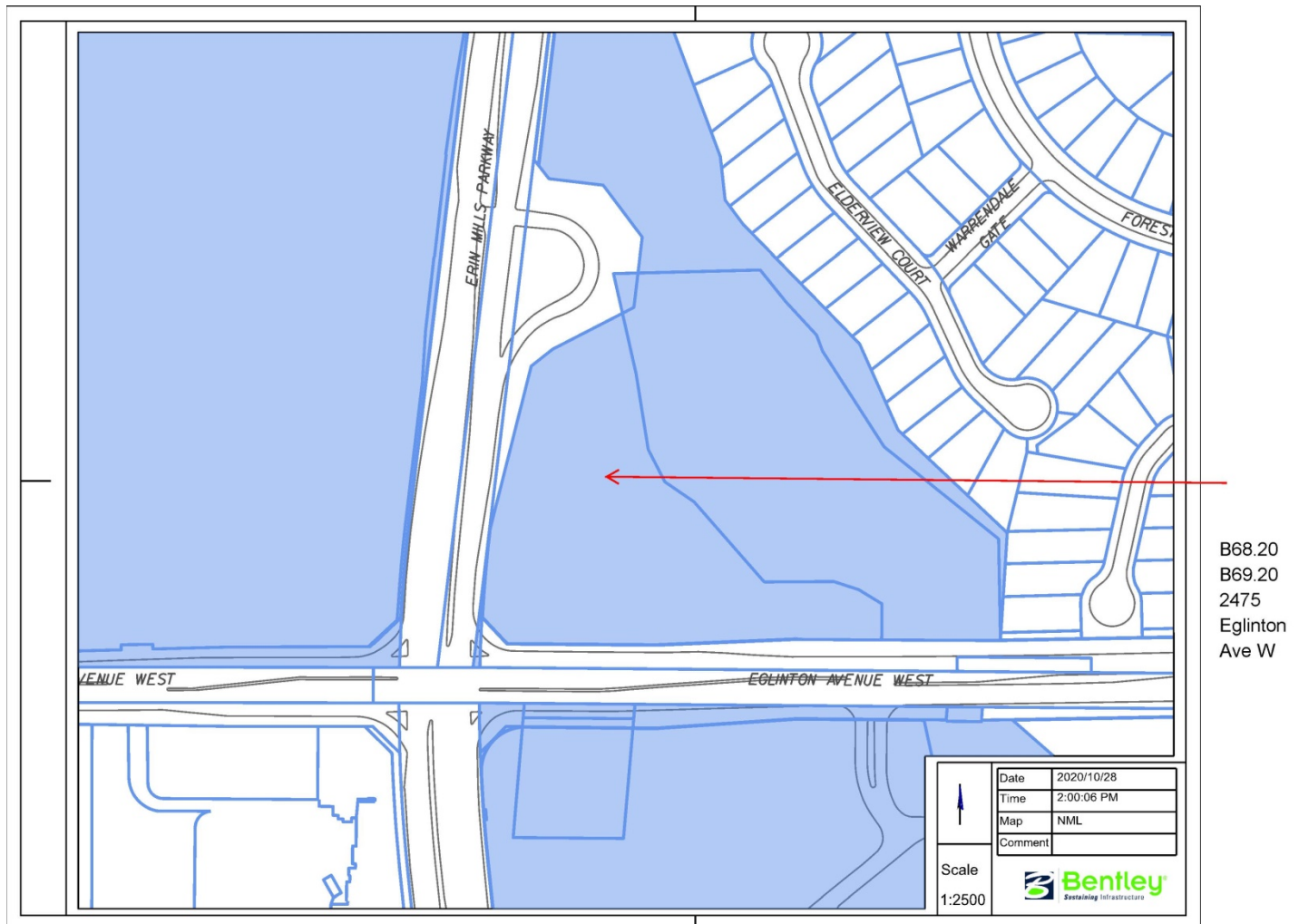
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COMMITTEE OF ADJUSTMENT NOTICE OF APPLICATION

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Details of the application and meeting information:

The property owner of 2475 Eglinton Avenue West, zoned RA5-37 - Residential, has applied for Consent under Section 53 of the Planning Act. The applicant requests the approval 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 60m (197ft) and an area of approximately 0.73ha (1.80ac).

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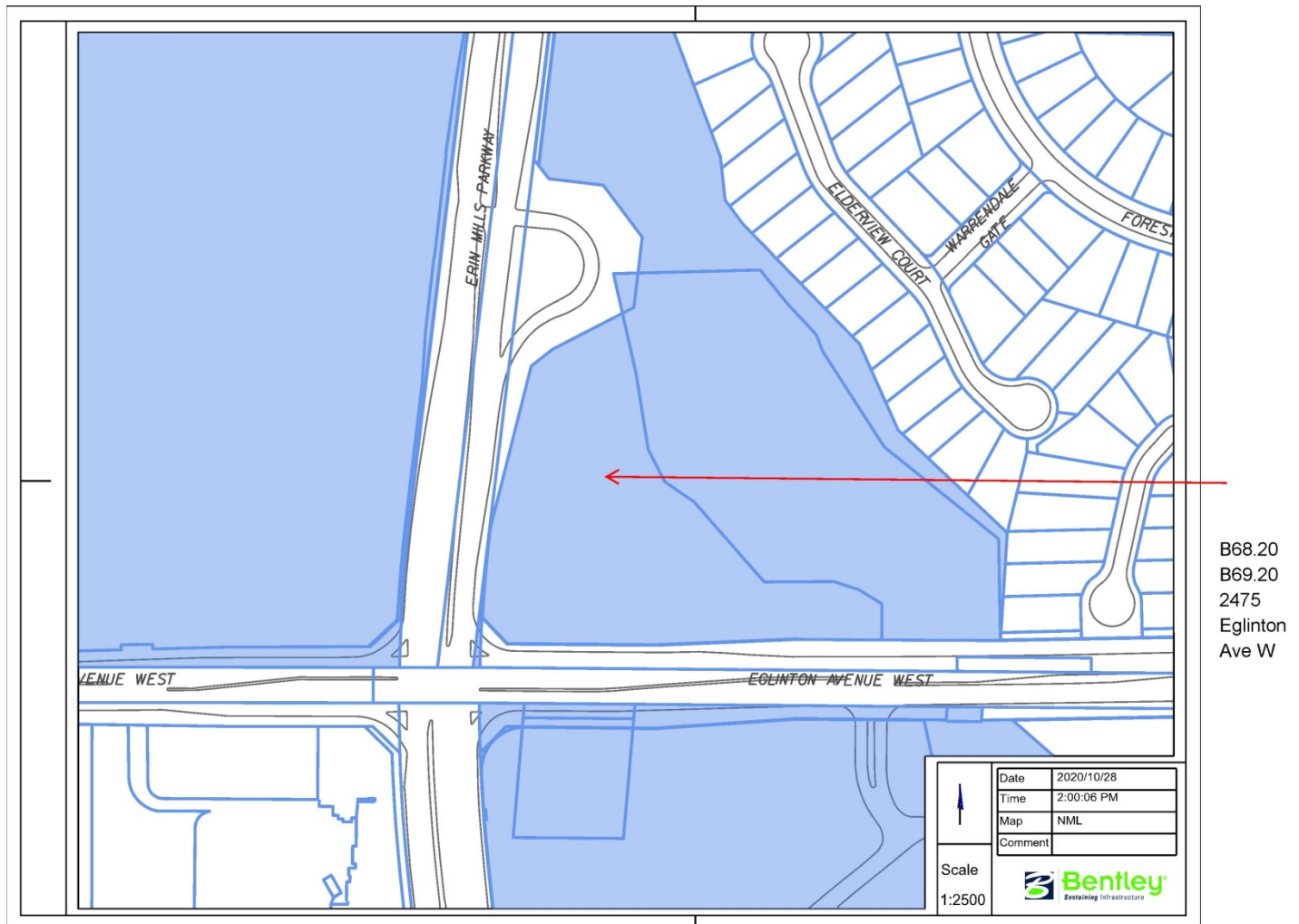
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): B68/20 & B69/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objections to the requested consent applications.

Application Details

B68/20

The Applicant requests the approval 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 158.0m (518ft) and an area of approximately 0.84ha (2.08ac).

B69/20

The applicant requests the approval 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 60.0m (197ft) and an area of approximately 0.73ha (1.80ac).

Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 2475 Eglinton Avenue West

Mississauga Official Plan

Character Area: Central Erin Mills, Major Node
Designation: Residential High Density, Greenlands

Zoning By-law 0225-2007

Zoning: RA5-37 (Apartments)

Other Applications:

Type of App: OZ 16/003
SP 19-9051

Site and Area Context

The subject property is located in the north-east corner of Erin Mills Parkway and Eglinton Avenue West. The immediate neighbourhood is comprised primarily of multi-storey, residential condominium structures; commercial uses, in the form of the Erin Mills Town Centre, and the Credit Valley Hospital are located in close proximity, as well.

The subject lands serve as a transitional area between the high-density residential land-uses found along this portion of Eglinton Avenue West, and the detached residential dwellings located directly to the north-east of the site.

Through Official Plan / Zoning By-law Amendment application OZ 16/003, which is currently under review, the Applicant has proposed to erect a combination of the following:

- a 11 storey retirement residence
- a 15 storey mixed use development of rental apartments and non-residential development

The Applicant is currently pursuing a Site Plan Approval application (SP 19-9051), to facilitate the above proposal, with this application currently under review by Planning Staff.

The subject site is an exterior property with a lot area of +/- 18,773.73m² and a lot frontage of +/- 158.0m.



Comments

Planning

Planning Act

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

Provincial Matters

Both the Provincial Policy Statement 2014 (PPS 2014) and the Growth Plan for the Greater Golden Horseshoe promote both efficient development and land use; directing such focus towards intensification and redevelopment. The proposal is consistent with the general directives of this provincial policy.

Planning Analysis

Staff comments concerning the application are as follows:

The severed lands will have a lot frontage of 158.0m and a lot area of 8,417.461m². The retained lands will have a lot frontage of 60.0m and a lot area of 7,284.34m². Neither resulting properties require variances for lot creation.

Section 5 of MOP promotes development with appropriate urban form and site design, directing that such development is compatible with the surrounding context and the landscape of the character area. To this end, the proposed lots are of a comparable built-form and remain in scale with the surrounding development.

As per Zoning By-law 0225-2007, the subject property is zoned RA5-37 (High Density Residential). In accordance with Table 4.15.1 (RA1 to RA5 Permitted Uses and Zone Regulations), this zone requires a minimum lot frontage of 30.0m; whereas, the Applicant is proposing lots with frontages of 158.0m and 60.0m, in this instance. This zone does not require a minimum lot area. The proposed lots are appropriately sized for the context of the neighbourhood, and represent the appropriate development of the lands.

Conclusion

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the *Planning Act*, specifically that it conforms to the official plan. The dimensions of the proposed lots exceed Zoning By-law provisions and are suitable for the purposes for which they are to be subdivided, thus maintaining the character of the area.

Based upon the preceding information, the Planning and Building Department has no objections to the requested consent applications.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with these Consent applications indicates that the intent is to create new lots and establish the required easements. The letter submitted from Glen Schnarr & Associates Inc.(dated October 22,2020) indicates that Application #1 ('B' 68/20) is proposing to create a parcel of land with the intent that these lands will contain a future retirement residence to be built and owned by Amica. Application #2 ('B' 69/20) is proposing to create a parcel to facilitate a future mixed use development containing rental apartments and non-residential development to be owned by Sunlife and constructed by Daniels HR. Also noted in the information submitted is that approval of these applications is required to allow any real estate transactions to formally proceed.

The two applications will also include a common "retained" portion which we understand will be the third phase of this development. The "retained parcel" would remain in Daniel HR ownership and is proposed to be developed in the future for a condominium development. The "retained" portion, identified as "Part 1" on the submitted plans will provide for the northerly leg of a common driveway providing access for all buildings.

Color coded plans depicting the various parts to be created for both the conveyed and retained lands have been provided. The submitted plans include the ground level, 2nd level (and up) and the P1, P2 and P3 levels. A color coded cross section plan has also been provided. It is evident from the submitted information that this is a Stratified Consent Application and the plans provided depict how each stratification area will connect horizontally and vertically with each parcel being created. It should be noted that stratification of the plans must address a number of issues regarding servicing, access, and future ownership requirements considering amenities, site features and future functionality considerations such as maintenance.

Private easements will also have to be established to ensure functionality between the various parts/blocks to facilitate pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services etc.), building maintenance, use of amenity areas, construction, etc. In the submitted application, and as a result of previous discussions with city representatives, a draft of the numerous proposed easements has been provided for our review/approval. Acknowledging the complexity of the proposal city staff will work with the applicant to satisfy our condition/requirement for the establishment of any necessary private easements.

Current associated city files on this property are a Rezoning and Official Plan Amendment Application, reference OZ 16/003 to permit residential development on the subject lands along with some limited non-residential development. The city is also currently processing a Site Plan Application on the subject lands, reference SP 19-048 which includes the first two phases of development.

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Site Plans/Servicing Plans/43R-Plans/Cross Sections

Acknowledging that a number of plans have been provided which we are currently reviewing to assist in evaluating the applicant's request, prior to the issuance of final consent all finalized plans, including but not limited to Site Plans, Servicing Plans, 43R-Plans ,Cross Sections and any other pertinent information which will be required to satisfy requirements for the proposed Stratified Consent Application's.

2. Required Easement

Upon the review of Item A1 and the confirmation of all the required easements, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe the new private easement to be established through these Stratified Consent Application's. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easements can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

We acknowledge that as a result of previous discussions with city representatives, the applicant has provided a draft of the numerous proposed easements required for our review/approval. The submitted information needs to be further reviewed/evaluated as this is a very complex Stratified Consent Application requiring additional information. We note that city staff will work with the applicant to satisfy our condition/requirement for the establishment of any necessary easements.

3. 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.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, 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: Kevin Barry, Zoning Plan Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the consent application and advises as follows:

In addition, Community Services notes the following:

- Comments and conditions are being addressed through the active Development Application (SP 19/048) under review by the Park Planning Section.
- 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

Condition: Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels. As part of these arrangements, the Region will require review of all draft easement documents and plans associated with the proposed easements.

Traffic Development: Rani Kol (905)-791-7800 x7858

The Region of Peel acknowledges that all property requirements for the retained parcels along Erin Mills Parkway are being obtained through the associated ongoing Site Plan application (SP-19-148M), including property and access requirements. Severed and retained portions must reflect the below:

- Property dedication will be required as a condition of Site Plan approval as per Section 7.7 of the Region of Peel Official Plan. Property dedication will consist of a minimum of 54.0 metres, 27.0 metres from the centreline of Erin Mills Parkway;
- 15.0 x15.0 metre Daylight Triangle at Erin Mills Parkway and Eglinton; and
- 0.3 metre reserve behind the new property line and daylight triangle along the frontage of Erin Mills Parkway.

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, 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 December 2, 2020.
5. A letter shall be received from the Region of Peel, Public Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 2, 2020.



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 391/20
Ward 4

Why you received this letter:

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Details of the application and meeting information:

The property owner of 4493 Full Moon Circle, 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 a widened driveway proposing:

1. A driveway width of 6.50m (approx. 21.32ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and
2. 16.05% front yard landscaping whereas By-law 0225-2007, as amended, required a minimum 30% front yard landscaping in this instance.

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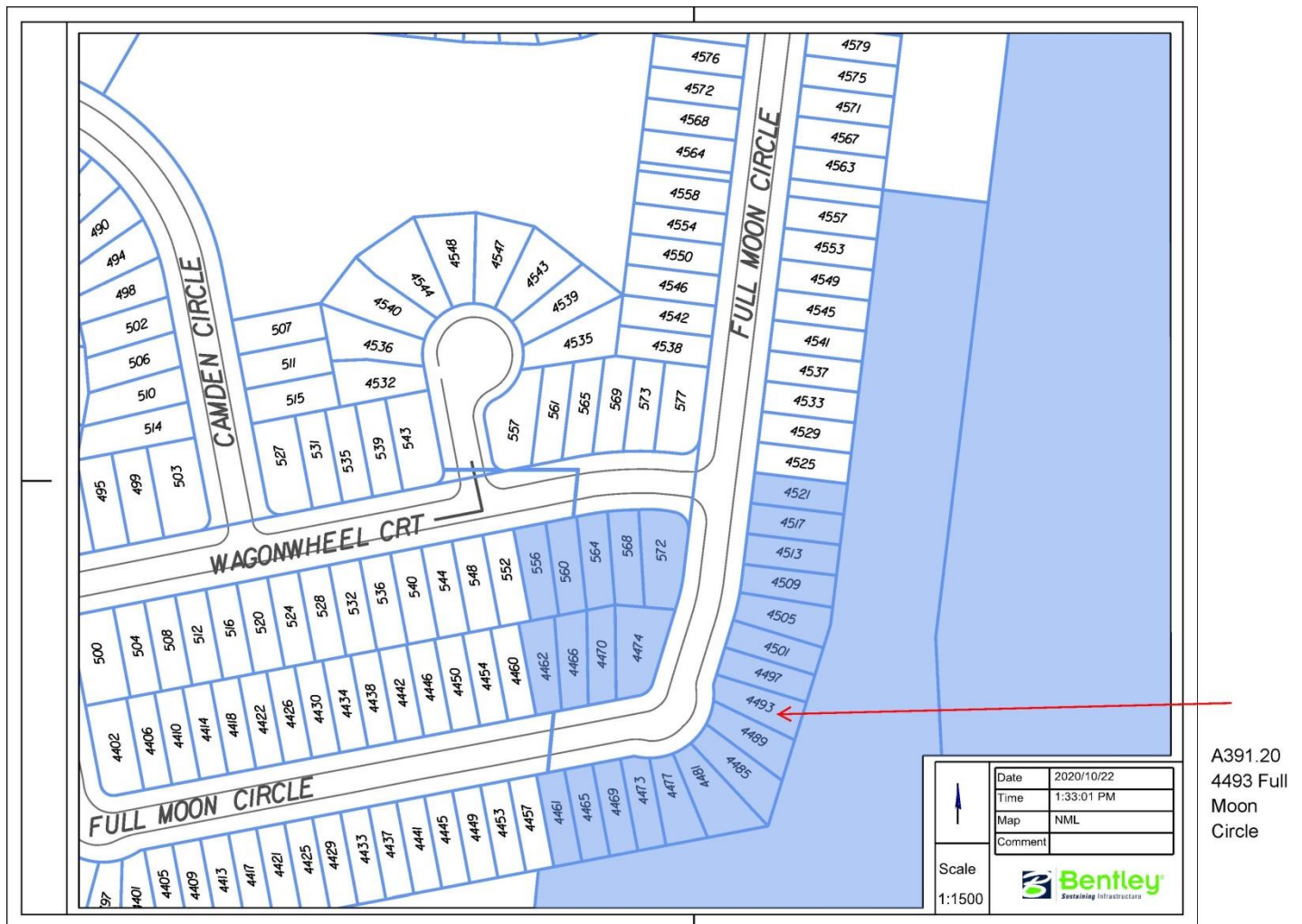
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A391/20 Ward: 4
	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The Applicant requests the Committee to approve a minor variance to allow a widened driveway, proposing:

1. A driveway width of 6.50m (approx. 21.32ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft), in this instance; and,
2. 16.05% front yard landscaping; whereas, By-law 0225-2007, as amended, requires a minimum 30% front yard landscaping, in this instance.

Recommended Conditions and Terms

Planning Staff are satisfied with the proposed driveway configuration, but would echo the Zoning Department's concern regarding the absence of any formal permit applications.

Should Committee see merit in this Application, Planning Staff would recommend the following condition(s) be imposed to ensure that the Applicant is not required to seek further relief:

- Any approval be tied to the submitted site plan drawing (Site Plan, Ultimate Building Design, Oct/16/2020).

Background

Property Address: 4493 Full Moon Circle

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 (Residential)

Other Applications:

None

Site and Area Context

The subject property is located south-east of the Central Parkway East and Eglinton Avenue East intersection, and currently houses a two-storey, detached dwelling with an attached double-car garage. Contextually, the area is comprised exclusively of detached residential structures. The properties within the immediate area possess lot frontages of approximately 9.90m, with minimal vegetative / natural landscaped elements within the front yards. The subject property is a pie-shaped, interior parcel, with a lot area of 350.1m² and a lot frontage of approximately 10.0m.



Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

The Applicant is proposing to reduce the width of the existing driveway, removing the most egregious aspects of the current configuration – hard-surfacing extending to each of the neighbouring property lines – and subsequently reinstating soft-landscaping in these removed portions.

Planning Staff note, the proposed configuration prohibits three vehicles parked side-by-side. Further, as a result of the aforementioned reductions / reinstatements, the proposed driveway will appear appropriately sized from a streetscape perspective.

Planning Staff are of the opinion that Variance 2, as requested, represents a technical deficiency, as the Zoning Dept. has interpreted the area beside the garage to also be considered the “front yard”, despite being located behind the front garage face. Planning Staff note, were this area removed from this calculation, this variance would most likely not be required.

Further, theoretically the existing dwelling’s front façade could be extended to be in line with the aforementioned garage face, without requiring any variances, yet still result in this area covered in hard-scaping. As such, Planning Staff cannot discern any additional undue impact created as a result of Variance 2, as requested.

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

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in the Application, Planning Staff would recommend the identified condition(s) below be imposed.

Comments Prepared by: Roberto Vertolli, 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.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20,

A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 393/20
Ward 11

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 23 Earl Street, zoned R3-69 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a gross floor area of 355.50sq.m (approx. 3826.57sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 315.37sq.m (approx. 3394.61sq.ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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How to submit a written comment:

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



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A393/20 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a new house, proposing a gross floor area of 355.50m² (approx. 3826.57sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 315.37m² (approx. 3394.61sq.ft), in this instance.

Background

Property Address: 23 Earl Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 (Residential)

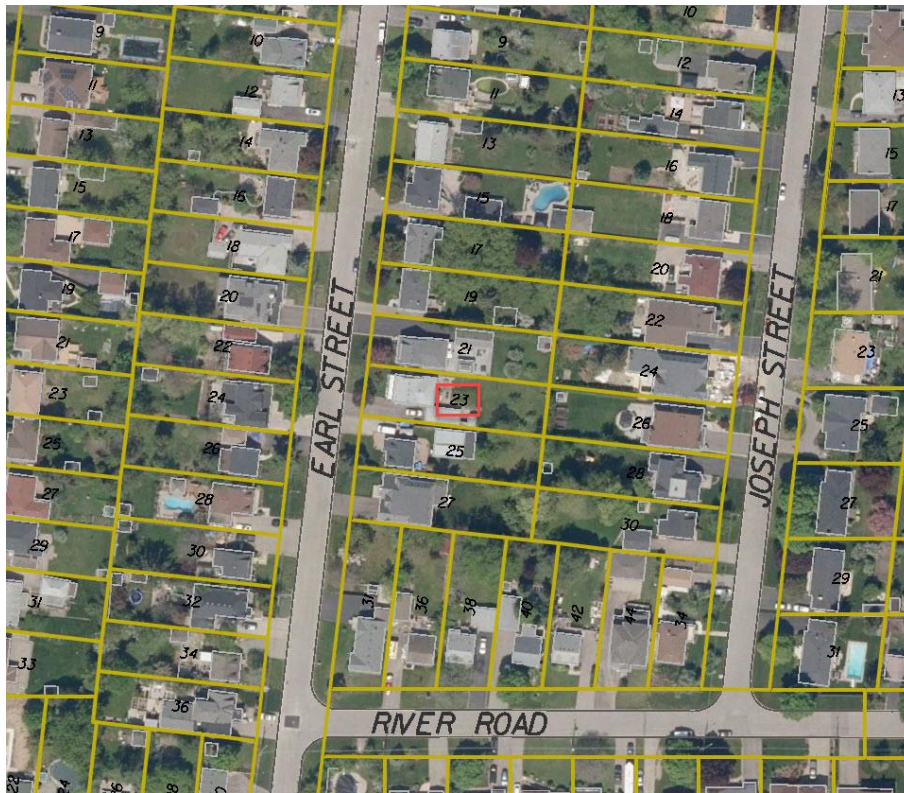
Other Applications:

None

Site and Area Context

The property is located south-east of the Britannia Road West and Queen Street South intersection, and currently houses a two-storey, detached dwelling. Contextually, the area is comprised of a mixture of post-war, one and two storey detached residential structures, intermingled with newer construction in the form of larger replacement dwellings. The properties within the immediate area possess lot frontages of +/-15.5m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 826.77m² and a frontage of 15.24m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The site is located within the Streetsville Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject lands are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variance, has regard for the distribution of massing on the property as a whole. The variance, as requested, meets the purpose and general intent of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the Zoning By-law, as it pertains to infill development, is to ensure that individual properties are not overly developed and that additional massing resulting from such construction will not negatively impact the character of the surrounding neighbourhood.

Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by several incorporated design features: primarily, the projecting garage and bay windows contrasted against the recessed entrance; the multiple roof elements and sections, etc. – all of which result in an unobtrusive design from a streetscape perspective. The variance, as requested, maintains the purpose and general intent of the Zoning By-law.

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

The proposed dwelling is in scale with the overall property as a whole, and, does not result in the over massing of the site. Staff further note, while infill zoning regulations were enacted to restrict over-massing of dwellings within this community, the presence of larger developments within the immediate contextual area does support the proposal of a larger structure, in this instance. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both MOP and the Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands.

Planning Staff would however echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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



Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

City of Mississauga

Memorandum:

City Department and Agency Comments

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 394/20
Ward 3

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 1330 Eglinton Avenue East, zoned E2 - Employment & C3-1 – Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an indoor karting facility proposing 34 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 175 parking spaces in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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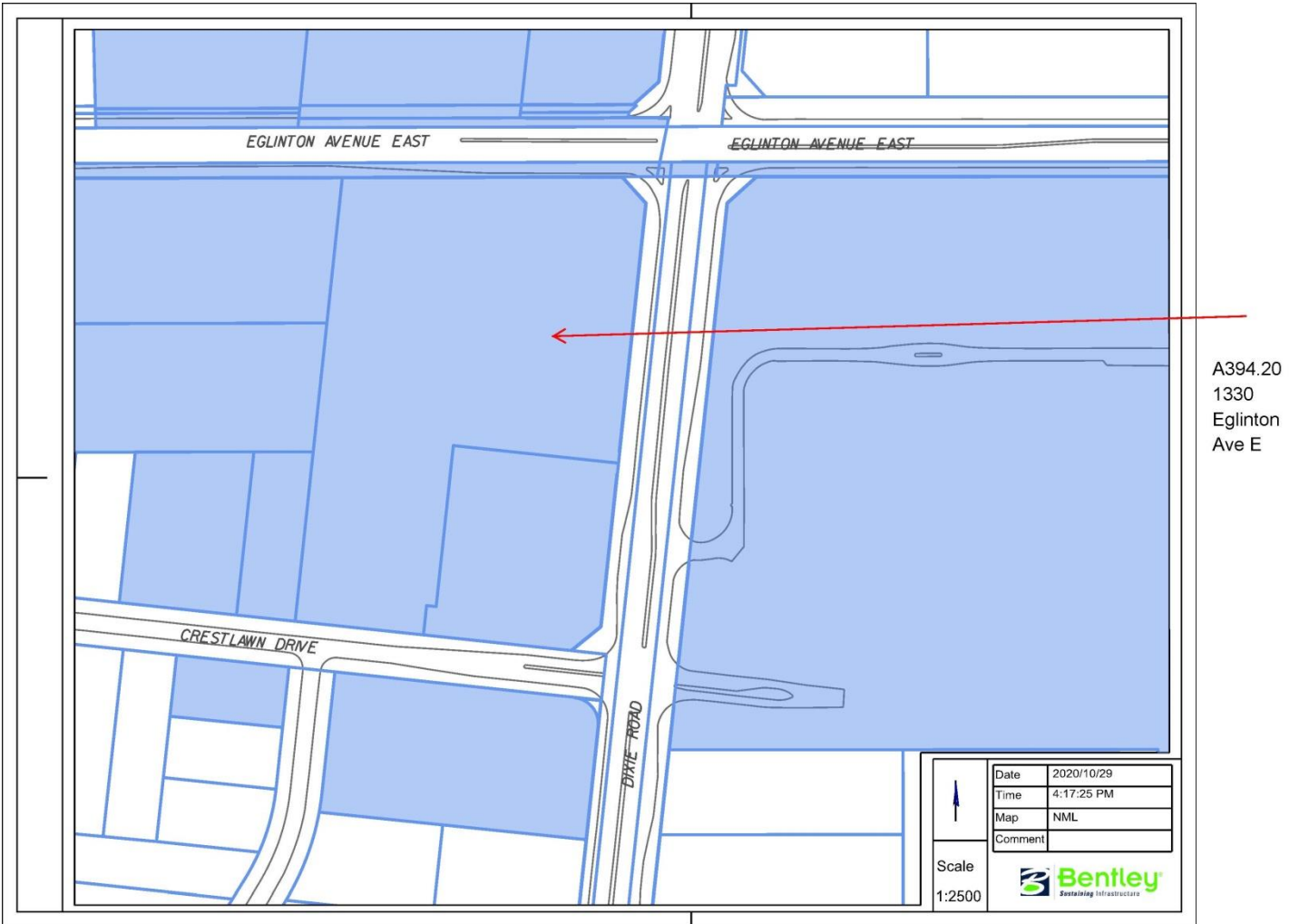
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A394/20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

The City recommends that the application be deferred to allow the Applicant the opportunity to submit the requested information.

Application Details

The Applicant requests the Committee to approve a minor variance to allow an indoor karting facility, proposing 34 parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 175 parking spaces, in this instance.

Background

Property Address: 1330 Eglinton Avenue East, Building D, Unit 1

Mississauga Official Plan

Character Area: North-east Employment Area
Designation: Business Employment, Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1 (Commerical)
E2 (Employment)

Other Applications:

C19- 9411
BP 3ALT 19-9521

Site and Area Context

The subject property is a multi-pad, multi-tenant commercial plaza located upon the south-west corner of the Eglinton Avenue East and Dixie Road intersection. From a land-use perspective, the immediate neighbourhood along this portion of Eglinton Avenue East is a mixture of multi-tenant commercial plazas; however, the neighboring section of Dixie Road provides a transitional area, with both office-industrial and warehouse-industrial land-uses being prevalent.

The subject property is an exterior parcel, with a lot area of +/- 35,086.25m² and a lot frontage of +/- 158.99m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The site is located within the Northwest Employment Area Character Area, and is designated Mixed Use and Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (j) (Business Employment), this designation permits entertainment, recreation and sports facility uses. The Applicant's proposal of an indoor karting facility meets the purpose and general intent of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned C3-1 (Commercial) and E2 (Employment). In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this table regulates the required parking rates for the uses permitted on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

A Parking Justification report, dated October 8, 2020, was prepared by NexTrans Consulting Engineers, and submitted in support of this application. City Planning Strategies Staff notes that the information provided is insufficient and additional survey work from the consultant is required; the site should be surveyed as a whole.

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

As the requested information has yet to be submitted and reviewed by City Planning Strategies, Planning Staff cannot determine whether the above-noted variance represent the orderly development of the lands, or whether the resulting effects are in fact minor in nature we would prefer to deal with the entirety of the site.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the application be deferred to allow the Applicant the opportunity to submit the requested information.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file C19-9411. 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.

Our comments are based on the plans received by Zoning staff on 01/14/2020 for the above captioned certificate of occupancy permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 396/20
Ward 3

Why you received this letter:

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

Details of the application and meeting information:

The property owners of 1131 Highgate Place, zoned RM1 - Residential, have applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to approve a minor variance to allow the reconstruction of a rear deck on the subject property proposing:

1. A lot coverage of 38.19% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance; and
2. A rear yard measured to a G1 zone of 2.84m (approx. 9.32ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a G1 zone of 5.00m (approx. 16.40ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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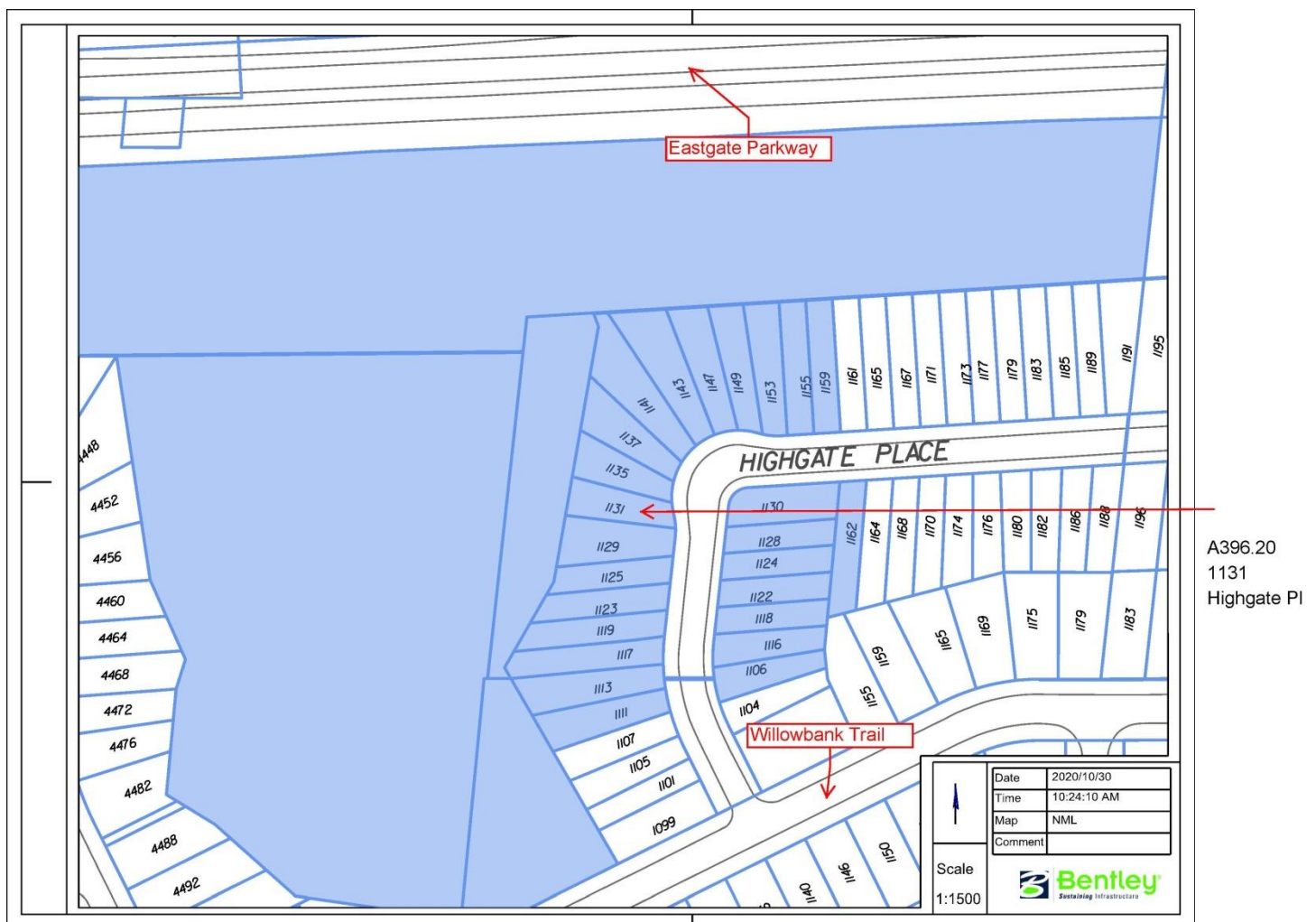
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A396/20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The Applicants request the Committee to approve a minor variance to allow the reconstruction of a rear deck on the subject property, proposing:

1. A lot coverage of 38.19% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area, in this instance; and,
2. A rear yard measured to a G1 zone of 2.84m (approx. 9.32ft); whereas, By-law 0225-2007, as amended, requires a minimum rear yard measured to a G1 zone of 5.00m (approx. 16.40ft), in this instance.

Background

Property Address: 1131 Highgate Place

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low density I

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

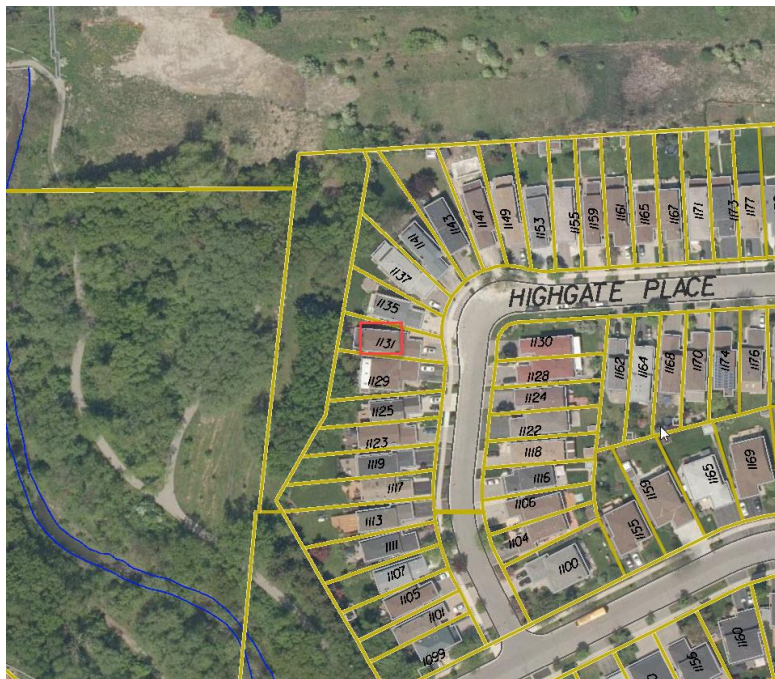
Other Applications:

Building Permit: 20-3020

Site and Area Context

The subject property is located south-west of the Eastgate Parkway and Tomken Road intersection, and currently houses a two-storey, detached dwelling with an attached double-car garage. The site is contiguous to an open space / landscaped trail to the rear. Contextually, the area is comprised of a mixture of detached and semi-detached residential structures. The properties within the immediate area possess lot frontages of approximately 9.5m, with minimal vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 399.4m² and a lot frontage of approximately 9.7m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Generally, the intent in providing setbacks to a Greenland Zone is to ensure that any proposed development will not have significant or lasting negative impacts upon any neighbouring environmentally sensitive land-features. Planning Staff note the absence of any concerns identified by the applicable Conservation Authority, charged with the protection of such features, in this instance.

Further, as is the case with the majority of porch-related coverage variances, Planning Staff note the absence of any “true” or perceivable massing resulting from this proposal.

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

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-3020. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and has no objections:

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

1. Applewood Hills Park (Park #049) abuts the rear of the applicant's property.
2. Construction access from the park is not permitted.

3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Natural Areas and Corridors (NAC) (Woodland) of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the TRCA for the review of applications located within the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

This letter will acknowledge receipt of the above noted application, received on November 9, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*, the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020 (PPS)*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

The purpose of this Minor Variance Application is to request the following variances:

1. A lot coverage of 38.19% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance; and
2. A rear yard measured to a G1 zone of 2.84m (approx. 9.32ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a G1 zone of 5.00m (approx. 16.40ft) in this instance.

It is our understanding that the purpose of the above variance is to allow the existing rear deck to remain.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objection** to Minor Variance Application A 396/20.

Application Specific Comments

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a valley corridor of Etobicoke Creek and its associated Regional Floodplain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the applicant was granted a permit by TRCA to recognize the development of a 27.96 sq.m. (300.96 sq.ft.) deck attached to the rear of the existing house on the subject property (Permit No. C-200799). Based on our review, it appears that the proposed works in this application are consistent with the approved permit. As such, TRCA staff have no concerns with the proposed variance, as currently submitted.

However, TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Lina Alhabash

Planner I

Planning and Development

Tel: (416) 661-6600, Ext.5657

Lina.Alhabash@trca.on.ca

Comments Prepared by: Lina Alhabash, Planner I

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 399/20
Ward 7

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 2350 Cawthra Road, zoned E2-131 - 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:

1. A landscape buffer of 2.0m (approx. 6.6ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) in this instance;
2. 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 85 parking spaces in this instance;
3. 1 angled accessible parking spaces (Type A) whereas By-law 0225-2007, as amended, requires a minimum of 3 accessible parking spaces (2 Type A and 1 Type B) in this instance;
4. 30% of Unit 2 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
5. 57% of Unit 3 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
6. An aisle width on the north side of 4.2m (approx. 13.8ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance; and
7. An aisle width on the south side of 4.8m (approx. 15.7ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

Written comments to the Committee must be received no later than 4:30pm the Tuesday 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 application number or address of the property you are providing comments on.

Advance registration is required to participate in the electronic hearing:

To participate electronically (computer, tablet or smartphone): Please email

committee.adjustment@mississauga.ca no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.

To participate by telephone: To register, please call 905-615-3200 x5209 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

Legal notice:

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A399/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objections to variances #1-4, 6 and 7, however, recommend that variance #5 be refused. The applicant may choose to defer the application to submit updated drawings through the occupancy permit process to verify the accuracy of the requested variances.

Application Details

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

1. A landscape buffer of 2.0m (approx. 6.6ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) in this instance;
2. 36 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 85 parking spaces in this instance;
3. 1 angled accessible parking spaces (Type A) whereas By-law 0225-2007, as amended, requires a minimum of 3 accessible parking spaces (2 Type A and 1 Type B) in this instance;
4. 30% of Unit 2 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
5. 57% of Unit 3 to be used for accessory retail whereas By-law 0225-2007, as amended, permits a maximum of 20% of a unit to be used for accessory retail in this instance;
6. An aisle width on the north side of 4.2m (approx. 13.8ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance; and
7. An aisle width on the south side of 4.8m (approx. 15.7ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 23.0ft) in this instance.

Background

Property Address: 2350 Cawthra Road

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131 (Employment)

Other Applications

Occupancy Permits: 19-6864, 19-6867, 19-6892

Site and Area Context

The subject property is located within the Dixie Employment Character Area, northwest of Queensway East and Cawthra Road. The area north of Queensway East contains a mix of commercial, employment and industrial type uses while the area south of Queensway East consists of detached residential dwellings. The subject property contains warehouse uses with accessory retail uses.

The application proposes to legalize existing conditions with deficient parking, reduced aisle widths and an increase in accessory retail sales.



Comments

Planning

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

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

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

The subject property is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP) which permits manufacturing, wholesaling and warehouse uses, amongst

others. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed variances seek to legalize existing conditions that are in-keeping with the context of the surrounding area. The variances do not negatively impact the day to day operations of the site and do not pose significant impacts to the surrounding area. However, Sections 11.2.11.4 and 11.2.11.5 of the Business Employment designation policies state that, accessory uses will generally be limited to 20% of the total gross floor area and be clearly subordinate to the permitted primary use. As variance #5 proposes the majority of the gross floor area associated with the unit to be used as accessory retail sales, the principle use of the unit would be retail sales and not warehousing. Staff is of the opinion that variance #5 does not maintain the general intent and purpose of the official plan.

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

Variance #2 proposes 36 parking spaces whereas 85 parking spaces are required. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations for its intended use. The Parking Utilization Study (Trans-Plan, October 2020) submitted by the applicant concluded that the 36 parking spaces proposed in the application are suitable to accommodate the peak parking demands of the subject site. Given the results of the parking study and the additional parking spaces being proposed, staff can support the requested parking variance. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #4 and 5 proposes an increase in the amount of gross floor area attributed to retail sales. The zoning by-law permits a maximum 20% of the gross floor area to be used for accessory retail sales. The applicant is proposing 30% of the gross floor area for unit 2 and 57% of unit 3 for accessory retail use. The intent of the by-law to limit the amount of space dedicated to accessory retail sales is to ensure that the primary employment uses assume the majority of the building rather than have these areas transition to a retail environment which may lead to traffic concerns in employment areas. In this instance, the increased area for retail sales in unit 2 still remains accessory to the primary use and does not fundamentally alter the primary use of the unit. Staff cannot support the requested variance for unit 3 as a majority of the unit would be comprised of retail space that would then become the primary use of the unit where the intent is that the retail use is to be accessory to the primary use. As such, staff is of the opinion that variance #4 maintains the general intent and purpose of the zoning by-law.

The remaining variances relate to existing conditions that represent common characteristics of the surrounding area. The deficient aisle widths act as a one way access where vehicles can enter the site on one side of the building and exit on the other. As such, staff is 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 variances relate to existing on-site conditions that do not negatively impact the day to day operations of the site or surrounding area. The site will remain self-sufficient by providing the necessary parking required for the overall function of the site and will not negatively impact adjacent properties. The site contains three units, two of which have an existing retail component. The proposed increase of retail space in unit 2 is a minor increase from what is currently permitted and does not impact the primary use of the unit. Regarding variance #5, the official plan and zoning by-law allow for a maximum of 20% of the total gross floor area to be used for accessory uses. The proposal would have a majority of unit 3 occupied with a retail use which would then become the primary use of the unit, which is not in-keeping with the intent of the policies. As such, staff is of the opinion that variance #5 does not represent orderly development of the lands and is not minor in nature.

Conclusion

The Planning and Building Department has no objections to variances #1-4, 6 and 7, however, recommend that variance #5 be refused. The applicant may choose to defer the application to submit updated drawings through the occupancy permit process to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing Zoning certificate of occupancy permit applications under files 19-6864, 19-6867, 19-6892. 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 variances or determine whether additional variances will be required.

Comments Prepared by: Marco Palerma, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 400/20
Ward 11

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 19 Maldaver Avenue, zoned R2-50 – 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 home on the subject property proposing:

1. A gross floor area - infill residential of 451.32sq.m (approx. 4,857.97sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 356.21sq.m (approx. 3,834.21sq.ft) in this instance;
2. A lot coverage of 28% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance; and
3. A combined width of side yards of 19% of the lot frontage (3.8m) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage in this instance (5.16m).

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

If you wish to be notified of the decision of the Committee you must submit a written request to the Secretary-Treasurer via email or mail. This will also entitle you to be advised of appeal to the Local Planning Appeal Tribunal.

How to submit a written comment:

Written comments to the Committee must be received no later than 4:30pm the Tuesday 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 application number or address of the property you are providing comments on.

Advance registration is required to participate in the electronic hearing:

To participate electronically (computer, tablet or smartphone): Please email committee.adjustment@mississauga.ca no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A400/20 Ward: 11
	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objection to Variances 1 and 2, as requested; however, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a new home on the subject property, proposing:

1. A gross floor area - infill residential of 451.32m² (approx. 4,857.97sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 356.21m² (approx. 3,834.21sq.ft), in this instance;
2. A lot coverage of 28% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area, in this instance; and,
3. A combined width of side yards of 19% of the lot frontage (3.8m); whereasm By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontagem in this instance (5.16m).

Amendments

Planning Staff would echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed. The Applicant is to be made aware that, in the absence of a finalized review by the Zoning Department, they are to be self-satisfied that the correct variances have been both accurately identified and applied for.

Planning Staff note, the R2-50 (Residential) Zone does not contain combined side yard regulations. As such, it is our opinion that Variance 3, as requested, is not required.

Background

Property Address: 19 Maldaver Avenue

Mississauga Official Plan

Character Area: Streetsville Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

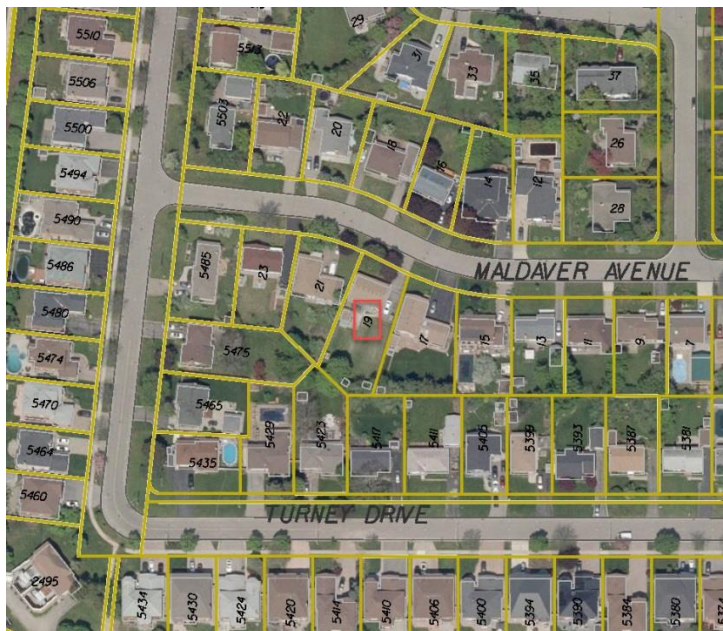
Zoning: R2-50 (Residential)

Other Applications:

None

Site and Area Context

The subject property is located north-west of the Erin Mills Parkway and Thomas Street intersection, and currently houses a single-storey, detached dwelling. Contextually, the area is comprised exclusively of detached residential structures. The properties within the immediate area possess lot frontages of approximately 20.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of 1,031.06m² and a lot frontage of 19.14m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The site is located within the Streetsville Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area.

The subject lands are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, has regard for the distribution of massing on the property as a whole. The variances, as requested, meet the purpose and general intent of the Official Plan.

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

Variances 1 (Gross Floor Area)

As per Zoning By-law 0225-2007, the subject property is zoned R2-50 (Residential). Pursuant to Table 4.2.3.50.2 (R2 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the Zoning By-law, as it pertains to infill development, is to ensure that individual properties are not overly developed and that additional massing resultant of such construction will not negatively impact the character of the surrounding neighbourhood.

Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by several incorporated design features: primarily, the recessed garage entrance contrasting against the projecting front facade area; the multiple dormer / roof sections, etc. – all of which result in an unobtrusive design from a streetscape perspective.

Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Variance 2 (Lot Coverage)

Pursuant to Table 4.2.3.50.1 (R2 Exception Zones), the Zoning By-law permits a maximum lot coverage of 25.0%; whereas, the Applicant has proposed 28.0%, in this instance. The general intent of this portion of the Zoning By-law is to ensure that individual lots are not visibly or disproportionally developed as it pertains to the overall size of the property.

Planning Staff note, a segment of the identified lot coverage can be attributed to the open-faced, rear porch – a structural feature that does not typically lend itself to represent visible or “perceivable massing”. To this end, if the area associated with this structure was removed from this calculation (34.58m²); the resulting lot coverage (23.85%) would be in compliance with the appropriate Zoning By-law regulation.

Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

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

Despite the requested variances, Planning Staff cannot identify any additional undue impact created as a result of the proposed increased size of the dwelling, with no subsequent variances requested as it pertains to either increased height, or reduced yard regulations. The application results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the Variances 1 and 2, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to Variances 1 and 2, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 401/20
Ward 5

Why you received this letter:

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

Details of the application and meeting information:

The property owners of 3090 Ballad Drive, zoned R3-69 - Residential, have applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A lot coverage of 32.14% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance;
2. A gross floor area of 345.27sq.m (approx. 3,716.46sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 262.01sq.m (approx. 2,820.25sq.ft) in this instance; and
3. A height measured to the underside of the eaves of 6.6m (approx. 21.7ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the underside of the eaves of 6.4m (approx. 21.0ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

You can get more information on this matter by emailing committee.adjustment@mississauga.ca or calling 905-615-3200 x5209. You can review city staff and agency comments one week before the hearing at the following link: <http://www.mississauga.ca/portal/cityhall/calendar>. Hearings will be streamed online for the public to view at the following link: <http://www.mississauga.ca/portal/cityhall/council-and-committee-videos>.

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How to submit a written comment:

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Advance registration is required to participate in the electronic hearing:

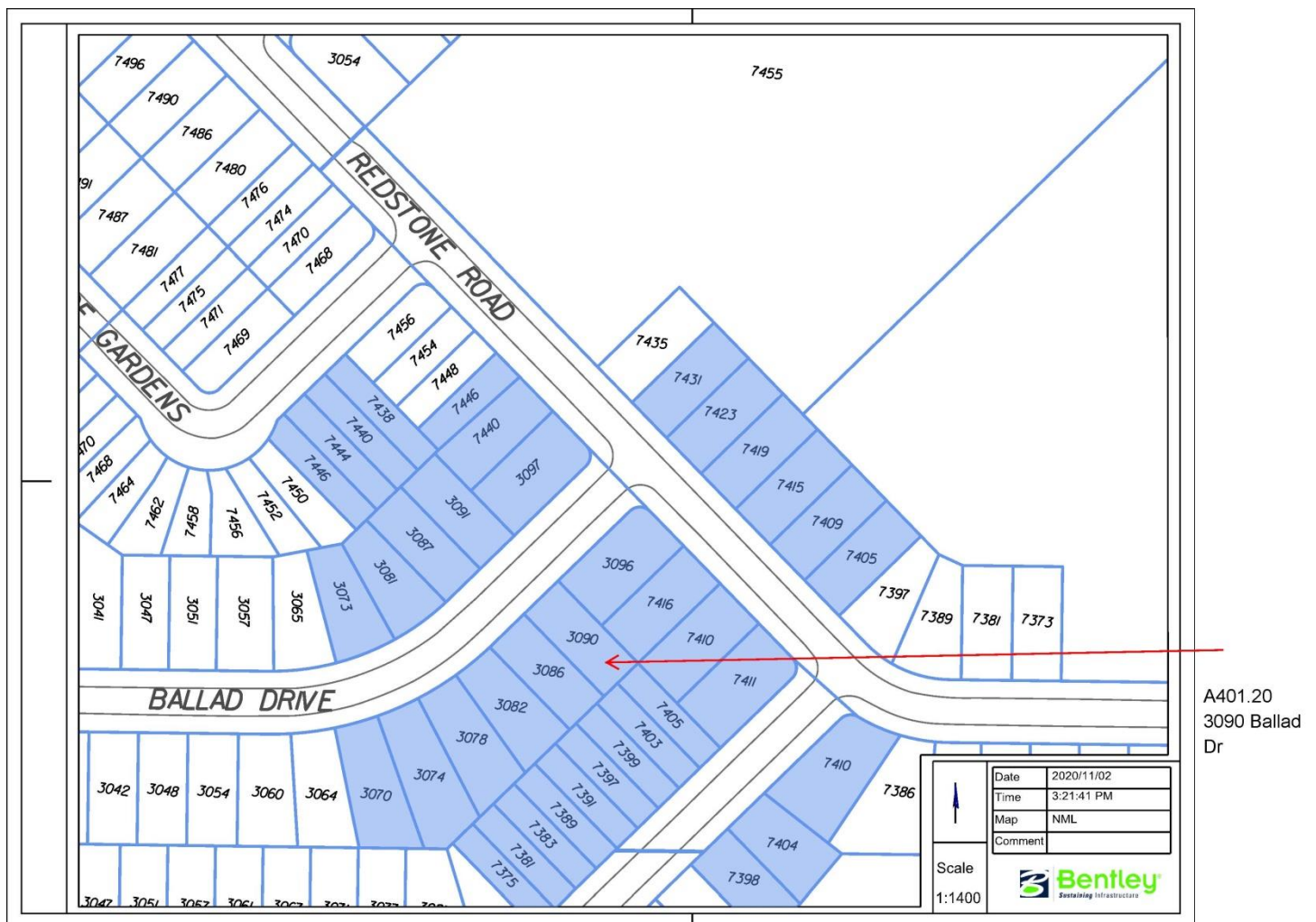
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To participate by telephone: To register, please call 905-615-3200 x5209 no later than 4:30pm the Tuesday prior to the hearing. You must provide your name, phone number, and application you wish to speak to. Committee staff will provide you with further details prior to the start of the hearing.

Legal notice:

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30pm the Tuesday prior to the hearing to committee.adjustment@mississauga.ca. If a party does not submit a request and does not participate in the hearing the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

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



City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A401/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The Applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property, proposing:

1. A lot coverage of 32.14% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance;
2. A gross floor area of 345.27m² (approx. 3,716.46sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 262.01m² (approx. 2,820.25sq.ft), in this instance; and,
3. A height measured to the underside of the eaves of 6.6m (approx. 21.7ft); whereas, By-law 0225-2007, as amended, permits a maximum height measured to the underside of the eaves of 6.4m (approx. 21.0ft), in this instance.

Background

Property Address: 3090 Ballad Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

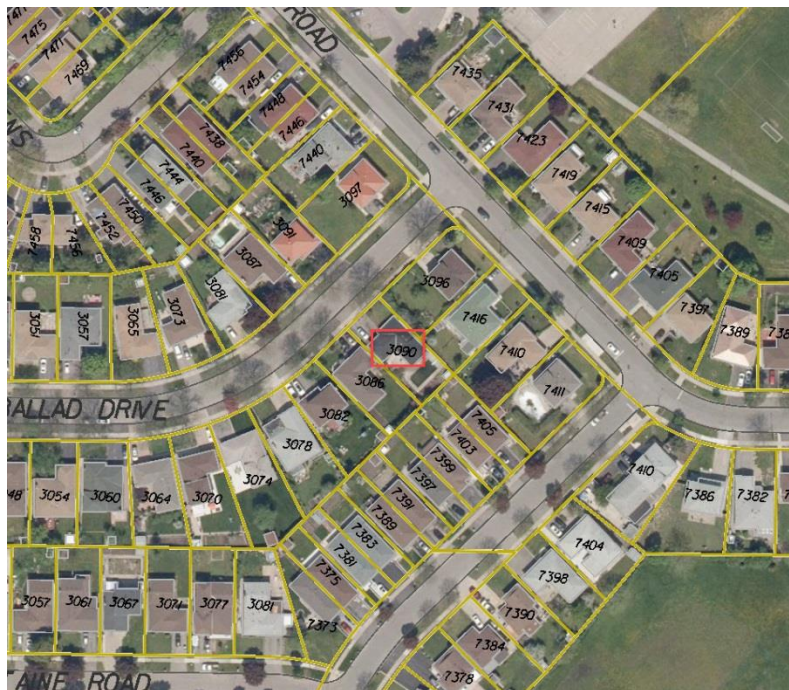
Zoning: R3-69 (Residential)

Other Applications:

None

Site and Area Context

The subject property is located north-east of the Airport Road and Morning Star Drive intersection and currently houses a two-storey, detached dwelling. Contextually, the area is comprised of a mixture of post-war, one and two storey detached residential structures, intermingled with newer construction in the form of larger replacement dwellings. The properties within the immediate area possess lot frontages of approximately +/-15.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of 560.06m² and a lot frontage of approximately 15.0m.

**Comments****Planning**

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The site is located within the Malton Neighbourhood Character Area, and 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.

Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject lands are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, has regard for both the distribution of massing on the property as a whole, as well as the overall landscape of the character area. The application meets the purpose and general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?Variance 2 (Gross Floor Area)

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the Zoning By-law, as it pertains to infill development, is to ensure that individual properties are not overly developed and that additional massing resultant of such construction will not negatively impact the character of the surrounding neighbourhood.

Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by several incorporated design features: primarily, the undulating front façade (the combined projecting garage area and the front bay windows contrasted against the recessed front entrance), the multiple roof sections, etc. – all of which result in an unobtrusive design from a streetscape perspective. Planning Staff are unable to determine any undue impact resulting from the requested relief. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

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

The proposed dwelling is in scale with the overall property as a whole, and, does not result in the over-massing of the site. Staff further note that while infill zoning regulations were enacted to restrict incompatible dwellings from being constructed within this community; the presence of larger replacement structures within the immediate contextual area, support the proposal of a larger structure, in this instance. The application results in both the orderly development of the lands, and whose impacts are minor in nature.

Variances 1 & 3 (Lot Coverage and Eave Height)

Through a detailed review, Staff is of the opinion that Variances 1 and 3, as requested, are appropriate to be handled through the minor variance process. Further, the aforementioned variances raise no concerns of a planning nature.

Conclusion

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

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

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

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

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 402/20
Ward 7

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 2212 Shardawn Mews, zoned R1-8 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
2. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
3. A front yard measured to a carport of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance;
4. A rectangular area measured from the inside face of walls for a carport of 2.75m x 5.20m (approx. 9.02ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance;
5. A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance;
6. A height of a detached garage of 3.13m (approx. 10.27ft) whereas By-law 0225-2007, as amended, permits a maximum height of a detached garage of 3.00m (approx. 9.84ft) in this instance;
7. A landscape soft area of 29.47% whereas By-law 0225-2007, as amended, requires a minimum landscape soft area of 40.00% in this instance;
8. A side yard measured to an attached garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance;
9. A side yard measured to a second unit above a garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and
10. An attached garage being attached to the dwelling by an area of less than 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft.) whereas by-law 0225-2007, as amended, requires that a minimum area of attachment of a dwelling and attached garage of 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft) is required in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act*, *Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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How to submit a written comment:

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Adjustment, 300 City Centre Drive 2nd Floor, Mississauga, ON L5B 3C1. Please include your name, your address, and application number or address of the property you are providing comments on.

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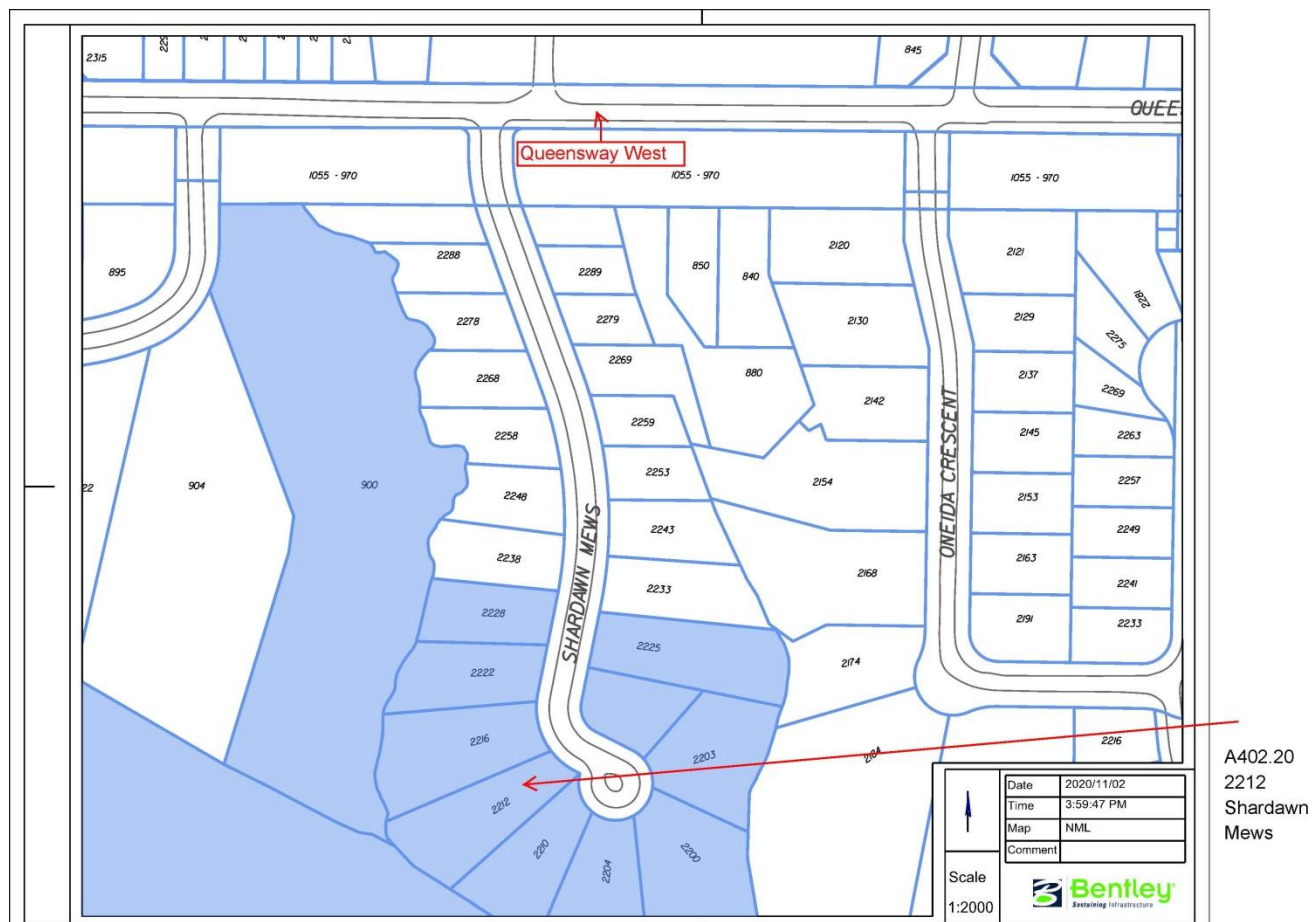
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Legal notice:

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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A402/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objections to variance #9, however, recommend that the remaining variances be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
2. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance;
3. A front yard measured to a carport of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00m (approx. 39.37ft) in this instance;
4. A rectangular area measured from the inside face of walls for a carport of 2.75m x 5.20m (approx. 9.02ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum rectangular area of 2.75m x 6.00m (approx. 9.02ft x 19.69ft) in this instance;
5. A garage area of 109.38sq.m (approx. 1,177.36sq.ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq.m (approx. 807.29sq.ft) in this instance;
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8. A side yard measured to an attached garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance;
9. A side yard measured to a second unit above a garage of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and

10. An attached garage being attached to the dwelling by an area of less than 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft.) whereas by-law 0225-2007, as amended, requires that a minimum area of attachment of a dwelling and attached garage of 5.00m (approx. 16.40ft.) by 2.00m (approx. 6.56ft) is required in this instance.

Amendments

Variance #1 should be amended as follows:

A carport(as a detached garage) in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;

Variance #8 and 10 should be replaced with the following variances:

8. The carport eave overhanging of 0.55m (approx. 1.801ft) into the required front yard whereas the max permitted eave overhanging encroaching into the required yard is 0.45m (approx. 1.471ft). ;

10. A side yard measured to the carport of 1.52m (approx. 4.981ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance.

Background

Property Address: 2212 Shardawn Mews

Mississauga Official Plan

Character Area: Erindale Neighbourhood

Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-8 (Residential)

Other Applications:

Site Plan Application: 20-79

Site and Area Context

The subject property is located within the Erindale Neighbourhood Character Area, southwest of Mavis Road and Queensway West. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. Abutting the subject property to the rear is the Mississauga Golf and Country Club and the Credit River. The subject

property contains an existing two storey dwelling with a garage in the front yard and mature vegetation. The applicant is proposing a carport in the front yard, requiring variances related to the carport, soft landscaped area and the existing garage.



Comments

Planning

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

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

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

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

property is also located within Special Site 2 of the Erindale Neighbourhood Character Area. As per the policies of Special Site 2 (Section 16.9.2.2.2) of MOP, specifically paragraphs 'a', 'c' and 'g', front yard setbacks should be preserved and enhanced, new housing is encouraged to fit the scale and character of the surrounding area and hard surface areas in the front yard should be reduced. The front yard contains significant hard landscaping and a large two storey garage with a second unit in the second storey. The proposed carport would add an additional structure within the front yard that would be closer to the street. This is uncharacteristic of the neighbourhood and the broader area. The neighbourhood consists of lots with a sufficient amount of soft landscaping within the front yard that is not obstructed by structures or have excessive amounts of hard surfacing. As such, staff is of the opinion that variances #1-8 and 10 which relate to the carport and deficient soft landscaping area, do not maintain the general intent and purpose of the official plan.

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

Variances #1 proposes a carport in the front yard whereas it is not permitted and variance #7 proposes a reduced soft landscaped area of 29.73% whereas a minimum of 40% is required. The general intent of the by-law is to ensure that a consistent streetscape character is maintained throughout the neighbourhood and that a sufficient front yard space is incorporated into the design of the neighbourhoods. Currently, the neighbourhood is characterized by dwellings that incorporate front yards with dedicated soft landscaping that exceeds the hard surfacing and is free of any large structures. The application proposes significant hard surfacing within the front yard and a carport structure in addition to a garage that projects into the front yard. The impact of the proposed carport would reduce the overall amenity space in the front yard which does not maintain the existing and planned context of the neighbourhood. As staff does not support the proposed carport and reduced soft landscaped area, the remaining variances relating to the carport cannot be supported. Staff is of the opinion that variances #1-8 and 10 do not maintain the general intent and purpose of the zoning by-law.

Variance #9 represents an existing condition that is a minor deviation from the zoning by-law and will not have any additional undue impact from what is currently permitted. As such, the proposed variance is appropriate to be handled through the minor variance process and raises no concerns of a planning nature.

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

The application proposes significant hard landscaping and a carport within the front yard which would significantly reduce the overall amenity space incorporated into the front yard. The proposal is out of context with the existing and planned character of the surrounding neighbourhood which would result in a negative impact to the streetscape character. As such, staff is of the opinion that variances #1-8 and 10 do not represent orderly development of the lands and are not minor in nature.

Conclusion

The Planning and Building Department has no objections to variance #9, however, recommend that the remaining variances be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the construction of an addition and accessory structure will be addressed through the Building Permit process.







Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 20-79. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of an addition and accessory structure on the subject property proposing:

1. A carport(as a detached garage) in a front yard whereas By-law 0225-2007, as amended, does not permit a carport in a front yard in this instance;
8. The carport eave overhanging of 0.55m (approx. 1.801ft) into the required front yard whereas the max permitted eave overhanging encroaching into the required yard is 0.45m (approx. 1.471ft). ;
10. A side yard measured to the carport of 1.52m (approx. 4.981ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance.

Please note: No. 8 and No.10, have been replaced with two new comments as amended, as A 369/08 for the insufficient attachment length of garage to the dwelling and A 486//87 for the insufficient side yard setback of garage have been already approved.

Comments Prepared by: Shahrzad (Sherri) Takaloo, Zoning Examiner

Appendix 5 – Region of Peel Comments

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within the above-mentioned designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 404/20
Ward 9

Why you received this letter:

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

Details of the application and meeting information:

The property owners of 2543 Wickham Road, zoned R4 – Residential, have applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to approve a minor variance to allow a widened driveway on the subject property proposing a driveway width of 8.5m (approx. 27.9ft) whereas By-law 0225-2007, as amended, permits a maximum driveway of 6.0m (approx. 19.7ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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How to submit a written comment:

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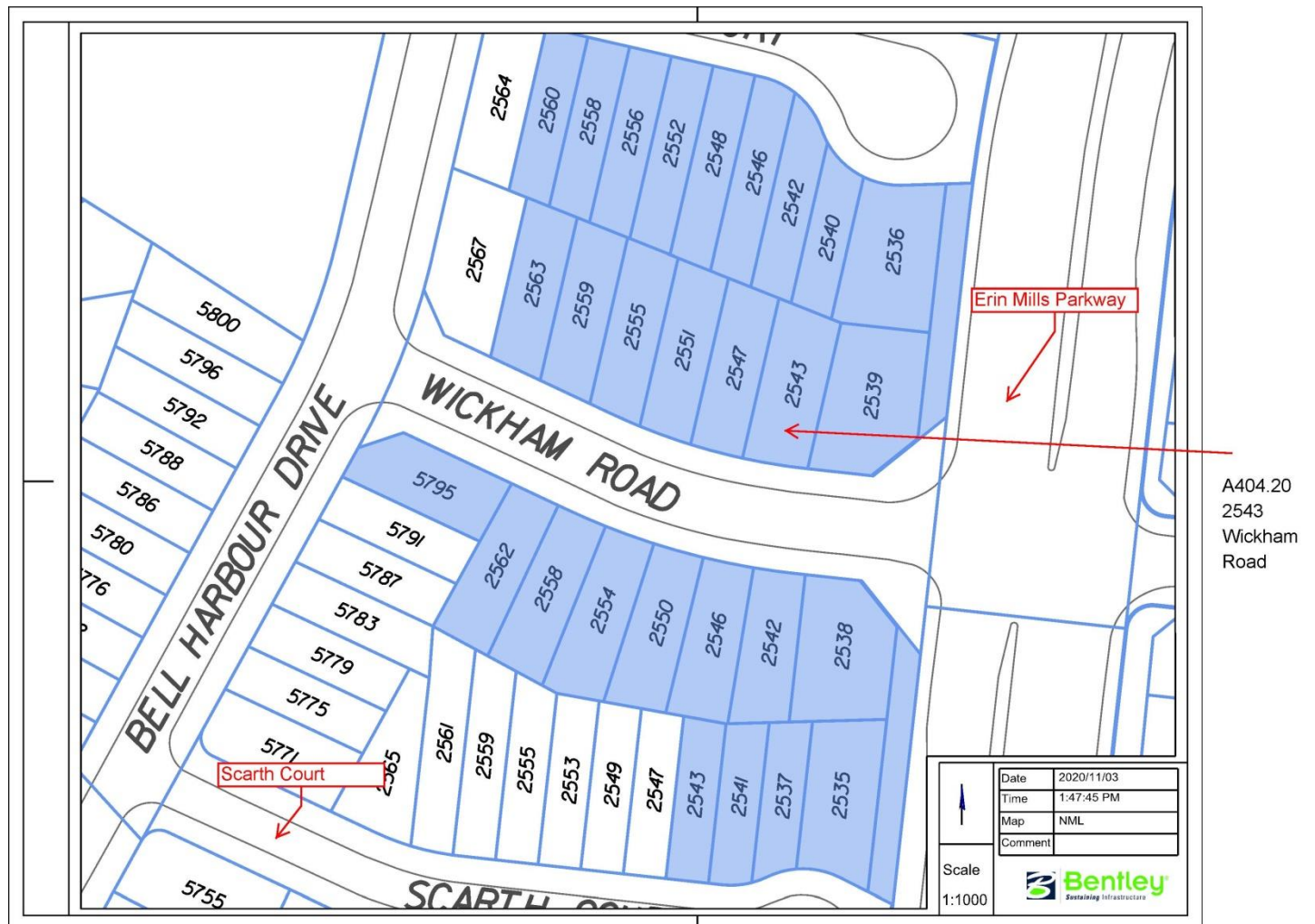
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A404/20 Ward: 9
	Meeting date: 2020-12-10

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The Applicants request the Committee to approve a minor variance to allow a widened driveway on the subject property, proposing a driveway width of 8.5m (approx. 27.9ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway of 6.0m (approx. 19.7ft), in this instance.

Amendments

The Applicant is to be made aware that, in the absence of a finalized review by the Zoning Department, they are to be self-satisfied that the correct variances have been both accurately identified and applied for. Planning Staff would echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note that the proposed driveway width, at its widest point appears to exceed the permissible maximum of 6.0m.

Background

Property Address: 2543 Wickham Road

Mississauga Official Plan

Character Area: Central Erin Mill 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 situated north-west of the Erin Mill Parkway and Wickham Road intersection, and currently houses a two-storey, detached dwelling with an attached double-car garage. Contextually, the area is comprised exclusively of detached two-storey residential structures. The properties within the immediate area possess lot frontages of approximately +/- 15.0m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 541.32m² and a lot frontage of approximately +/- 15.04m.



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

The site is situated within the Central Erin Mills Character Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The planned context of this neighbourhood is that of detached and semi-detached dwellings serviced by appropriately sized driveways, with the remainder of the property's frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots within this neighbourhood, which define the area's planned context. The proposal does not meet the purpose or general intent of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R4 (Residential). Pursuant to Table 4.2.1.12.3 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 8.5m. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). While it is not captured in the variance it appears that the walkway located at the top left corner of the driveway is large enough to accommodate a vehicle. The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side at its widest point. Staff would note that the variance, as amended, does not meet the purpose or general intent of the Zoning By-law.

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

The variance, as amended, creates a significant amount of hardscaping and results in the driveway being the prominent feature of the front yard. This is an undesirable development of the land, and one whose effects are not minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as amended, does not meet the criteria established by Section 45(1) of the *Planning Act*. To this end, the Planning and Building Department recommends that the application be refused.

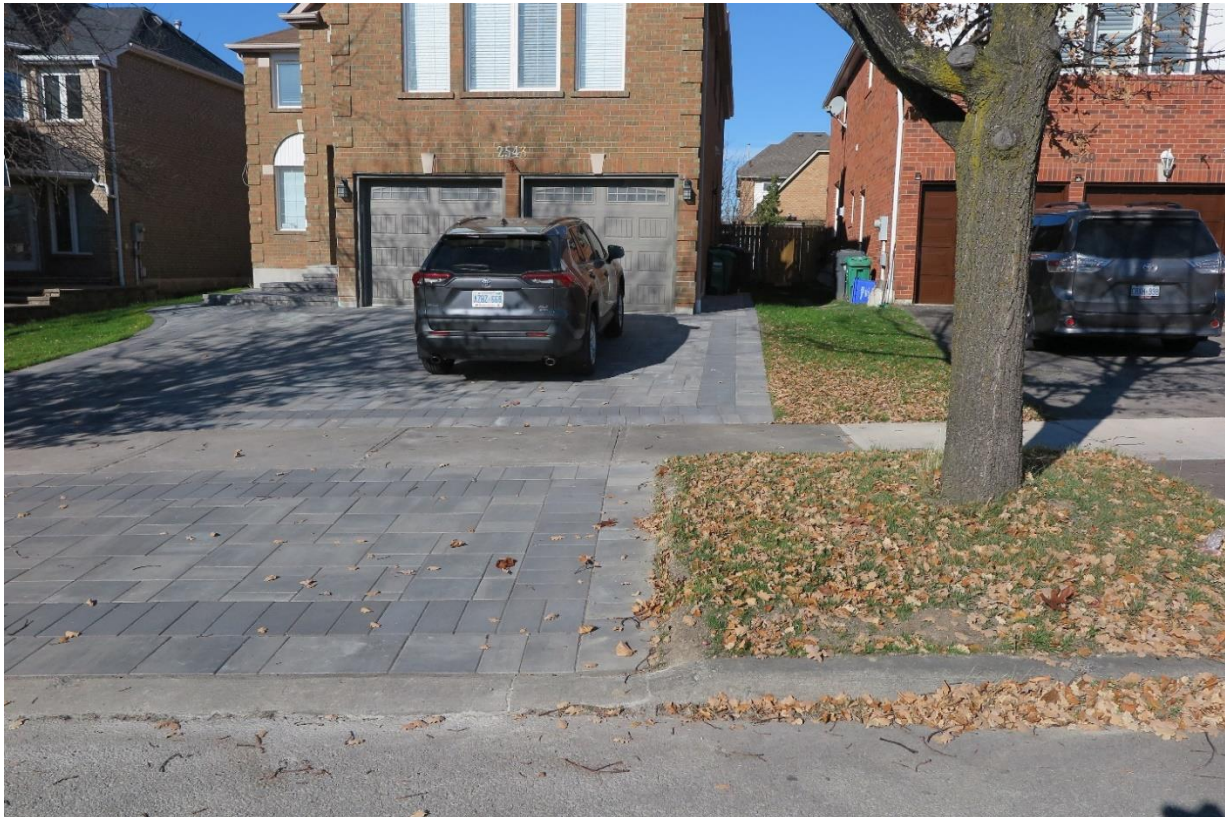
Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

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.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 406/20
Ward 3

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 915 Flagship Drive, zoned RM1 - 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 widened driveway on the subject property proposing a driveway width of 6.09m (approx. 19.98ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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How to submit a written comment:

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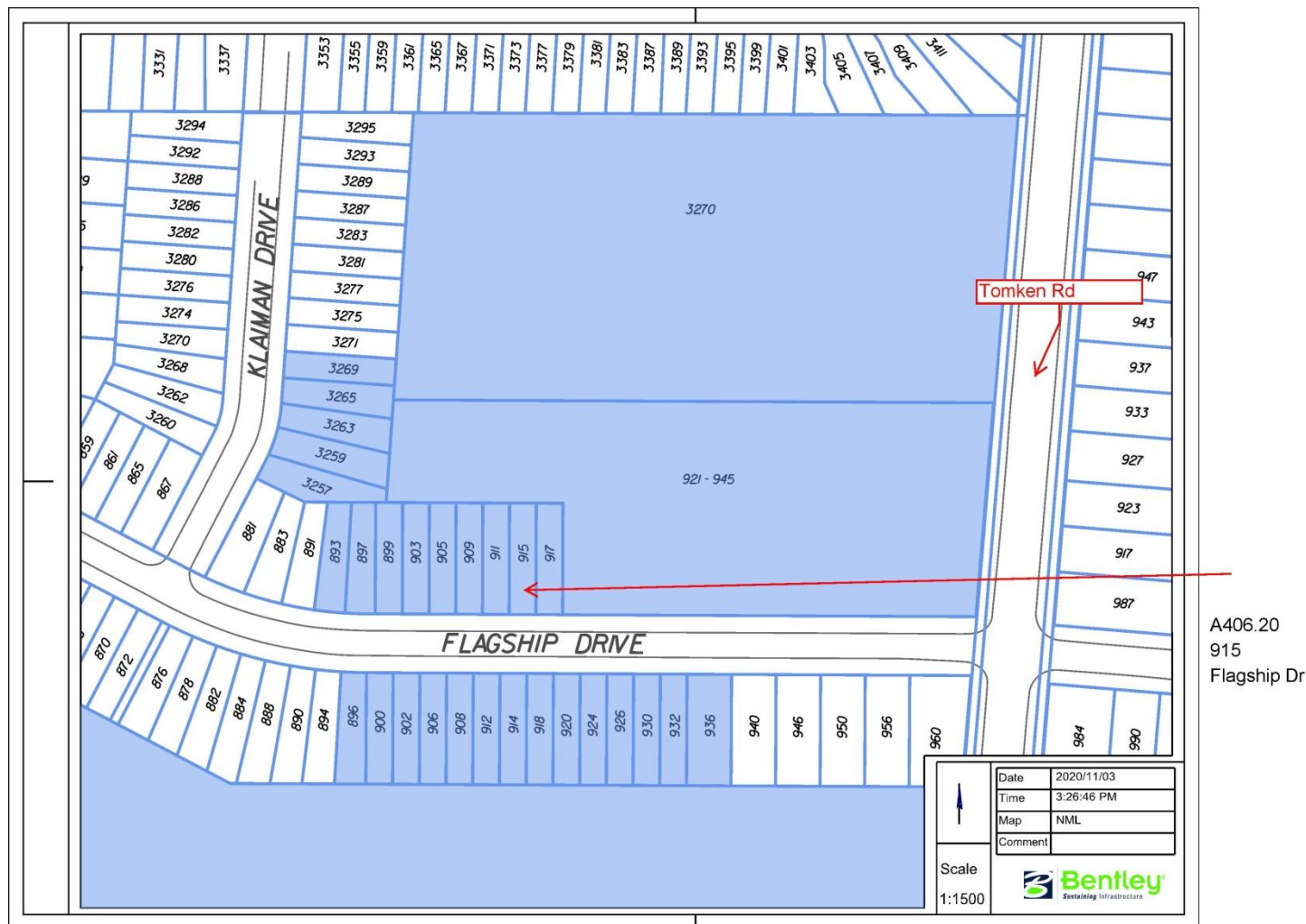
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A406/20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The Applicant requests the Committee to approve a minor variance to allow a widened driveway on the subject property, proposing a driveway width of 6.09m (approx. 19.98ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft), in this instance.

Background

Property Address: 915 Flagship Drive

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

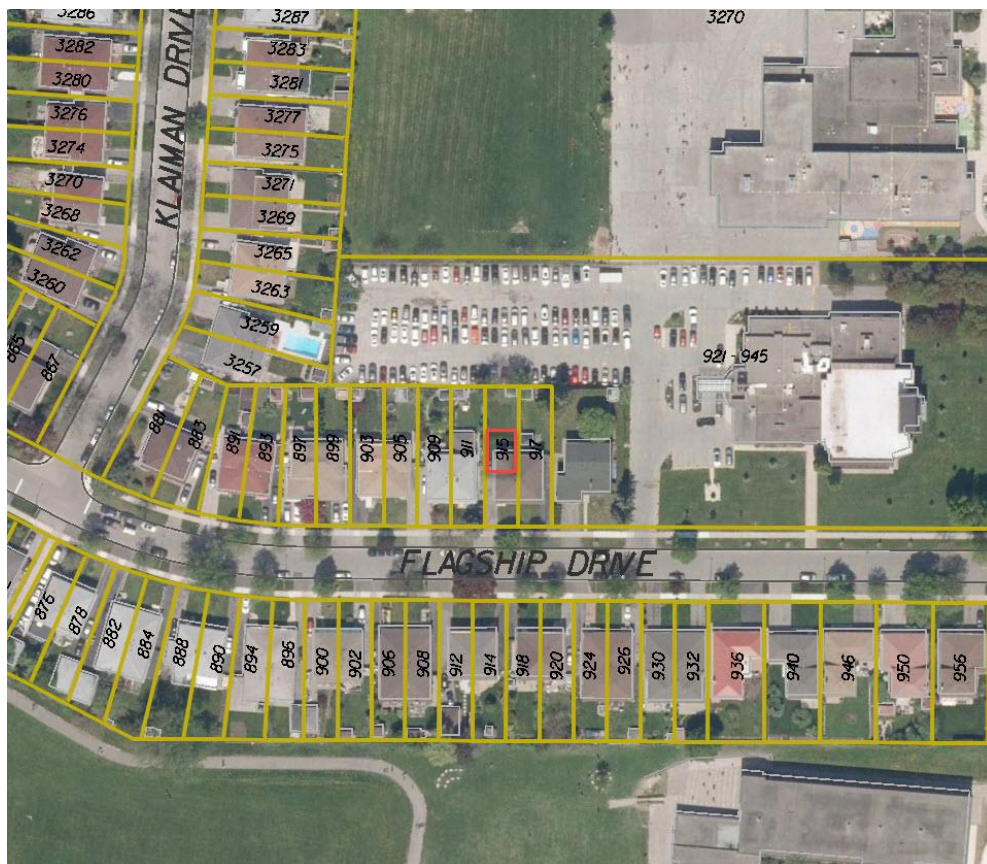
Other Applications:

None

Site and Area Context

The subject property is located south-west of the Bloor Street and Tomken Road intersection, and currently houses a two-storey, semi-detached dwelling. Contextually, the area is comprised exclusively of semi-detached residential structures. The properties within the immediate area possess lot frontages of approximately 9.5m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of approximately 345.0m² and a lot frontage of 13.14m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

The Applicant is proposing to enlarge the existing driveway.

Planning Staff note, the proposed driveway remains in accordance with all other applicable zoning regulations; represents less than half of the property's frontage; and, does not permit three vehicles parked side-by-side.

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

Conclusion

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

Comments Prepared by: Roberto Vertolli, 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.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20,

A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer



COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 301/20
Ward 5

Why you received this letter:

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

Details of the application and meeting information:

The property owners of 3972 Brandon Gate Drive, zoned R4-64 - Residential, have applied for a minor variance under Section 45 of the Planning Act. The applicants request the Committee to approve a minor variance to allow the existing driveway to remain on the subject property proposing:

1. A driveway width of 7.5m (approx. 24.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance; and
2. A driveway setback to a side lot line of 0.5m (approx. 1.6ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to a side lot line of 0.6m (approx. 1.97ft) in this instance.

The Committee has set **Thursday December 10, 2020 at 1:00 pm** for the public hearing on this matter. As a result of COVID-19 restrictions and under the authority of the *Municipal Act, Emergency Management and Civil Protection Act* and *Statutory Powers Procedure Act*, City Council approved Committee of Adjustment hearings to be held electronically during an Emergency. All items on the agenda are scheduled for 1:00 pm and will be heard in the order shown on the agenda.

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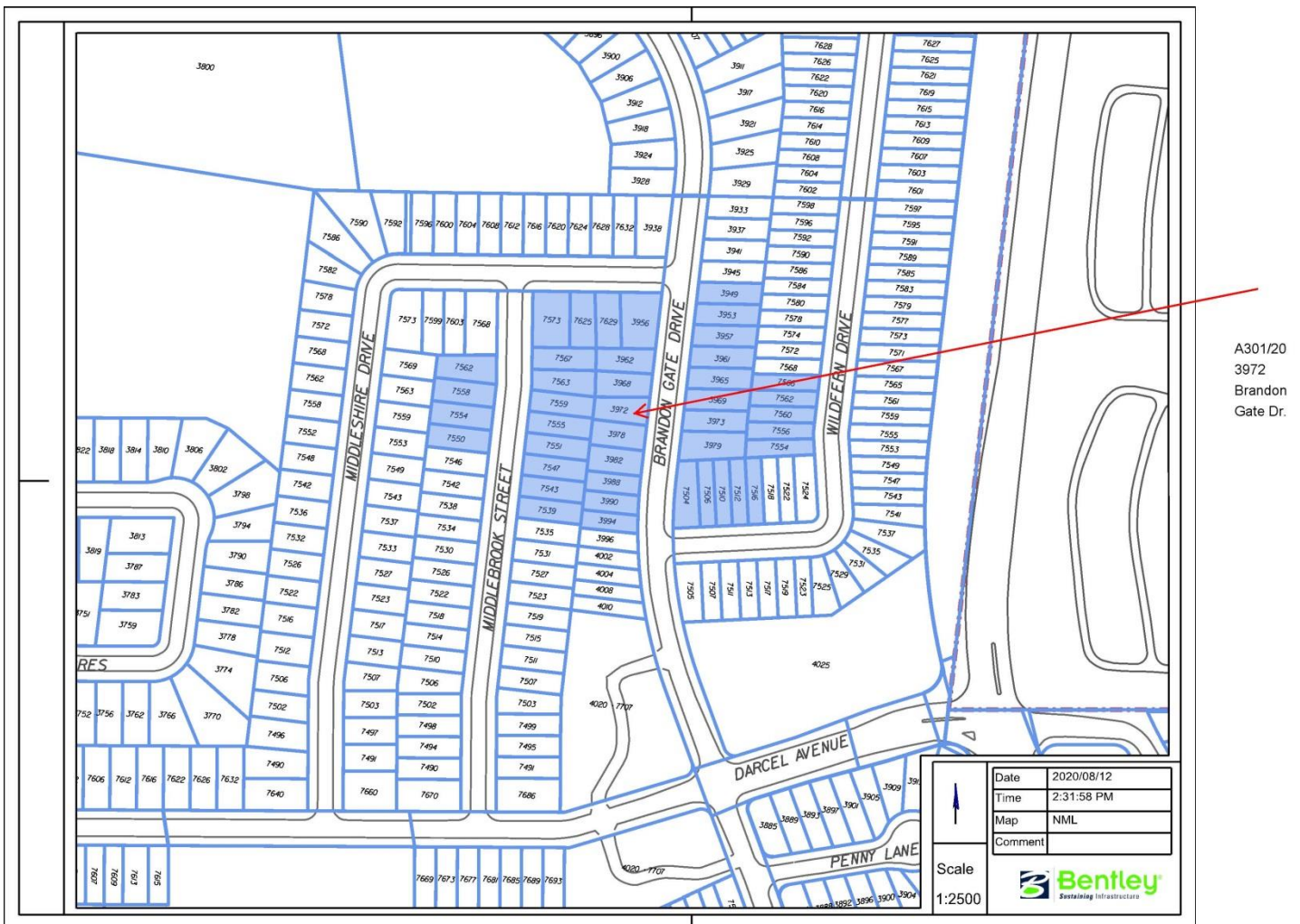
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City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A301/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

Consolidated Recommendation

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

Application Details

The applicants request the Committee to approve a minor variance to allow the existing driveway to remain on the subject property proposing:

1. A driveway width of 7.5m (approx. 24.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance; and
2. A driveway setback to a side lot line of 0.5m (approx. 1.6ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to a side lot line of 0.6m (approx. 1.97ft) in this instance.

Background

Property Address: 3972 Brandon Gate Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-64 (Residential)

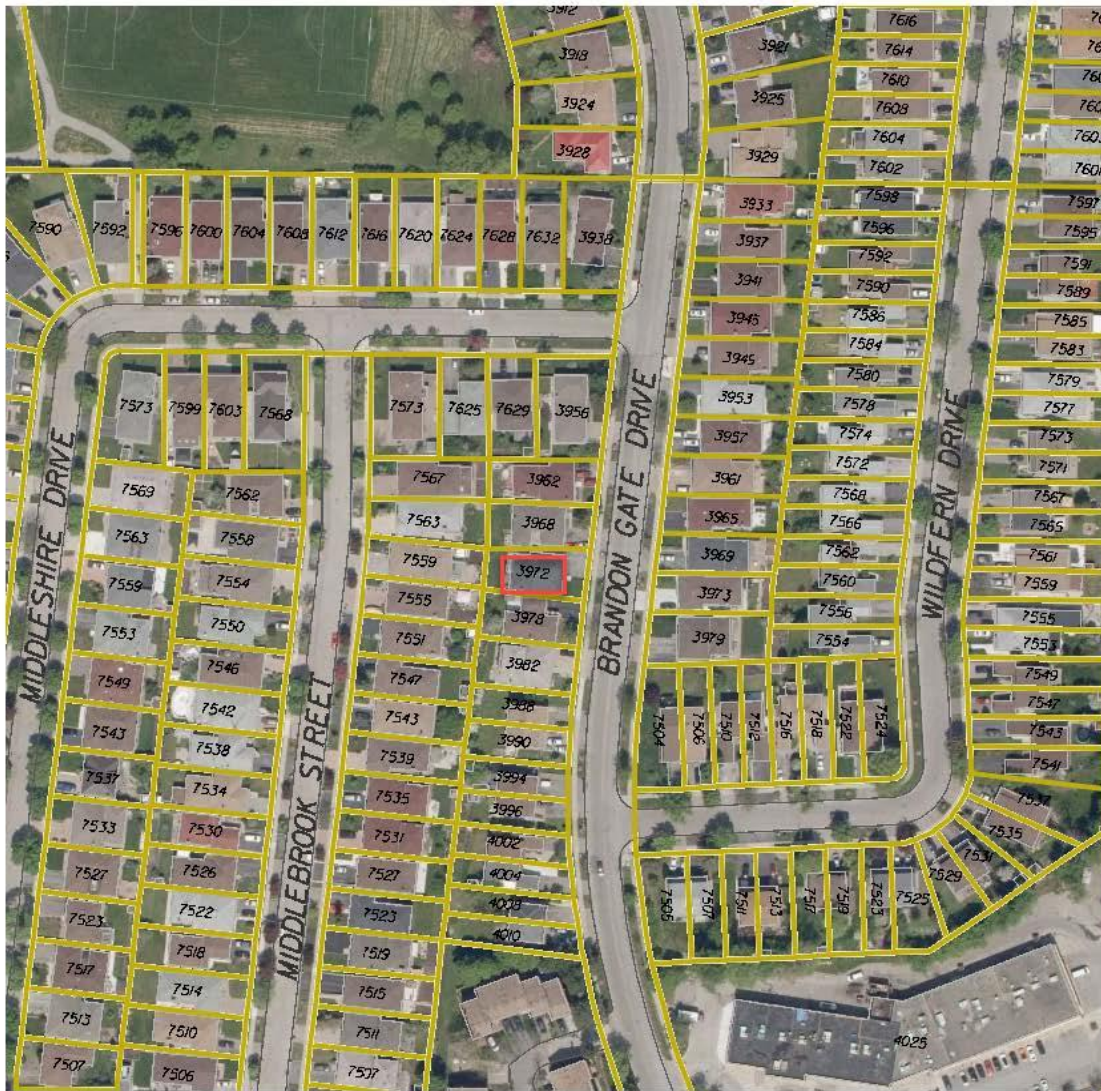
Other Applications:

None

Site and Area Context

The subject property is located on Brandon Gate Drive and currently houses a two-storey, detached dwelling with an attached double-car garage. The immediate neighbourhood is exclusively residential in nature, with dwelling types ranging from single-storey detached dwellings to three-storey semi-detached structures. The properties within the immediate area possess lot frontages of +/- 12.2m, with minimal vegetative elements located within their front yards.

The subject property is an interior parcel, with a lot area of approximately 450.0m², and a lot frontage of 16.1m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The property is located within the Malton Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages.

As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. From a streetscape perspective, the proposed larger driveway, as identified in the drawings, will be undecipherable from complying lots and will remain in context with the existing neighbourhood. The application is in line with both the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R4-64 (Residential). Pursuant to Table 4.2.5.64 (R4 Exception Zones), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 7.5m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). While 7.5m is larger than the permissible 6.0m regulated through the By-law; the proposed configuration does not permit a third vehicle. Variance 1, as requested, meets the general intent and purpose of the Zoning By-law.

Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.5m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. While the Applicant is proposing a reduced setback of 0.5m, the proposed setback still provides some manner of visual distinction between the two properties and remains large enough to accommodate a swale to minimize sheet drainage, should such measures be required in the future. Variance 2, as requested, meets the general intent and purpose of the Zoning By-law.

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

While the relief sought represents a deviation from what is contemplated through the Zoning By-law; Staff note, the proposed driveway represents less than half the lot's frontage (46%), and maintains ample soft-landscaping in the front yard. The variance, as requested, results in both the orderly development of the lands, and whose impacts will be minor in nature.

Conclusion

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

Comments Prepared by: Brooke Herczeg RPP, 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.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

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Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer