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## Committee of Adjustment

**Date:** February 18, 2021  
**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](mailto:umar.mahmood@mississauga.ca)

Alexander Davies, Committee of Adjustment Coordinator,  
Legislative Services  
905-615-3200 ext.5422  
[alexander.davies@mississauga.ca](mailto: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](mailto: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. B8/21  
6 PINE AVE N (WARD 1)  
AL LATEEF HAIDER
    - 4.2. B9/21  
17 PINE AVE N (WARD 1)  
ALWASH SINDIS
    - 4.3. A27/21  
2494 MISSISSAUGA RD (WARD 8)  
SUKHDEEP SANDHU
    - 4.4. A31/21  
5935 AIRPORT RD (WARD 5)  
AIRWAY CENTRE INC
    - 4.5. A38/21  
494 RATTRAY PARK DR (WARD 2)  
KAMYAR MOHAJER
    - 4.6. A39/21  
3371 NIGHTHAWK TR (WARD 10)  
JOANNE MARCELLE GOODRIDGE
    - 4.7. A41/21  
3930 NASHUA DR (WARD 5)  
2697330 ONTARIO LTD.
    - 4.8. A42/21  
5100 SATELLITE DR (WARD 5)  
WEST FRASER HOLDINGS ONTARIO LTD.

- 4.9. A43/21  
1302 MARTLEY DR (WARD 2)  
REZA GHARIB
- 4.10. A44/21  
48 COTTON DR (WARD 1)  
ROHAN & SHIPRA SETHI
- 4.11. A45/21  
66 QUEEN ST S (WARD 11)  
MAHFAM INC
- 4.12. A217/20  
1033 EASTMOUNT AVE (WARD 1)  
YUSUF AND MELY ARIKAN
- 4.13. A358/20  
13 THOMAS ST (WARD 11)  
DEMETRA & CARLOS VALENTE
- 4.14. A379/20  
185 MAPLEWOOD RD (WARD 1)  
DEEPAK & RAVAN BARING
- 4.15. A394/20  
1330 EGLINTON AVE E (WARD 3)  
GREYCAN 6 PROPERTIES GP INC C/O PANATTONI DEVELOPMENT CO
5. **OTHER BUSINESS**
6. **ADJOURNMENT**

**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 6 Pine Avenue North, zoned RM7-5 - 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 7.25m (23.79ft) and an area of approximately 330.05sq.m (3,552.63sq.ft).

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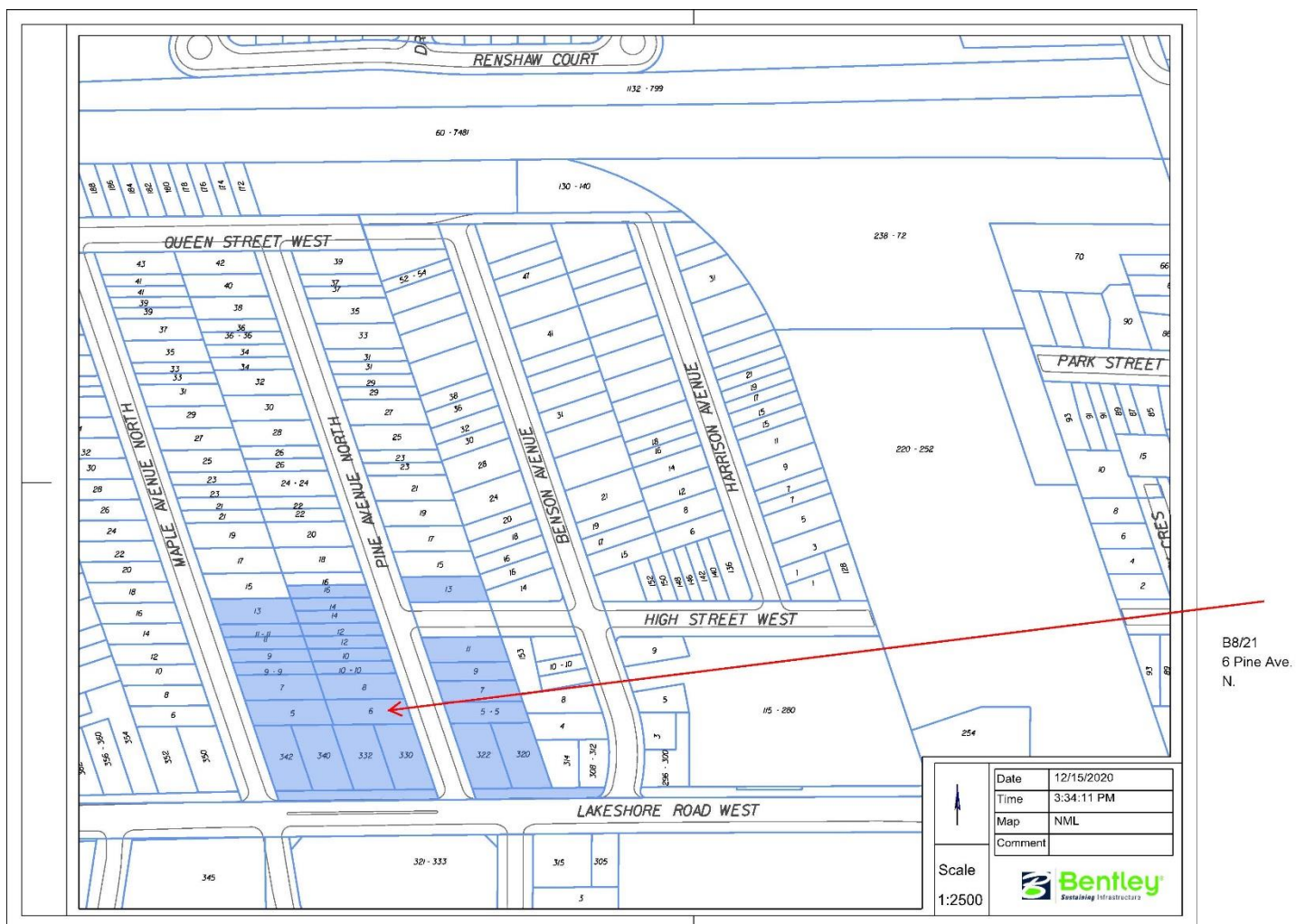
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process 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: 2021-02-10	File(s): B8.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the requested consent application. The applicant may choose to defer the application to ensure variances are not required.

## Application Details

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 7.25m (23.79ft) and an area of approximately 330.05sq.m (3,552.63sq.ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 6 Pine Avenue North

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density II

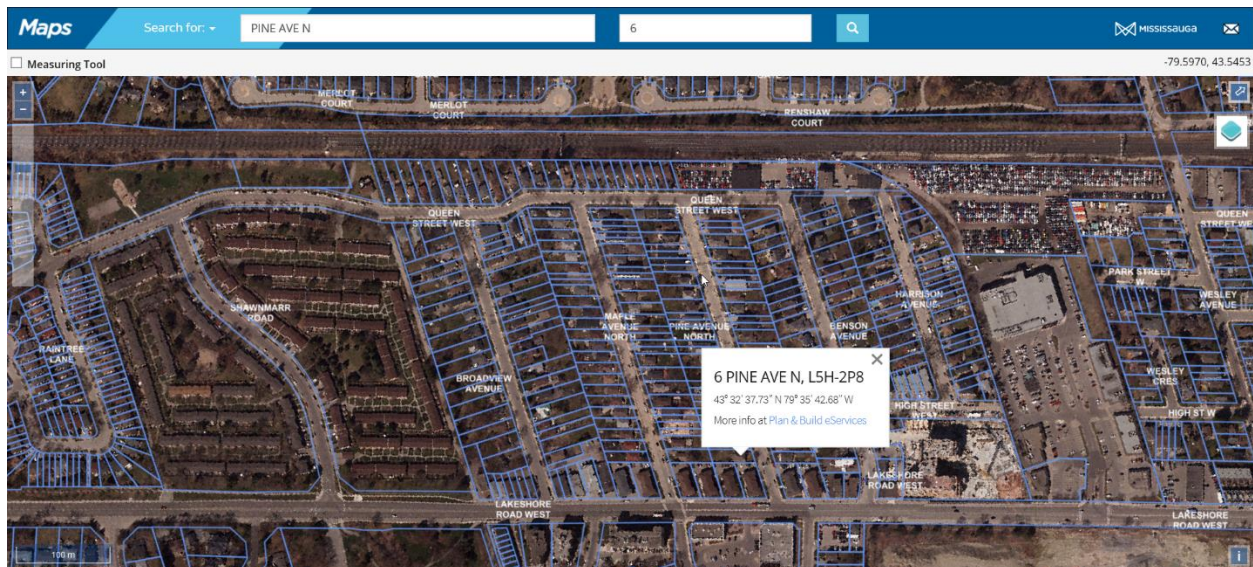
### Zoning By-law 0225-2007

**Zoning:** RM7-5 (Residential)

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. The surrounding area includes a mix of residential uses, including detached, semi-detached and apartment dwellings with little mature vegetation. The residential lots contain an eclectic lot fabric with frontages ranging from approximately 6.30 m to 14 m. The subject property contains an existing two storey dwelling with little vegetation.

The application proposes to sever the subject property for the purpose of developing semi-detached dwellings.



## Comments

### Planning

#### Planning Act

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

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

### Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application for consent are as follows:

The retained and severed parcel propose a lot frontages of 7.25 m and lot areas of approximately 330.05 m<sup>2</sup>. The zoning by-law requires lot frontages of 6.80 m and lot areas of 200 m<sup>2</sup>.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the North Residential Neighbourhood Precinct (Shawnmarr/Indian Heights) of the Port Credit Local Area Plan. Section 16.1.2.1 states, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. Furthermore, Section 10.3 (Neighbourhood Character Area) of the Port Credit Local Area Plan intends to ensure development is sensitive to the existing low rise context and to reinforce the planned character of the area. The official plan and zoning by-law envisions a mix of dwelling types and an eclectic lot fabric within the surrounding area. The proposed parcels of land would be consistent with semi-detached lots within the immediate area and would not negatively impact the character streetscape.

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

## Conclusion

The Planning and Building Department has no objections to the requested consent application. The applicant may choose to defer the application to ensure variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

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

#### A. Items Required Prior to the Issuance of Final Consent

##### 1. Overall Grading and Drainage Plan

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

##### 2. Municipal Address Requirement

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

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

#### B. GENERAL INFORMATION

##### 1. Lot Grading and Drainage

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

##### 2. Servicing

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

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

3. Access

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

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 525mm Dia. Storm sewer located on Pine Avenue North. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

Comments Prepared by: John Salvino, Development Engineering Technologist

## **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 or determine whether additional variances 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 Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.



City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- Globe Maple – Good Condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted trees.
2. The applicant shall provide tree protection securities in the amount of \$1,180.42 for the preservation of the municipal tree.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Jim Greenfield, Park Planner

## **Appendix 5 – Region of Peel Comments**

### **Consent Application: B-8/21**

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

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

Comments Prepared by: Diana Guida, Junior Planner

### **Appendix 7 – Bell Canada**

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Comments Prepared by: Carrie Gordon, External Liaison



## 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 February 10, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 10, 2021.

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**Details of the application and meeting information:**

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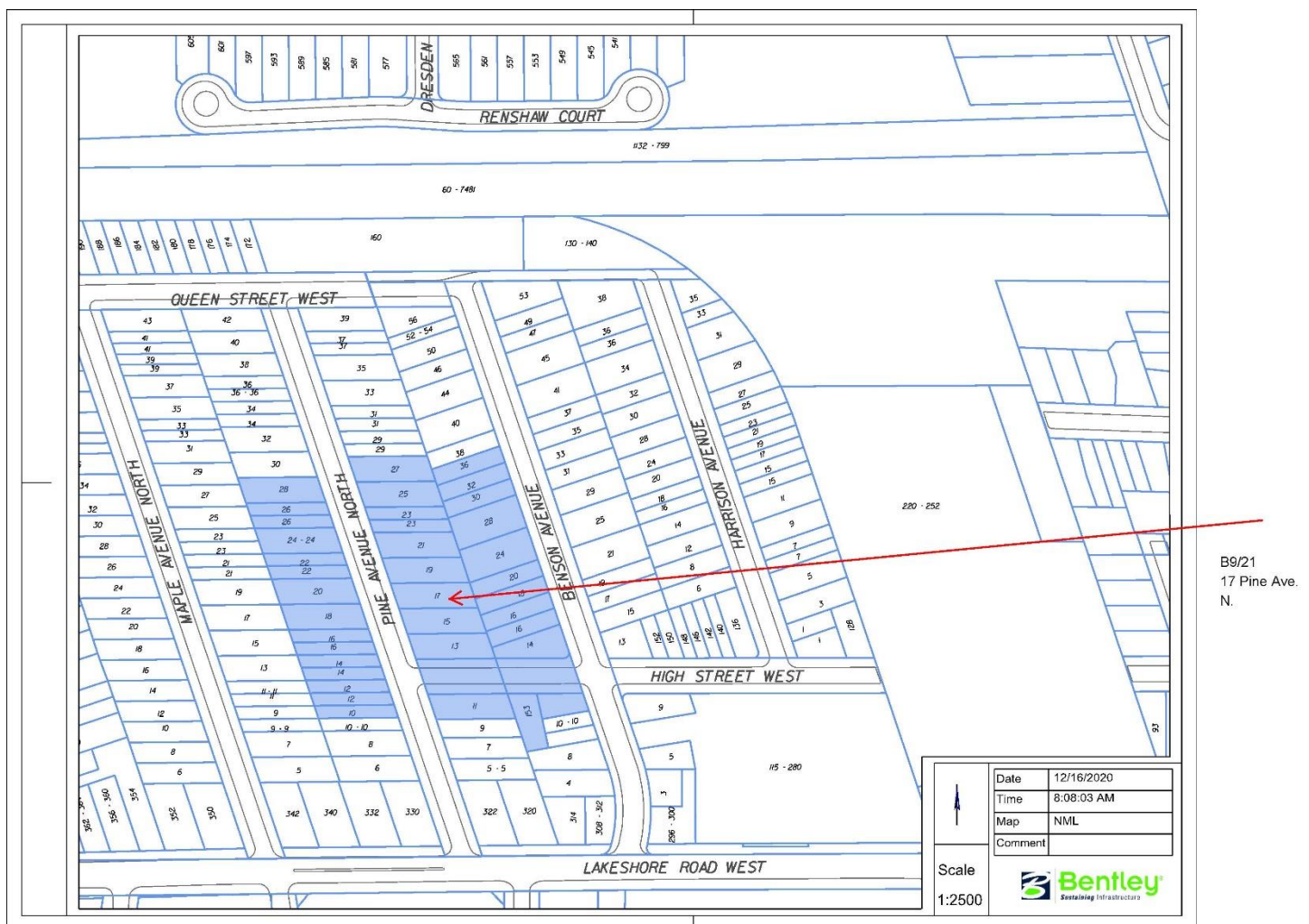
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# City of Mississauga

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### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): B9.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

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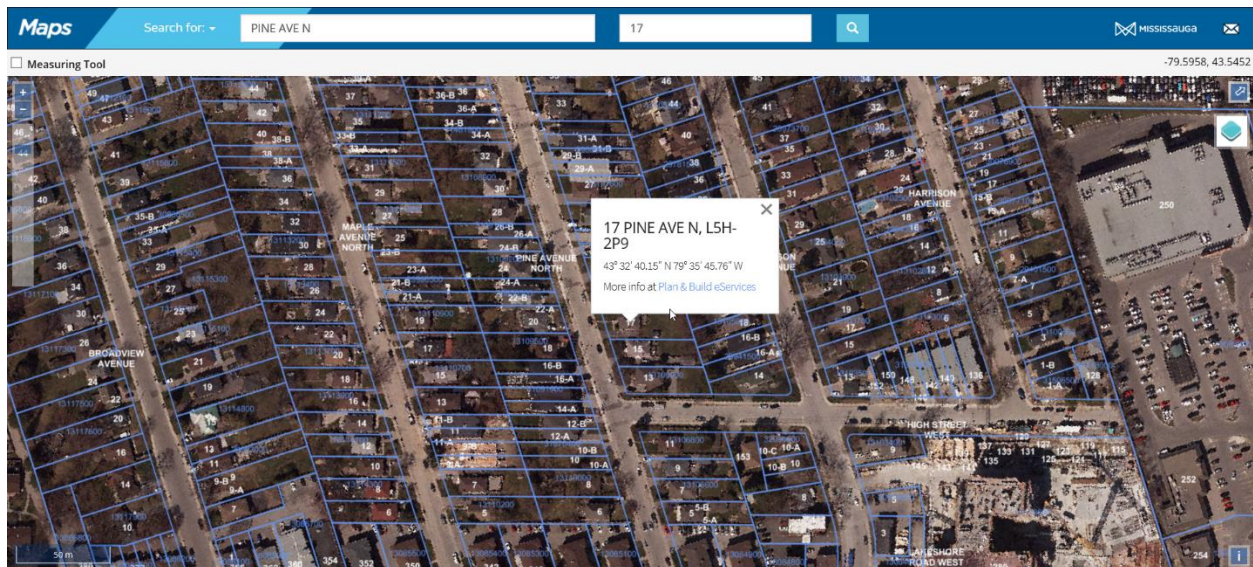
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Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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##### 2. Municipal Address Requirement

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

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

#### B. GENERAL INFORMATION

##### 1. Lot Grading and Drainage

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

##### 2. Servicing

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

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

3. Access

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

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 525mm Dia. Storm sewer located on Pine Avenue North. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

Comments Prepared by: John Salvino, Development Engineering Technologist

## **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, on site parking, etc., or alternatively, that any minor variance is approved, final and binding and/or the demolition of any existing building 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: Brandon Eidner, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**



City Department and Agency Comments	File:B9.21	2021/02/10	6
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The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. The applicant shall provide a cash contribution of \$1,214.24 for planting of two (2) street trees on Maple Avenue North. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## **Appendix 5 – Region of Peel Comments**

### **Consent Application: B-9/21**

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

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

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 7 – Bell Canada**

Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing rear-lot aerial facilities, supply service to the properties and to maintain service in the area. According to our records, Bell has aerial cable that runs parallel to the northeast property

boundary at 17 PINE AVE N and is found approximately 0.6 m from the rear lot boundary. We request the easement be the full length of the facilities as shown on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Comments Prepared by: Carrie Gordon, External Liaison

**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 February 10, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 10, 2021.
6. A letter shall be received from Bell Canada, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 10, 2021.



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A27.21  
Ward: 8

### 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 2494 Mississauga Road, zoned R1 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant request the Committee to approve a minor variance to allow a driveway proposing a combined points of access dimension of 11.04m (approx. 36.22ft) whereas By-law 0225-2007, as amended, permits a maximum combined points of access dimension of 8.50m approx. 27.89ft) in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

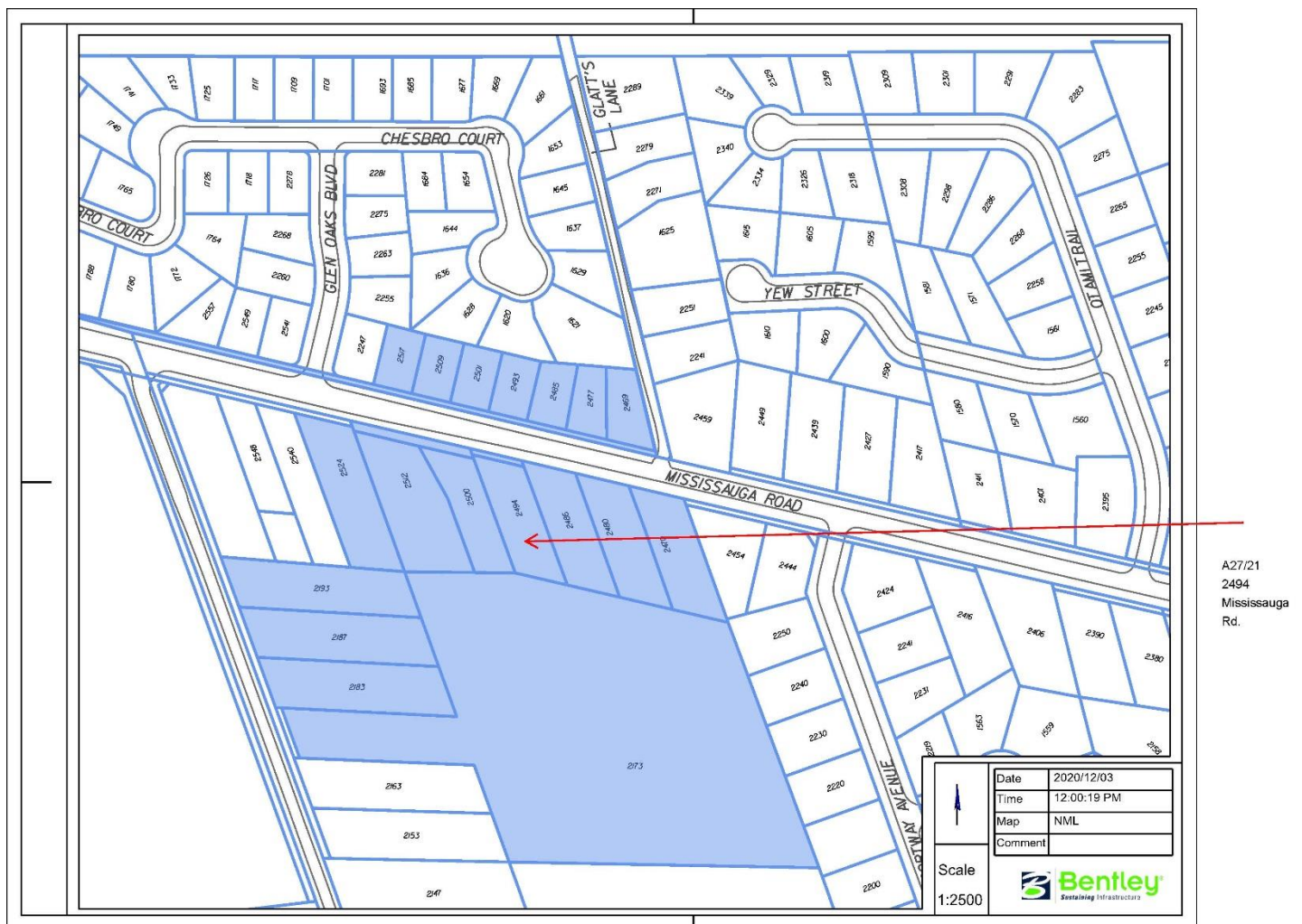
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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](mailto: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: 2021-02-10	File(s): A27.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

The applicant request the Committee to approve a minor variance to allow a driveway proposing a combined points of access dimension of 11.04m (approx. 36.22ft) whereas By-law 0225-2007, as amended, permits a maximum combined points of access dimension of 8.50m approx. 27.89ft) in this instance.

## Background

**Property Address:** 2494 Mississauga Road

### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1 (Residential)

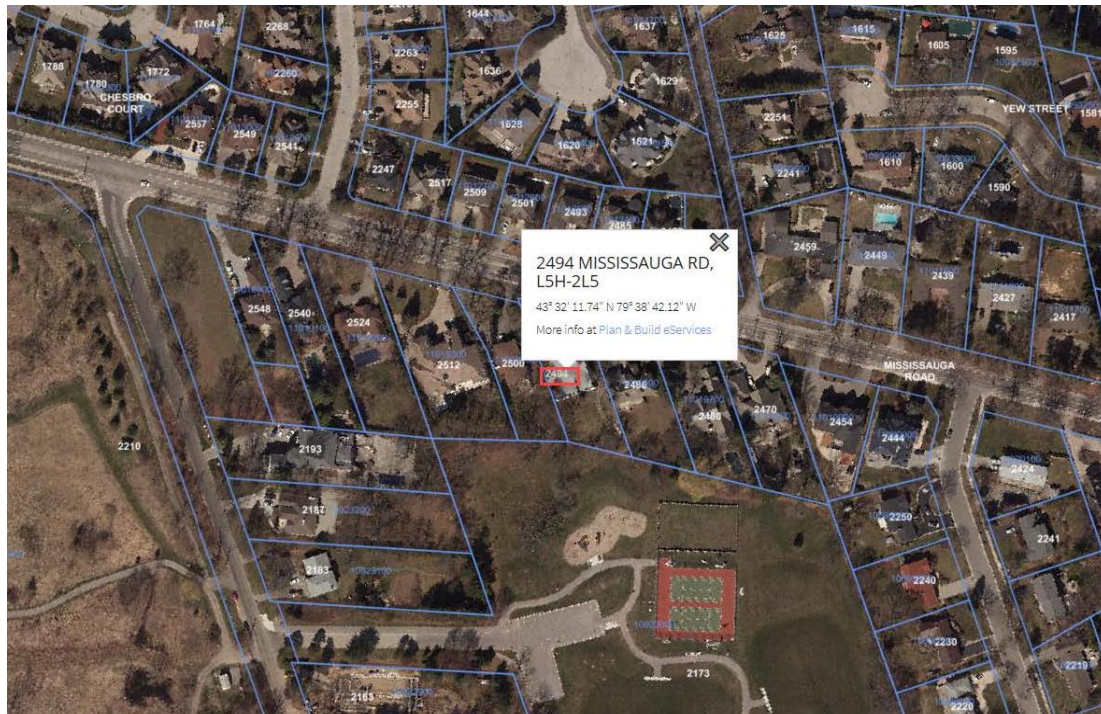
### Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, east of Mississauga Road and Springbank Road. The neighbourhood is primarily residential, consisting



of large lots that contain one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey detached dwelling, however, a two storey dwelling is planned to be developed.

The applicant is proposing a circular driveway and plans to maintain the width of the existing driveway for the westerly access point, which requires a variance for an increased combined width of access points to accommodate the proposed circular driveway.



## Comments

### Planning

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

Staff comments concerning the application are as follows:

Based on comments provided by Transportation and Works Department, there are no concerns with the additional hard surfacing at the street to accommodate the proposal. Furthermore, the increased width does not impact the required soft landscaped area within the front yard. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process.

## 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: Lucas Petricca, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

We advise for Committee's information that this site was reviewed by this Department's Traffic Section through SP-16/031 (now approved) where the double access configured driveway off of Mississauga Road was proposed.

Comments Prepared by: John Salvino, Development Engineering Technologist

### 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 or determine whether additional variances 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 Examiner

### Appendix 4 – Heritage

The subject property is listed on the City's Heritage Register as it forms part of the Mississauga Road Scenic Route Cultural Landscape. There are no concerns with the subject proposal.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A31.21  
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 owner of 5935 Airport Road, zoned E2-68 - Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a reduction in required parking of 502 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 506 parking spaces in this instance.

The Committee has set **Thursday February 18, 2021 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 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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

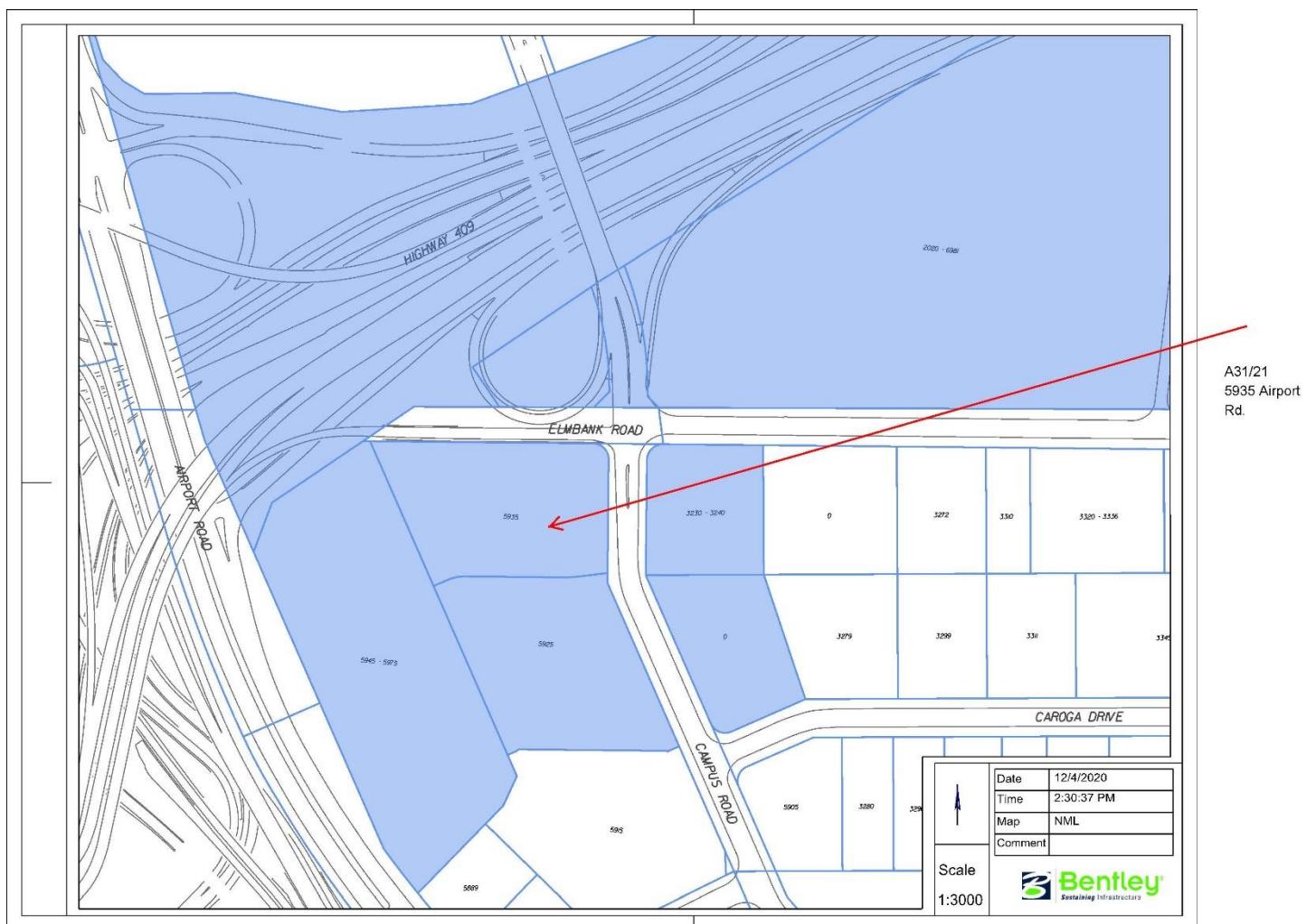
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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](mailto: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: 2021-02-10	File(s): A31.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variance, as requested.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a reduction in required parking of 502 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 506 parking spaces in this instance.

## Background

**Property Address:** 5935 Airport Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

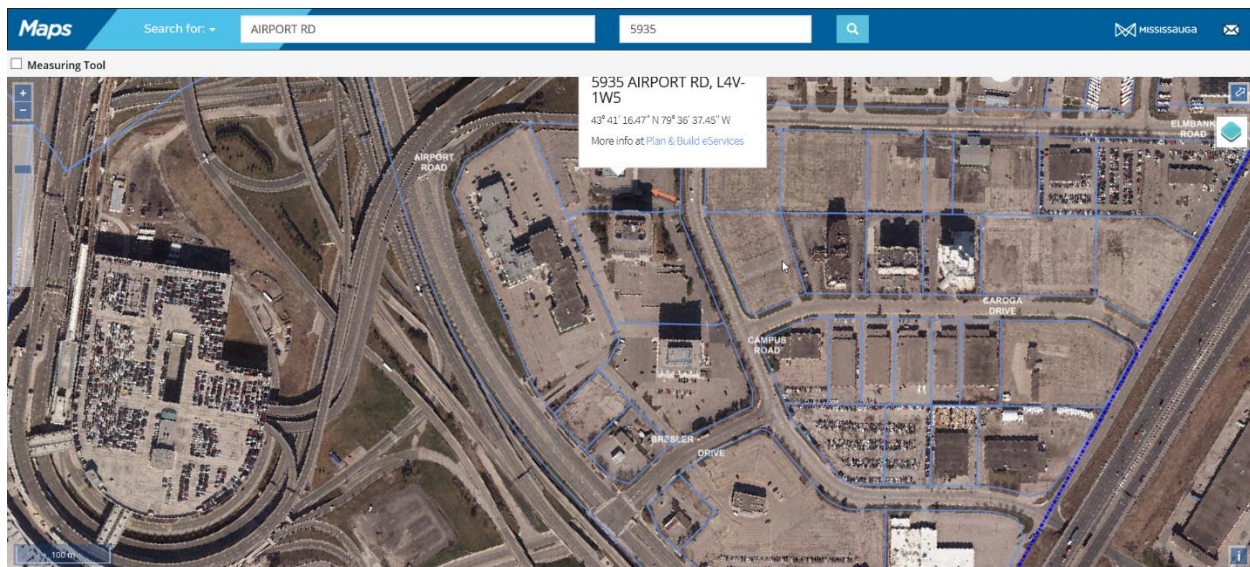
**Zoning:** E2-68 - Employment

**Other Applications:** OPA 5-53  
OZ/OPA 5-28  
SPR 2-126, SP 87-357  
Building permit: 20-2832

### Site and Area Context

The subject property is a multi-tenant plaza located north-west of Airport Rd and Highway 427. The subject property is an exterior parcel that has a lot area of +/- 9,714.0m<sup>2</sup> and a lot frontage of +/- 152.71m. From a land-use perspective, the immediate neighbourhood along this portion of Airport Rd has a mixture of employment uses; including restaurants, office buildings, a hotel and a parking structure with minimal vegetation and landscaping kept to the lot line. Properties in the immediate vicinity possess lot frontages of +/- 100.0m

The applicant is proposing a reduced parking rate of less than 1%, thereby requiring a variance for the reduced number of parking spaces.



## Comments

### Planning

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

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

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

The site is located within the Northeast Employment Area (East) Character Area and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 17.1.8 (Business Employment), the existing office use is permitted within this designation. The Applicant's proposal of an office tower 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, 506 parking spaces are required for the proposed development; whereas, the applicant is proposing 502 parking spaces. The reduction of 4 parking spaces is less than 1% of by-law. The intent of quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

A Letter of Justification, prepared by the tenant (International Atomic Energy Agency), dated December 1, 2020, has been submitted in support of the requested parking variance. The Letter of Justification explains that the office tenant requires additional storage space and is seeking to use two underground parking spaces as storage in addition to the two parking spaces currently being used for storage. City Planning Strategies Staff contacted the agent, Sheri Crawford, XDesign Inc., via email on January 26, 2020 seeking clarification on the total parking spaces used for storage and received a satisfactory response.

Based on the submitted information Planning Staff can support the requested variance of 502 parking spaces.

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

Planning Staff note that City Planning Strategies Staff have determined the proposal can be supported and find the proposal represents the orderly development of the lands, and is minor in nature.

## **Conclusion**

Planning Staff have no objection to the approval of this application.

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

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A 31/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 20-2832. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 10/30/2020 for the above captioned building 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: Sandra Morrison

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 6- Trans-Northern Pipelines Inc

Thank you for providing Trans-Northern with the Committee of Adjustment Agenda for February 18, 2021 which includes the location/ file no. A31.21 in Ward 5 for the proposed development to approve a minor variance to allow a reduction in required parking of 502 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 506 parking spaces. Trans-Northern currently operates a high-pressure petroleum products transmission pipeline within a



60 foot right of way on the property running North to South on the East portion of the parcel requesting development described as 5935 Airport Road.

Since Trans-Northern has a high-pressure pipeline within the development area, TNPI requests the preliminary site development plans for review to ensure the development meets or exceeds our Crossing Guidelines. Please note, any development plans within the right-of-way will require a Crossing Permit. Development planned within 30m, the *Prescribed Areas* defined by the CER (Canadian Energy Regulator) will require a Controlled Area Access Permit. Each of these permit types can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

*It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless*

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- *(b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Please note, should the applicant proposes to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact Trans-Northern prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from Trans-Northern will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Cliff Lee, Crossing Coordinator via email at : [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca).

As always, Trans-Northern appreciates being circulated Committee of Adjustment Notices which include development proposals and/or plans within 200 m of any TNPI asset.

Comments Prepared by: Michelle Gruszecki, Property & Right-of-Way Administrator

## Appendix 7 – Ministry of Transportation of Ontario



For the above address, the change to the parking lot, the MTO has no concerns. No MTO Building Permit is required.

Comments Prepared by: Corey Caple, Corridor Management Officer



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A38.21  
Ward: 2

### 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 494 Rattray Park Drive, zoned R1-2 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing a combined width of side yards of 6.05m (approx. 19.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.25m (approx. 27.07ft) in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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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### Advance registration is required to participate in the electronic hearing:

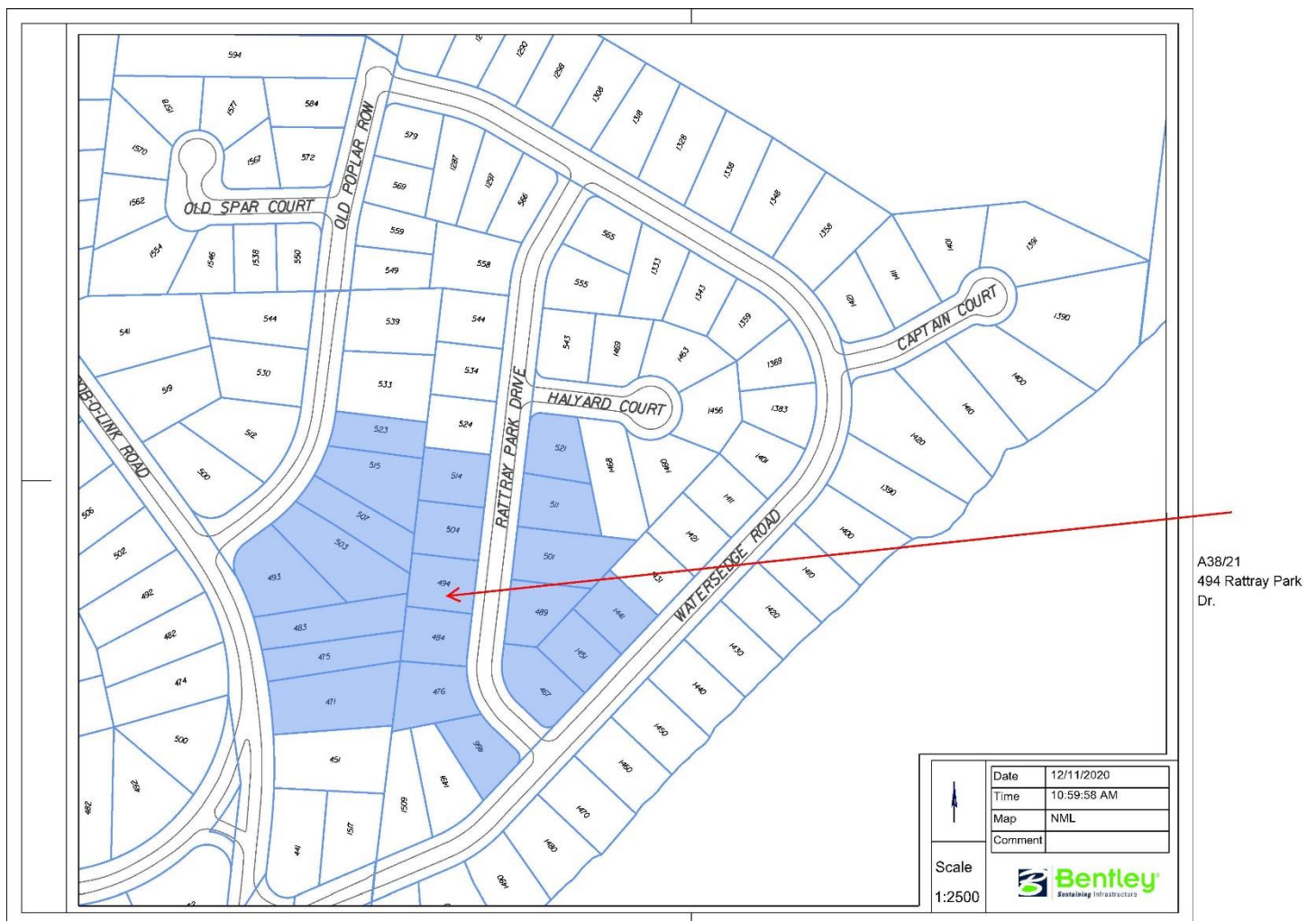
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A38.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a combined width of side yards of 6.05m (approx. 19.85ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.25m (approx. 27.07ft) in this instance.

### Amendments

The variance should be amended as follows:

A 2 storey dwelling proposing a combined width of side yards of 19.79% of the lot frontage (6.05m (approx. 19.85ft)) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (8.25m (approx. 27.07ft)) in this instance.

## Background

**Property Address:** 494 Rattray Park Drive

### Mississauga Official Plan

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

**Zoning By-law 0225-2007**

**Zoning:** R1-2 (Residential)

**Other Applications**

**Pre-Application:** 20-3145

**Site and Area Context**

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and Meadow Wood Road. The neighbourhood consists entirely of one and two storey detached dwellings on wide lots with mature vegetation. The subject property contains an existing one storey dwelling with mature vegetation in the front yard.

The application proposes a second storey addition above the existing garage, requesting a variance related to a deficient combined side yard width setback.

**Comments**

**Planning**



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

Staff comments concerning the application are as follows:

The existing combined side yard setback of the dwelling is 6.30 m. The proposed second storey addition is only located above the garage and encroaches slightly further into the side yard than the existing dwelling thereby, lowering the combined side yard width to 6.05 m. Through a review of the neighbourhood, similar deficiencies exist and are part of the neighbourhood context. The addition is located on the westerly side yard of the dwelling which has the larger side yard setback of 4.15 m to the neighbouring property. It should be noted that the proposed addition has a flat roof height of 6.79 m which is under the maximum permitted flat roof height of 7.50 m. As such, the proposed application raises no concerns of a planning nature and is appropriate to be handled through the Committee of Adjustment process.

## 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: 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 proposed dwelling will be addressed through the future Site Plan Approval process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-3145. Based on review of the information currently available for this building permit, we advise that the following variances should be amended as follows:

A 2 storey dwelling proposing a combined width of side yards of 19.79% of the lot frontage (6.05m (approx. 19.85ft)) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (8.25m (approx. 27.07ft)) in this instance.

Our comments are based on the plans received by Zoning staff on 11/25/2020 for the above captioned building 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: A. McCormack

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A39.21  
Ward: 10

### 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 3371 Nighthawk Trail, zoned RM5 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a driveway widening proposing a driveway width of 6.10m (approx. 20.01ft) 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 February 18, 2021 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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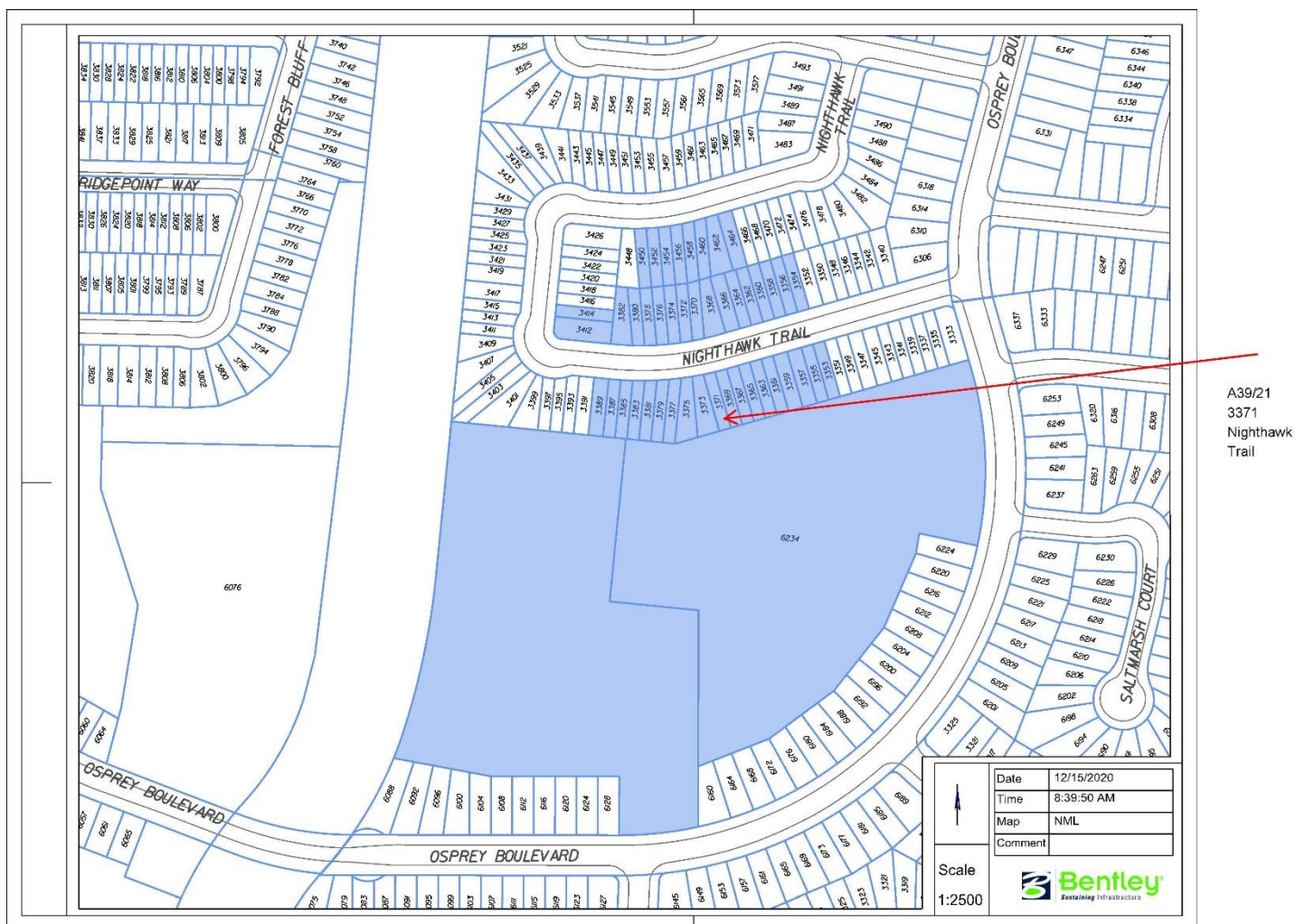
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A39.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

## 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 applicant requests the Committee to approve a minor variance to allow a driveway widening proposing a driveway width of 6.10m (approx. 20.01ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance.

## Background

**Property Address:** 3371 Nighthawk Trail

### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM5 - Residential

**Other Applications:** None

### Site and Area Context



The subject property is located south-west of the Osprey Boulevard and Nighthawk Trail intersection. The subject property is an interior parcel with a lot area of +/- 228.39m<sup>2</sup> and a lot frontage of +/- 6.91m. It currently houses a two-storey, townhouse with little to no vegetation and landscape elements in the front and rear yard. Contextually, the area is comprised exclusively of townhouse residential dwellings with lot frontages of +/-7.0m and minimal vegetative and natural landscaped elements within the front yards.

The applicant is proposing a wider driveway requiring variances for driveway width.



## Comments

### Planning

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

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

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

The site is situated within the Lisgar Neighbourhood Character Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low density 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 identified in the drawings, would be comparable to other neighbouring properties and maintains the established neighbourhood context. 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 RM5 (Residential). Pursuant to Table 4.11.1 (RM5 Permitted Uses and Zone Regulations), the maximum driveway width for a townhouse dwelling is 5.2m; whereas, the Applicant is proposing 6.10m. 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, while maintain 25% of the lot coverage to be soft landscaping. While 6.10m is larger than the permissible 5.2m regulated through the By-law; the proposed configuration (inclusive of both walkways) does not permit a third vehicle. Planning Staff can support the variance as requested however planning staff cannot confirm whether the applicant meets the required soft landscaping and the applicant may wish to defer for this reason to ensure all variances have been identified.

### **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 does not permit a third vehicle. 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, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as requested. Information pertaining to lot coverage was not required however, the committee may wish to defer the application to confirm that no other variances are required. The Applicant may also 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

Enclosed for Committees information are photos which depict the existing driveway.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## 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 Examiner



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**Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A41.21  
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 owner of 3930 Nashua Drive, zoned E2 - Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a private school on the subject property proposing:

1. 73 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 77 parking spaces in this instance; and
2. A private school as an ancillary use to a multi-use recreational centre whereas By-law 0225-2007, as amended, does not permit a private school as an ancillary use to a multi-use recreational centre in this instance.

The Committee has set **Thursday February 18, 2021 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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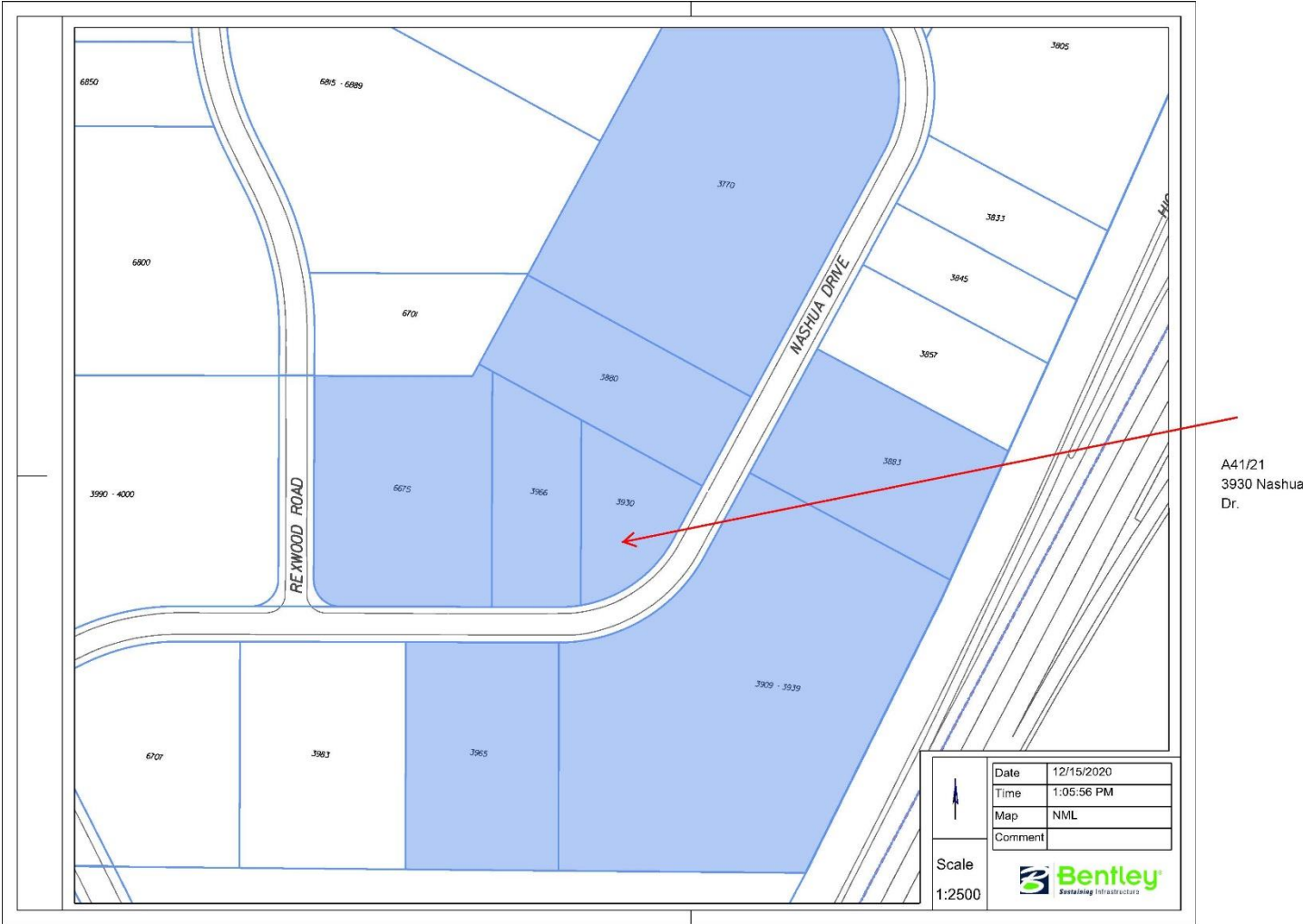
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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A41.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a private school on the subject property proposing 73 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 77 parking spaces in this instance.

## Background

**Property Address:** 3930 Nashua Drive

### Mississauga Official Plan

Character Area: Northeast Employment Area (East)  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2 - Employment

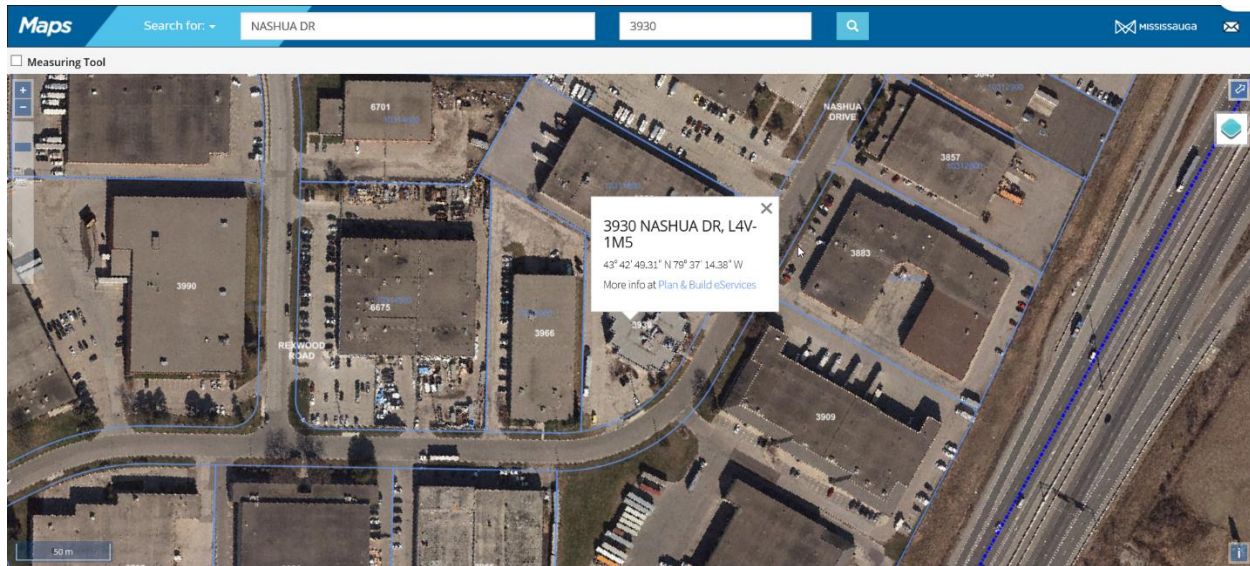
**Other Applications:** None

### Site and Area Context

The subject property is an office building located north-east of the Goreway Dr. and Nashua Dr. intersection. The subject property is an interior parcel with a lot area of +/- 4,451.70m<sup>2</sup> and a lot

frontage of +/- 97.00m. From a land-use perspective, the immediate neighbourhood is comprised of employment uses; specifically large office buildings and restaurants with minimal vegetation and landscaping kept to the periphery of the lot line. Generally, properties in the area possess lot frontages of +/- 70.0m

The applicant has proposed a private school with reduced parking, requiring variances for the ancillary use where it is not permitted and the proposed number of parking spaces.



## Comments

### Planning

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

Staff comments concerning the application are as follows:

The site is located within the Northeast Employment (East) Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.1 (Uses Permitted in all Designations) community infrastructure, which includes a private school is permitted within the designation. Section 6.10.2.4 (Aircraft Noise) however prohibits sensitive land uses from operating within the Airport Operating Area. The MOP considers the proposed school to be a sensitive land use and is not permitted.

As per Zoning By-law 0225-2007, the subject property is zoned E2 (Employment) which does not permit a private school use. The intent of the Zoning by-law is to ensure that sensitive land uses are not established within zones that would impact the operation of permitted uses. Furthermore, the zoning by-law prohibits the operation of schools in the Airport Operating area to ensure sensitive land uses are not located in an area of high aircraft noise. Staff are of the opinion that allowing such a use in the employment area would impact the existing and future employment uses permitted in the zone.

In the supplementary information provided by the applicant dated December 15<sup>th</sup>, 2020, Airport Development and Technical Services Staff indicates that the proposal is similar to another site located at 6850 Goreway Drive and would be satisfied if the same conditions were imposed. A copy of the conditions have been attached to this report for reference (Schedule 1). The Airport Authority is not opposed to the application provided the same conditions applied to the 6850 Goreway Drive application are applied here.

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. Staff also note that variance #1 pertaining to a reduction in parking is premature in nature as the proposed use is not permitted. As Planning Staff do not support the private school use staff recommend that the variance for parking be refused as well.

Based on the preceding information the requested variances do not maintain the general intent and purpose of the Official Plan and Zoning Bylaw. They are not minor in nature, nor are they desirable for the appropriate development of the property.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the application should be refused.

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



## Appendices

### Appendix 1 – Transportation and Works Comments

As the proposed land use is changing from a less sensitive (office) to a more sensitive use (private school), in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a complete Record of Site Condition (RSC), including all supporting documents to the Transportation and Works Department for review.

The RSC must be posted to the Ministry of the Environment, Conservation and Parks Environmental Site Registry (ESR).









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **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 Examiner

## Appendix 5 – Region of Peel Comments

### Minor Variance Application: A-41/21

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

Regional staff advise that A-41/21 does not conform to the general intent and purpose of the Region of Peel (ROP) Official Plan specifically with respect to Section 5.9 - The Transportation System in Peel and Section 5.6 - Employment Areas.

#### Section 5.9 - The Transportation System

The subject land is located within the Toronto – Lester B. Pearson International Airport Operating Area (AOA) 30 to 35 Noise Exposure Forecast (NEF) Contour. Policy 5.9.6.2.4 of the Region of Peel Official Plan prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Toronto Pearson International Airport Operating Area. The ROP provides an exemption to this general provision under Policy 5.9.6 that recognizes approved land uses and other considerations.

#### Section 5.6 - Employment Areas

The proposed minor variance to permit a private school is inconsistent with the Regional Official Plan Policy 5.6.2.7 regarding employment lands. Policy 5.6.2.7 seeks to protect and support existing and future employment areas in the vicinity of the Toronto Pearson International Airport, major highway interchanges and rail yards for manufacturing, warehousing and associated retail, office and ancillary facilities where appropriate. The introduction of a sensitive land use into an employment area may affect the operations or viability of existing and permitted employment uses on adjacent lands further undermining employment uses in the area.

Accordingly, Regional staff recommend that the Committee of Adjustment refuse the minor variance application in its current state.

Should the Committee of Adjustment proceed with approval of the application, Regional staff request that the Committee and city staff consider comments from the Greater Toronto Airport Authority (GTAA) and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

**Appendix 7 – Ministry of Transportation of Ontario**

For the above address, the change to the parking lot, the MTO has no concerns. No MTO Building Permit is required.

Comments Prepared by: Corey Caple, Corridor Management Officer

**Schedule 1****COMMITTEE OF ADJUSTMENT DECISION**

**City of Mississauga  
'A' - 209 / 15**

"A" 209/15  
Ward 5

**COMMITTEE OF ADJUSTMENT**

IN THE MATTER OF SECTION 45(1) OR (2)

of The Planning Act R.S.O. 1990, c.P.13, as amended

and -

IN THE MATTER OF ZONING BY-LAW 0225-2007

as amended

and -

IN THE MATTER OF AN APPLICATION BY KANCO-6850 GOREWAY LTD

on Thursday April 30, 2015

Kanco-6850 Goreway Ltd is the owner of Part of Block E, Registered Plan 919, located and known as 6850 Goreway Drive, zoned E2, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a private school use within a portion of the existing building; whereas By-law 0225-2007, as amended, makes no provisions for a private school use on the subject property in this instance.

Mr. B. Horosko, a representative of the authorized agent, attended and presented the application to permit alterations to the existing building on the subject property to accommodate the operation of a private school use. Mr. Horosko advised the Committee that the subject property was surrounded by a series of recreational parks and sports field uses. He explained that the property would primarily be operated by a racquetball facility and that sufficient space would be available on the property to include an ancillary private school use. Mr. Horosko indicated that the proposed private school was currently operating within Toronto and wished to relocate to Mississauga to service the surrounding community which they had

identified as a community lacking in such services and programs. He stated that the racquetball facility would offer recreational instruction and the private school would offer academic instruction in a symbiotic operation.

Mr. Horosko advised the Committee that he had reviewed the application against the "Four Tests" as prescribed by the Planning Act as was satisfied that the application satisfied these tests. He indicated that the Mississauga Official Plan designed the subject property for business employment purposes which permitted commercial schools. Mr. Horosko explained that the Zoning By-law also allowed commercial schools to operate on the subject property if they provided instructions in non-academic subjects such as sports. He indicated that it would be appropriate and desirable to allow for classrooms to be added to the existing building to allow for academic subjects to be also taught on the subject property in addition to sports instruction. It was Mr. Horosko's opinion that the proposed additional use was an appropriate ancillary use to the permitted commercial school uses and was desirable for the community.

Mr. Horosko advised the Committee that the subject property was located within the Toronto Pearson International Airport Operating Area which contained specific regulations and restrictions for operating sensitive land uses such as school within this area. He explained that an acoustical engineering report had been prepared that studied the noise effects that a private school being located within this defined area would experience and confirmed that the building would be altered with noise mitigation measures to sufficiently to address any noise concerns. He indicated that Greater Toronto Airports Authority had reviewed the application and indicated a series of conditions that should be implemented on any approval to address any long term noise impacts. Mr. Horosko confirmed that his client accepted any such conditions and suggested that the altered dwelling would contain all the necessary features required to mitigate noise on the private school.

Mr. Horosko advised the Committee that a portion of the subject property was partially located within a floodplain. He explained that the building was located a sufficient distance away from the floodplain line and would be enhanced with flood prevention measures. He confirmed that his client would work with Toronto and Region Conservation staff to address any of their concerns through the permit process.

Mr. Horosko noted that the subject property abutted a city owned parking lot that partially encroached onto his client's land. He explained that this parking lot was used for the adjacent recreational lands and confirmed that he had been in discussions with Community Services "Parks Planning staff to arrange for a mutually beneficial resolution.

Ms. G. Bush, a representative of the proposed private school, attended and suggested that the proposed location was appropriate as it was located adjacent to parkland and other recreational uses and would provide enhanced programs for a neighbourhood that was underserved. She noted she had been in discussion with Mayor Crombie and Councillor Parrish who supported the application. Ms. Bush confirmed that the private school would offer classes to students from kindergarten to the 12th grade and would have a variety of academic and non-academic programs. She anticipated the school to accommodate approximately 270 students.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (April 29, 2015):

## ?1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be refused.

## 2.0 BACKGROUND

## Mississauga Official Plan

Character Area: Northeast Employment Area Designation: Business Employment Discussion:

We note that the subject property is located in the 'Airport Operating Area' of Mississauga Official Plan. Section 6.9.2.4 of the Official Plan states that,

6.9.2.4 New development and redevelopment or infilling for hospitals, nursing homes, daycare facilities and public and private schools within the Airport Operating Area will not be permitted as a principal or accessory use.

The intent of the Official Plan policy that restricts schools in the Airport Operating Area is to ensure that sensitive land uses are not located in areas with high levels of aircraft noise.

### Zoning By-law 0225-2007

Zoning: "E2", Employment Discussion:

We advise that the intent of the Zoning By-law regarding permitted uses in Employment zones is to ensure that sensitive land uses are not established which could impact the operation of permitted employment uses. In this instance, the subject property is located in an area with other Employment zones, and the establishment of the proposed Private School may inhibit the operation of existing and future employment uses in the area. There are many areas in the City in which a Private School use is permitted, including residential, commercial, open space and institutional zones. We recommend that the applicant consider relocating the Private School to a permitted zone.

Further, we advise that the intent of the Zoning By-law regarding restrictions on private schools within the Airport Operating Area is to ensure that sensitive land uses are not located in areas with high levels of aircraft noise.

### 3.0 OTHER APPLICATIONS

0 Certificate of Occupancy File: Required - No application received

### 4.0 COMMENTS

We note that a Certificate of Occupancy is required and in the absence of a Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. We recommend that the applicant submit a Certificate of Occupancy application in order to ensure that all required variances have been accurately identified. We further advise that it appears the proposed Private School would be located within the Airport Operating Area identified in the Zoning By-law, therefore requiring an additional variance.

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the Official Plan or the Zoning By-law. It is not minor in nature, nor is it desirable for the appropriate development of the property. ?

The City of Mississauga Transportation and Works Department commented as follows (April 23, 2015):

?Information submitted with this application indicates that the applicant is requesting a minor variance



to permit the operation of a private school use within a portion of the existing building. Acknowledging that the proposed land use is changing from a less sensitive (commercial) to a more sensitive use (school), in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a complete Record of Site Condition (RSC; revised December 2009), including all supporting documents to the Transportation and Works Department. The RSC must also be posted to the Environmental Site Registry.

As a Record of Site Condition is required to be filed for this site in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a Phase I Environmental Site Assessment (ESA) to the Transportation and Works Department. The Phase I ESA Report must include a clause, or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report. The report must be sealed, signed and dated by a Qualified Person as defined by Ontario Regulation 153/04 as amended.

The applicant has also indicated that the multi-use facility will be owned by a private club which will also operate the club and recreational establishment and this should be clarified. The RSC is required for community use with youth focus (e.g. indoor sports field or gymnasium).

In view of the above, and should Committee see merit in the applicant's request we would request that condition of approval be that a letter be received from the Transportation and Works Department indicating that satisfactory arrangements have been made with our Environmental Engineering Section with regards to our requirements pertaining to providing a complete Record of Site Condition (RSC) and also a Phase I environmental Site Assessment (ESA).?

The City of Mississauga Community Services Department, Park Planning Section commented as follows (April 29, 2015):

?The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application. We note that the applicants' justification letter makes reference to the subject sites' proximity to City-owned Wildwood Park as a benefit to permitting the proposed uses within the building. The park is heavily used during peak hours, and undergoes an intensive maintenance regime during daytime hours to allow the park to be in healthy condition for the public. The proponent should not rely on the use of Wildwood Park to implement any proposed programming. Should the proponent wish to use the park for any programming, they will require all necessary permits to do so.

Should the Minor Variance application be approved, this Department wishes to impose the following condition:

1. The applicant shall enter into an appropriate agreement with the City to permit a portion of their parking area to encroach into Wildwood Park in exchange for the City's public use of the encroachment lands. If an agreement is not entered into, the parking spaces within Wildwood Park are to be removed and reinstated and appropriate fencing is to be installed to the satisfaction of the Community Services Department.?

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (April 28, 2015):

?Minor variance application A-209/15 does not conform to the general intent and purpose of the Regional Official Plan specifically with respect to Section 5.9 ? The Transportation System in Peel and Section 5.6 ? Employment Areas. The subject land is located within the Airport Operating Area 30 to 35 Noise Exposure Forecast (NEF) Contours. Policy 5.9.6.2.4 of the Region of Peel Official Plan prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Lester B. Pearson International Airport Operating Area. ROP Policy 5.9.6.2.6 enables local municipalities to define specific exceptions to this general provision provided that these exceptions are not located within the 35 NEF Contour. Mississauga's Official Plan, Policy 6.9.2.2 allows for limited residential expansion, but not for other types of sensitive land uses.

Furthermore, the proposed minor variance application for a private school is inconsistent with the Regional Official Plan Policy 5.6.2.7 regarding employment lands. Policy 5.6.2.7 seeks to protect and support existing and future employment areas in the vicinity of the Toronto Pearson International Airport, major highway interchanges and rail yards for manufacturing, warehousing and associated retail, office and ancillary facilities where appropriate. The introduction of a sensitive land use into an employment area may affect the operations or viability of existing and permitted employment uses on adjacent lands further undermining employment uses in the area. Accordingly Regional staff recommend that the Committee of Adjustment refuse the application as submitted.

Please also note the Region relies on the environmental expertise of the Toronto and Region Conservation Authority (TRCA) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the TRCA and incorporate any of their conditions of approval appropriately.

This property is within the vicinity of Hawker Siddeley landfill site. It is an inactive, private landfill located south of Derry, between Airport and Goreway. It has been cleaned to M.O.E. standards. No further information is available.?

Toronto and Region Conservation commented as follows (April 29, 2015):

?This letter will acknowledge receipt of the above noted application (received on April 22, 2015). Toronto and Region Conservation Authority (TRCA) staff has reviewed the application and the supporting materials and provide 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, (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses (as amended); and our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice.

#### Purpose of the Application

It is our understanding that the purpose of this application is to request the following variances:

1. To permit the establishment of a private school use within a portion of the existing building, whereas the proposed development is not a permitted use in the City of Mississauga Zoning Bylaw 0225-2007;

We understand the requested variances are required to permit the change of use in the existing building to private school (elementary and secondary - Junior Kindergarten to Grade 12) with auxiliary uses such as after-hours programming, summer camps, and dance/music studios.

#### Recommendation

As currently submitted, TRCA staff recommends deferral of the above noted application in order to provide an opportunity to arrange a meeting between City and TRCA staff and the applicant to discuss the proposed development as it pertains to the Regulatory Floodplain. There may be opportunities to remediate the flooding conditions on-site, but further discussion and analysis is needed. Should the Committee not grant a deferral of the application at the April 30, 2015 meeting, TRCA staff recommends denial of the application at this time. Please note, the applicant must submit the variance application fee of \$525.00 payable to Toronto and Region Conservation Authority.

#### Applicable TRCA Policies and Regulation

A portion of the subject lands are regulated by the TRCA under Ontario Regulation 166/06 for the associated floodplain and valley system of the Mimico Creek watershed, and are subject to the policies within TRCA's Living City Policies (LCP) for Planning and Development in the Watersheds of the TRCA. Based on our review, it appears the proposed development (which includes change of use) associated with this application is located within the regulated portion of the subject site. A TRCA permit will be required prior to any works commencing within the Regulated Area of the Mimico Creek Watershed.

#### Application Specific Comments

The PPS provides direction on all planning applications. According to subsection 3(5) and (6) of the Planning Act, all decisions made by a municipality and comments provided by the TRCA shall be consistent with the PPS. Through our MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Natural Resources & Forestry (MNRF), the

responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to the Conservation Authorities. In this delegated role, the TRCA is responsible for representing the Provincial interest on natural hazard matters where the Province is not involved. As part of our delegated role, the TRCA develops, implements and manages floodplain mapping and modeling within our jurisdiction. Mimico Creek traverses a portion of the adjacent properties to the south and west. Based on the engineered floodplain mapping and modeling for the site, a portion of the existing building falls within the Regulatory Floodplain. Typically, new development (including a change of use) is prohibited within the Regulatory Floodplain.

As such, TRCA staff cannot recommend approval of the above noted applications until opportunities are explored and feasible solutions are identified to remediate the flooding conditions on-site. We strongly recommend that the applicant contact the undersigned to arrange a meeting with City and TRCA staff to discuss the above noted applications, the proposed development and the necessary studies to determine the feasibility of the proposed development.

#### Conclusion

We thank you for the opportunity to review the subject applications and provide our comments as per our commenting and regulatory role. Further, we trust these comments are of assistance. TRCA will continue to work closely with the City of Mississauga, the applicant and their consultants to ensure that TRCA's expectations for meeting the above noted comments are met. We look forward to meeting with Town staff and the applicant in the near future.?

The Greater Toronto Airports Authority commented as follows (April 29, 2015):

?We have reviewed the request to authorize a minor variance to permit the operation of a private school on the subject property, and offer the following comments:

The subject property is located within the Toronto Pearson International Airport Operating Area and within the 30-35 NEF/NEP of the composite contour map for Toronto Pearson. Noise contours are produced to encourage compatible land use planning in the vicinity of airports. The Airport Operating Area (AOA) establishes the boundary of areas that are subject to high levels of aircraft noise. The official plans of both City of Mississauga and Region of Peel have incorporated aircraft noise policies to define restrictions on sensitive land use development within the AOA, aimed at minimizing community annoyance and protecting the operational integrity of the Airport. Sensitive land uses include residences, day care centres, public and private schools and health care facilities. This definition of sensitive land uses is consistent with the Provincial Policy Statement (Ministry of Municipal Affairs and Housing) and is more broadly addressed in TP1247 ? Land Use in the Vicinity of Airports (Transport Canada).

Accordingly, the Greater Toronto Airports Authority (GTAA) discourages the development of sensitive land uses within the AOA.

If authorization of a minor variance is granted by the Committee of Adjustment the GTAA requests, as a condition of approval, the completion of a noise impact study from a qualified noise engineer certifying

that the design drawings submitted for the proposed educational facilities are in compliance with all applicable Ministry of the Environment (MOE) noise guidelines (Publication NPC-300). In addition, the GTAA requests an acoustical certification from a qualified noise engineer that the building for the school is in compliance with all applicable MOE noise guidelines and the noise study referred to above. Furthermore, the GTAA requires warning clauses in student enrollment contracts and a warning sign on the property.

Should the City of Mississauga's Committee of Adjustment proceed with the authorization of a minor variance to permit the operation of a private school on the subject property, it should only do so once it has been established that the conditions stated in the previous paragraph will be met (as the result of a detailed noise analysis being undertaken and acoustic design features being incorporated into the building components).?

A memorandum was received from Mayor Crombie expressing her support for the subject application.

A memorandum was received from Ward Councillor Parrish expressing her support for the subject application.

A letter was received from B. Horosko, the Solicitor for the proposed operator of the private school indicating his review of the report provided by The Greater Toronto Airports Authority. Attached was an acoustical report outlining various technical observances of the proposal.

Mr. H. Lynch, a Planner for the Planning and Building Department, attended and advised the Committee that a Certificate of Occupancy application had not been filed by the applicant and he expressed his concern that additional variances may be required.

No other persons expressed any interest in the application.

Mr. Horosko confirmed that a record of site condition would be provided to the Transportation and Works Department for their review and they his client would be willing to accept any conditions of approval from staff as noted in their report.

Mr. Horosko suggested that in response to the concerns raised by Planning staff that that the proposed private school would be compatible with the surrounding lands that were within the E2 ? Employment lands. Mr. Horosko noted that the surrounding area contained recreational and office uses and it was Mr. Horosko's opinion that the proposed private school would not impede the ability of the surrounding land uses to operate.

Mr. Horosko requested for the application to be amended to include reference to the private school being operated within the Toronto Pearson International Airport Operating Area as prohibited by the Zoning By-law. He confirmed the amended application was correct and that he would like for the Committee to proceed with evaluating the merits of the application.

The Committee consented to the request and, after considering the submissions put forward by Mr. Horosko and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the building would be altered in a manner that would sufficiently address any concerns with noise associated with being located within the Toronto Pearson International Airport Operating Area. They referred to the acoustical report provided by Mr. Horosko as being supportive of such an assertion. The Committee noted that the outdoor recreational component of the private school would not be impacted by noise and referred to the adjacent municipally owned recreational lands as an indication that outdoor activity was not detrimentally impacted by any noise associated with the airport.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance. The Committee indicated that the Official Plan intended to prevent incompatible land uses from being located adjacent to each other to prevent health and safety concerns as well as impede employment activity among other things. The Committee observed that the surrounding area contained various office and recreational uses and suggested that the proposed private school was a compatible land use and would not be negatively impacted or cause such impact on the surrounding area.

The Committee is of the opinion that the amended request is minor in nature in this instance. Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a private school use within a portion of the existing building being located within the Toronto Pearson International Airport Operating Area; whereas By-law 0225-2007, as amended, makes no provisions for a private school use on the subject property and does not permit such a use within the Toronto Pearson International Airport Operating Area in this instance.

This decision is subject to the following conditions:

A letter shall be received from the Greater Toronto Airports Authority indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 29,

2015.

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 April 23, 2015.

MOVED BY:

J. Robinson SECONDED BY: D. George CARRIED Application Approved, as amended, on conditions as stated. Dated at the City of Mississauga on May 7, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE MAY 27, 2015.

Date of mailing is May 11, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 7, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached. NOTES:

A Development Charge may be payable prior to the issuance of a Building Permit.

Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A42.21  
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 owner of 5100 Satellite Drive, zoned E1-19 - 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 the construction on a 8 storey hotel proposing:

1. 240 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 272 parking spaces in this instance;
2. 1 loading space whereas By-law 0225-2007, as amended, requires a minimum of 4 loading spaces in this instance; and
3. A landscape buffer of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any

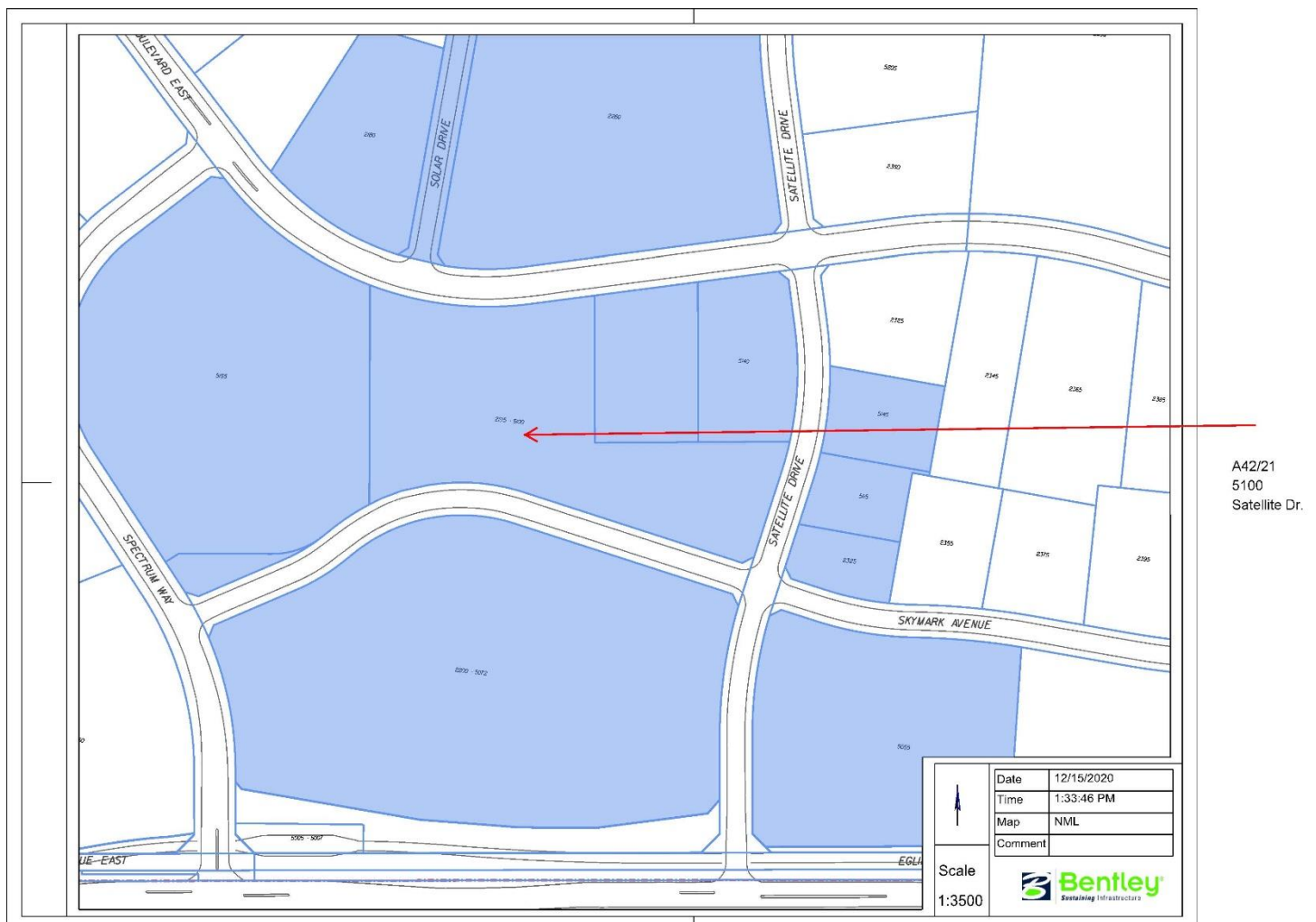
materials you wish to show the Committee during your presentation must be provided as an attachment to the email. Links to cloud services will not be accepted.

**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](mailto: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: 2021-02-10	File(s): A42.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 on a 8 storey hotel proposing:

1. 240 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 272 parking spaces in this instance;
2. 1 loading space whereas By-law 0225-2007, as amended, requires a minimum of 4 loading spaces in this instance; and
3. A landscape buffer of 1.28m (approx. 4.20ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance.

## Amendments

Zoning advises that the following variance(s) should be amended as follows:

3. A landscape buffer of 2.6m for that portion of the property line along Skymark Ave west of the driveway whereas By-law 0225-2007, as amended requires a minimum landscape buffer of 4.5m.

And the following be added:

4. A bike rack and a patio within the landscape buffer along Satellite Drive whereas By-law 0225-2007, as amended does not permit a bike rack or patio within a landscape buffer.

## Background

**Property Address:** 5100 Satellite Drive

### Mississauga Official Plan

Character Area: Airport Corporate Centre

Designation: Business Employment

### Zoning By-law 0225-2007

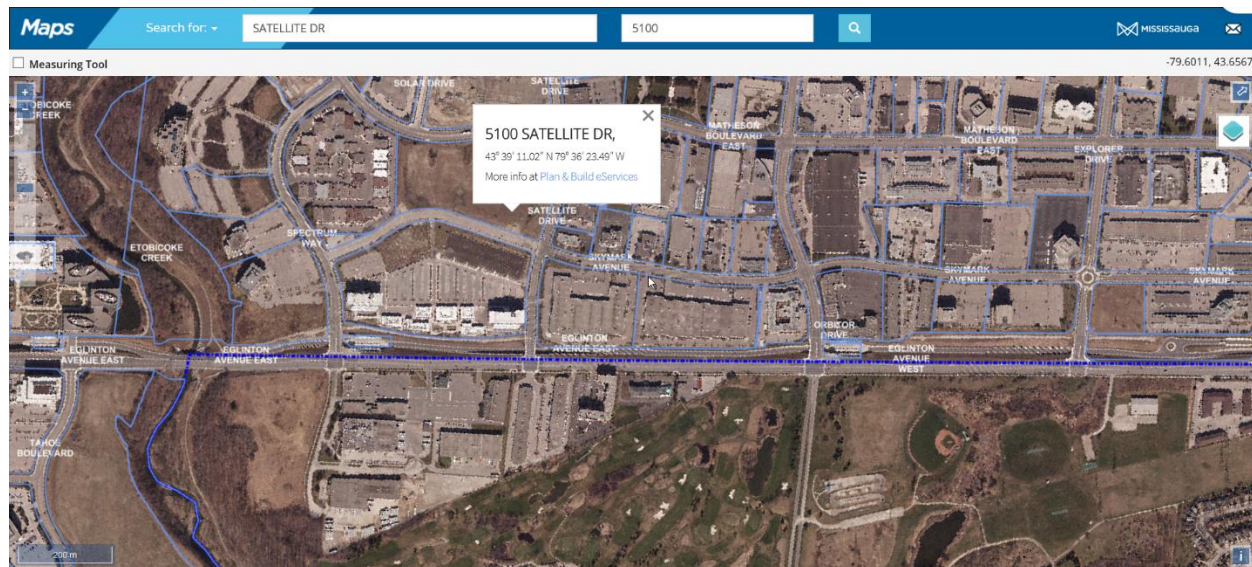
**Zoning:** E1-19 - Employment

**Other Applications:** SP 19-11 W5

### Site and Area Context

The subject property is currently vacant land located north-east of the Eglinton Ave, E. and Spectrum Way intersection. The property is an exterior parcel, with a lot area of +/- 14, 651.00m<sup>2</sup> and a lot frontage of +/- 90.61m. From a land-use perspective, the surrounding context is a mix of business and commercial uses including restaurants, office buildings and some retail. These properties possess minimal vegetation and landscaping near the periphery the lot line and lot frontages of +/- 100.0m

The applicant is proposing an 8 storey hotel which requires variances for parking, landscape buffer and load space.



## Comments

### Planning

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

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

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

The site is located within the Airport Corporate Centre Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (Business Employment), an overnight accommodation use is permitted. The Applicant's proposal of a hotel 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 #1 pertains to parking spaces:

As per Zoning By-law 0225-2007, the subject property is zoned E1-19 (Employment). In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), these provisions regulate the required parking rates for various 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.

City Planning Strategies Staff note that the proposed 8-storey hotel will provide a total of 248

units and 739.14m<sup>2</sup> of public use areas, requiring a total of 272 parking spaces. The requested variance is to reduce the parking provided by 32 spaces or 12% . A Transportation Study, prepared by NexTrans Consulting Engineers, dated, August 6, 2020, has been submitted in support of the application. NexTrans Consulting surveyed three proxy hotel sites with a similar site context as the proposed development. The proxy sites are as follows::

- 5515 Eglinton Avenue West
- 231 Carlingview Drive
- 3279 Caroga Drive

The three proxy sites were surveyed on:

- Friday, August 16, 2019, from 6:00pm to 1:00am
- Saturday, August 17, 2019, from 6:00pm to 1:00am

The peak parking demand was observed at 3279 Caroga Drive with a total of 156 parking spaces. The peak demand rate at this proxy site was 0.93 parking spaces per suite.

Based on the observed demand rate of 0.93 per suite, the proposed hotel would be required to provide a total of 231 parking spaces. The application is proposing a parking rate of 0.97 parking spaces per suite or a total of 240 parking spaces. The proposed parking rate exceeds the highest peak demands of the proxy hotel sites reviewed against this application.

Based upon the parking survey results, City Planning Strategies Staff as well as Planning Staff can support the requested variance to provide a total of 240 parking spaces.

Variance #2 pertains to loading spaces:

The intent of this portion of the bylaw is to ensure that temporary parking is adequately available to commercial motor vehicles for the loading and unloading of merchandise or materials with the appropriate means of access. The applicant deems one loading space to be sufficient to conduct their business based on anticipated delivers to the site. Planning Staff have no concerns of a planning nature.

Variance #3 pertains to minimum landscape buffer:

The intent of this portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. Planning Staff note the requested variance is for a small portion of the landscaped area located along Skymark Ave, west of the main entry driveway. The proposed reduction of the minimum landscape buffer is nominal in nature and poses no significant impact. Planning Staff echo Zoning's comments and recommend variance #3 be amended to the following:

3. A landscape buffer of 2.6m for that portion of the property line along Skymark Ave west of the driveway whereas By-law 0225-2007, as amended requires a minimum landscape buffer of 4.5m.

And the following be added:

4. A bike rack and a patio within the landscape buffer along Satellite Drive whereas By-law 0225-2007, as amended does not permit a bike rack or patio within a landscape buffer.

Planning staff note that Zoning has identified an additional variance for a bike rack and patio whereas the By-law does not permit either within a landscape buffer. Planning staff are of the opinion that the patio poses no significant impact to the surrounding land uses and advise no concerns of a planning nature. However, the bike rack shall be relocated to another area of the site, Staff recommending this be done through the site plan process.

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

While the Applicant is required to seek relief from multiple portions of the By-law, when viewed either individually or collectively, these are nominal in nature, and do not pose any significant negative impacts. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

## **Conclusion**

The City has no objection to the variances, as amended. 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

We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 19-11. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file 19-11. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

3. A landscape buffer of 2.6m for that portion of the property line along Skymark Ave west of the driveway whereas By-law 022-2007, as amended requires a minimum landscape buffer of 4.5m.

4. A bike rack and a patio within the landscape buffer along Satellite Drive whereas By-law 0225-2007, as amended does not permit a bike rack or patio within a landscape buffer.

Our comments are based on the plans received by Zoning staff on 09/04/2020 for the above captioned site plan 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: Sandra Morrison, Zoning Examiner

## Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A43.21  
Ward: 2

### 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 1302 Martley Drive, zoned R2-4 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new home on the subject property proposing:

1. A gross floor area of 449.16sq.m (approx. 4,834.72sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 374.15sq.m (approx. 4,027.32sq.ft) in this instance;
2. A height of 10.28m (approx. 33.73ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
3. A height to the eaves of 6.66m (approx. 21.85ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40m (approx. 21.00ft) in this instance; and
4. A combined width of side yards of 25% of the lot frontage whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:**

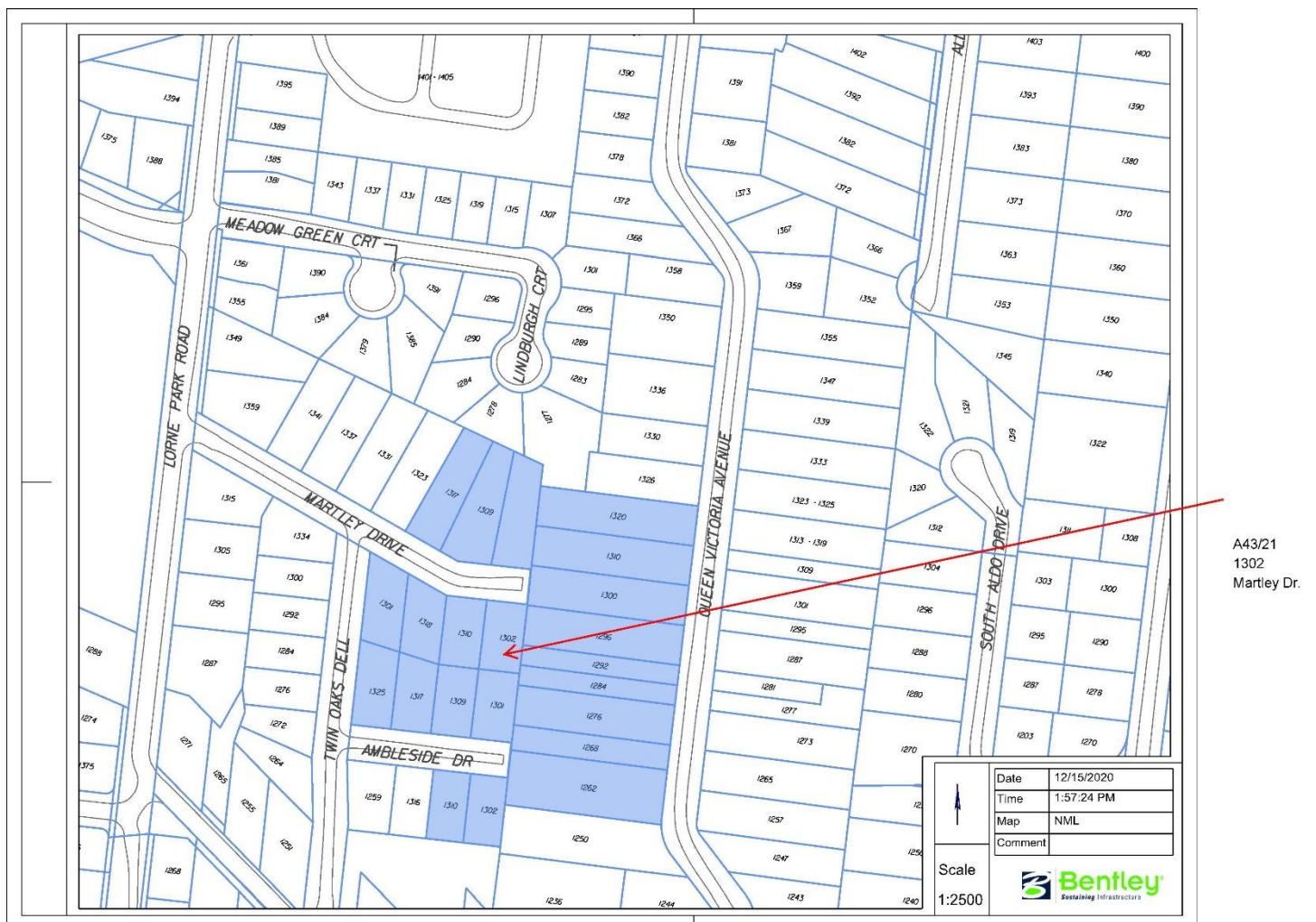
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Your comments are collected under the legal authority of the Planning Act R.S.O. 1990, Chapter c.P.13, as amended. Your comments regarding this application become the property of the City of Mississauga and will become part of the decision making process 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: 2021-02-10	File(s): A43.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

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

1. A gross floor area of 449.16sq.m (approx. 4,834.72sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 374.15sq.m (approx. 4,027.32sq.ft) in this instance;
2. A height of 10.28m (approx. 33.73ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
3. A height to the eaves of 6.66m (approx. 21.85ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40m (approx. 21.00ft) in this instance; and
4. A combined width of side yards of 25% of the lot frontage whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage in this instance.

## Background

**Property Address:** 1302 Martley Drive

### Mississauga Official Plan

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

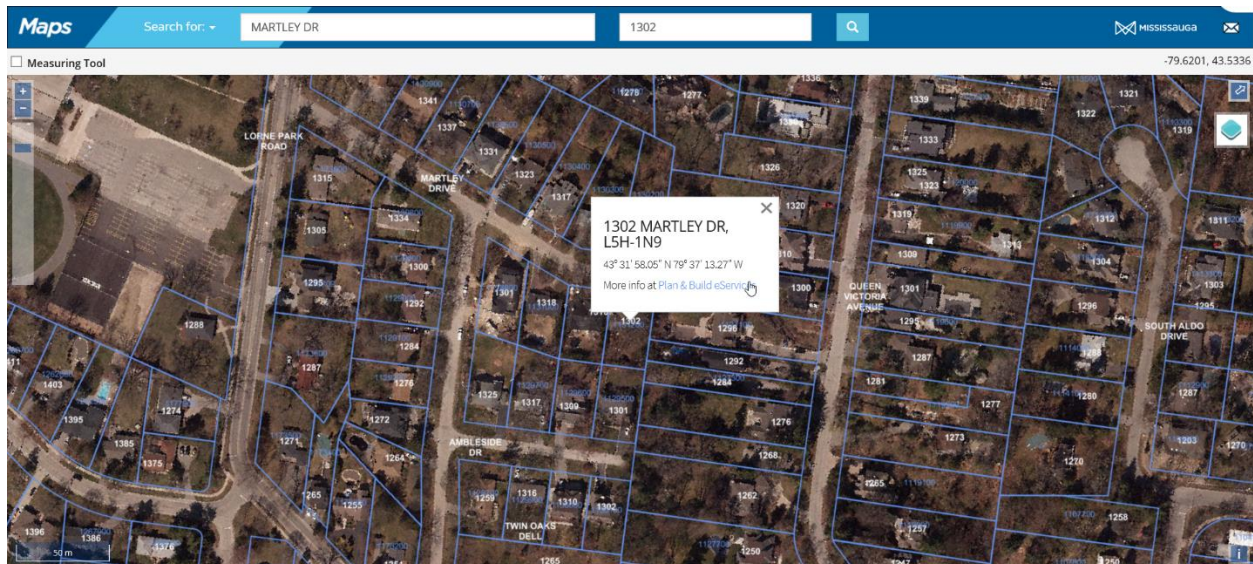
### Zoning By-law 0225-2007



**Zoning:** R2-4 (Residential)

## Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road and Truscott Drive. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with mature vegetation. The applicant is proposing a new two storey dwelling, requiring variances related to gross floor area, height and combined side yard width setback.



## Comments

### Planning

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

Staff comments concerning the application are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. As per Section 16.5.1.4 (Infill Housing), infill housing is encouraged to fit the scale and character of the surrounding area and to ensure that new development has minimal impact on its adjacent neighbours. The infill regulations are meant to ensure compatibility between existing and new dwellings. The proposed variances result in a dwelling that is out of scale with the surrounding neighbourhood and impacts the existing streetscape character. As such, staff recommends that the application be deferred to reduce the size of the dwelling.



## Conclusion

The Planning and Building Department recommends that the application be deferred.

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 proposed dwelling will be addressed through the future Site Plan Approval process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### 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 variances or determine whether additional variances 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 Examiner

### Appendix 5 – Region of Peel Comments

#### Minor Variance Application: A-43/21

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.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 8243 or by email at [diana.guida@peelregion.ca](mailto:diana.guida@peelregion.ca)

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A44.21  
Ward: 1

### 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 48 Cotton Drive, zoned R3-1 - Residential, has 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 an addition and garage on the subject property proposing:

1. A garage projection of 1.01m (approx. 3.31ft) beyond the front wall of the first storey, whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
2. An easterly side yard measured to the first and second storeys of 0.7m (approx. 2.3ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 4.0ft) to the first storey and 1.81m (approx. 5.94ft) to the second storey in this instance;
3. A westerly side yard measured to the second storey of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance; and
4. A combined width of side yards of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.8m (approx. 12.5ft) in this instance.

The Committee has set **Thursday February 18, 2021 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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# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A44.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances, as amended.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an addition and garage on the subject property proposing:

1. A garage projection of 1.01m (approx. 3.31ft) beyond the front wall of the first storey, whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
2. An easterly side yard measured to the first and second storeys of 0.7m (approx. 2.3ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 4.0ft) to the first storey and 1.81m (approx. 5.94ft) to the second storey in this instance;
3. A westerly side yard measured to the second storey of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance; and
4. A combined width of side yards of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.8m (approx. 12.5ft) in this instance.

## Amendments

Variance #2 should be split up into two separate variances as outlined below.

An easterly side yard measured to the first storey of 0.70 m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m in this instance;

An easterly side yard measured to the second storey of 1 m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m in this instance;



## Background

**Property Address:** 48 Cotton Drive

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R3-1 (Residential)

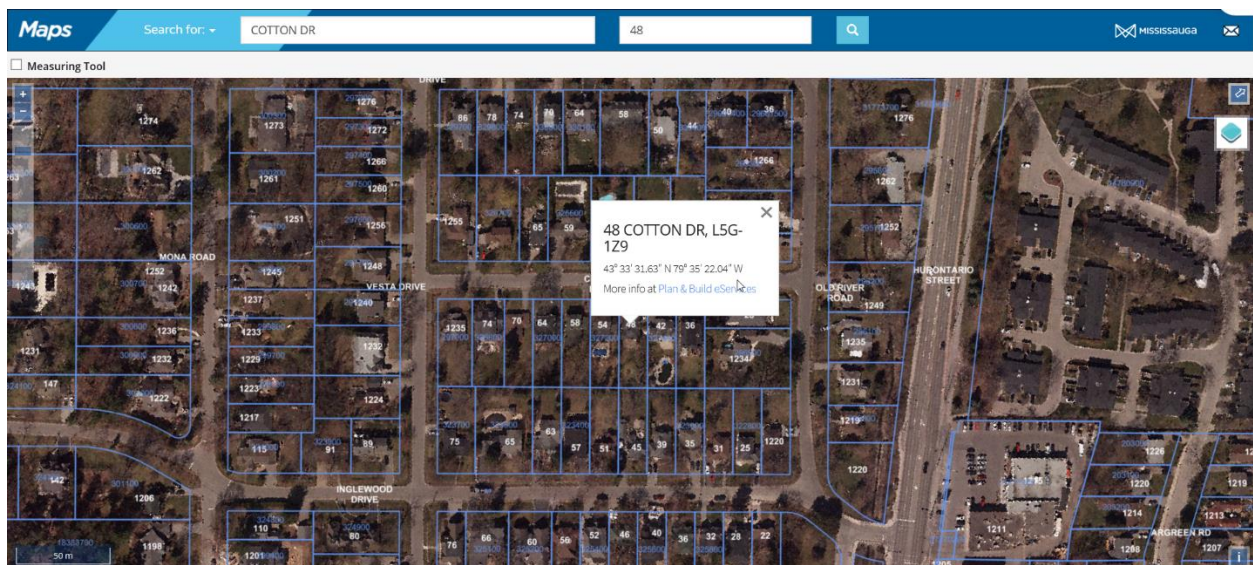
### Other Applications

Site Plan Application: 20-108

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southwest of Hurontario Street and Mineola Road West. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing a two storey addition to the easterly side and rear portion of the existing dwelling, requiring variances related to garage projection, and deficient side yards.



## 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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The policies within Section 16.18.1 in the Mineola Neighbourhood Character Area, speak to urban design policies regarding infill housing and states that new housing is encouraged to fit the scale and character of the surrounding area. The proposed dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole. The proposed dwelling maintains compatibility with newer two storey dwellings and preserves the infill housing policies within the MOP. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 proposes a garage projection of 1.01 m whereas a maximum of 0 m is permitted. The intent of the zoning by-law is to maintain a consistent streetscape while ensuring the garage is not the dominant feature of the dwelling. In this instance, the application proposes a one car garage that makes up a minor portion of the front façade which does not represent a dominant feature of the dwelling. Furthermore, the front covered porch maintains a setback greater than the projecting garage, limiting the overall impact of the requested projection, thereby maintaining a consistent streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #2 to 4 relate to the deficient side yards and combined side yard width. Through discussions with the applicant's agent, the second storey on the easterly side of the dwelling will be recessed back from the first storey, therefore proposing a setback of 1 m whereas 1.81 m is required. The setback of 0.70 m whereas 1.20 m is required will remain. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The dwelling maintains the existing side yard setback on the westerly side of the dwelling and does not encroach further into the side yard, minimizing any negative impact. Through a comprehensive review of the immediate area, similar deficiencies are present throughout the neighbourhood. As such, the proposed variances preserves the existing and

planned character of the surrounding neighbourhood and maintains a sufficient buffer to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed addition maintains compatibility with two storey dwellings within the immediate area and is in keeping with the surrounding neighbourhood and existing streetscape. The deficient setbacks are not out of character within the surrounding neighbourhood. The deficient side yard setbacks maintain a sufficient buffer to abutting properties and preserves access to the rear yard on the westerly side of the dwelling. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## **Conclusion**

The Planning and Building Department has no objections to the requested variances, as amended.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SPI-20/108. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing site plan approval application SPI 20-108. The variances requested are correct based on the review of the site plan approval plans received by Zoning staff on 11/24/2020.

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: Brian Bonner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A45.21  
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 66 Queen Street South, zoned C4-39 - Commercial, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a three storey condo proposing a front yard of 7.81m (approx. 25.62ft) whereas By-law 0225-2007, as amended, requires a maximum front yard of 3.00m (approx. 9.84ft) in this instance.

The Committee has set **Thursday February 18, 2021 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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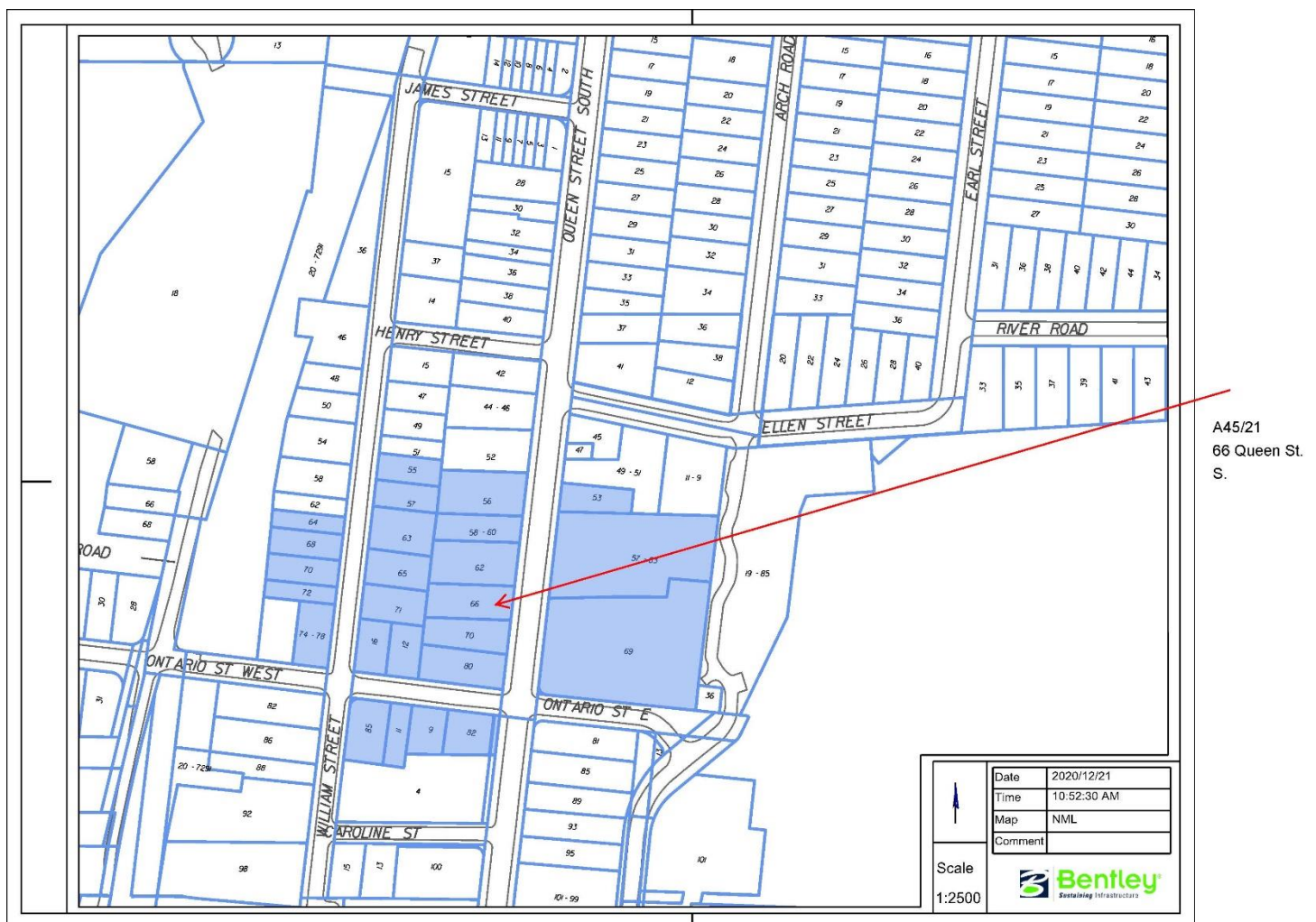
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## Legal notice:

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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: 2021-02-10	File(s): A45.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## 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 a three storey condo proposing a front yard of 7.81m (approx. 25.62ft) whereas By-law 0225-2007, as amended, requires a maximum front yard of 3.00m (approx. 9.84ft) in this instance.

## Background

**Property Address:** 66 Queen Street South

### Mississauga Official Plan

Character Area: Streetsville Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-39 - Commercial

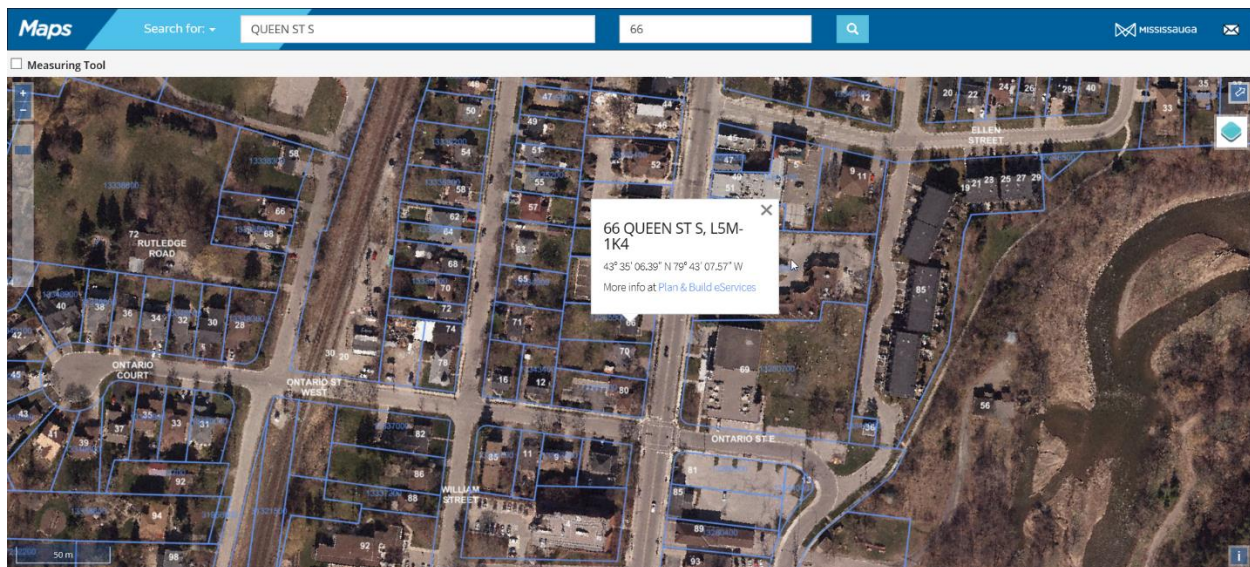
**Other Applications:** SP 20-114 W11

### Site and Area Context



The subject property is located north-west of the Queen St. S and Ontario St. E intersection. The property is an interior parcel with a lot area of +/- 960.0m<sup>2</sup> and a lot frontage of +/- 19.6m. It currently houses a one-storey, detached dwelling with minimal vegetation and landscape elements within the front and rear yards. Contextually, the area is in transition and is comprised of one and two-storey detached dwellings, a church and small a commercial plaza with minimal vegetation and landscape elements located along the periphery of the lots. The properties in the immediate area possess lot frontages of +/-20.0m.

The applicant is proposing a condominium building which requires a variance for the front yard.



## Comments

### Planning

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

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

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

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP) which permits residential uses. 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 condominium is located in an area of transition and a mix of uses. The proposed development is compatible with the surrounding area and does not pose significant impact to the abutting property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

As per Zoning By-law 0225-2007, the subject property is zoned C4-39 (Commercial). Pursuant to Table 6.2.1 (C1-C5 Permitted Uses and Zone Regulations), the maximum allowable front yard is 3.0m; whereas the applicant is proposing 7.81m. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. While the proposed 7.81m is larger than the permissible 3.0m regulated through the By-law; the proposed does not impact the surrounding neighbourhood or character of the streetscape because it proposes a similar setback to those surrounding it. As such, the setback of 7.81m will compliment the setback of the neighbouring designated heritage property by not overshadowing the prominence of the historic dwelling. The proposed also reflects a similar setback to the dwellings adjacent and across the street. The setback of 7.81m poses an insignificant impact and planning staff finds the variance minor in nature.

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

The proposed setback is consistent with the surrounding neighbourhood as such; the variance, as requested results in both the orderly development of the lands, and whose impacts will be minor in nature. Staff is of the opinion that the application raises no concerns of a planning 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 the MOP and Zoning By-law; is minor in nature; and, desirable for the orderly development of the lands. To this end, the Planning and Building Department 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.

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

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 20-114. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing site plan approval application SPI 20-114. More information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required based on the review of the site plan approval plans received by Zoning staff on 9/29/2020.

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: Brian Bonner, Zoning Examiner

### Appendix 4 – Heritage

The property is listed on the City's Heritage Register and adjacent to a property that is designated under the Ontario Heritage Act. The proposal has subject to a Heritage Impact Assessment as per the Mississauga Official Plan.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

**Minor Variance Applications:** A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A217.20  
Ward: 1

### 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 1033 Eastmount Avenue, zoned R3-75 - Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 38.2% 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;
2. An interior side yard measured to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. An exterior side yard measured to the garage face of 2.76m (approx. 9.06ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the garage face of 6.00m (approx. 19.69ft) in this instance;
4. A porch encroachment into the exterior side yard of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment into the exterior side yard of 1.60m (approx. 5.25ft) in this instance;
5. An exterior side yard of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance;
6. An encroachment into the exterior side yard for an architectural column of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, does not permit an encroachment into the exterior side yard for an architectural column in this instance;
7. An encroachment into the exterior side yard for a window well of 3.45m (approx. 11.32ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance;
8. An encroachment into the exterior side yard for a chimney of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance; and
9. An interior side yard measured to an A/C unit of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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](mailto: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.

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A217/20  
1033  
Eastmount  
Ave.



# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A217.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances, as amended.

## Application Details

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

1. A lot coverage of 38.2% 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;
2. An interior side yard measured to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;
3. An exterior side yard measured to the garage face of 2.76m (approx. 9.06ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to the garage face of 6.00m (approx. 19.69ft) in this instance;
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5. An exterior side yard of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00m (approx. 19.69ft) in this instance;
6. An encroachment into the exterior side yard for an architectural column of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, does not permit an encroachment into the exterior side yard for an architectural column in this instance;
7. An encroachment into the exterior side yard for a window well of 3.45m (approx. 11.32ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance;
8. An encroachment into the exterior side yard for a chimney of 3.30m (approx. 10.83ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance; and
9. An interior side yard measured to an A/C unit of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance.

## Amendments

Variance #1 should be amended as follows:

A lot coverage of 38.62% 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;

## Background

**Property Address:** 1033 Eastmount Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 (Residential)

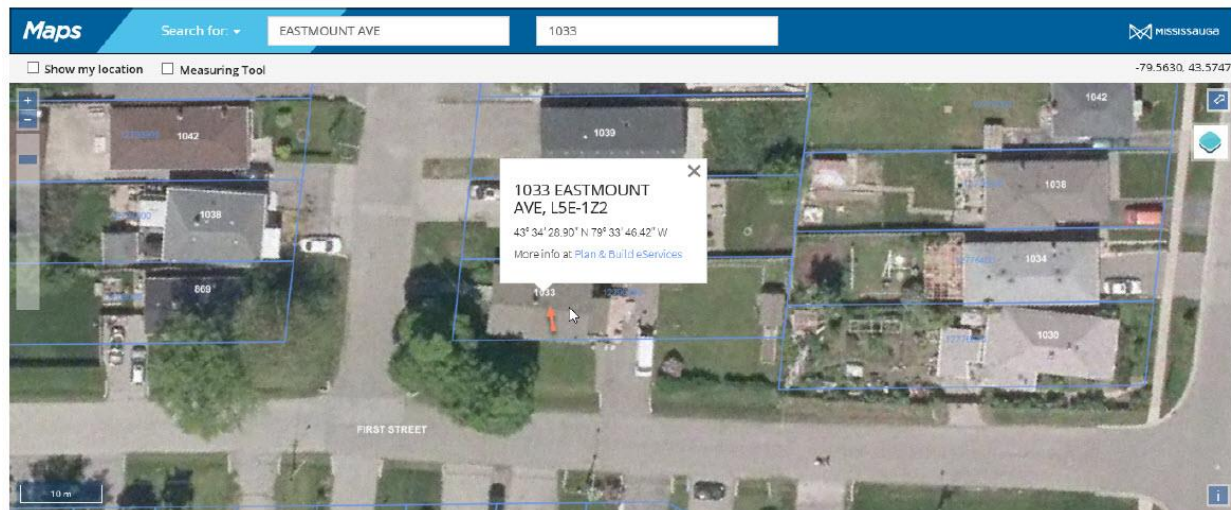
### Other Applications

Pre-Application: 20-1010

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood is mostly residential consisting of one and two storey detached dwellings with limited mature vegetation within the front yard. A mix of commercial and office uses are also present within the broader area along Lakeshore Road East. The subject property contains an existing one storey detached dwelling.

The application was previously deferred from the August 18<sup>th</sup>, 2020 Committee hearing to allow for the redesign of the dwelling in order to reduce the size of the dwelling. The amended application has reduced the lot coverage and removed the dwelling depth variance from the previous application. The subject application proposes a new two storey dwelling with a detached garage, requiring variances for lot coverage, deficient exterior and interior side yards.



## 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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. 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 dwelling represents similar existing conditions for corner lots throughout the neighbourhood regarding deficient exterior side yard setbacks. The proposed dwelling maintains the existing and planned character of the neighbourhood and does not negatively impact the streetscape character. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 proposes a lot coverage of 38.42% whereas a maximum of 35% is permitted. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot. In this instance, the lot coverage that exceeds the provision is directly attributed to the front covered porch and rear covered patio which make up approximately 5% of the total lot coverage.

Excluding these features, the dwelling would have a lot coverage of approximately 34%, maintaining the by-law regulation. The proposed covered porch and patio are open on three sides, thereby reducing the massing of the dwelling and any negative impact to the neighbouring property. Staff is of the opinion that the variance maintains the general intent and purpose of the zoning by-law.

The remaining variances relate to deficient exterior and interior side yard setbacks. A detailed review of the neighbourhood has revealed that many corner lots contain deficient exterior and interior side yard setbacks, thereby becoming an established characteristic of the neighbourhood. The proposed variances do not result in a building massing that will significantly impact the character of the streetscape and the neighbouring property. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the proposed variances raise no concerns of a planning nature in this instance.

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

The proposed dwelling maintains the existing and planned character of the neighbourhood and is similar to other corner lot dwellings within the immediate area. The increased lot coverage is attributed to the front covered porch and rear covered patio which does not present any massing concerns to the neighbouring property and the established streetscape. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances, as amended.

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 proposed addition will be addressed through the future Building Permit process. We note that the proposed location of the new garage will require access approval and possible removal of the shrubbery along First Street for site visibility issues.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-1010. Based on review of the information currently available for this building permit, we advise that the following variances should be amended as follows:

1. A lot coverage of 38.62% 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;

Our comments are based on the plans received by Zoning staff on 11/09/2020 for the above captioned building 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: A. McCormack

### **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Comments Prepared by: Diana Guida, Junior Planner





## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: "A" 358/20  
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 owners of 13 Thomas Street, zoned C4 - Commercial, 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 an addition on the subject property proposing:

1. 7 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 20 parking spaces in this instance; and
2. 1 accessible parking space whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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](mailto: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](mailto: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: 2021-02-10	File(s): A358.20 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an addition on the subject property proposing:

1. 7 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 20 parking spaces in this instance; and
2. 1 accessible parking space whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces in this instance.

## Background

**Property Address:** 13 Thomas Street

### Mississauga Official Plan

Character Area: Streetsville Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4 - Commercial

**Other Applications:** None

### Site and Area Context

The subject property is located south-west of the Queen St. S. and Thomas St. intersection. It is an interior parcel with a lot area of +/- 757.5m<sup>2</sup> and a lot frontage of +/- 29.57m. The property currently houses a two-storey, detached dwelling with minimal vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised of two-storey detached dwellings, a masonic lodge and a small commercial plaza in the immediate vicinity. Generally the properties in the area have a lot frontage of +/-20.0m and possess minimal vegetation and landscape elements in the front yards.

The applicant is proposing a medical office building that requires a parking variance.





## Comments

### Planning

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

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

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

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP) which permits a medical office as a secondary office. 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 addition of a medical clinic is compatible with the surrounding area and does not pose significant impact to the abutting properties as a secondary office. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 pertains to parking spaces:

As per Zoning By-law 0225-2007, the subject property is zoned C4 (Commercial). In accordance with Table 3.1.2.2 (Required Number of Parking Spaces for Non-Residential Uses), this zone regulates the required parking rates for various uses on this site. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 20 parking spaces are required; whereas, the applicant is providing 7 parking spaces. This is a reduction of 13 parking spaces represents a 65% deficiency.

City Planning Strategies Staff note, the subject site is a heritage designated property that currently has 7 parking spaces onsite. The configuration of the subject site restricts the addition of parking spaces and an increased GFA to permit the construct of the proposed building addition to the building, which contributes to the parking variance.

Staff met with the agent, David Peterson from David Peterson Architect Inc., on December 15, 2020, to understand the business operations and function of the proposed use, "Smiles from Ear to Ear" denture and hearing aid office. The agent, David Peterson, explained that the business is not a typical medical office - it is specialized. The patients are all booked by appointment only and there is no overlap in appointments in order to manage the flow of patients requiring parking. The agent further explained that the subject property is designed to

model business operations of the applicant's existing Smiles from Ear to Ear location in Toronto, which has been successfully operating for a long time. Staff agreed the Toronto location would be an appropriate proxy site and recommended that appointment logs before COVID-19 be submitted to further explain the business operations for the proposed site.

Planning Staff agree with City Planning Strategies Staff that the proposed denture and hearing aid office is unique and specialized, and are satisfied with the submitted information to justify that the onsite parking spaces can accommodate the maximum parking demand in this specific instance. Based on the submitted information, staff can support the requested variance to provide a total of 7 parking spaces.

Variance #2 pertains to accessible parking spaces:

The intent of this portion of the bylaw is to accommodate people with disabilities and/or mobility issues who hold accessible parking permits. Planning Staff have evaluated the proposed accessible parking spaces by the same rate as the parking reduction and note only one parking space shall be required. Variance #2 as requested meets the general purpose and intent of the zoning by-law.

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

The variances for parking reductions result in both the orderly development of the lands, and whose impacts will be minor in nature. Further, the application raises no concerns of a planning nature.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, 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.

Comments Prepared by: Brooke Herczeg RPP, 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 subject property will be addressed through the future Site Plan Approval and Building Permit process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning certificate application under file 19-5283. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Comments Prepared by: Marco Palmera, Zoning Examiner

### Appendix 4 – Heritage

The property is designated under the Ontario Heritage Act. A heritage permit has been issued for the proposed alteration to the property. Heritage Planning supports the subject request.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A379.20  
Ward: 1

### 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 185 Maplewood Road, zoned R1-2 - Residential, has 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 gross floor area of 512.20sq.m (approx. 5,513.28sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 467.01sq.m (approx. 5,026.85sq.ft) in this instance;
2. A lot coverage of 25.35% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance;
3. A height of 7.20m (approx. 23.62ft) to the eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
4. A dwelling depth of 22.49m (approx. 73.79ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and
5. A front yard measured to a porch, inclusive of stairs, of 10.05m (approx. 32.97ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch, inclusive of stairs, of 10.40m (approx. 34.12ft) in this instance.

The Committee has set **Thursday February 18, 2021 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](mailto: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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:**

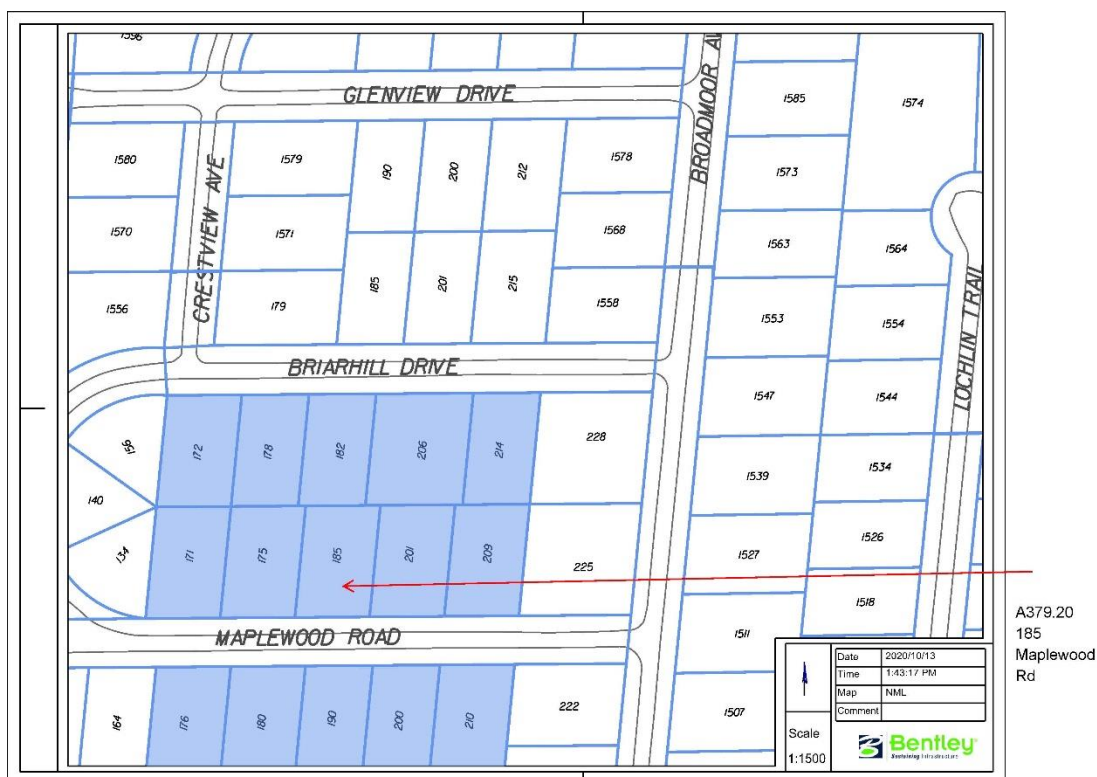
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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](mailto: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: 2021-02-10	File(s): A379.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the variances.

## 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 gross floor area of 512.20sq.m (approx. 5,513.28sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 467.01sq.m (approx. 5,026.85sq.ft) in this instance;
2. A lot coverage of 25.35% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance;
3. A height of 7.20m (approx. 23.62ft) to the eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
4. A dwelling depth of 22.49m (approx. 73.79ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance; and
5. A front yard measured to a porch, inclusive of stairs, of 10.05m (approx. 32.97ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch, inclusive of stairs, of 10.40m (approx. 34.12ft) in this instance.

## Background

**Property Address:** 185 Maplewood Road

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

**Zoning By-law 0225-2007**

**Zoning:** R1-2 (Residential)

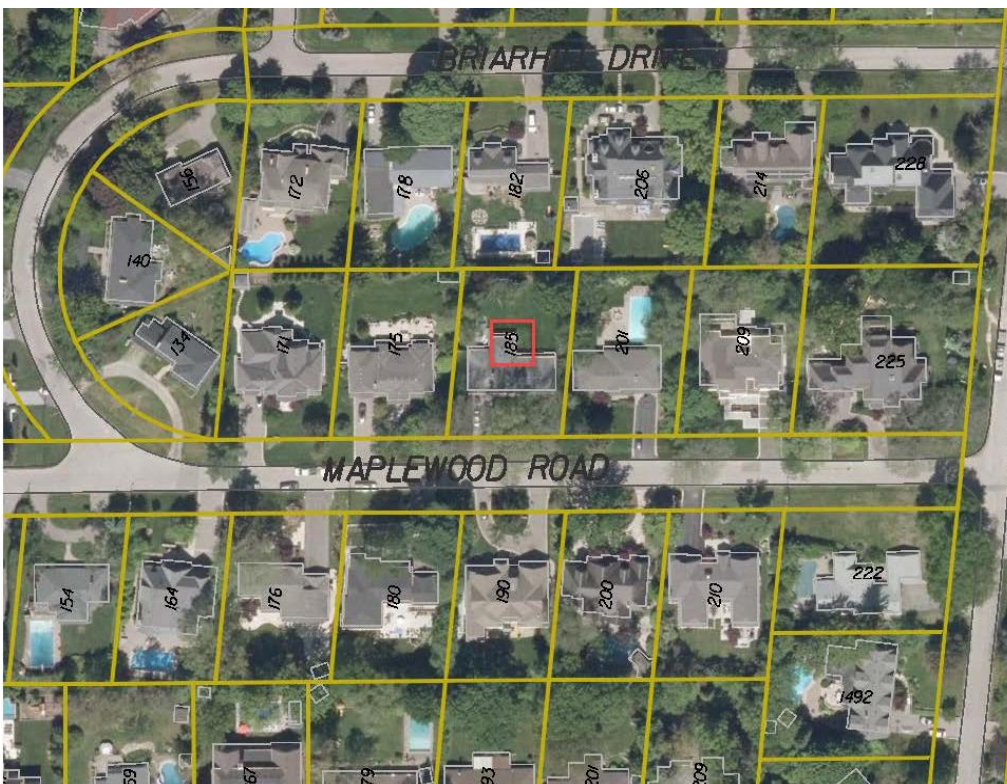
**Other Applications**

Site Plan Application: 20-95

**Site and Area Context**

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Hurontario Street and South Service Road. The neighbourhood is entirely residential consisting of large lots, containing one storey and newer two storey detached dwellings with mature vegetation. The subject property contains an existing one storey detached dwelling with mature vegetation in the front yard.

The application was previously deferred to reduce the overall size of the dwelling. The applicant has revised the drawings and requires variances related to gross floor area, eave height, lot coverage, front yard setback, and dwelling depth.



## Comments

### Planning

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

Staff comments concerning the application 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. As per Section 16.18.1 of the Mineola Neighbourhood Character Area policies, new housing is encouraged to fit the scale and character of the surrounding area. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, maintaining the context of the neighbourhood. Staff is of the opinion that the variances 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 and 3 propose a gross floor area of 512.20 m<sup>2</sup> whereas a maximum of 467.01 m<sup>2</sup> and an eave height of 7.20 m whereas a maximum of 6.40 m is permitted. The intent of the infill regulations regarding GFA and height is to maintain compatibility between existing and new dwellings while also lessening the visual massing of the dwelling and bringing the edge of the roof closer to the ground. This effect results in a dwelling that has a more human scale. In this instance, the overall height of the dwelling maintains the by-law provisions of 9.50 m, which reduces the impact of the increased eave height. The proposed dwelling maintains the existing character of the neighbourhood in regards to massing and does not significantly alter the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances represent technicalities that do not significantly impact the streetscape character. The increased lot coverage is due to the covered porches which make up approximately 4.60% of the total coverage. The dwelling footprint maintains a lot coverage less than the permitted 25%. Regarding the dwelling depth, the increase is measured to a below grade storage room which does not add any visual massing above grade, which reduces the impact of a long wall abutting the neighbouring property. Finally, the deficient front yard is measured to the stairs of the front porch. The main face of the dwelling maintains a front yard setback of 12 m. As such, the proposed variances raise no concerns of a planning nature and are appropriate to be handled through the Committee of Adjustment process.



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

The proposed dwelling maintains the existing and planned character of the surrounding neighbourhood. The dwelling contains architectural features that separate the first and second storey of the dwelling, mitigating the overall massing of the structure and fitting into the established streetscape character. The dwelling maintains the overall dwelling height of 9.50 m, lessening the impact of the increased eave height. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

**Conclusion**

The Planning and Building Department has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the variances.

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 proposed dwelling are being addressed through the Site Plan Application process, File SP-20/095.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing site plan approval application SPI 20-95. More information is required to verify the accuracy of the requested variances or determine whether additional variances will be required based on the review of the site plan approval plans received by Zoning staff on 11/16/2020.

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: Brian Bonner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Comments Prepared by: Diana Guida, Junior Planner



## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

File: A394.20  
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 C3-1 - Commercial & E2 - Employment, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow an 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 February 18, 2021 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 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](mailto:committee.adjustment@mississauga.ca) or by mailing the Committee of Adjustment, 300 City Centre Drive 2<sup>nd</sup> 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:

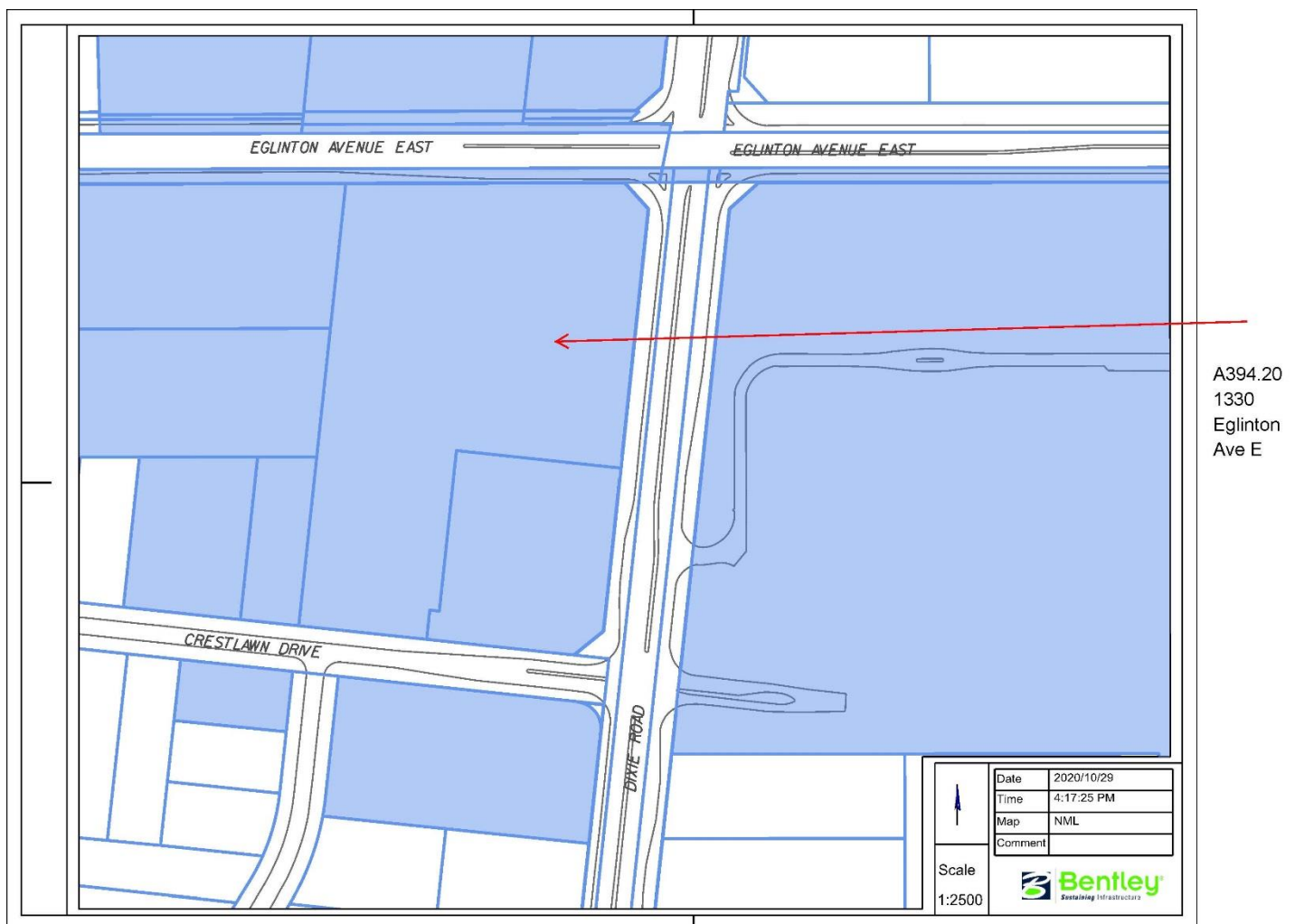
**To participate electronically (computer, tablet or smartphone):** Please email [committee.adjustment@mississauga.ca](mailto:committee.adjustment@mississauga.ca) no later than 4:30pm the Tuesday prior to the hearing. Any materials you wish to show the Committee during your presentation must be provided 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:

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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: 2021-02-10	File(s): A394.20 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred to allow outstanding matters to be addressed by Zoning.

## 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

### Mississauga Official Plan

Character Area: Northeast Employment Area (West)  
Designation: Business Employment, Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C3-1 - Commercial & 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. It is an exterior parcel with a lot area of +/- 35,086.25m<sup>2</sup> and a lot frontage of +/- 158.99m. From a land-use perspective, the immediate neighbourhood along this portion of Eglinton Avenue East consists of a mixture of multi-tenant commercial plazas; however, the neighboring section of Dixie Road provides a transitional area that includes both office-industrial and warehouse-industrial land-uses being present.

The applicant is proposing an indoor karting facility, requiring a variance for a reduction in parking spaces.





## Comments

### Planning

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

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

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

The site is located within the Northwest Employment 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. The applicant is requesting permission for a recreational establishment (indoor go karting facility) with a total of 34 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 175 parking spaces onsite in this instance. This is a significant reduction of 141 parking spaces or 81% deficiency.

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 required additional information at that time and the application was deferred at the December 10<sup>th</sup> Hearing. An updated Parking Utilization Study (PUS) prepared by NexTrans Consulting Engineers, dated, December 18, 2020 has been submitted in support of this application. However, the submitted information regarding parking requirements cannot be confirmed by Zoning. The variance, as requested is specific to the proposed use in unit one and there is a total of 5 buildings on the site. Staff are evaluating the variance for the entire site, and cannot confirm the parking deficiency for the entire site for all the uses.

Planning Staff note that there are still outstanding matters to be addressed with Zoning to confirm all the uses and existing GFA on the property. Staff recommend the application be deferred so Zoning can confirm the accuracy of the variance.

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

As the submitted information has yet to be confirmed by zoning, 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.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the application be deferred to allow the outstanding matters to be addressed with Zoning.

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

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A 394/20.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file 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 11/30/2020 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, Zoning Examiner

### Appendix 5 – Region of Peel

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Comments Prepared by: Diana Guida, Junior Planner