



AGENDA

PLANNING & DEVELOPMENT COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, MARCH 18, 2013 - 7:00 P.M.

COUNCIL CHAMBER, 2ND FLOOR - CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

<http://www.mississauga.ca>

Members

Mayor Hazel McCallion	
Councillor Jim Tovey	Ward 1
Councillor Pat Mullin	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor Frank Dale	Ward 4
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Katie Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11 (Chair)

Mumtaz Alikhan, Legislative Coordinator, Office of the City Clerk

905-615-3200 ext. 5425 / Fax 905-615-4181

email: mumtaz.alikhan@mississauga.ca

PLANNING & DEVELOPMENT COMMITTEE – MARCH 18, 2013

CALL TO ORDER

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST

MATTERS TO BE CONSIDERED

1. Sign Variance Applications – Sign By-law 0054-2002, as amended
File: BL.03-SIG (2011)

2. 2013 Employment Profile, 2013 Vacant Lands Profile and 2013 Existing Land Use Profile
File: CD.15.MIS

3. PUBLIC MEETING
Information Report - Rezoning Application to permit a Private Elementary School, 935 Eglinton Avenue West and Block 127, 43M-1034, North side of Eglinton Avenue West, West of Terry Fox Way
Owners: Masjid-e Farooq-e Azam Mississauga & Makkah Holdings Inc.
Applicant: Macaulay Shiomi Howson Ltd., **Bill 51** (Ward 6)
File: OZ 09/009 W6

4. Appeal to the Ontario Municipal Board - Committee of Adjustment Decision on Minor Variance Application 'A' 040/13 W2, Darval Holdings, 2213 North Sheridan Way, North of Queen Elizabeth Way and west of Erin Mills Parkway (Ward 2)
File: 'A' 040/13 W2

5. Appeal to the Ontario Municipal Board – Committee of Adjustment Decision on Consent Application "B" 6/13 W1 and Minor Variance Applications 'A' 11/13 and 'A' 12/13 W1, Delfim and Maria Fernandes, 372 South Service Road, South of Queen Elizabeth Way, east of Hurontario Street (Ward 1)
File: B '6'/13 W1, 'A' 11/13 & 'A' 12/13 W1

6. Appeal to the Ontario Municipal Board – Committee of Adjustment Decision on Consent Application 'B' 5/13 W1 and Minor Variance Applications 'A' 9/13 and 'A' 10/13, Freida and Emma Fischer, 1238 Strathy Avenue, North of Lakeshore Road East, east of Cawthra Road (Ward 1)
File: 'B' 5/13 W1, 'A' 9/13 & 'A' 10/13 W1

ADJOURNMENT



Corporate Report

PLANNING & DEVELOPMENT COMMITTEE
MAR 18 2013

Clerk's Files

Originator's
Files

BL.03-SIG (2011)

1-1

DATE: March 4, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Sign By-law 0054-2002, as amended**
Sign Variance Applications

RECOMMENDATION: That the report dated March 4, 2013 from the Commissioner of Planning and Building regarding Sign By-law 0054-2002, as amended, and the requested seven (7) Sign Variance Applications described in Appendices of the Report, be adopted in accordance with the following:

1. That the following Sign Variances **be granted**:

- (a) Sign Variance Application 12-03068
Ward 1
W.E. Oughtred & Associates/Churchill Property
Management
1310 Dundas St. E.

To permit the following:

- (i) Twelve (12) fascia signs installed above the upper limit of the first storey.

- (f) Sign Variance Application 12-03355
Ward 9
A&W
2920 Argentia Road

To permit the following:

- (i) One (1) gateway drive-thru pylon structure.

- (g) Sign Variance Application 12-03195
Ward 11
Fionn MacCool's
825 Britannia Rd. W.

To permit the following:

- (1) The proposed sign area of the signs located on the south elevation is 24.75% of the building façade whereas 20% is permitted.
- (ii) The proposed sign area of the signs located on the east elevation is 19.4% of the building façade whereas 15% is permitted.

BACKGROUND:

The *Municipal Act* states that Council may, upon the application of any person, authorize minor variances from the Sign By-law if in the opinion of the Council the general intent and purpose of the By-law is maintained.

COMMENTS:

The Planning and Building Department has received seven (7) Sign Variance Applications (see Appendices 1 to 7) for approval by Council. The applications are each accompanied by a summary page prepared by the Planning and Building Department which includes information pertaining to the site location; the applicant's proposal; the variance required; an assessment of the merits (or otherwise) of the application; and a recommendation on whether the variance should or should not be granted.

FINANCIAL IMPACT: Not applicable.

CONCLUSION:

Council may authorize minor variances from Sign By-law 0054-2002, as amended, if in the opinion of Council, the general intent and purpose of the By-law is maintained. Sign By-law 0054-2002, as amended, was passed pursuant to the *Municipal Act*. In this respect, there is no process to appeal the decision of Council to the Ontario Municipal Board, as in a development application under the *Planning Act*.

ATTACHMENTS:

- APPENDIX 1: W.E. Oughtred & Associates/
Churchill Property Management
Appendix 1-1 to 1-6
- APPENDIX 2: Creekside Crossing
Appendix 2-1 to 2-7
- APPENDIX 3: Sheridan College
Appendix 3-1 to 3-8
- APPENDIX 4: Mantella Corporation
Appendix 4-1 to 4-8
- APPENDIX 5: Mantella Corporation
Appendix 5-1 to 5-8
- APPENDIX 6: A&W
Appendix 6-1 to 6-5
- APPENDIX 7: Fionn MacCool's
Appendix 7-1 to 7-8



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Mark Toliao, Acting Supervisor, Sign Unit





SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

January 23, 2013

FILE: 12-03068

RE: **W.E. Oughtred & Associates/Churchill Property Management**
1310 Dundas St. E. – Ward 1

The applicant requests the following variance to Section 17 of the Sign By-law 0054-2002, as amended.

Section 17(3)	Proposed
A fascia sign shall be erected no higher than the upper limit of the first storey of a building.	Twelve (12) fascia signs installed above the upper limit of the first storey.

COMMENTS:

A sign variance proposal to allow twenty-four (24) fascia signs for the second storey under permit application #10-3468 was refused at a Planning and Development Committee meeting held June 13, 2011. (Resolution No. 0167-2011).

The proposed variance has been revised to allow 12 fascia signs located above the second storey of the two storey portion of a mixed commercial building. The twelve (12) proposed signs are consistent with the number of second floor tenants (12) located on the street frontage of the building. The signs are evenly spaced and designed in a manner which respects the architecture of the building. The Planning and Building Department therefore finds the variance acceptable from a design perspective.

1-6
R3068

W. E. OUGHTRED and Associates Inc.
Real Estate Analyst / Development Consultant

January 17, 2013

City of Mississauga
300 City Centre Drive
Mississauga, ON
L5B 3C1

Attention: Wayne Nishihama
Manager, Urban Design

Dear Wayne:

Re: **2nd Floor Sign Variance 10 3468**
1310 Dundas Street East
City of Mississauga

BUILDING DIVISION		
BUILDING		
DEPT. FILE:		
DATE RECD	JAN 18 2013	
ROUTE TO:	REC'D BY:	DATE:

Further to our telephone conversation on January 11th with regards to the above-noted property, please accept this letter as confirmation that we wish to revise the sign variance application to request only twelve (12) signs on the 2nd floor elevation as opposed to the initial application for 21.

In support of this request, please find enclosed the following:

1. Three (3) copies of the revised full size elevation showing twelve (12) 2nd floor sign plans.
2. Three (3) reductions.

We have eliminated every 2nd sign in order to reduce the number of signs down to twelve. As documented in the various pictures we previously provided of the original signage on the property, there existed twelve (12) signs on the 2nd floor level. Thus we feel that the revision to request exactly what previously existed makes sense.

The new signage will be uniform, and will be evenly spaced along the 2nd floor frontage. Thus is certainly better than the previous configuration of signage as shown in the pictures, that were varying sizes and unevenly distributed on the façade of the building.

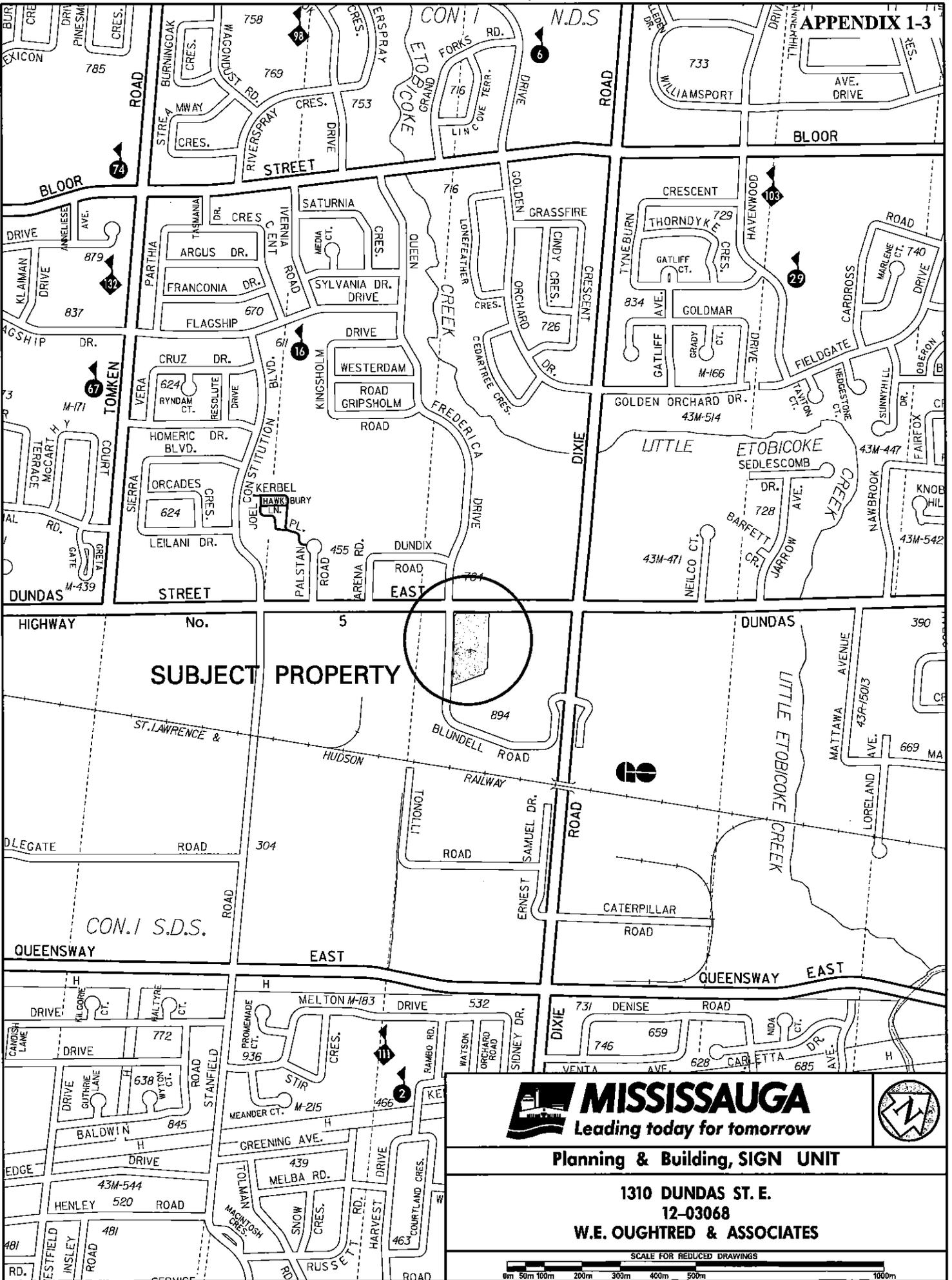
The signs on the 2nd floor, if approved, will be used for the units that are immediately adjacent to the front façade and not the units that face south. Our clients are in agreement with this condition.

We will also submit three (3) copies of the revisions to Mark Toliaio in the Building Department for his files. As discussed, we are hoping the report can be prepared and go forward on the February 27th PD&C meeting.

Please contact the office at (905) 822-5644 should you have any questions or require additional information.

Regards,


Wm. Oughtred
W.E. Oughtred & Associates Inc.



SUBJECT PROPERTY

MISSISSAUGA
 Leading today for tomorrow

Planning & Building, SIGN UNIT

1310 DUNDAS ST. E.
 12-03068
W.E. OUGHTRED & ASSOCIATES

SCALE FOR REDUCED DRAWINGS
 0m 50m 100m 200m 300m 400m 500m 1000m

SURVEYOR'S REAL PROPERTY REPORT
 PART 1, PLAN OF
 PART OF LOT 6, CONCESSION 1 SOUTH OF DUNDAS STREET
 AND PART OF BLOCK A, REGISTERED PLAN 894
 (FORMERLY IN THE GEOGRAPHIC TOWNSHIP OF TORONTO, COUNTY OF PEEL)
 NOW IN THE CITY OF MISSISSAUGA
 REGIONAL MUNICIPALITY OF PEEL

SCALE 1: 750

DUNDAS STREET EAST

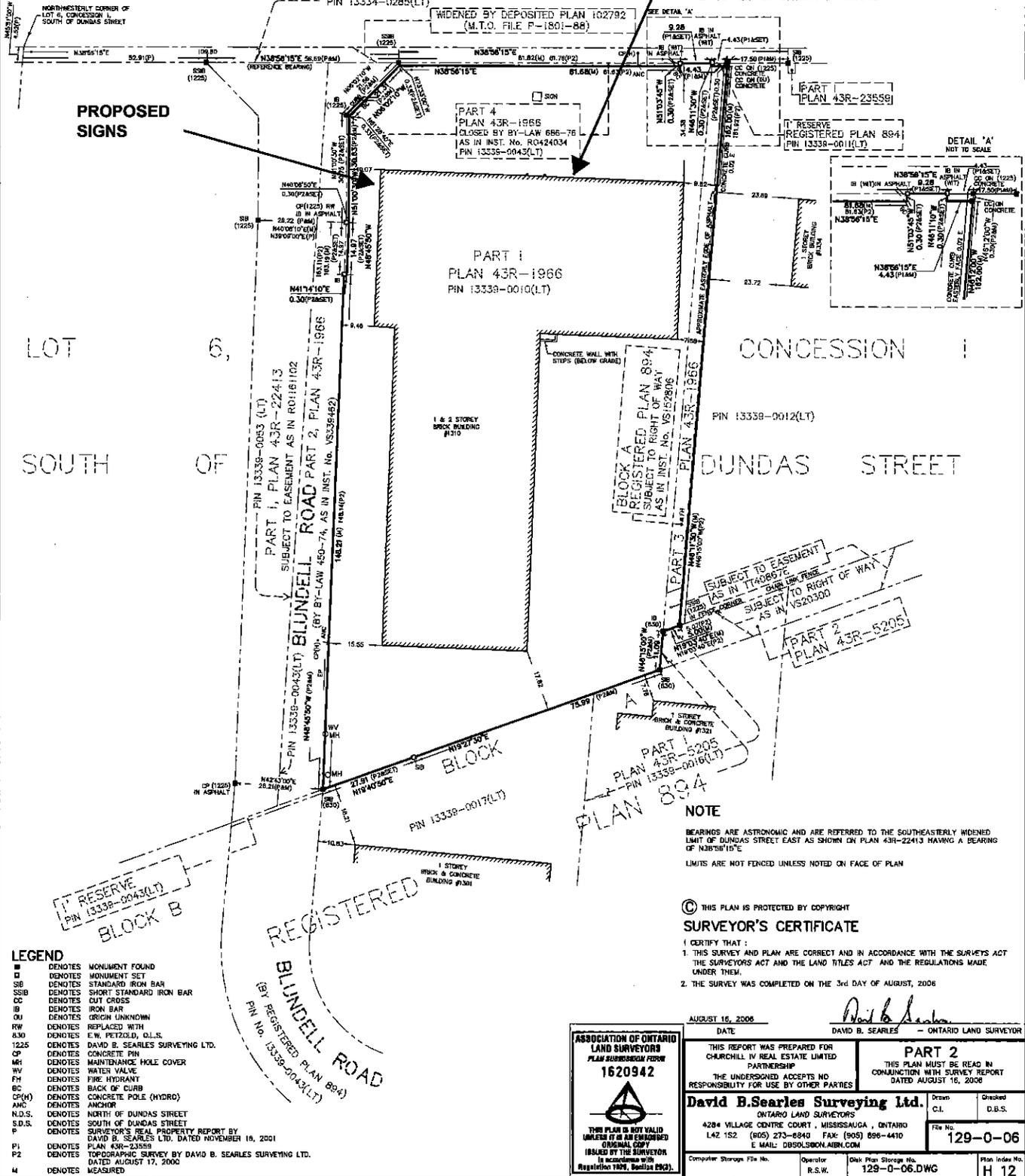
(BY BY-LAW 519-87 AS IN INST. No. R0818604)
 (ROAD ALLOWANCE BETWEEN CONCESSION 1 N.D.S. AND CONCESSION 1 S.D.S.)
 (FORMERLY THE KING'S HIGHWAY No. 5)
 TRANSFERRED BY ORDER IN COUNCIL INST.No.V5157646
 PIN 13334-0285(LT)

David B. Searles Surveying Ltd.

ONTARIO LAND SURVEYORS

PROPOSED SIGNS

METRIC
 ON THIS PLAN ARE IN METRES AND
 TO FEET BY DIVIDING BY 0.3048



PROPOSED SIGNS

PART 1
 PLAN 43R-1966
 PIN 13339-0010(LT)

LOT 6,
 SOUTH OF
 CONCESSION 1

CONCESSION 1
 DUNDAS STREET

BLOCK A
 REGISTERED PLAN 894
 SUBJECT TO RIGHT OF WAY
 AS IN INST. No. VS182806

PART 2
 PLAN 43R-5205
 PIN 13339-0016(LT)

NOTE

BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE SOUTHEASTERLY WIDENED
 LIMIT OF DUNDAS STREET EAST AS SHOWN ON PLAN 43R-22413 HAVING A BEARING
 OF N38°56'15"E
 LIMITS ARE NOT FENCED UNLESS NOTED ON FACE OF PLAN

© THIS PLAN IS PROTECTED BY COPYRIGHT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT
 THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE
 UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF AUGUST, 2006

AUGUST 16, 2006 DATE
 DAVID B. SEARLES - ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FEE
 1620942



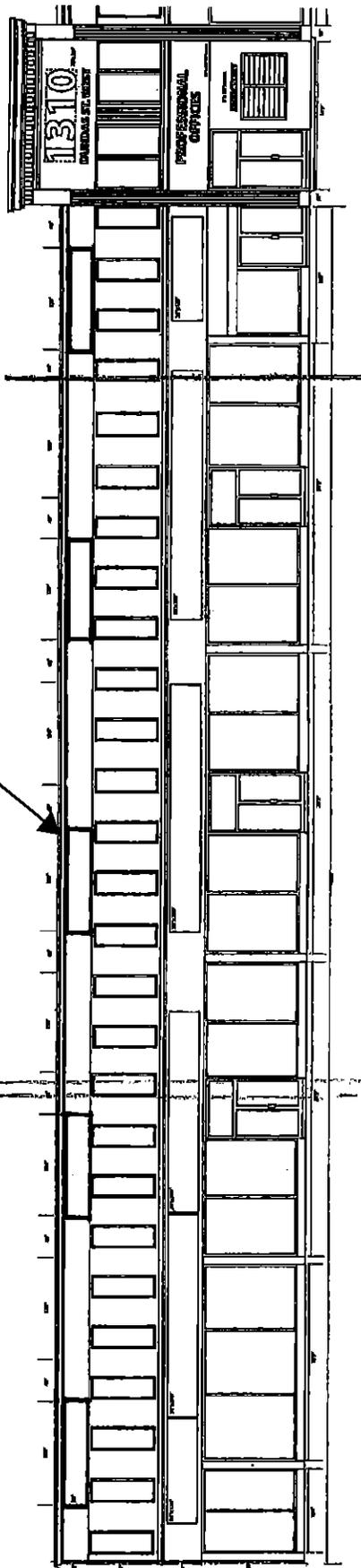
THIS PLAN IS NOT VALID
 UNLESS IT IS AN ENCLOSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 IN ACCORDANCE WITH
 REGULATION 1029, SECTION 8(3)

THIS REPORT WAS PREPARED FOR CHURCHILL IV REAL ESTATE LIMITED PARTNERSHIP THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES		PART 2 THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED AUGUST 16, 2006	
David B. Searles Surveying Ltd. ONTARIO LAND SURVEYORS 4284 VILLAGE CENTRE COURT, MISSISSAUGA, ONTARIO L4Z 1S2 (905) 273-8940 FAX (905) 896-4410 E MAIL: DBS@SLSURV.AIRN.COM		Drawn C.L.	Checked D.B.S.
Computer Storage File No. R.S.W.		Disk Plan Storage No. 129-0-06.DWG	Plan Index No. H 12

LEGEND

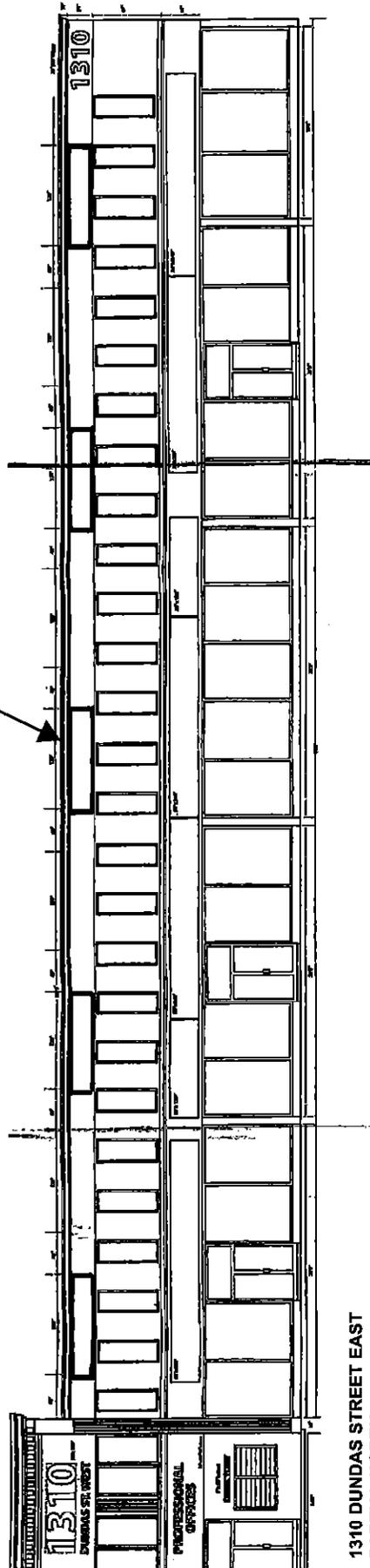
- DENOTES MONUMENT FOUND
- DENOTES MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- CC DENOTES CUT CROSS
- IB DENOTES IRON BAR
- OJ DENOTES OIL JUNCTION
- FW DENOTES REPLACED WITH
- AW DENOTES E.W. PETZOLD, D.L.S.
- 1225 DENOTES DAVID B. SEARLES SURVEYING LTD.
- CP DENOTES CONCRETE PIN
- MH DENOTES MAINTENANCE HOLE COVER
- WV DENOTES WATER VALVE
- FH DENOTES FIRE HYDRANT
- BC DENOTES BACK OF CURB
- CP(H) DENOTES CONCRETE POLE (HYDRO)
- ANC DENOTES ANCHOR
- N.D.S. DENOTES NORTH OF DUNDAS STREET
- S.D.S. DENOTES SOUTH OF DUNDAS STREET
- P DENOTES SURVEYOR'S REAL PROPERTY REPORT BY DAVID B. SEARLES LTD. DATED NOVEMBER 16, 2001
- P1 DENOTES TOPOGRAPHIC SURVEY BY DAVID B. SEARLES SURVEYING LTD. DATED AUGUST 17, 2000
- M DENOTES MEASURED

PROPOSED
SIGNS



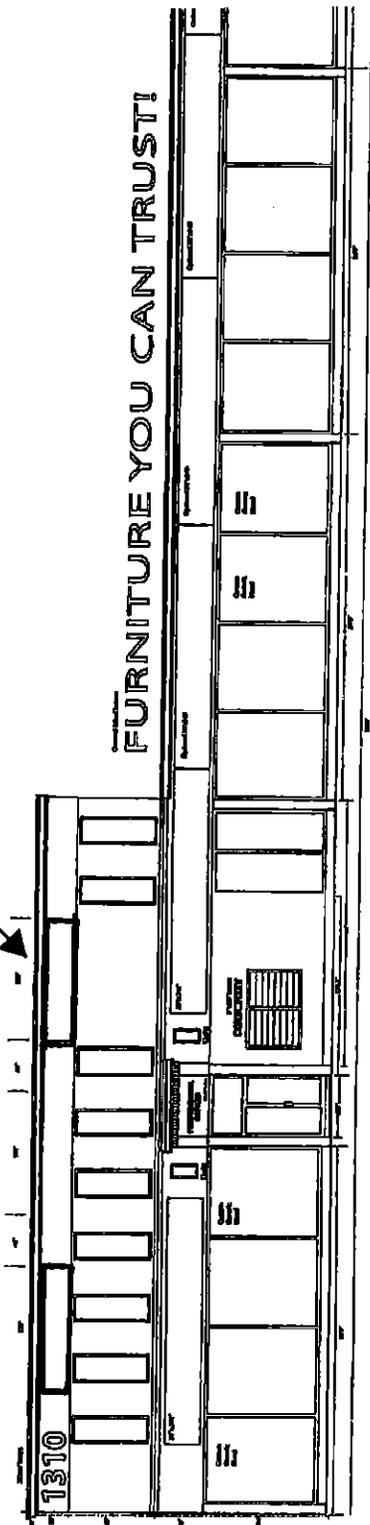
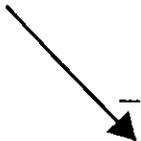
1310 DUNDAS STREET EAST
PARTIAL NORTH
ELEVATION

PROPOSED
SIGNS



1310 DUNDAS STREET EAST
PARTIAL NORTH
ELEVATION

PROPOSED
SIGNS



1310 DUNDAS STREET EAST
PARTIAL WEST
ELEVATION



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

February 26, 2013

FILE: 12-01809

RE: Creekside Crossing
1500 Dundas Street East – Ward 1

The applicant requests the following variance to section 13, table 3 of the Sign By-law 0054-2002, as amended.

Section 13	Proposed
A shopping centre \geq 4.0 hectares is permitted two (2) ground signs each with a maximum area of 28.0 m. sq. (301.39 ft. sq.) provided they are located a minimum of 100 m (328.08 ft.) apart.	Two (2) ground signs each with an area of 38.55 m. sq. (414.97 ft. sq.) located approximately 135 m (442.91 ft.) apart.

COMMENTS:

Currently, there is one existing ground sign on site which meets the provisions of the Sign By-law. (Appendix 2-7) The applicant would like to add extra sign panels onto the sign but within the existing sign structure. The height and width of the sign will not change (Appendix 2-6). The additional sign area is a variance to the Sign By-law.

In addition, the applicant would like to add a second ground sign fronting Dundas Street East, located 135 m (442.91 ft.) from the existing ground sign which complies with the Sign By-law. However, they would like both signs to be identical and therefore the second sign would also require a variance for additional sign area.

The proposed ground signs are designed in an appropriate scale to the site and are positioned in a manner which will not impact sightlines. The Planning and Building Department therefore finds the variance acceptable from a design perspective.



255 PINEBUSH ROAD, CAMBRIDGE ONTARIO CANADA N1T 1B9

PRIDESIGNS TEL: 519.622.4040 FAX: 519.622.4031 WWW.PRIDESIGNS.COM

City of Mississauga
300 City Centre Drive
Mississauga ON
L5B 3C1

Attn: Building Dept & City Council

RE: 1500 – 1570 Dundas St E - Creekside Crossing Freestanding Sign Variance

To whom it may concern,

This letter is in regards to the Creekside Crossing commercial plaza listed above. The client is requesting a proposal for a new ground sign to go in place of an existing sign as well as a second ground sign, both with a total height of 7.5m and a total area of 38.56m². Due to a frontage exceeding 100m and a site area of over 4 Ha, the site is permitted a total of 2 signs at a maximum of 28m² based off today's by-law.

Due to the shape of the site boundary there is a fairly minimal street frontage of 168m considering the magnitude of this property. During the site plan approval process staff had several recommendations relating to the overall design and built form which resulted in the site layout ending up with a design that has several small commercial units and banks close to the street frontage, with other businesses and the two anchor tenants located towards the rear of the property. The leasing terms require that both anchor tenants require a minimum of 25% of the ground sign area each, leaving only 50% of each sign to be divided up amongst the remaining 25 tenants on site. Due to the number of tenants on site, the existing sign cannot adequately advertise all tenants, especially when coupled with the issue of the anchor tenants taking up such a significant portion of the sign.

Due to the degree that many of the businesses are setback it is essential to their vitality that they have some exposure at the street frontage. Even without the buildings at the street frontage blocking out visibility, the legibility of onsite fascia signs would be minimal from Dundas St East. Because of this, street front signage is also an essential safety measure as it prevents motorists from peering into the site trying to locate business before making a turn. Prominent street front signage allows businesses to be located well in advance of the entrances to the development which in turn allows motorists to make safe and calculated maneuvers into the site rather than a rushed last minute decision.

Based on the above I would ask for your support and approval of this proposal. The site is unique in the fact that it has only one street frontage yet is a very deep lot, and one of the largest commercial lots in Mississauga at a size of over 16 Ha. The onsite tenants need adequate street side advertising and one sign as is currently on site does not meet this need. It is essential to the success and longevity of

1-13



255 PINEBUSH ROAD, CAMBRIDGE ONTARIO CANADA N1T 1B9

PRIDESIGNS

TEL: 519.622.4040 FAX: 519.622.4031 WWW.PRIDESIGNS.COM

the businesses that they are easy to locate from the street. Without increased ground sign presence at site this is next to impossible as there are proposed banks in the foreground which effectively reduce sightlines to units which are deeper on this large lot. The proposed sign locations would not hinder or compromise public safety as all sight lines on site would be retained. The proposal has been changed to reduce the proposed height of both signs to the by-law maximum based on discussion with city staff as well. Please advise the undersigned if you have any questions or concerns regarding this application.

Thank you,

A handwritten signature in black ink, appearing to read "Nathan Dart". The signature is written in a cursive, flowing style.

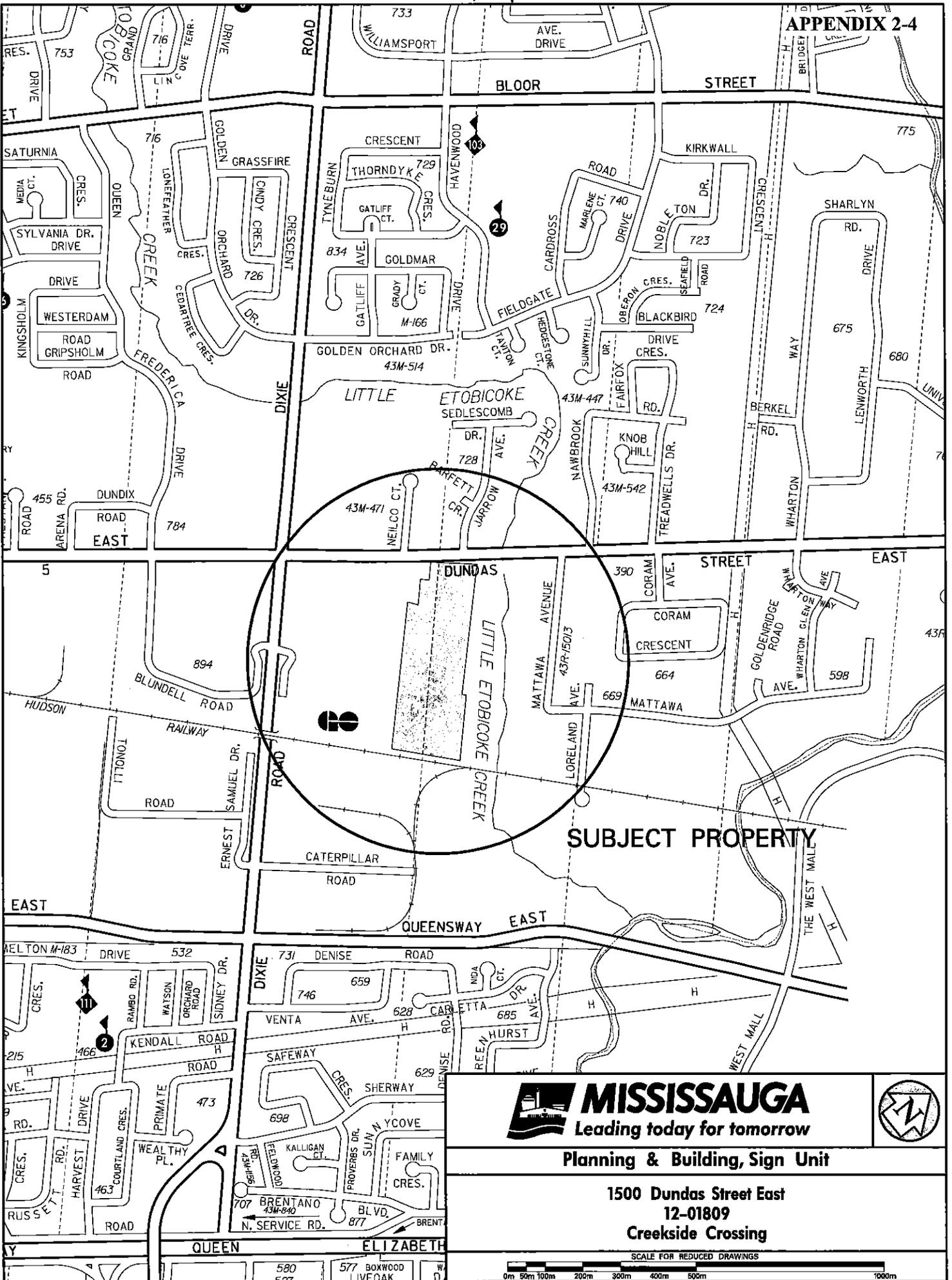
Nathan Dart

Pride Signs Ltd

T: (519) 622-4040 x274

F: (519) 622- 4031

E: ndart@pridesigns.com



SUBJECT PROPERTY

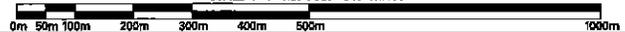
MISSISSAUGA
 Leading today for tomorrow



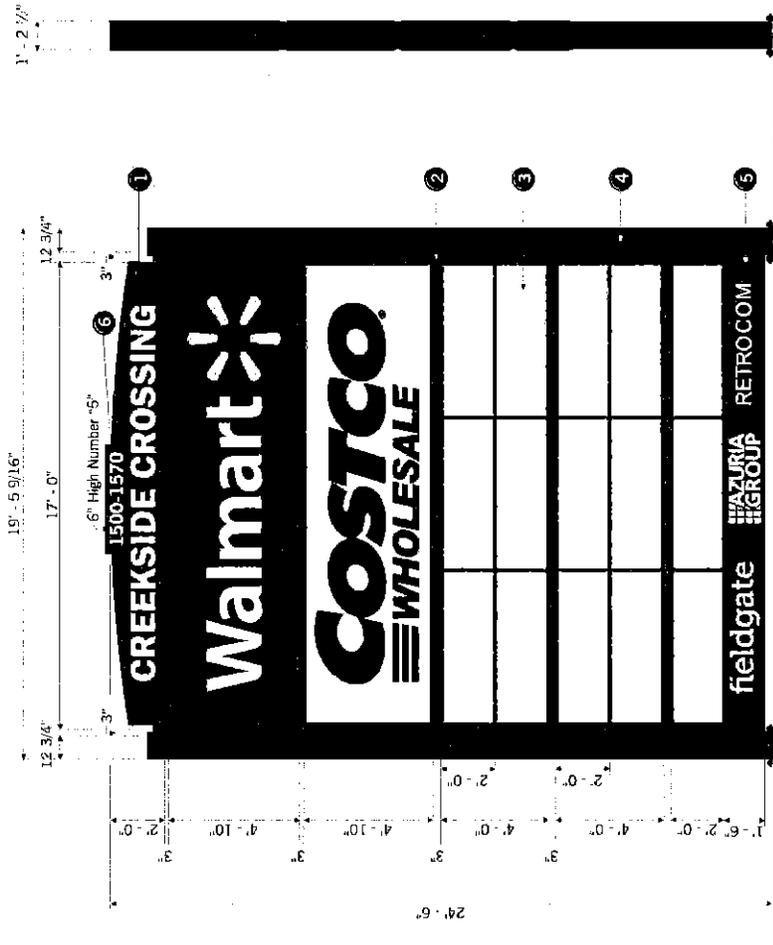
Planning & Building, Sign Unit

**1500 Dundas Street East
 12-01809
 Creekside Crossing**

SCALE FOR REDUCED DRAWINGS



D/S Illuminated Pylon Sign
Scale: N.T.S.



5' - 8"
Typical

Material Specifications

- ➊ Header
 - Aluminum constructed filler and retainers to be painted cool gray 9c
 - 3/16" white acrylic faces with translucent vinyl applied to first surface
 - T12 extra long life illumination
- ➋ Colours:
 - Text to be white on a dark grey #A9055-O background
- ➌ Aluminum constructed 3" reveals to be painted cool gray 9c
- ➍ Tenant Sign Boxes
 - Aluminum constructed double wide filler and retainers to be painted cool gray 9c
 - Aluminum constructed h-dividers to be painted cool gray 9c
 - 3/16" white acrylic faces
 - T12 extra long life illumination
- Colours:
 - "Wal mart" to be white
 - Star graphic to be yellow 3m 3630-015
 - Background to be blue 3m 3630-8264
 - "Costco" colours T.B.D
- ➎ Post
 - 12 3/4" dia. steel post to be painted cool gray 9c
- ➏ Address
 - Aluminum constructed panel with removable face to be painted cool gray 9c
 - All graphics to be white #A6001-O
- ➐ .125 flat aluminum panel painted cool gray 9c to be fastened to frame
 - Address to be white #A6001-O

Electrical Requirements
347V

General electrical specifications shall be in accordance with the applicable Canadian Electrical Code (CEC) and the applicable Ontario Electrical Code (OEC). All electrical work shall be done in accordance with the applicable codes and standards. All electrical work shall be done in accordance with the applicable codes and standards.

Preliminary Network
Approved for Production

CLIENT APPROVAL
REVISION DATES:
June 26, 2012
December 14, 2012
January 9, 2013

J. Lewis
J. Lewis
J. Lewis

DRAWN BY: J. Lewis
DATE: March 3, 2011

FIELDGATE
COMMERCIAL

Mississauga, Ontario

PRIDE SIGNS
255 PINEBUSH ROAD - CAMBRIDGE ONTARIO CANADA TEL: 519.622.4000 FAX: 519.622.4031 WWW.PRIDESIGNS.COM

INTERNATIONAL SIGN ASSOCIATION

sacace

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1-17

08/23/2012



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

January 31, 2013

FILE: 12-03093

RE: **Sheridan College**
4180 Duke of York Blvd – Ward 4

The applicant requests the following variance to Section 4 of the Sign By-law 0054-2002, as amended.

Section 4(6)	Proposed
A roof sign is specifically prohibited.	Three (3) roof signs.

COMMENTS:

The proposal is for three signs attached to structures above the roofline of the building. The proposed signs were co-ordinated with the comprehensive design of the building. We note that one of the signs will be attached on a curved metal screen in front of the mechanical penthouse which is yet to be built.

The Planning and Building Department therefore find the variance acceptable from a design perspective.

1-19

George Friedman Architect
196 Spadina Avenue, Suite 201
Toronto, Ontario
M5T 2C2

October 15, 2012

Sign Unit, Planning and Building Department
City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Dear Sir/Madam,

I'm writing to you about an Application for a Sign Permit for 3 proposed exterior building signs at the Sheridan Institute of Technology & Advanced Learning's Hazel McCallion Campus Phase 1 building (HMC1) at 4180 Duke of York Boulevard, Mississauga, Ontario. This letter will describe the proposed location of the signs and the rationale for their particular locations. It will also include a rationale indicating why a special exemption of the sign bylaw should be granted for Signs 2 and 3.

Application for Sign Permit / Sign Variance for Sign 1.

The proposed **Sign 1** is located on the east façade, on a new curved metal roof screen in front of the mechanical penthouse, at the roofdeck of the existing HMC1 building. The signage on the roof screen is located so that it will be visible from the Highway 403 and Hurontario intersection. The sign will be visible by drivers as they drive west along highway 403. It will also be visible from Hurontario street as one drives south from highway 403. These are both major routes and the view driving south along Hurontario street, crossing highway 403 offers the best view of the Skyline of downtown Mississauga which includes HMC1.

The area of the proposed **Sign 1** is 26.63 SM which is less than 2% of the total area of the east façade of Sheridan's HMC1 building. The approximate area of the east façade is 2,395 SM. After speaking with a signage inspector at the sign unit of the city of Mississauga, we believe that this is a permissible sign and that it does not need a variance.

Application for Sign Permit for Sign 2 and 3.

The proposed **Sign 2** is located on the south exterior face of the stair tower of HMC1. It will be visible from Duke of York Boulevard. One will also be able to see the sign as they are heading west on Burnhamthorpe and looking north. The sign will also be visible from Duke of York Boulevard as one drives or walks north on Duke of York Boulevard from the south.

1-20

The sign will be located as high as possible on the building for the best visibility. The Sheridan College Tangram logo will be seen from the south and is an identifying symbol for the College.

The proposed **Sign 3** is located on the west face of the building,

This sign is intended to address those arriving from the west along Living Arts Drive and north or south. It will identify the building from the west park side. It will also identify the building as one drives, walks or bikes east from Living Arts Drive along Prince of Wales Drive.

Our firm believes that Sign 2 and 3 should be granted an exemption of the sign bylaw for the following reasons:

- The second sign (Sign 2) facing south is the only sign visible from the south.
- The third sign (Sign 3) is the only sign that is visible from the west.
- These 2 signs which are comprised of the building logo and College identity would be visible for anyone approaching from the south and the west sides of the building.

Thank you for your consideration of our application. Please do not hesitate to contact me at the telephone number and/or e-mail address listed below if you require any further clarification or information.

Kind Regards,



Natasha Krickhan,

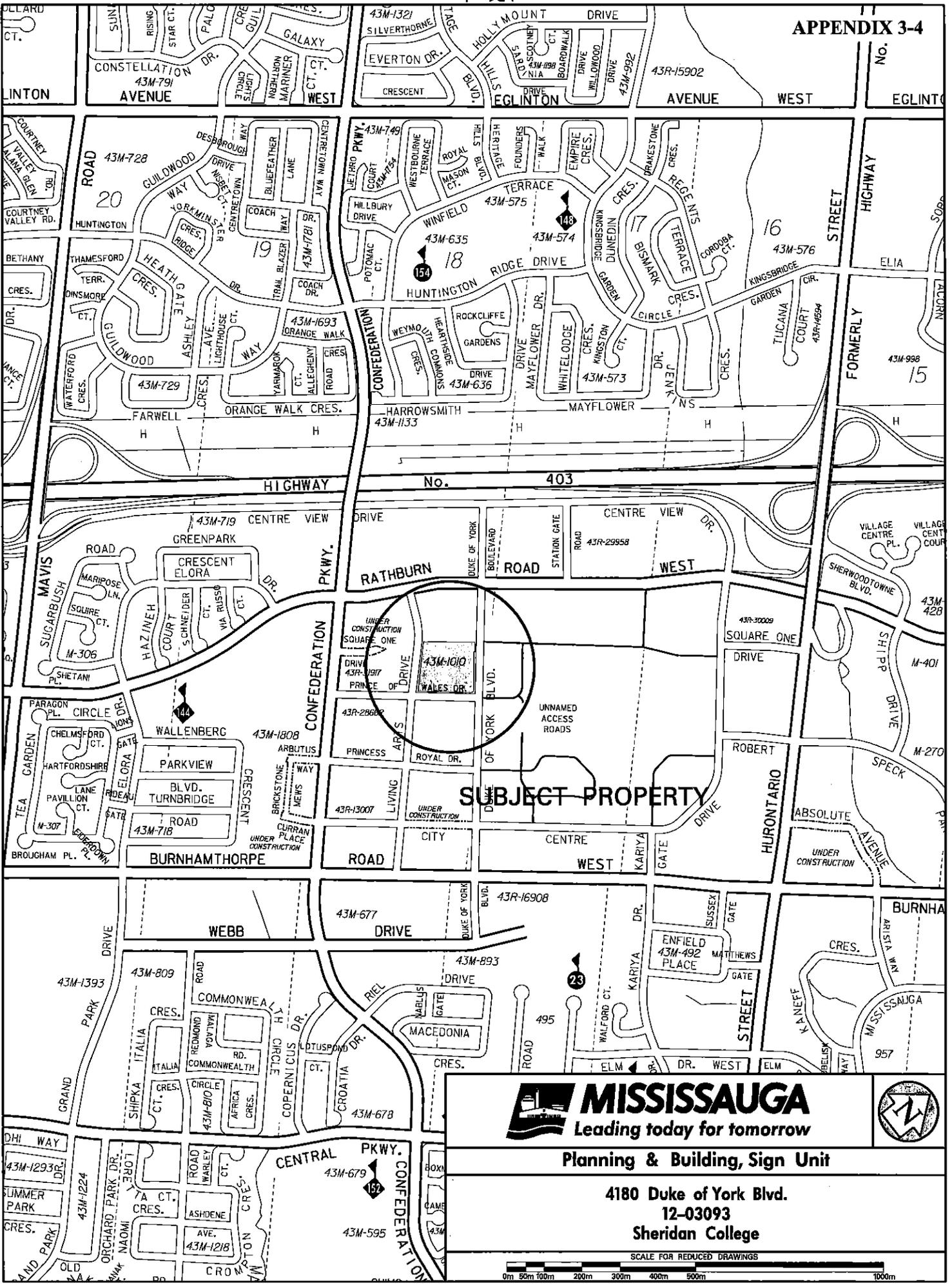
Project Architect

B.E.S., B.Arch., LEED AP

George Friedman Architect

telephone no: 416-658-6804

e.mail: Natasha.gfa@bell.net



SUBJECT PROPERTY

MISSISSAUGA
 Leading today for tomorrow

Planning & Building, Sign Unit

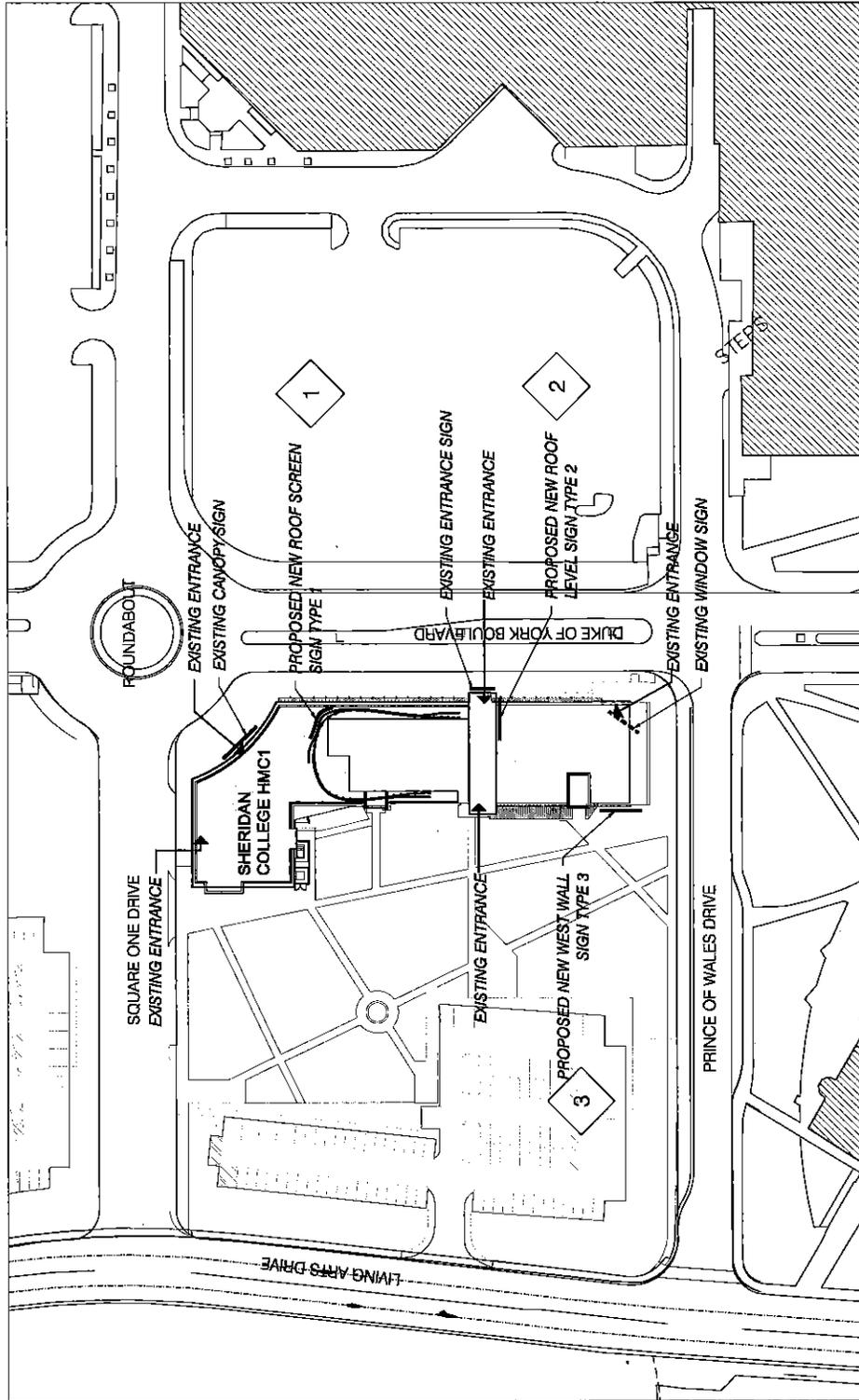
4180 Duke of York Blvd.
12-03093
Sheridan College

SCALE FOR REDUCED DRAWINGS



1-22

GEORGE FRIEDMAN ARCHITECT
186 SPADINA AVENUE
SUITE 201, TORONTO, ON
M5T 2C2

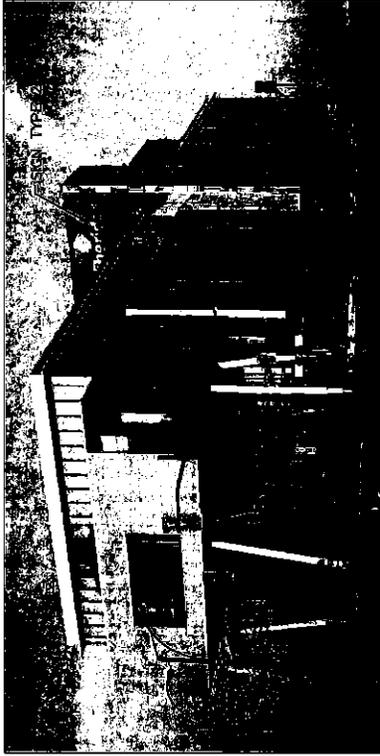


SIGNAGE KEY PLAN

ROOF SCREEN AND MISCELLANEOUS SIGNAGE
INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING
HAZEL McCALLION CAMPUS
4180 DUKE OF YORK BLVD, MISSISSAUGA, ON
OCTOBER 15, 2012
ISSUED FOR SIGN PERMIT AND VARIANCE

SKA-1

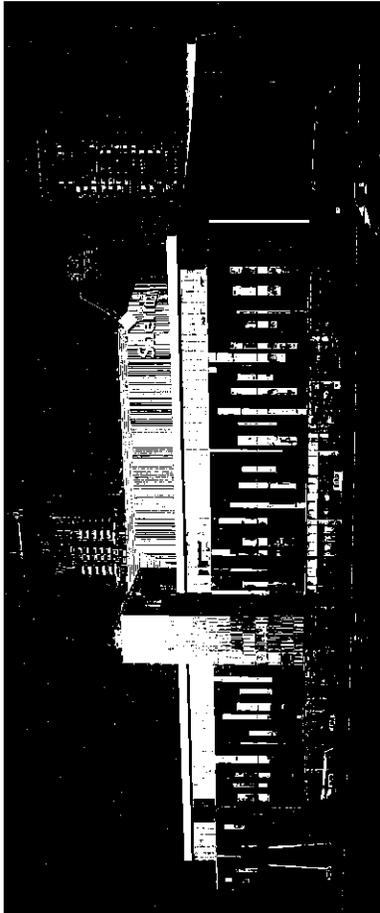
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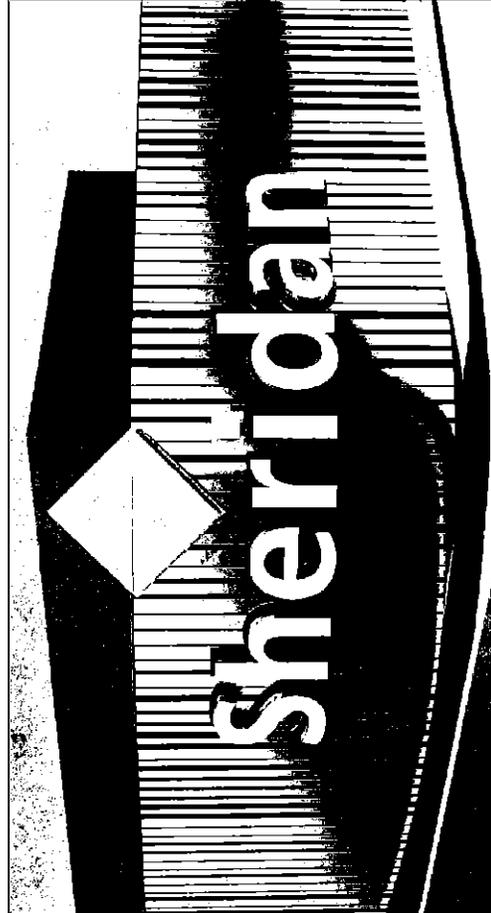
SOUTH VIEW OF PROPOSED NEW SIGN TYPE 2



WEST VIEW OF PROPOSED NEW SIGN TYPE 3



PROPOSED NEW ROOF SCREEN SIGN TYPE 1 OVERALL VIEW

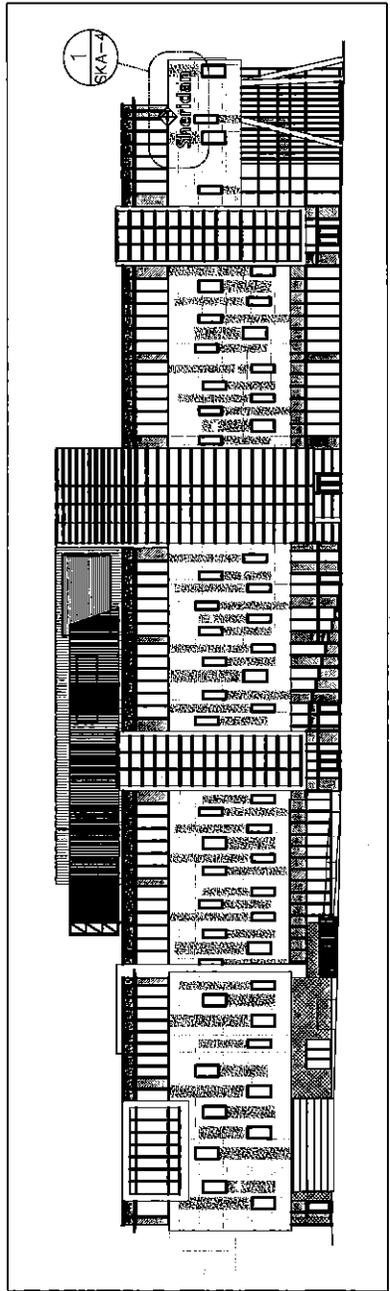


NORTH EAST DETAIL VIEW OF PROPOSED NEW SIGN TYPE 1

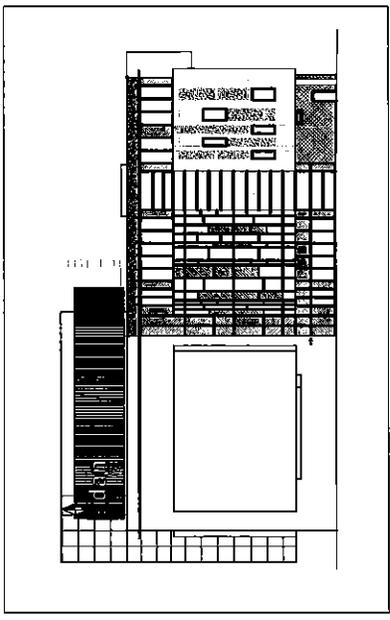
ROOF SCREEN AND MISCELLANEOUS SIGNAGE
INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING
HAZEL McCALLION CAMPUS
4180 DUKE OF YORK BLVD, MISSISSAUGA, ON
OCTOBER 15, 2012
ISSUED FOR SIGN PERMIT AND VARIANCE

SKA-2

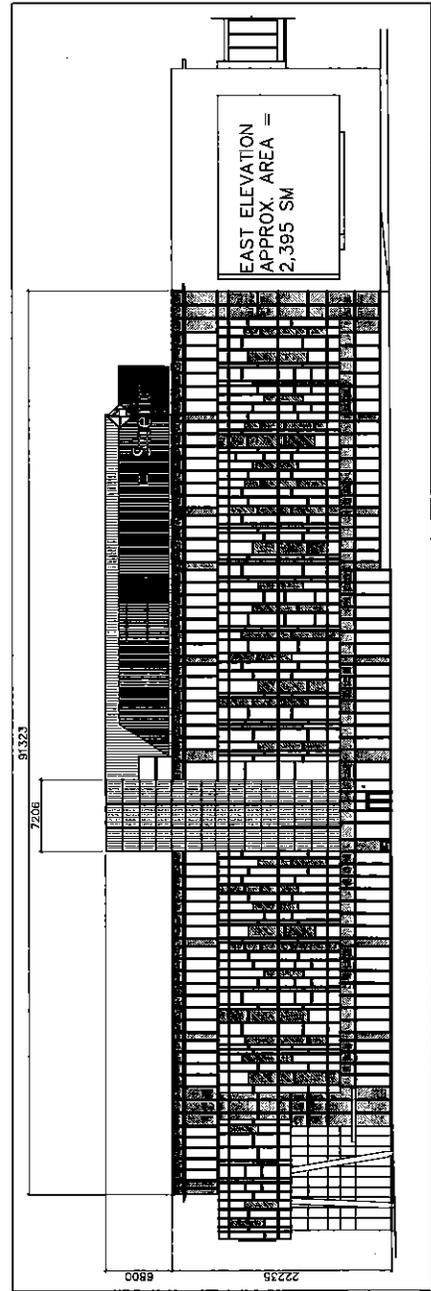
GEORGE FRIEDMAN ARCHITECT
186 SPADINA AVENUE
SUITE 201, TORONTO, ON
M5T 2C2



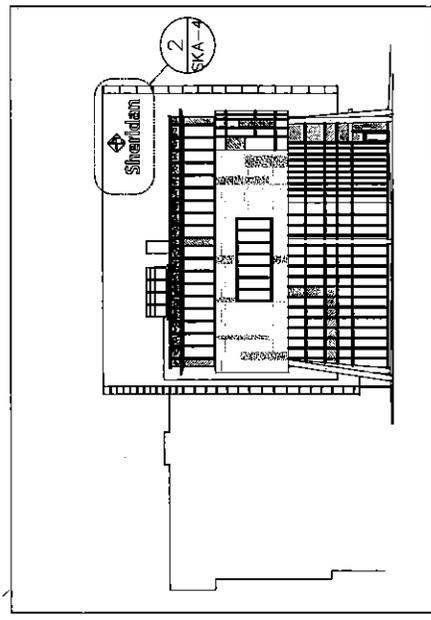
WEST VIEW
SCALE 1:12500



NORTH VIEW
SCALE 1:12500



EAST VIEW
SCALE 1:12500



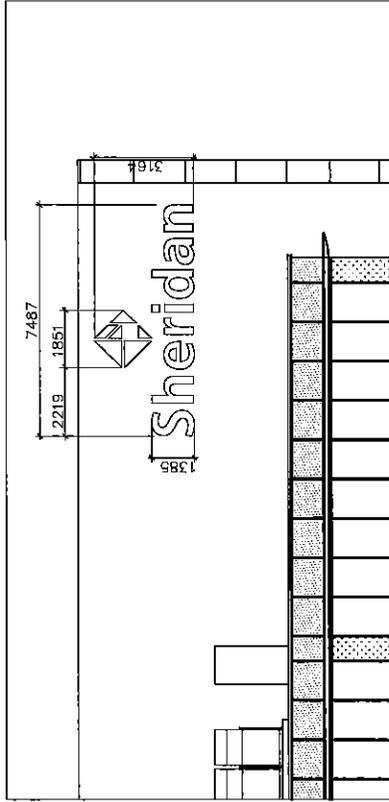
SOUTH VIEW
SCALE 1:12500

ROOF SCREEN AND SIGN TYPE 1, 2, 3
 INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING
 HAZEL McCALLION CAMPUS
 4180 DUKE OF YORK BLVD, MISSISSAUGA, ON
 OCTOBER 15, 2012
 ISSUED FOR SIGN PERMIT AND VARIANCE
SKA-3

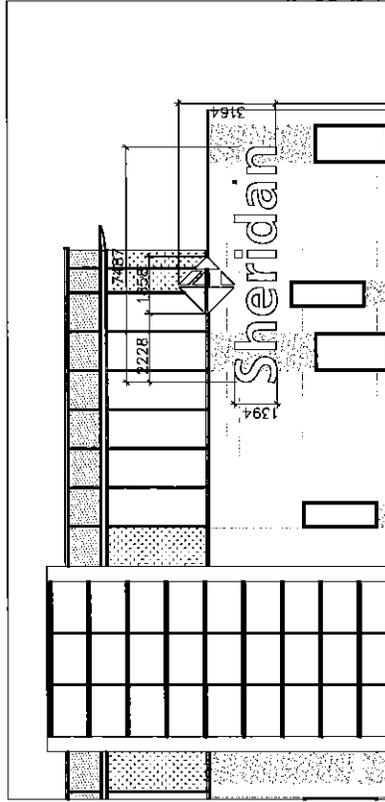
GEORGE FRIEDMAN ARCHITECT
 186 SPADINA AVENUE
 SUITE 201, TORONTO, ON
 M5T 2C2

1-25

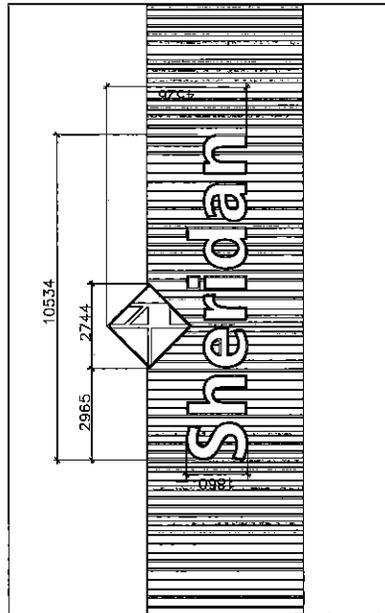
GEORGE FRIEDMAN ARCHITECT
196 SPADINA AVENUE
SUITE 201, TORONTO, ON
M5T 2C2



2 SOUTH ELEVATION DETAIL VIEW OF SIGN TYPE 2
SCALE 1:4000
SKA-4



1 WEST ELEVATION DETAIL VIEW OF SIGN TYPE 3
SCALE 1:4000
SKA-4



3 SIGN TYPE 1 ON ROOF SCREEN
SCALE 1:4000
SKA-4

SIGN TYPE 1, 2, 3 DETAIL ELEVATION
INSTITUTE OF TECHNOLOGY AND ADVANCED LEARNING
HAZEL McCALLION CAMPUS
4180 DUKE OF YORK BLVD, MISSISSAUGA, ON
OCTOBER 15, 2012
ISSUED FOR SIGN PERMIT AND VARIANCE

SKA-4

1-26



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

February 26, 2013

FILE: 12-03002

RE: **Mantella Corporation**
5455 Dixie Rd. - Ward 5

The applicant requests the following variance to section 1 of Sign By-law 0054-2002, as amended.

Section 1	Proposed
Signs are not permitted to front a Provincial Highway.	The proposed sign is facing a Provincial Highway (Highway 401).

COMMENTS:

The requested variance is for a temporary sign facing a Provincial Highway (Highway 401) where signs are not permitted to front a Provincial Highway.

The intent of the sign is to provide identification of the property owner for future development of the lands. The Planning and Building Department therefore recommends approval of the variance for a period of one (1) year.

1-27

Michael S. Flynn**Government Relations Consulting****912-90 Cordova Avenue, Toronto, Ontario M9A 2H8****Telephone: 416-232-2379, Fax 416-232-0762****Email: michael.flynn@sympatico.ca**

September 18, 2012

City of Mississauga
Planning and Building Department
300 City Centre Drive,
Mississauga, ON L5B 3C1

RE: 5503 Dixie Road Sign Variance applications**Letter of Rationale**

We are applying for a Sign Permit for an identification "ground sign" at the above captioned property. This application is being made in conjunction with a similar application for 5455 Dixie Road. The properties are abutting and are owned by Mantella Corporation, and the side/rear property lines about the Highway 401 corridor and/or Dixie Road.

This application is for one sign containing 46.45 square meters (500 square feet) of sign area on one (1) face.

The sign is intended to face on to the 401 and Dixie Road for the purpose of identifying the owner Corporation only. The sign is proposed to contain the Corporate Name, Telephone Number, and Website address only. The proposed colour scheme is blue, black, and gold on white.

The property to the east, 5455 Dixie Road, presently contains one (1) ground sign facing the 401 that identifies the corporate name "Mantella" in red on a white background.

The property to the west, 5503 Dixie Road, was recently purchased from the Ontario Realty Corporation, the purchase agreement for which contains a provision granting permission to install signage on the purchased lands substantially in keeping with these proposed signs.

We are now seeking permission from the City of Mississauga to erect these signs.

- Variance from Sign By-Law 54-2002 will be required for this sign. One variance will be for signs facing from the rear/side of the properties onto the 401 Corridor Provincial Highway and/or facing from a side lot line onto Dixie Road.
- Variance for Sign Area for this sign is proposed to be 46.45 square meters on one face which exceeds the allowed sign area contained in the By-Law.

The following are justification for allowance of these variances:

- The property is presently vacant but is intended to be developed in accordance with Development proposals that will be brought forward to the City Planning and Building Department over the next several years as market conditions and market interest in the property dictate.
- There is an existing sign facing onto the 401 Corridor which is legal as it was installed prior to the enactment of the present By-Law.
- The sole purpose of the sign is to provide owner identification and promote the future development of the lands.
- There are similar signs along the 401 Corridor within the City of Mississauga which serve similar purposes and have the approval of the City.

We would be pleased to discuss this matter with you and answer any questions that arise from this application at your convenience.

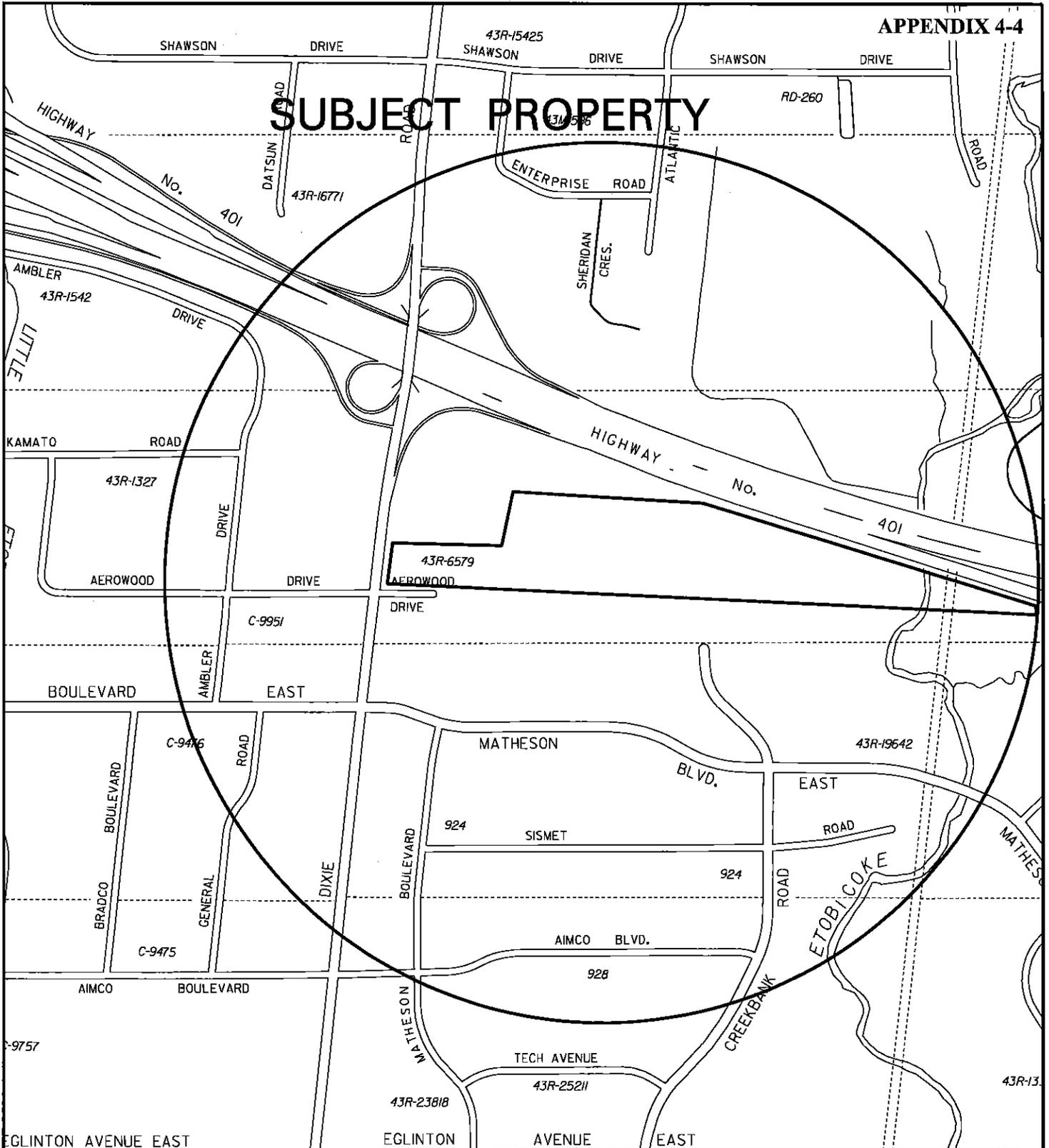
Yours truly,



Michael Flynn
Agent on Behalf of Mantella Corporation

CC: Mantella Corporation

SUBJECT PROPERTY



MISSISSAUGA
 Leading today for tomorrow



Planning and Building

Sign Unit

5455 Dixie Rd
 #12-03002
 Mantella Corporation

SCALE FOR REDUCED DRAWINGS





SCALE 1/4" = 1'0"

Rec - Dec 12/12

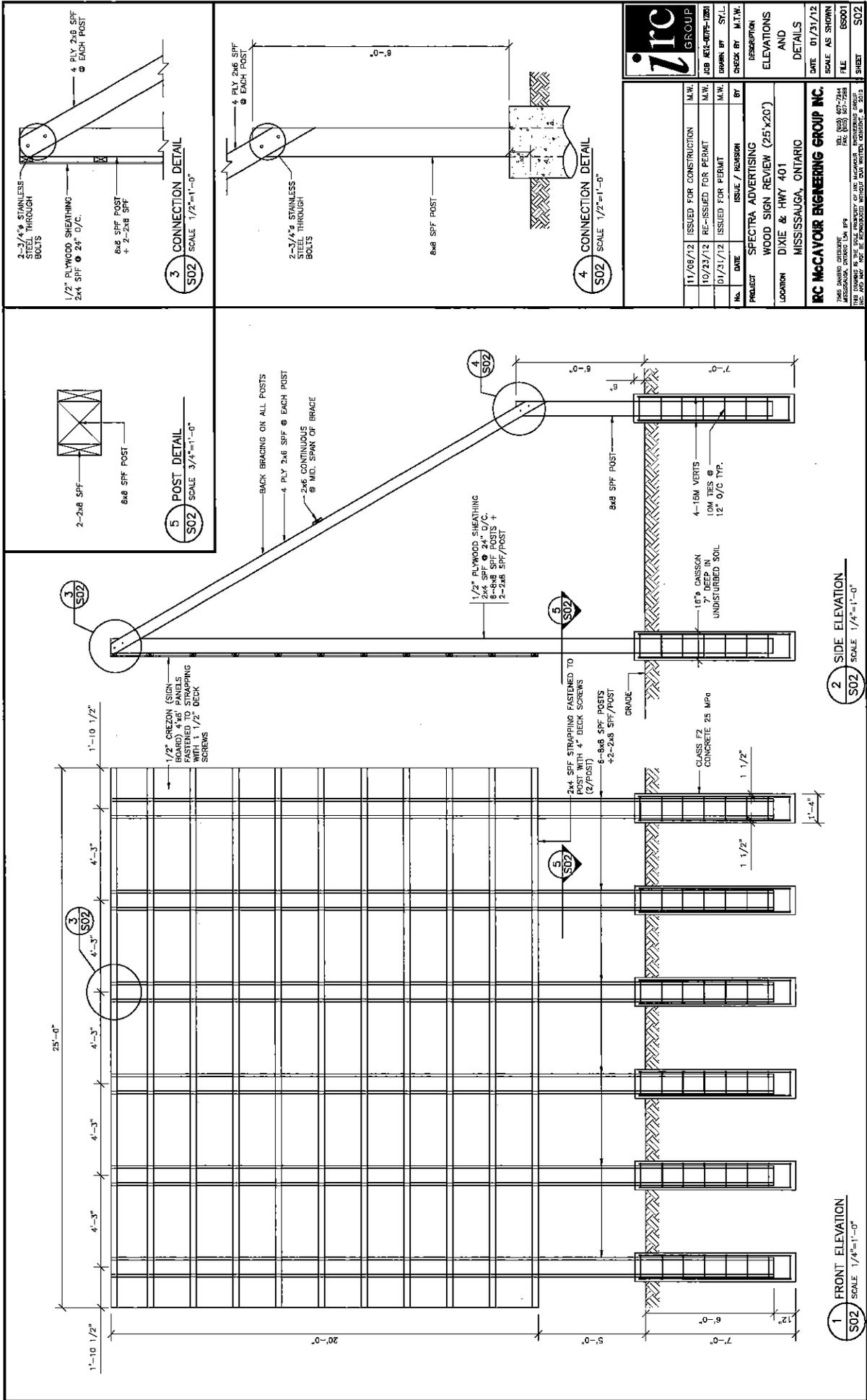


ONCE APPROVED, SUBJECT TO SPECTRA-SIGNS TERMS: 705-660-0777

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www.SPECTRA-SIGNS.com

151 SPINNAKER WAY UNIT # 10, CONCORD, ONTARIO L4K 4C3 TEL: 905.660.7310 FAX: 905.660-0777 INFO@SPECTRA-SIGNS.COM



zirc GROUP	
11/08/12	ISSUED FOR CONSTRUCTION
10/23/12	RE-ISSUED FOR PERMIT
01/31/12	ISSUED FOR PERMIT
M.W.	BY
M.W.	DATE
M.W.	ISSUE / REVISION
PROJECT: SPECTRA ADVERTISING WOOD SIGN REVIEW (25'x20')	
LOCATION: DIXIE & HWY 401 MISSISSAUGA, ONTARIO	
DATE: 01/31/12	
SCALE: AS SHOWN	
FILE: 65001	SHEET: S02

2 SIDE ELEVATION
SCALE 1/4"=1'-0"

1 FRONT ELEVATION
SCALE 1/4"=1'-0"

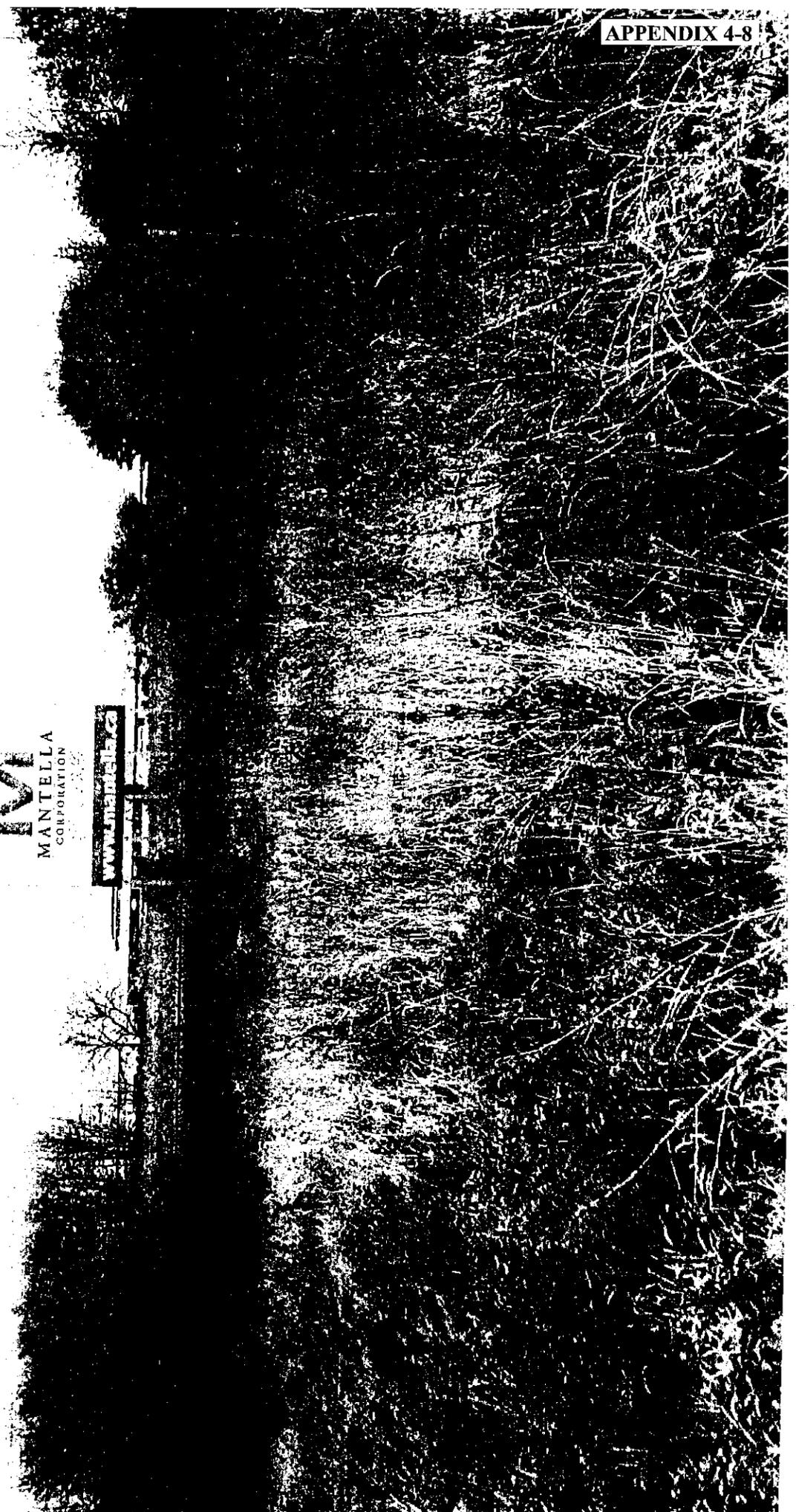
RC McCAVOY ENGINEERING GROUP INC.
 2840 ANGIO DRIVE
 MISSISSAUGA, ONTARIO L4X 1P4
 TEL: (905) 607-2344
 FAX: (905) 607-2288
 WWW.MCCAVOYENGINEERING.COM
 THE ABOVE PLAN IS UNDESIGNED AND NOT TO BE CONSIDERED A CONTRACT DOCUMENT. © 2012

1-33

SIGN 2

M
MANTELLA
CORPORATION

www.mantella.com



1-34



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

February 26, 2013

FILE: 12-03003

RE: **Mantella Corporation**
5503 Dixie Rd. - Ward 5

The applicant requests the following variance to section 1 of the Sign By-law 0054-2002, as amended.

Section 1	Proposed
Signs are not permitted to front a Provincial Highway.	The proposed sign is facing a Provincial Highway (Highway 401).

COMMENTS:

The requested variance is for a temporary sign facing a Provincial Highway (Highway 401) where signs are not permitted to front a Provincial Highway.

The intent of the sign is to provide identification of the property owner for future development of the lands. The Planning and Building Department therefore recommends approval of the variance for a period of one (1) year.

1-35

Michael S. Flynn**Government Relations Consulting****912-90 Cordova Avenue, Toronto, Ontario M9A 2H8****Telephone: 416-232-2379, Fax 416-232-0762****Email: michael.flynn@sympatico.ca**

September 18, 2012

City of Mississauga
Planning and Building Department
300 City Centre Drive,
Mississauga, ON L5B 3C1

RE: 5503 Dixie Road Sign Variance applications**Letter of Rationale**

We are applying for a Sign Permit for an identification "ground sign" at the above captioned property. This application is being made in conjunction with a similar application for 5455 Dixie Road. The properties are abutting and are owned by Mantella Corporation, and the side/rear property lines abut the Highway 401 corridor and/or Dixie Road.

This application is for one sign containing 46.45 square meters (500 square feet) of sign area on one (1) face.

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The property to the west, 5503 Dixie Road, was recently purchased from the Ontario Realty Corporation, the purchase agreement for which contains a provision granting permission to install signage on the purchased lands substantially in keeping with these proposed signs.

We are now seeking permission from the City of Mississauga to erect these signs.

- Variance from Sign By-Law 54-2002 will be required for this sign. One variance will be for signs facing from the rear/side of the properties onto the 401 Corridor Provincial Highway and/or facing from a side lot line onto Dixie Road.
- Variance for Sign Area for this sign is proposed to be 46.45 square meters on one face which exceeds the allowed sign area contained in the By-Law.

The following are justification for allowance of these variances:

- The property is presently vacant but is intended to be developed in accordance with Development proposals that will be brought forward to the City Planning and Building Department over the next several years as market conditions and market interest in the property dictate.
- There is an existing sign facing onto the 401 Corridor which is legal as it was installed prior to the enactment of the present By-Law.
- The sole purpose of the sign is to provide owner identification and promote the future development of the lands.
- There are similar signs along the 401 Corridor within the City of Mississauga which serve similar purposes and have the approval of the City.

We would be pleased to discuss this matter with you and answer any questions that arise from this application at your convenience.

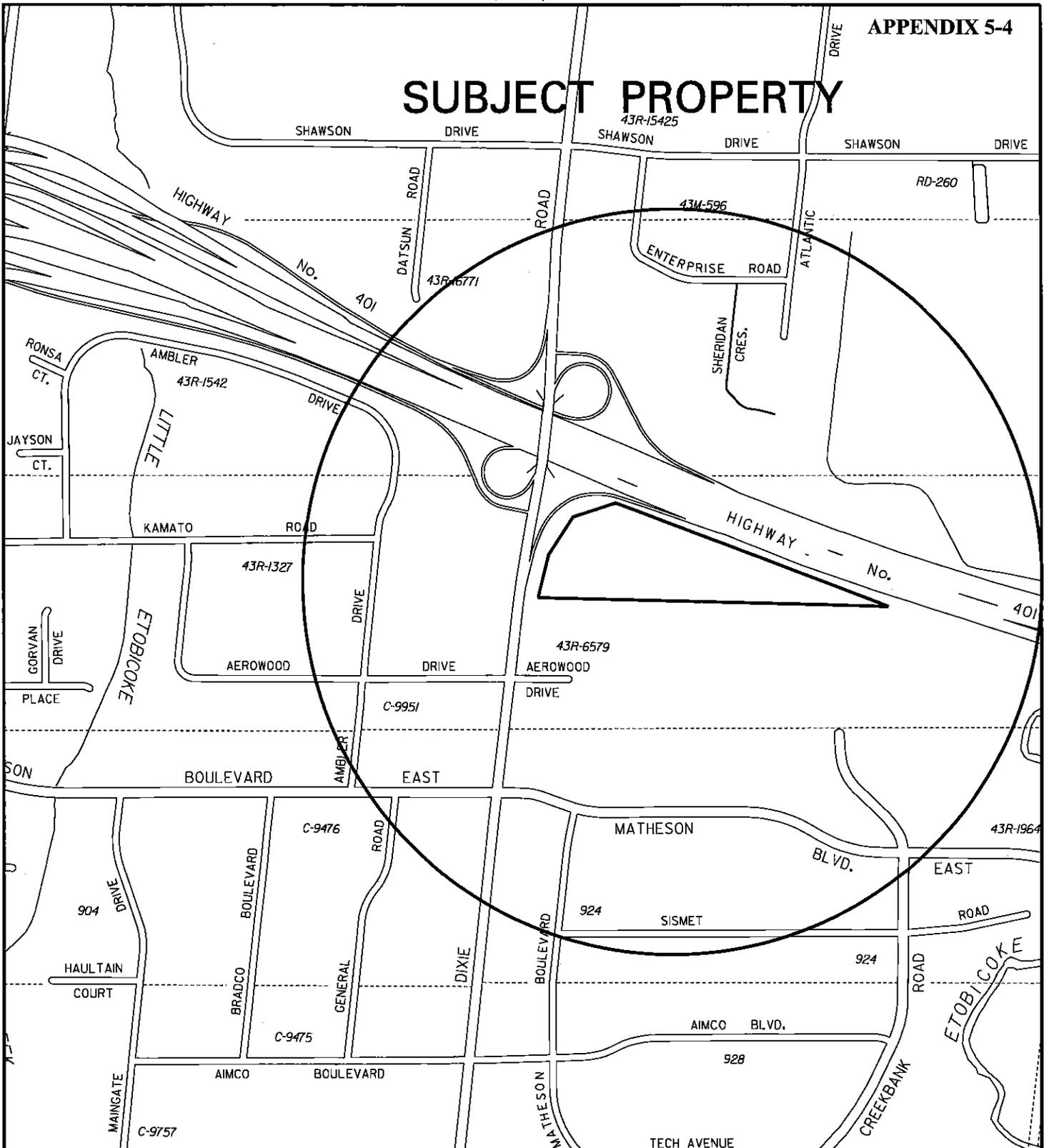
Yours truly,



Michael Flynn
Agent on Behalf of Mantella Corporation

CC: Mantella Corporation

SUBJECT PROPERTY





MISSISSAUGA
Leading today for tomorrow



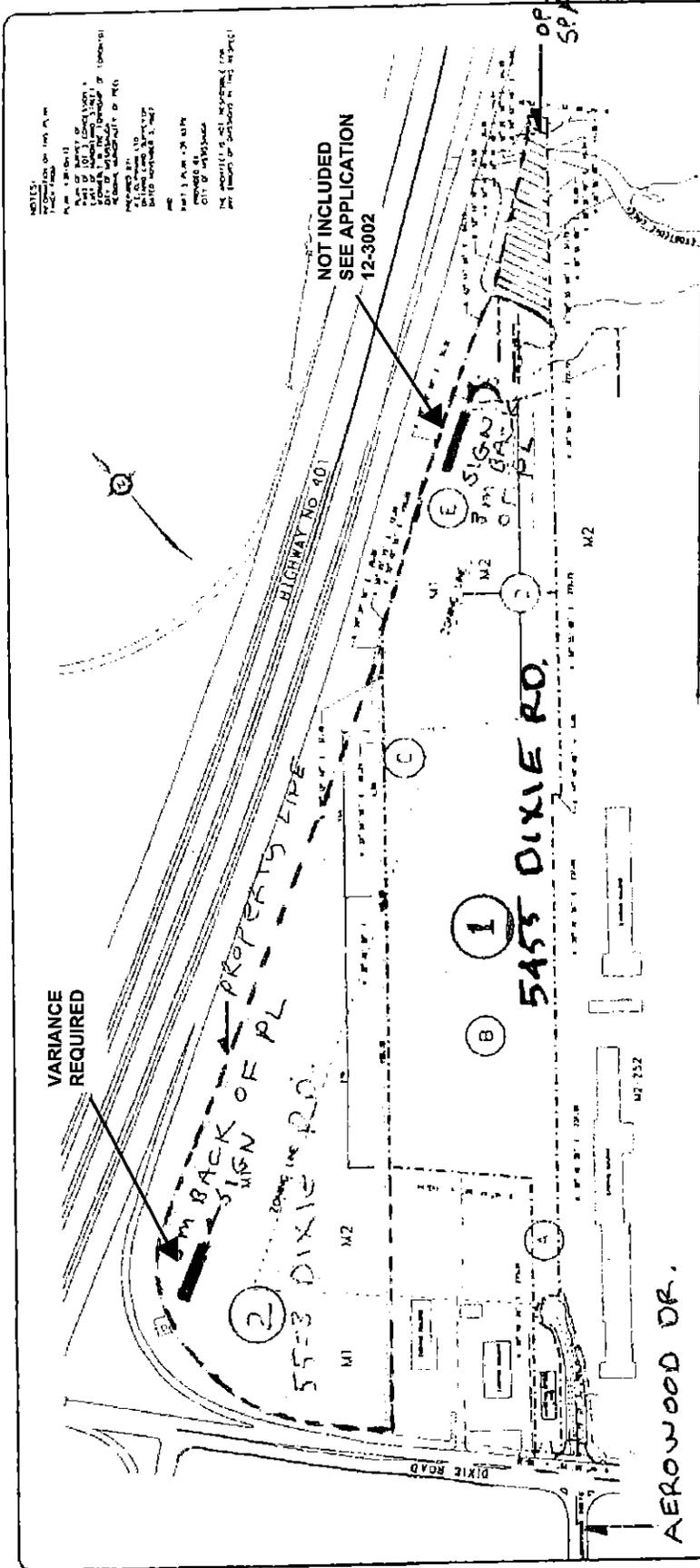
Planning and Building
Sign Unit

5503 Dixie Rd
12-03003
Mantella Corporation

SCALE FOR REDUCED DRAWINGS



1-38



- A - 3,100 SM (0.77 ac)
- B - 73,400 SM (18.14 ac)
- C - 3,500 SM (0.86 ac)
- D - 28,000 SM (6.92 ac)
- E - 21,600 SM (5.33 ac)

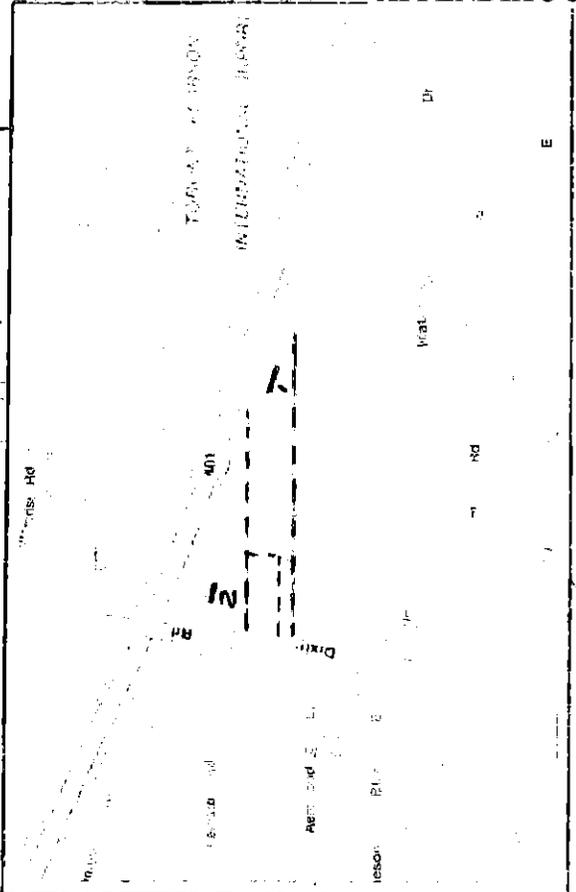
Part of Lot 3 Concession 4, RP 43R-15A32
 5455 Dixie Road
 Mississauga, Ontario

NOTE:
 EXISTING SIGN ON 5455 DIXIE RD. TO BE REMOVED

SPECTRA
 ADVERTISING



151 SPINNAKER WAY UNIT 10 CONCORD, ONTARIO, L4K 4C3





SCALE 1/4" = 1'0"

Rec - Dec 12/12



www.SPECTRA-SIGNS.com

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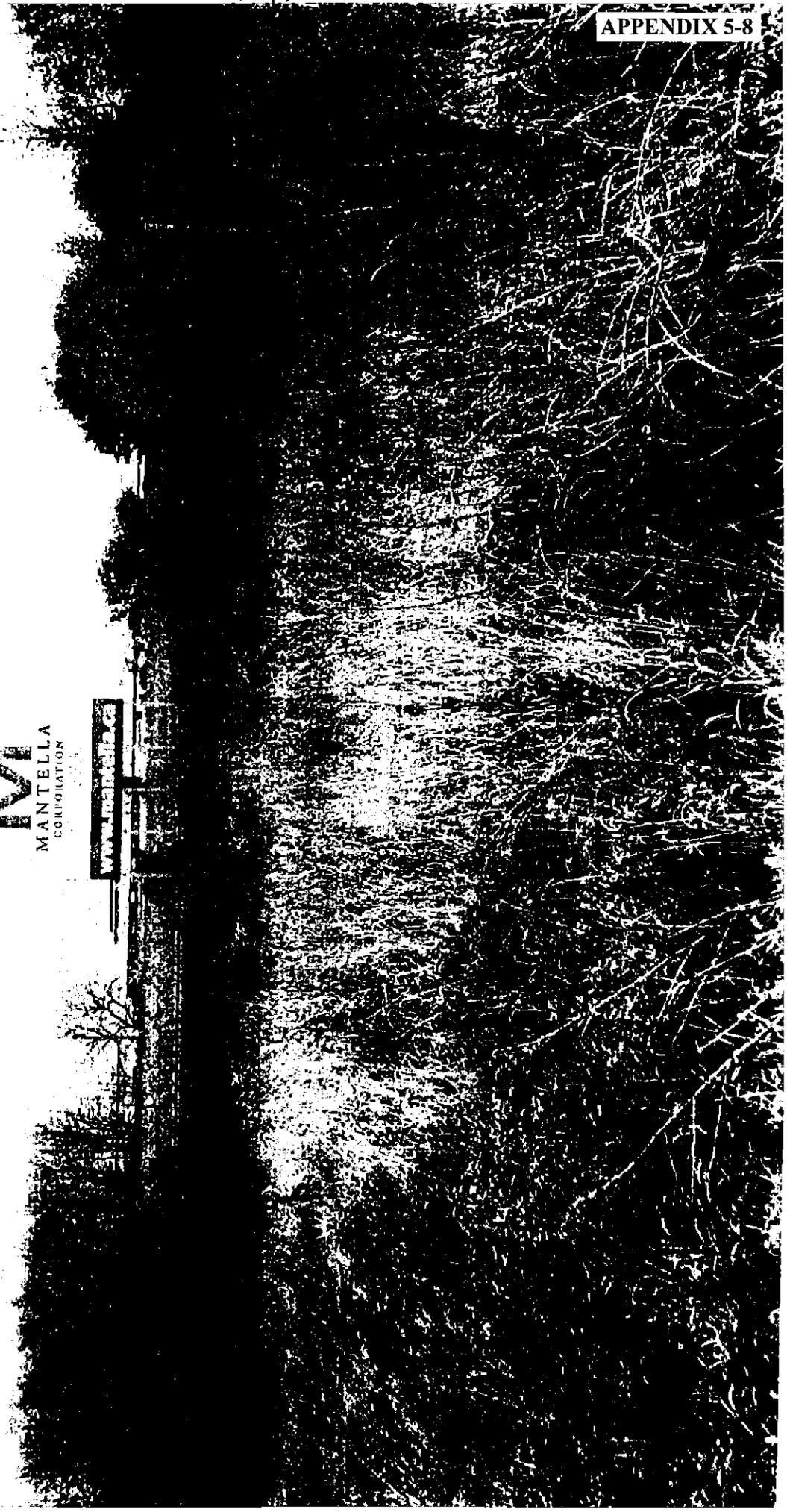
151 SPINNAKER WAY UNIT # 10, CONCORD, ONTARIO L4K 4C3 TEL: 905.660.7310 FAX: 905.660-0777 INFO@SPECTRA-SIGNS.COM

1-41

7-41

SIGN 2

M
 MANTELLA
 CORPORATION
 WWW.MANTELLA.COM



1-42



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

January, 3, 2013

FILE: 12-03355

RE: A&W
2920 Argentia Road – Ward 9

The applicant requests the following variance to section 4(6) of the Sign By-law 0054-2002, as amended.

Section 4(6)	Proposed
Any sign not expressly permitted by this By-law is prohibited.	One (1) gateway drive thru pylon structure.

COMMENTS:

The proposed sign is internal to the site and identifies the entrance to the drive- thru lane. The sign does not have a visual impact on Argentia Road. The Planning and Building Department therefore finds the sign acceptable from a design perspective.

PRIORITY PERMITS

Your Sign Permit Solution



Nov. 16, 12

City of Mississauga
300 City Centre Drive.
10th Floor
Mississauga, ON.
L5B 3C1

Attn: Sign Varlance Department

Re: A&W Gateway Pylon (2920 Argentia Rd.)

The proposed ground (gateway) sign is not classified in the current sign bylaw of Mississauga.

However, this sign is an integral part of the A&W Restaurant business as it provides important information to drive-thru customers. It functions to provide direction to vehicles and expedites waiting times in customer line-ups, reducing vehicle idling times and decreasing green-house gas emissions. It also serves to provide safety by limiting over-sized vehicles from entering the drive thru. It can be qualified as a vehicle height detector.

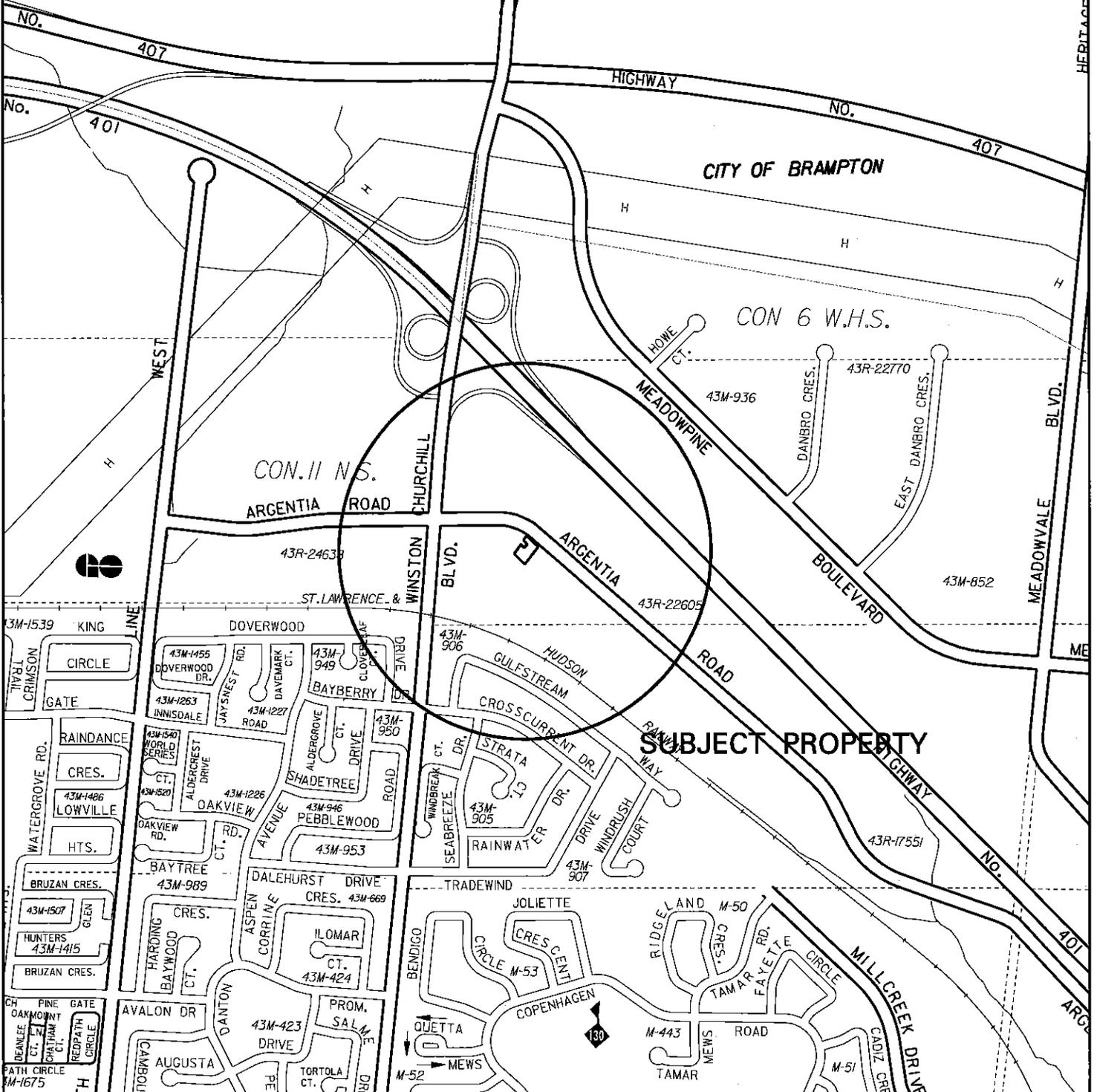
The sign also is a standard at other A&W locations throughout Ontario. It has an aesthetically pleasing appearance and readily notifies patrons of the entrance to the restaurant. The design has been structurally sealed by an engineer and deemed safe.

For these reasons and more, we seek approval at a varlance to allow for the City of Mississauga to allow for this sign to be permitted.

A handwritten signature in black ink, appearing to read 'Jordan Desrochers'.

Jordan Desrochers - Priority Permits Ltd.
Ph: 778-397-1394
Fax: 1-888-738-3846
Email: prioritypermits@shaw.ca

1-44



SUBJECT PROPERTY



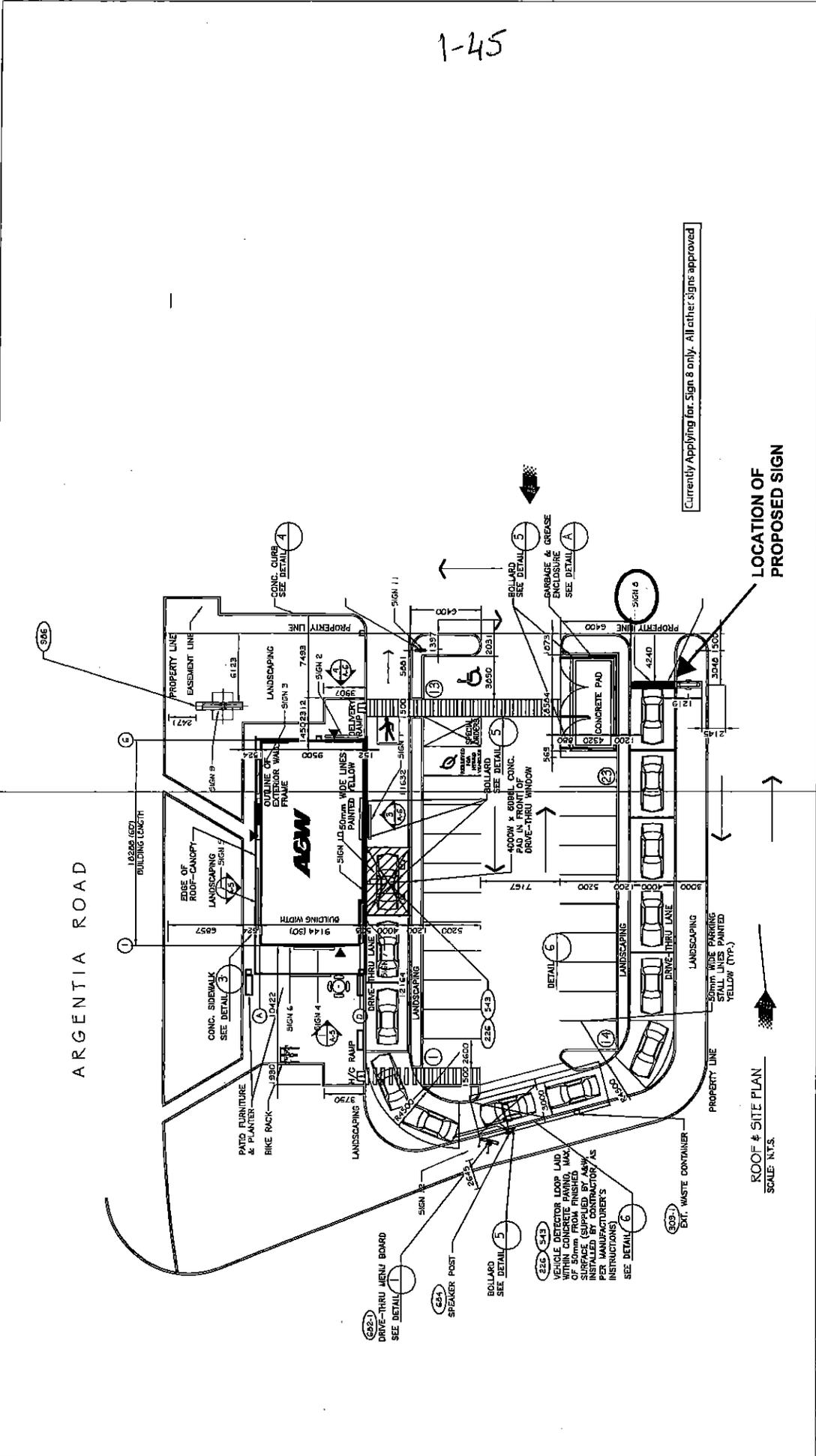
MISSISSAUGA
Leading today for tomorrow

Planning & Building, Sign Unit

2920 Argentia Road
12-03355
A&W



1-45



ROOF & SITE PLAN
SCALE: N.T.S.

www.prioritypermits.com
PRIORITY PERMITS
 Your Sign Permit Solution

Client: PROVINCIAL SIGNS
 Address: 2320 ARGENTIA RD
 M1S 5S5 SAUGA
 Project: A AND W
 Date: 80120910
 Scale: 1:6000

Note: Location to be confirmed by signage contractor.



SIGN VARIANCE APPLICATION REPORT
Planning and Building Department

February 26, 2013

FILE: 12-03195

RE: **Fionn MacCool's**
825 Britannia Rd. W. – Ward 11

The applicant requests the following variance to Section 13 of the Sign By-law 0054-2002, as amended.

Section 13	Proposed
A fascia sign for a commercial undertaking is permitted to have an area of 20% of the building façade of the first storey and an additional 15% of the building wall of the first storey of the side and rear elevations of the building which does not have a main entrance for the public and faces a parking lot or driveway but does not face a residential use within 100m of this building façade.	<p>The proposed sign area of the signs located on the south elevation is 24.75% of the building façade whereas 20% is permitted.</p> <p>The proposed sign area of the signs located on the east elevation is 19.4% of the building façade whereas 15% is permitted.</p>

COMMENTS:

The requested variance is for an increase in sign area of 4.75% on the south elevation and 4.4% on the east elevation. The signs on the south elevation are composed of a number of small panels which complement the architecture of the building. The signs on the east elevation include a mural. The signs are designed in scale and character to the building and do not detract from the architectural features. Therefore, the Planning and Building Department approve the requested variances from a design perspective.

1-48



CANADIAN SIGN CONSULTANTS INC.

Krislee Signs (Illuminated Division)

527 Westney Road S., Unit #2, Ajax, Ontario L1S 6M8

Tel: (905) 619-9190, 1-866-522-7446 Fax: (905) 619-2302 E-mail: canadiansigns@on.aibn.com

November 28, 2012

City of Mississauga

Planning & Building Department, Sign Unit
300 City Centre Drive
Mississauga, Ontario L5B 3C1

Attn: Chairperson and Members of the Site Plan Committee

Re: Application for Variance

Fionn MacCool's, 825 Britannia Road West, Mississauga, Ontario

The reason for our Variance Application:

To maintain the corporate look of the Fionn MacCool's Restaurant / Pub. The restaurant will need a Variance because there are many small signs on the South Elevation that went over the square footage allowed. This also includes a Clock and some smaller panels with various Tag Lines that read "Great Friends Good Pints & Live Music".

On the East Elevation, there is only one sign that has the name of the restaurant; however, there is a hand painted Mural on the building that is considered a sign.

Please pass this Variance because there is not one huge sign on the building but many small signs that are aesthetically pleasing and uniform to the area and surrounding stores.

Along with this letter, please see attached completed Variance Application.

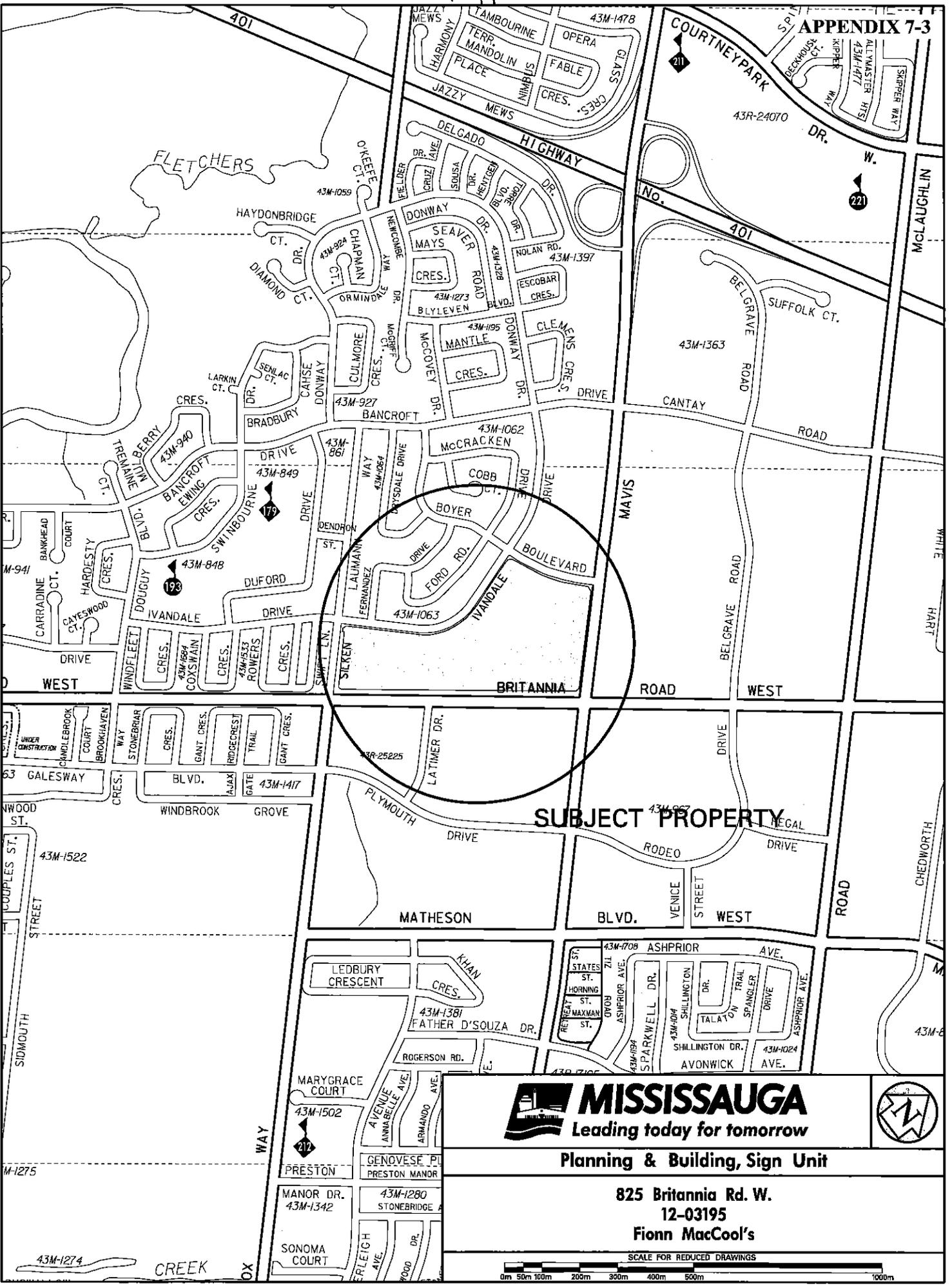
Thank you.

Mohamed Shaffee
President

For all your sign requirements

www.canadiansigns.ca

1-49



MISSISSAUGA
 Leading today for tomorrow

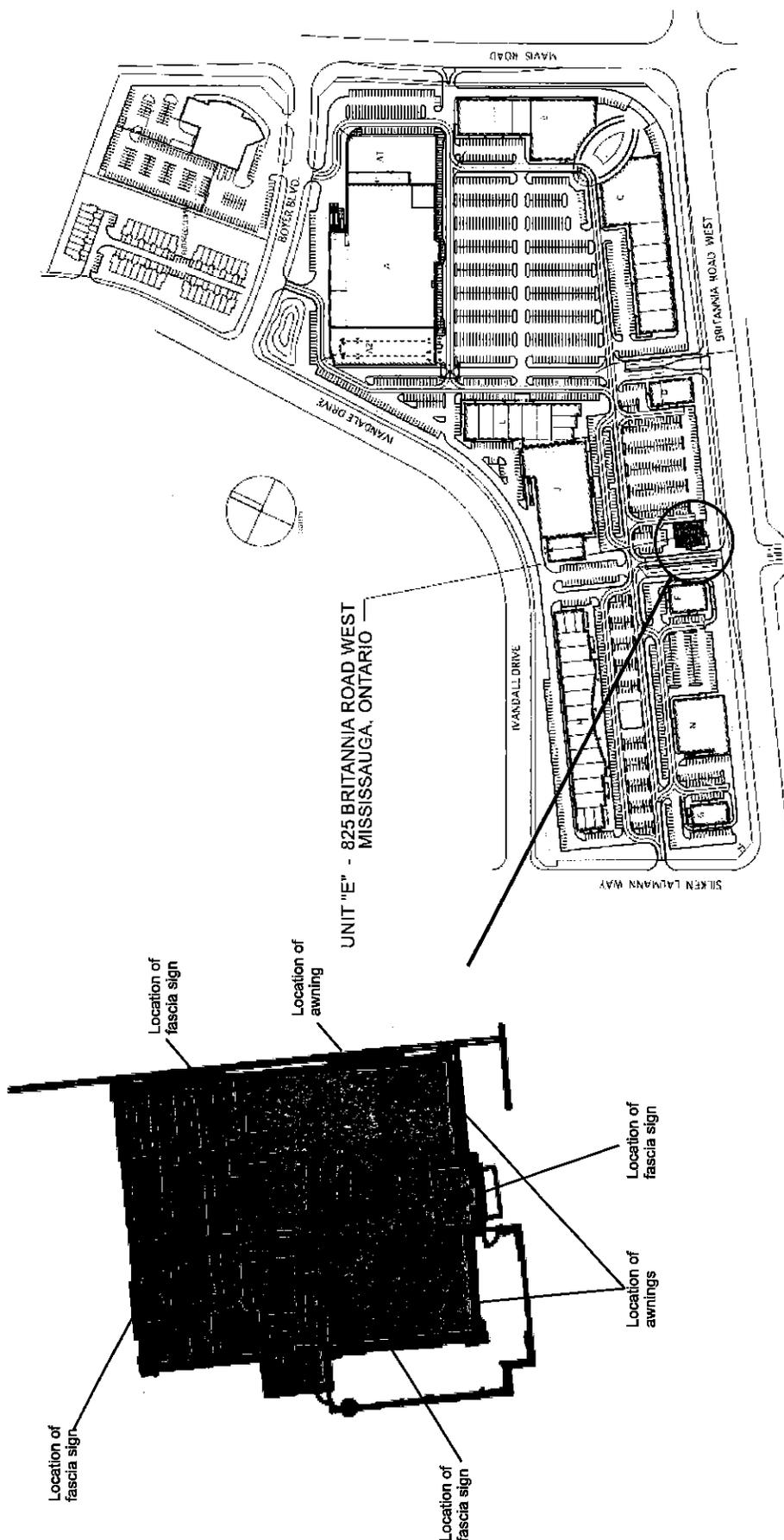


Planning & Building, Sign Unit

825 Britannia Rd. W.
 12-03195
 Fionn MacCool's



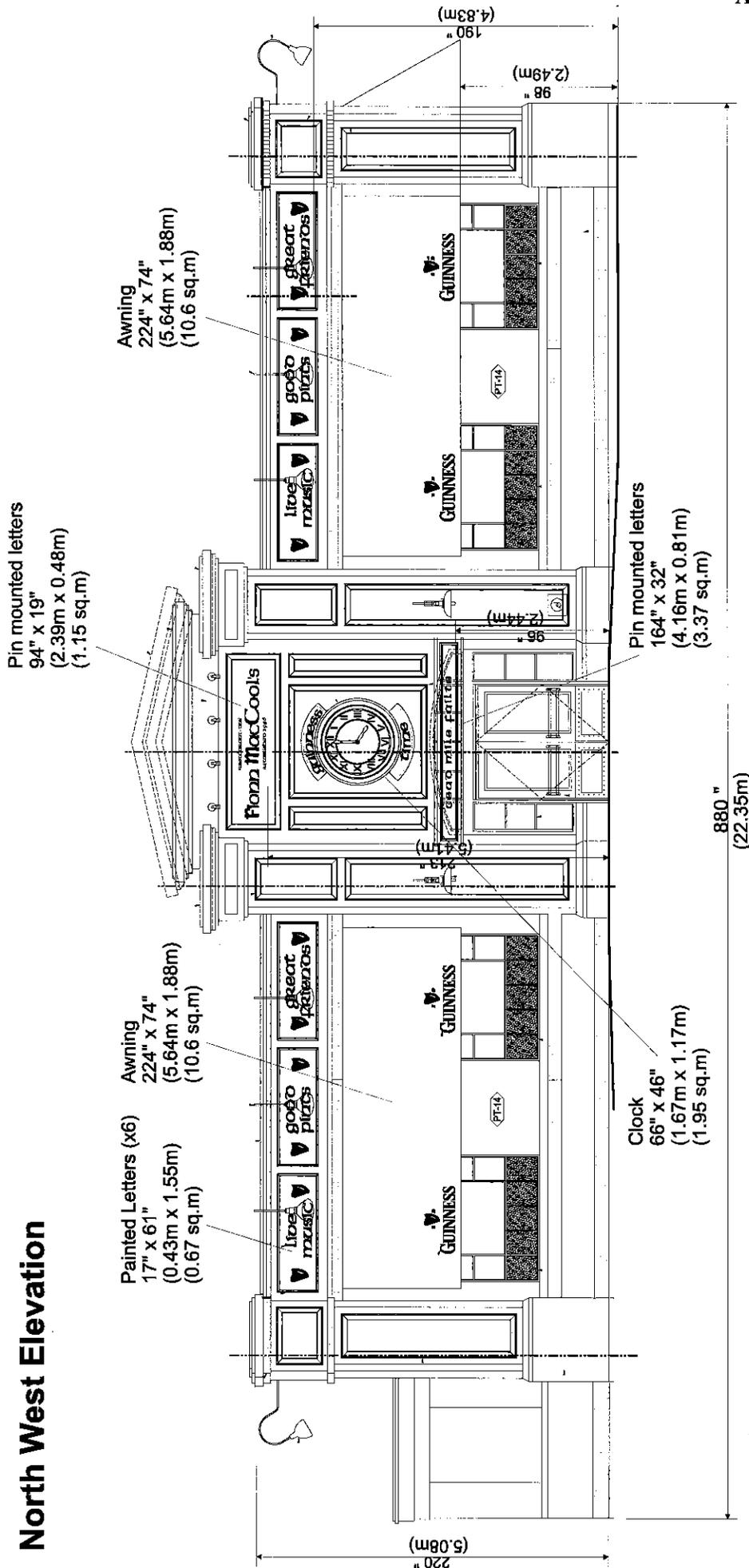
1-50



UNIT "E" - 825 BRITANNIA ROAD WEST
MISSISSAUGA, ONTARIO

<p>CANADIAN SIGNS INC. Krislee Signs Illuminated Division 527 Westmead Rd. S. Unit # 2 Ajax, Ontario, Canada L1S 6M8</p>	<p>Tel: (905) 619-9190 Fax: (905) 619-2302 canadiansigns@on.albn.com info@esigns@on.albn.com</p>	<p>FILE NAME Britannia</p>	<p>CLIENT Prime Restaurants Inc. Pizza Hut-Coots</p>	<p>LOCATION 825 Britannia Rd. W. Mississauga, ON L5V 2X8</p>	<p>SCALE NTS</p>	<p>DATE 10-10-12</p>	<p>APPROVED BY X</p>	<p>COPYRIGHT CANADA ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.</p>
	<p>DRAWING No. 001</p>	<p></p>						

North West Elevation



FILE NAME	CLIENT	LOCATION	SCALE	DATE	APPROVED BY
Brinnania	Prime Restaurants Inc. Prime MacCools	825 Briannia Rd. W. Mississauga, ON L5V 2X8	NTS	10-10-12	X
DRAWING No. 002					

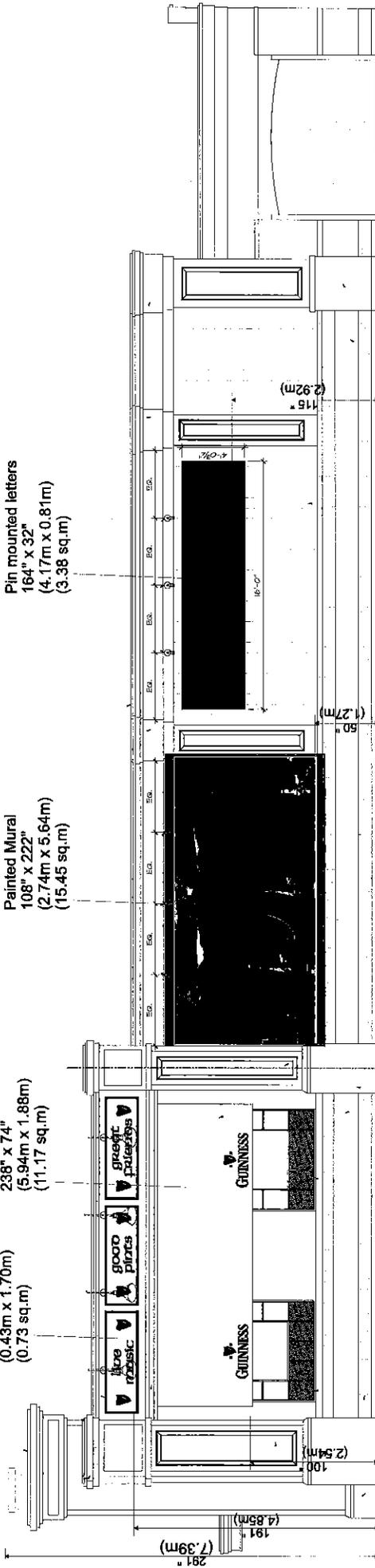
CANADIAN SIGNS INC.
 Kristee Signs Illuminated Division
 527 Westney Rd. S. Unit # 2 Ajax, Ontario, Canada L1S 6M8
 Tel: (905) 619-9190
 Fax: (905) 619-2302
 canadiansigns@on.abn.com
 kristeesigns@on.abn.com

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South West Elevation

- Painted Letters (x3)
17" x 67"
(0.43m x 1.70m)
(0.73 sq.m)
- Awning
238" x 74"
(5.94m x 1.88m)
(11.17 sq.m)
- Painted Mural
108" x 222"
(2.74m x 5.64m)
(15.48 sq.m)
- Pin mounted letters
164" x 32"
(4.17m x 0.81m)
(3.38 sq.m)



1167"
(29.64m)

FILE NAME	CLIENT	LOCATION	SCALE	DATE	APPROVED BY
Britannia	Prime Restaurants Inc. Pron PteCoo'ls	825 Britannia Rd. W. Mississauga, ON L5V 2X8	NTS	10-10-12	X
DRAWING No. 005					

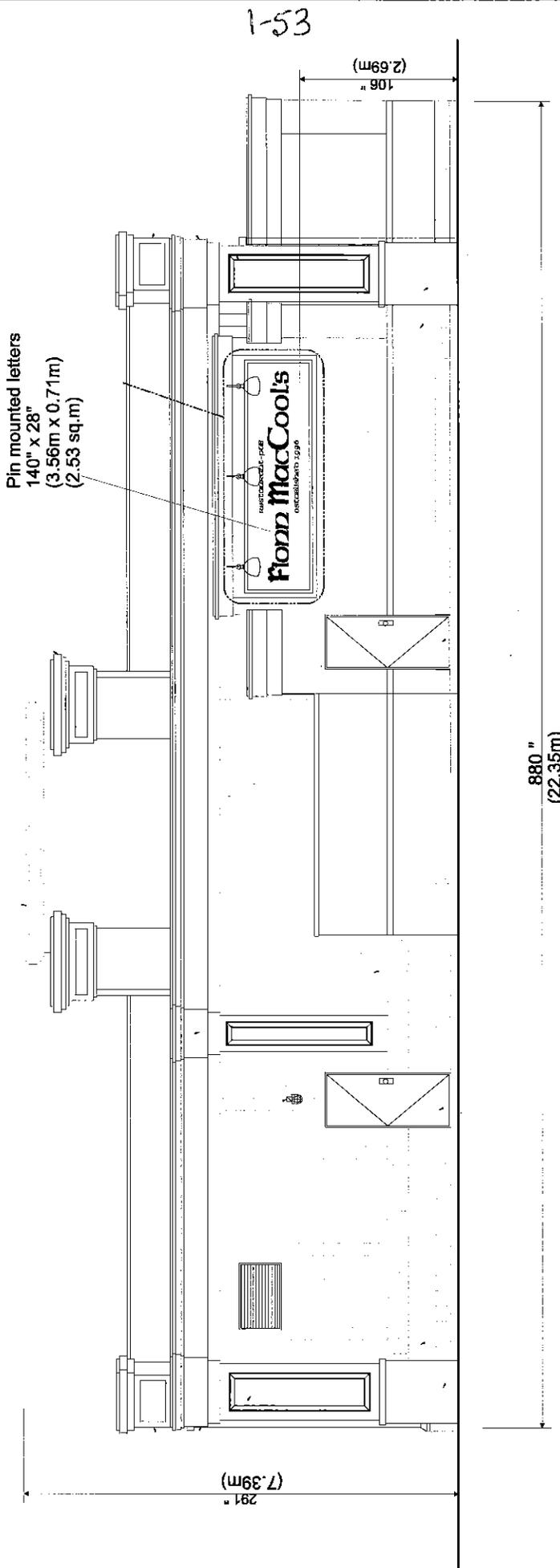
CANADIAN SIGNS INC.
Krislee Signs Illuminated Division
527 Westney Rd. S. Unit # 2 Ajax, Ontario, Canada L1S 6M8

Tel: (905) 619-9190
Fax: (905) 619-2302
canadiansigns@on.albn.com
krisleesigns@on.albn.com

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South East Elevation



1-53

291" (7.39m)

880" (22.35m)

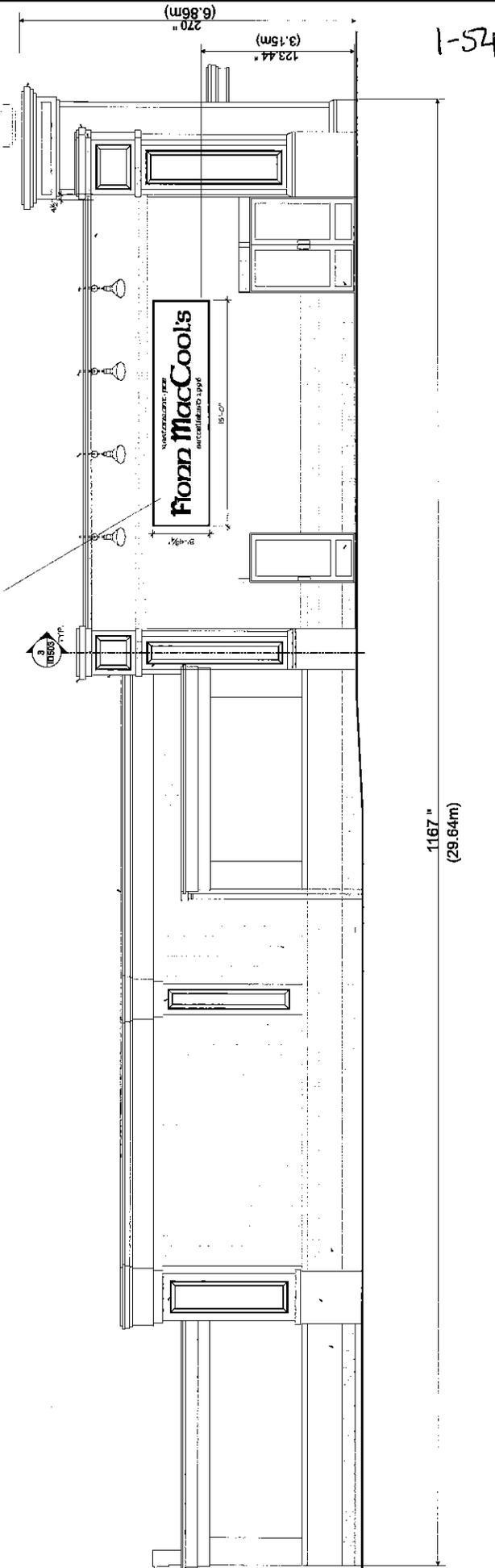
106" (2.69m)

Pin mounted letters
140" x 28"
(3.56m x 0.71m)
(2.53 sq.m)

 CANADIAN SIGNS INC. Kriesee Signs Illuminated Division 527 Westney Rd. S. Unit # 2 Ajax, Ontario, Canada L1S 6M8 Tel: (905) 619-9190 Fax: (905) 619-2302 canadian@gen.abn.com kriesee@gen.abn.com	FILE NAME Britannia	CLIENT Prime Restaurants Inc. Prime MacCool's	LOCATION 925 Britannia Rd. W. Mississauga, ON L5V 2X8	SCALE NTS	DATE 10-10-12	APPROVED BY X	COPYRIGHT CANADA ALL RIGHTS RESERVED THIS DOCUMENT IS VALID IN ALL PROVINCES SUBJECT TO THE CONDITIONS THAT THIS DRAWING IS THE PROPERTY OF THE CONTRACTOR OR SUPPLIER OF MATERIALS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CONTRACTOR OR SUPPLIER OF MATERIALS
	DRAWING NO. 004						

North East Elevation

Pin mounted letters
 164" x 32"
 (4.17m x 0.81m)
 (3.38 sq.m)



1167"
 (29.64m)

CANADIAN SIGNS INC.
 Kriesee Signs Illuminated Division
 527 Westney Rd. S. Unit #7 Ajax, Ontario, Canada L1S 6M8
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 Fax: (905) 619-2302
 canadiansigns@on.abn.com
 krieseesigns@on.abn.com

FILE NAME
 Britannia
DRAWING No.
 003

CLIENT
 Prime Restaurants Inc.
 Fiona MacCool's

LOCATION
 825 Britannia Rd. W.
 Mississauga, ON
 L5V 2X8

SCALE
 NTS
DATE
 10-10-12

APPROVED BY
 X

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MAR 18 2013



Corporate Report

2-1

Clerk's Files

Originator's
FilesCD.15.MIS
(Mississauga Data
Publication)

DATE: February 26, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **2013 Employment Profile, 2013 Vacant Lands Profile and 2013 Existing Land Use Profile**

RECOMMENDATION: That the report titled "*2013 Employment Profile*", "*2013 Vacant Lands Profile*" and "*2013 Existing Land Use Profile*" dated March 18, 2013, from the Commissioner of Planning and Building, be received for information and circulated, by the Planning and Building Department, to the Mississauga Board of Trade, the Building Industry and Land Development Association (BILD), Economic Development Advisory Council, Peel Halton Dufferin Training Board and the University of Toronto Mississauga.

**REPORT
HIGHLIGHTS:**

- Total employment in the City of Mississauga in 2012 was 413,000 (rounded);
- The total number of businesses in the City of Mississauga in 2012 was 54,000 (rounded) (including home based businesses);
- 9,200 businesses are considered small businesses (0-4 employees) (not including home based businesses); and
- The total area of vacant lands is 1,204 ha (2,975 ac) which comprises 4.1% of the City of Mississauga.

BACKGROUND:

The profile titled "*2013 Employment Profile*" (Appendix 1) provides an overview of employment and businesses in the City which assists in the assessment of how the goals in the Strategic Plan and the new Mississauga Official Plan are being implemented. It also compares 2012 employment data with past employment information and the projections from the 2008 Growth Forecast.

The profile titled "*2013 Vacant Lands Profile*" (Appendix 2) provides information regarding the location, land area and parcel size of vacant lands in the City of Mississauga.

The profile titled "*2013 Existing Land Use Profile*" (Appendix 3) provides information on all existing land use by land area in the City of Mississauga.

The "*2013 Employment Profile*", "*2013 Vacant Lands Profile*" and the "*2013 Existing Land Use Profile*" are based on data collected during 2012.

All of these documents and supporting tables/maps are posted on the City's web site at www.mississauga.ca/data.

COMMENTS:**2013 Employment Profile**

The principal findings of the "*2013 Employment Profile*" are as follows:

- total employment in the City of Mississauga in 2012 was 413,000 (rounded);
- total employment (not including a census adjustment) was 384,000 (rounded);
- in comparing employment survey results from 2011 to 2012, a decrease has been observed of 2,455 jobs or 0.6%;

- the total number of businesses in the City of Mississauga in 2012 was 54,000 (rounded) (including home based businesses). Excluding home based businesses, the number is 21,000 (rounded);
- the number of businesses in the City of Mississauga in 2012 decreased by 15 (0.07%) since 2011 (not including home based businesses);
- large businesses (1,000 employees and up) employed approximately 55,000 persons;
- mid-sized businesses (100 to 299 employees) employed approximately 73,000 persons;
- small businesses (0-4 employees) employed approximately 22,000 persons; and
- 9,200 businesses are considered small businesses (0-4 employees) (not including home based businesses).

2013 Vacant Lands Profile

The principal findings of the “2013 Vacant Lands” profile are as follows:

- the total area of vacant sites is 1,204 ha (2,975 ac) which comprises 4.1% of the City of Mississauga;
- there are 555 vacant sites;
- of the total 555 vacant sites, only 10 sites are larger than 20 ha (49.4 ac); and
- the majority of vacant lands are designated “Business Employment” and “Industrial”. The total area of these lands is 896 ha (2,214 ac) -- 74.4% of the total vacant land area in the City.

2013 Existing Land Use Profile

The “2013 Existing Land Use Profile” reports on how lands within the City are used. As expected, residential and employment areas occupy large amounts of land, but it is interesting to note that transportation rights-of-way account for one-fifth of land within the City. The large amount of land devoted to open space/greenbelt and school/institutional uses is also of note. The existing land use distribution of Mississauga’s total 29,214 ha (72,188 ac) of land is as follows:

- 29.2% (8,520 ha/21,060 ac) are residential;
- 20.4% (5,970 ha/14,740 ac) are transportation rights-of-way;
- 15.2% (4,430 ha/10,950 ac) are business employment/industrial;
- 11.4% (3,330 ha/8,220 ac) are open space/greenbelt;
- 9.3% (2,720 ha/6,730 ac) are school/public/institutional;
- 6.2% (1,800 ha/4,460 ac) are commercial/office/mixed;
- 4.9% (1,440 ha/3,570 ac) are vacant/farm;
- 2.3% (660 ha/1,630 ac) are utility/public works;
- 0.9% (250 ha/620 ac) are community/places of religious assembly;
and
- 0.3% (90 ha/220 ac) are “other”.

The distribution of land uses demonstrates that Mississauga is an urban city with a healthy mix of uses necessary to achieve a complete community where people can live, work and play.

STRATEGIC PLAN: The amount and location of vacant employment lands assists Mississauga in attracting creative and innovative businesses in accordance with the Prosper pillar of the Strategic Plan.

FINANCIAL IMPACT: Not Applicable.

CONCLUSION:

The collection of employment information through the annual employment survey is an important data resource. In addition to monitoring strategic planning policies, the data are used in forecasting and planning for future needs and services, attracting business to the City, retention programs for existing businesses and the development of future financial economic strategies.

The "2013 Vacant Lands" profile is a factual document to assist businesses locating in the City. The information will also be used to monitor and develop strategic and planning policies, forecast growth and plan for future needs and services. In addition to this the annual Employment Survey is also used to support the Cultural Resource mapping project.

ATTACHMENTS:

- APPENDIX 1:2013 Employment Profile
- APPENDIX 2:2013 Vacant Lands Profile
- APPENDIX 3:2013 Existing Land Use Profile



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Steve Czajka, OLS, Manager, Information Planning



2013 EMPLOYMENT PROFILE

EMPLOYMENT

OVERALL WORKERS EMPLOYED WITHIN MISSISSAUGA

▼ 0.6%
413,325

TOTAL EMPLOYMENT + CENSUS ADJUSTMENT

383,670 + 29,655

FULL-TIME EMPLOYMENT VS. PART-TIME

91% FULL-TIME, 9% PART-TIME

EMPLOYEES THAT WORK FROM HOME

0.5% BASED ON 56% SAMPLE SIZE

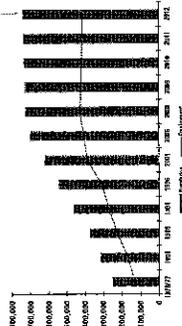
2013 TOTAL FORECASTED POPULATION

741,000 ▲ 0.4%

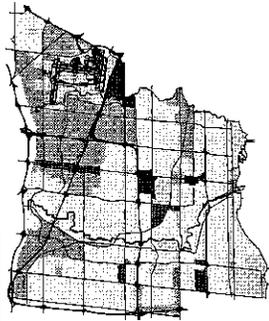
2012 EMPLOYMENT RATIO

0.56

WORKERS EMPLOYED AS A PROPORTION OF TOTAL POPULATION 1976-2012



GROSS EMPLOYMENT DENSITY IN MISSISSAUGA



BUSINESSES

TOTAL NUMBER OF BUSINESSES IN MISSISSAUGA*

▼ 0.6%
53,757

NUMBER OF BUSINESSES OPERATING ON BUSINESS SITES

20,995

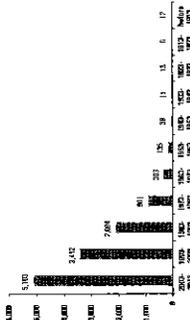
HOME-BASED BUSINESSES*

32,762

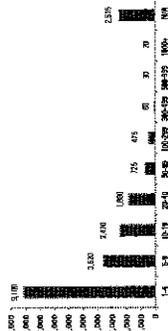
NUMBER OF BUSINESSES BY BUSINESS CLASSIFICATION FOR TOP 10 SECTORS

- 2,830 RETAIL TRADE
- 2,801 WHOLESALE TRADE
- 2,501 MANUFACTURING
- 2,151 OTHER SERVICES
- 1,632 PROFESSIONAL + TECHNICAL SERVICES
- 1,532 ACCOMMODATION + FOOD SERVICES
- 1,483 HEALTHCARE + SOCIAL ASSISTANCE
- 946 TRANSPORTATION + WAREHOUSING
- 762 FINANCE + INSURANCE
- 689 EDUCATIONAL SERVICES

NUMBER OF BUSINESSES BY YEAR OF ESTABLISHMENT BASED ON 37% RESPONSE



NUMBER OF BUSINESSES BY SIZE OF BUSINESS



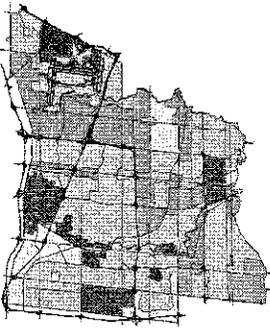
VACANCIES

3,385 ▲ 2.9%

NEW BUSINESSES OR BUSINESSES THAT MOVED BETWEEN 2011 AND 2012

1,995

EMPLOYMENT TRENDS 2008-2012



Download full size maps and read more about this at mississauga.ca/data



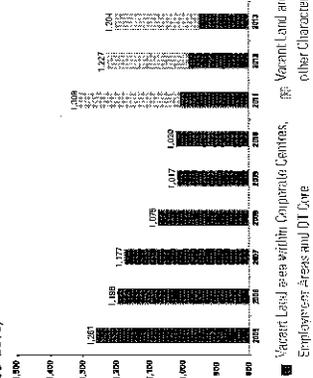
*Source: Statistics Canada, Canadian Business Patterns (C2) Database, June 2012. Comparisons are based on the previous Annual Employment Survey.

2013 VACANT LANDS

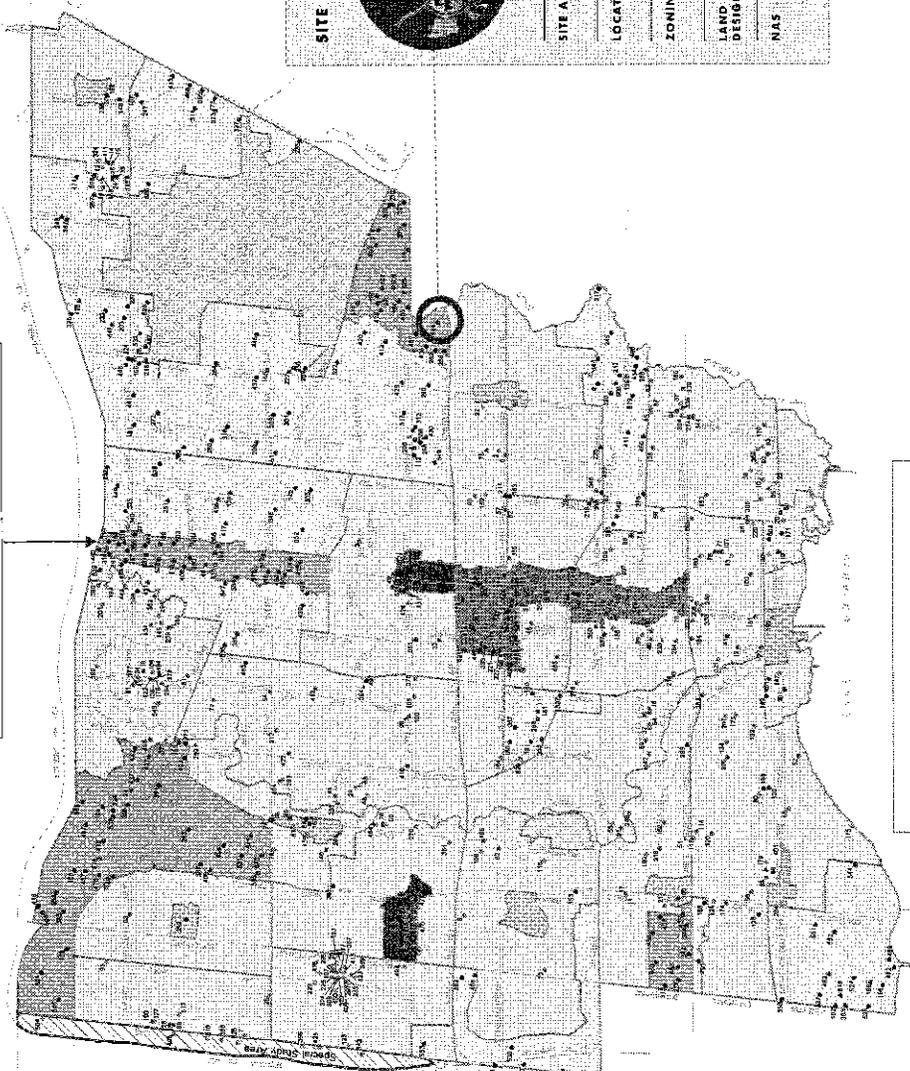
VACANT LANDS OVERVIEW

AREA OF VACANT SITES (HECTARES/ACRES)	▼ 1.9% 1,204 ha/2,975 acres
PERCENTAGE OF CITY LAND AREA THAT IS VACANT	4.1%
NUMBER OF VACANT SITES	555 ▲ 1.5%
VACANT SITES LARGER THAN 20 HECTARES (50 ACRES)	10
VACANT LAND IN CORPORATE CENTRES AND EMPLOYMENT AREAS AS A PERCENTAGE OF TOTAL VACANT LAND AREA	76.8%
COMBINED AREA OF VACANT LAND IN CORPORATE CENTRES AND EMPLOYMENT AREAS AS A PERCENTAGE OF TOTAL VACANT LAND AREA	50.7%
VACANT LAND DESIGNATED BUSINESS EMPLOYMENT AND INDUSTRIAL (HECTARES/ACRES)	896 ha/2,214 acres
VACANT LAND AREA WITHIN NATURAL AREAS SYSTEM (HECTARES/ACRES)	80 ha/198 acres

VACANT LANDS TREND (HECTARES) (2003-2013)



DID YOU KNOW?
In the Gateway Corporate Centre, 30.3% of the total land area are vacant lands.



SITE INFORMATION (SAMPLE)	
SITE NO.	543
SITE AREA	19 ha/46.9 ac
LOCATION	Airport CC/Ward 3
ZONING	C3-39, E2-40, G1, G2
LAND USE DESIGNATION	BE, MU
NAS	1 ha/2.5 ac

Read more about this and download the KML map at mississauga.ca/data



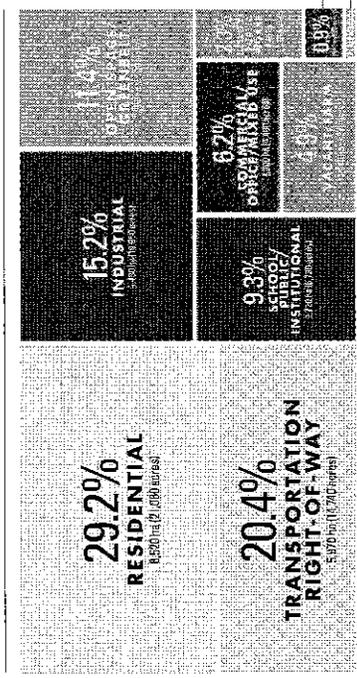
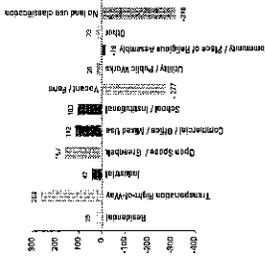
Comparisons are based on the previous Vacant Lands Study.

2013 EXISTING LAND USE

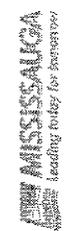
EXISTING LAND USE OVERVIEW

TOTAL AREA OF MISSISSAUGA (HECTARES/ACRES)	29,214 ha 72,188 acres
PERCENTAGE OF LAND IN DOWNTOWN MISSISSAUGA COMPRISING APARTMENTS	20.1%
PERCENTAGE OF LAND COMPRISING DETACHED HOMES IN NEIGHBOURHOODS	36.5%
PERCENTAGE OF OFFICE LAND LOCATED IN CORPORATE CENTRES	65.0%

EXISTING LAND USE CHANGE
IN HECTARES (2007-2013)



Read more about the 2013 existing land use and view this map as a KML at mississauga.ca/data



COMMUNITY PLACE OF RELIGIOUS ASSEMBLY
2,112,322 ha — 6.9% (10 ha/128 acres)



Corporate Report

3-1

Clerk's Files

Originator's
Files OZ 09/009 W6

PLANNING & DEVELOPMENT COMMITTEE

MAR 18 2013

DATE: February 26, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Information Report**
Rezoning Application
To permit a Private Elementary School
935 Eglinton Avenue West and Block 127, 43M-1034
North side of Eglinton Avenue West, West of Terry Fox Way
Owners: Masjid-e Farooq-e Azam Mississauga &
Makkah Holdings Inc.
Applicant: Macaulay Shiomi Howson Ltd.
Bill 51

Public Meeting

Ward 6

RECOMMENDATION: That the Report dated February 26, 2013 from the Commissioner of Planning and Building regarding the application to change the Zoning from "RM4-58" (Residential) and "RM5-3" (Residential), to "RM4-Exception" (Residential) to permit a private elementary school in conjunction with a place of religious assembly, under file OZ 09/009 W6, Masjid-e Farooq-e Azam Mississauga and Makkah Holdings Inc., 935 Eglinton Avenue West and Block 127, 43M-1034, be received for information.

**REPORT
HIGHLIGHTS:**

- The private elementary school is proposed in conjunction with an existing place of religious assembly.
- Prior to the supplementary report, matters to be addressed include: outstanding department and agency comments and the submission and review of supporting information.

BACKGROUND:

The above-noted application has been circulated for technical comments. The purpose of this report is to provide preliminary information on the application, and to seek comments from the community.

COMMENTS:

The subject rezoning application includes two parcels of land under separate ownership. The property identified as 935 Eglinton Avenue West is owned by Masjid-e Farooq-e Azam Mississauga, and the adjacent parcel to the west, identified as Block 127 on plan 43M-1034, is owned by Makkah Holdings Inc.

The proposal is to permit the construction of a two storey private elementary school and two levels of underground parking, in conjunction with the existing mosque located at 935 Eglinton Avenue West. In addition, the application seeks to allow associated surface parking on the adjacent parcel.

Development Proposal	
Application submitted:	June 4, 2009 (application submitted) June 18, 2009 (deemed complete) September 27, 2011 (resubmission) July 13, 2012 (resubmission)
Existing Gross Floor Area:	927.4 m ² (9,983 sq. ft.)
Proposed Gross Floor Areas:	New Building 2,379.3 m ² (25,611 sq. ft.) Total Site 3,303.8 m ² (35,563 sq. ft.)

Development Proposal	
Building Height:	2 storeys 9.1 m (29.9 ft.) (grade to roof) 20 m (65.6 ft.) (grade to top of minaret)
Total Lot Coverage:	22 %
Landscaped Area:	19 %
Parking Required:	122 * * (plus parking for day care at 2.5 spaces/100 m ² of GFA)
Parking Provided:	167
Supporting Documents:	Planning Justification Report Traffic Impact Study Stormwater Management Report Phase 1 Environmental Assessment Environmental Noise Assessment Traffic Impact Study Site Plan Landscape Plan and Details Topographic Survey Site Servicing and Grading Plan Drainage Catchment Area Plan Cross Section Plan Elevation Drawings and Floor Plans Eglinton Avenue Modification Plan

Site Characteristics	
Frontage:	133.5 m (438.0 ft.)
Depth:	54.5 m (178.8 ft.)
Net Lot Area:	0.65 ha (1.61 ac.)
Existing Use:	Place of Religious Assembly (Mosque)

Green Development Initiatives

The applicant has proposed that the following green development initiatives will be incorporated into the development: bioswales; pervious stable surface; grass and dry swales; bicycle parking; rainwater harvesting (where feasible); native vegetation (where feasible). Further, it has been indicated that additional items such as reflective roofing and bird friendly glazing will be investigated through the building design process.

Neighbourhood Context

The subject property is located on the north side of Eglinton Avenue West, west of Terry Fox Way. The surrounding neighbourhood is characterized predominantly by detached, semi-detached and townhouse dwellings. In addition, a landscaping supply business, veterinary clinic and places of religious assembly are located along Eglinton Avenue West. Currently, there is a mosque on the subject property. Information regarding the history of the site can be found in Appendix I-1. The surrounding land uses are described as follows:

- North: Across Moulin Rouge Crescent, street townhouses and detached dwellings.
- East: Townhouse dwellings.
- South: Across Eglinton Avenue West, street townhouses and detached dwellings.
- West: Immediately to the west, a landscaping supply business, and further west, a veterinary clinic and places of religious assembly.

Mississauga Official Plan

Mississauga Official Plan was adopted by City Council on September 29, 2010 and partially approved by the Region on September 22, 2011. The Plan was appealed in its entirety, however on November 14, 2012, the Ontario Municipal Board issued a Notice of Decision approving Mississauga Official Plan, as modified, save and except for certain appeals which have no

effect on the subject application. The lands are located within the **East Credit Neighbourhood Character Area**, on Eglinton Avenue West, which is identified as a **Corridor**. Mississauga Official Plan designates the subject lands as "**Residential Medium Density**", which permits community infrastructure, including private schools and places of religious assembly.

Existing Zoning

"**RM4-58**" (**Residential**) which permits a place of religious assembly and a day care, and "**RM5-3**" (**Residential**), which permits detached dwellings, semi-detached dwellings and street townhouse dwellings.

Proposed Zoning By-law Amendment

"**RM-4 Exception**" (**Residential**), to permit a private elementary school, day care and place of religious assembly. As part of the rezoning, the applicant is proposing a new exception zone for the site, and that the following zoning standards apply to the private school:

	Required Zoning By-law Standard - Private School	Proposed Standard
Min. Rear Yard	7.5 m (24.6 ft)	4.5 m (14.8 ft)
Max. Building Height	7.5 m (24.6 ft)	9.5 m (31.2 ft)
Min. Landscaped Area	40%	19%
Max. Gross Floor Area	0.23 (times the lot area)	0.37 (times the lot area)
Max. Gross Floor Area for accessory uses	20%	30%

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. Based on the comments received and the applicable Mississauga Official Plan policies, the following matters will have to be addressed:

- Satisfactory arrangements regarding landscaping;
- Provision of technical details regarding the completion/restoration of Moulin Rouge Crescent to the satisfaction of the Transportation and Works Department;
- Satisfactory arrangements concerning land ownership.

OTHER INFORMATION

Development Requirements

In conjunction with the proposed development, there are certain other engineering matters with respect to grading and road improvements which will require the applicant to enter into appropriate agreements with the City.

FINANCIAL IMPACT:

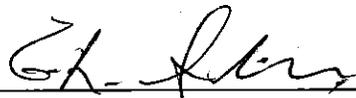
Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City, as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION:

Agency and City department comments have been received and after the public meeting has been held, and all of the outstanding issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding this application.

ATTACHMENTS:

- Appendix I-1: Site History
- Appendix I-2: Aerial Photograph
- Appendix I-3: Excerpt of Existing Land Use Designation Map
- Appendix I-4: Excerpt of Existing Land Use Map
- Appendix I-5: Site Plan
- Appendix I-6: Elevations
- Appendix I-7: Agency Comments
- Appendix I-8: General Context Map



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Katherine Mahoney, Development Planner

**Masjid-e Farooq-e Azam Mississauga &
Makkah Holdings Inc.**

File: OZ 09/009 W6

Site History

- May 5, 2003 – The Region of Peel approved the Mississauga Plan policies for the East Credit District, designating the subject lands as "Residential Medium Density I".
- May 19, 2005 – The Committee of Adjustment approved a minor variance application under file 'A' 172/05 to permit the construction of a new place of religious assembly, with a reduced rear yard setback of 4.73 m (15.51 ft) whereas By-law 5500 required a minimum setback of 7.50 m (24.60 ft).
- January 19, 2007 – Site Plan Approval under file SP 01/439 was authorized to permit a new building for religious assembly.
- June 20, 2007 – Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed for this site, the provisions of the By-law apply. The subject lands are zoned "RM4-25" (Residential) and "RM5-3" (Residential).
- November 14, 2012 – The Ontario Municipal Board issued a Notice of Decision approving Mississauga Official Plan (2011), as modified, save and except for certain appeals which have no effect on the subject application. The subject lands are designated "Residential Medium Density".



LEGEND:



SUBJECT LANDS



DATE OF AERIAL PHOTO: 03/12

**SUBJECT: MASJID-E FAROOQ-E AZAM
 MISSISSAUGA & MAKKAH HOLDINGS INC.**

FILE NO: OZ 09009 W6		APPENDIX I-2	
DWG. NO: 09009A		PDC DATE: 2013 03 18	DRAWN BY: K. PROKOP
SCALE: 1:2500		Produced by T&W Geomatics	

MISSISSAUGA
 Planning and Building

**PART OF SCHEDULE 10 LAND USE DESIGNATIONS
OF MISSISSAUGA OFFICIAL PLAN**

LAND USE DESIGNATIONS

- Residential Low Density I
- Residential Low Density II
- Residential Medium Density
- Residential High Density
- Downtown Mixed Use
- Downtown Core Commercial
- Mixed Use
- Convenience Commercial
- Motor Vehicle Commercial
- Office
- Business Employment
- Industrial
- Airport
- Institutional
- Public Open Space
- Private Open Space
- Greenbelt
- Parkway Belt West
- Utility
- To Be Determined

LAND USE LEGEND

- Heritage Conservation District
- 1986 NEP/2000 NEP
- Composite Noise Contours
- LBP/A Operating Area Boundary
- See Aircraft Noise Policies
- Area Exempt from LBP/A Operating Area
- Natural Hazards
- Civic Centre (City Hall)
- City Centre/Transit Terminal
- GO Rail Transit Station
- Public School
- Catholic School
- Hospital
- Community Facilities

CITY STRUCTURE

- Elements
- Downtown
- Major Node
- Community Node
- Neighbourhood
- Corporate Centre
- Employment Area
- Special Purpose Area

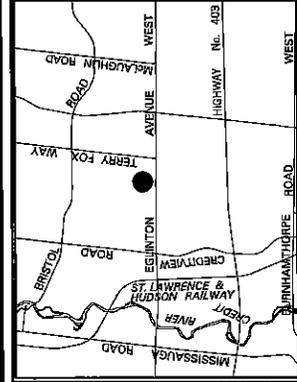
NDZ Region of Peel Non-Decision



SUBJECT LANDS



**SUBJECT: MASJID-E FAROOQ-E AZAM
MISSISSAUGA & MAKKAH HOLDINGS INC.**



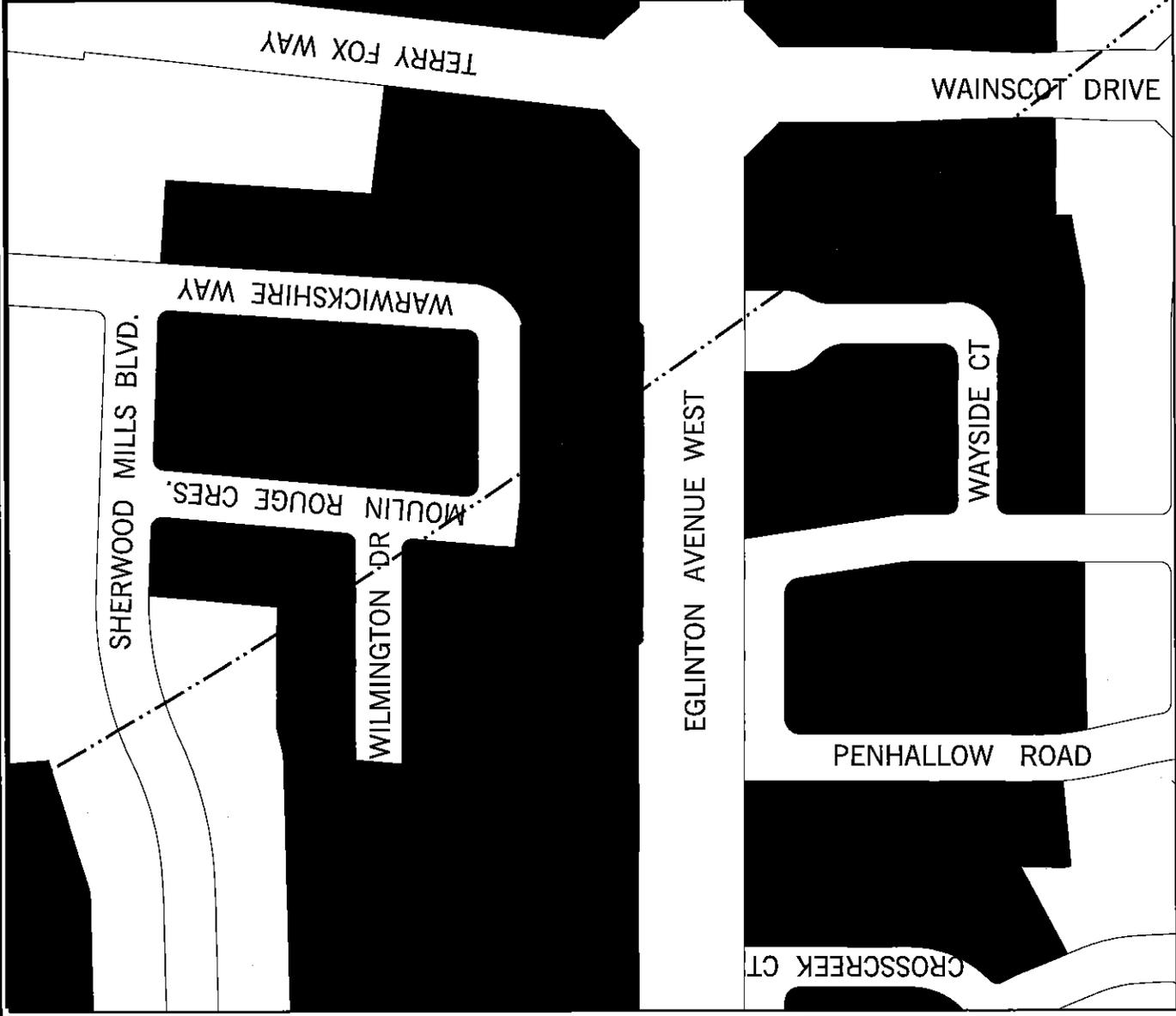
FILE NO: OZ 09009 W6
DWG. NO: 09009R
SCALE: NTS

APPENDIX I-3

PDC DATE: 2013 03 18
DRAWN BY: K. PROKOP

Produced by
T&W, Geomatics

MISSISSAUGA
Planning and Building





DATE	NOV 14 2013
PROJECT	PROPOSED NEW PRIVATE ELEMENTARY SCHOOL
CLIENT	MASJID-E FAROUQ-E AZAM
DESIGNER	MOHAMED J. CHAH
CHECKER	MOHAMED J. CHAH
SCALE	AS SHOWN
PROJECT NO.	297-001
DRAWING NO.	A103

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Client: Masjid-e Farouq-e Azam

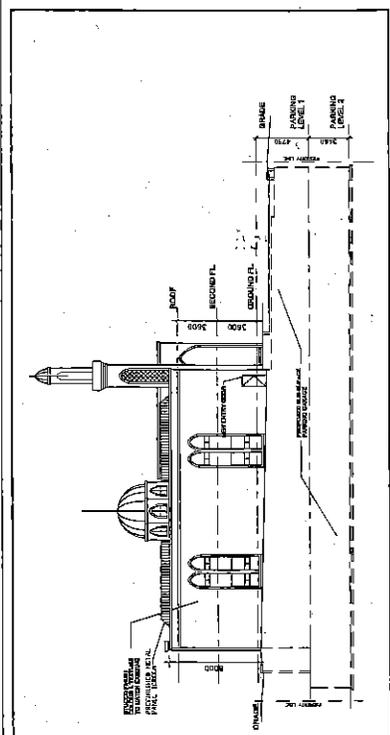
835 Eglington Ave West
Mississauga, Ontario
L4X 1L3
Mohammed J. Chah, Thameh

Project Title: Proposed New Private Elementary School
835 Eglington Ave West
Mississauga, Ontario L4X 1L3

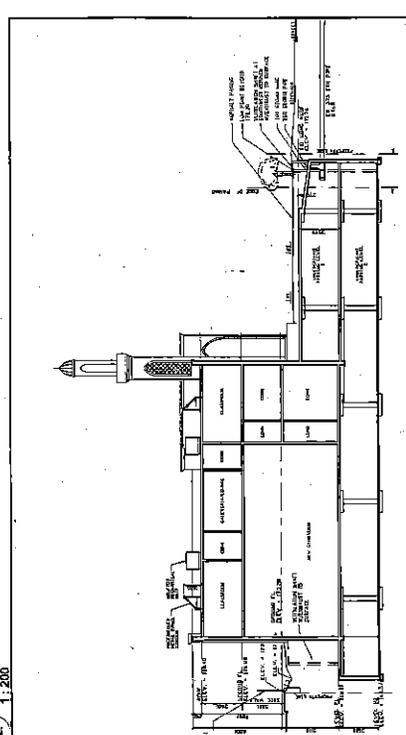
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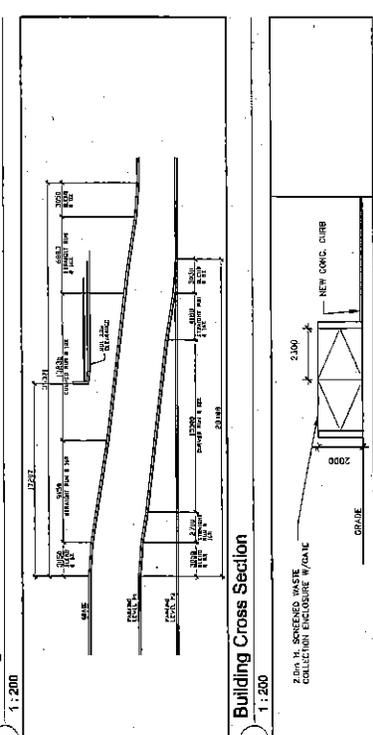
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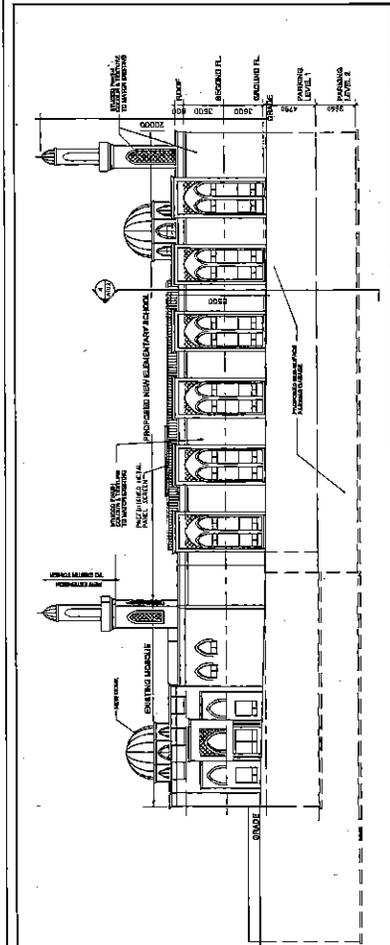
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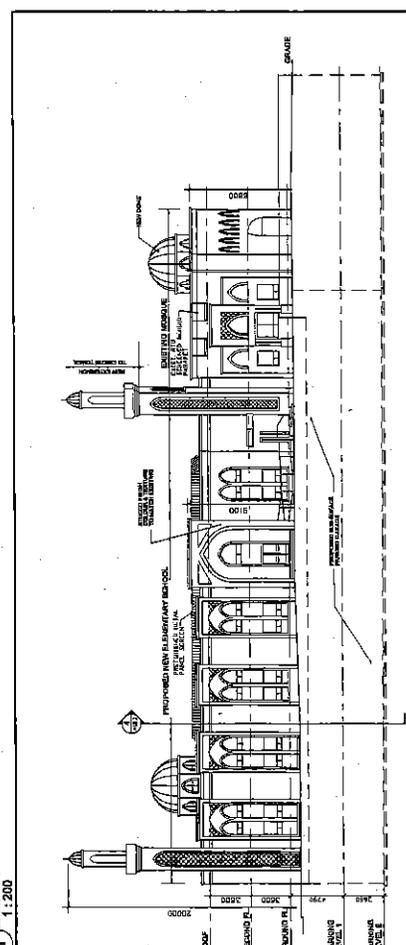
4 Building Cross Section
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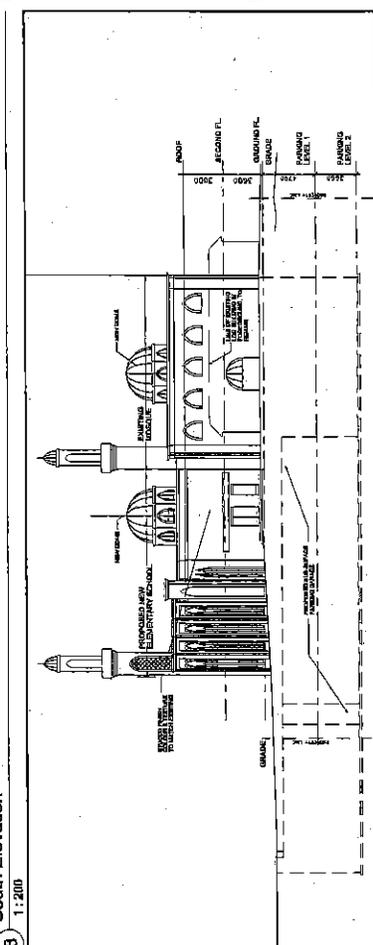
6 Refuse Enclosure Elevation
1:200



1 North Elevation
1:200



3 South Elevation
1:200



5 East Elevation
1:150

**Masjid-e Farooq-e Azam Mississauga &
Makkah Holdings Inc.**

File: OZ 09/009 W6

Agency Comments

The following is a summary of comments from agencies and departments regarding the application.

Agency / Comment Date	Comment
City Community Services Department – Parks and Forestry Division (January 29, 2013)	In comments dated January 29, 2013, this Department notes that prior to by-law enactment, a cash contribution for street tree planting and bicycle signs will be required. Further, prior to the issuance of building permits, cash-in-lieu of parkland for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.
City Transportation and Works Department (January 29, 2013)	<p>In comments dated January 29, 2013, this Department confirmed receipt of Site Plan, Site Grading and Servicing Plan, Stormwater Management Report, revised Traffic Impact Study and an addendum, Environmental Noise Assessment, and Phase 1 Environmental Site Assessment. These details are under review.</p> <p>Prior to the Supplementary Meeting, the applicant has been requested to provide revised plans with additional details for the completion/restoration of Moulin Rouge Crescent right-of-way to better demonstrate the feasibility of the proposed development.</p> <p>Further detailed comments/conditions will be provided prior to the Supplementary Meeting pending receipt and review of the foregoing.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <p>Community Services – Fire and Emergency Services Division Region of Peel</p>

**Masjid-e Farooq-e Azam Mississauga &
Makkah Holdings Inc.**

File: OZ 09/009 W6

Agency / Comment Date	Comment
	Enersource Hydro Mississauga Traffic Safety Sub-Committee
	<p>The following City Departments and external agencies were circulated the applications but provided no comments or have indicated they have no concerns or conditions.</p> <p>Community Services Department – Culture Division Bell Canada Rogers Cable Canada Post Corporation Hydro One Networks Incorporated Greater Toronto Airports Authority Peel Regional Police/CPTED</p>



Corporate Report

4-1
PLANNING & DEVELOPMENT COMMITTEE
MAR 18 2013

Clerk's Files

Originator's
Files

'A' 040/13 W2

DATE: February 26, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Appeal to the Ontario Municipal Board
Committee of Adjustment Decision
Minor Variance Application 'A' 040/13 W2
Darval Holdings
2213 North Sheridan Way
North of Queen Elizabeth Way and west of
Erin Mills Parkway**

Ward 2

RECOMMENDATION: That the Report dated February 26, 2013 from the Commissioner of Planning and Building regarding the appeal filed by Legal Services by letter be adopted, and that Legal Services, together with other appropriate City staff attend the Ontario Municipal Board hearing in support of the appeal of the decision of the Committee of Adjustment under file 'A' 040/13 W2.

**REPORT
HIGHLIGHTS:**

- Minor variance application 'A' 040/13 W2 was approved by the Committee of Adjustment on January 31, 2013.
- The Planning and Building Department recommended that the application be refused since it does not maintain the intent of both the Official Plan and Zoning By-law, is not an appropriate or desirable use within the Sheridan Park Corporate Centre, and is not minor in nature.
- A "Placeholder" appeal has been filed by Legal Services as this decision would set an undesirable precedent with respect to the

interpretation of the Official Plan and Zoning By-law in the context of future Committee of Adjustment matters being considered by the City.

BACKGROUND:

On January 31, 2013, the Committee of Adjustment considered minor variance application 'A' 040/13 W2, to permit ancillary uses for the proposed research facility known as "Reptilia", whereas By-law 0225-2007, as amended, makes no provisions for ancillary uses to a research facility in this instance.

The minor variance was amended by the authorized agent at the Committee of Adjustment hearing to permit a reptile zoo with associated retail sales and children's party area operated in conjunction with a reptile research facility known as "Reptilia", whereas By-law 0225-2007, as amended, makes no provisions for such a use. In addition, a parking variance was also granted to allow a reduced parking rate for the proposed use on the subject property. Page 6 of this report summarizes the decision of the Committee of Adjustment and amended variance request. Appendix 1 is a copy of the signed decision.

The application was approved, as amended by the Committee, on January 31, 2013.

A "Placeholder" appeal was submitted on February 25, 2013 by Legal Services. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendices 1 to 9.

COMMENTS:

The applicant's authorized agent attended the Committee of Adjustment meeting on January 31, 2013 to present the application. He indicated that the purpose of the proposal was to permit the operation of a research and education facility with ancillary zoo and retail components. Based on the floor plans submitted with the Committee of Adjustment application (Appendix 7), the area identified as "Animals for Education and Research" is the public exhibit/zoo area, the "Supplies, Ed

Materials and Gift Shop" is the retail store, and the "Classrooms" may also be used for birthday parties amongst other uses.

The authorized agent suggested that the primary function of the operation is for reptile research and education for school children and that these uses would be compatible with the existing land use designation for the subject property in Mississauga Official Plan.

The Planning and Building Department's principle concerns with the proposal are as follows:

1. We are not satisfied that the principle use of this building is a research facility (science and technology facility).
2. That the types of "accessory uses" being requested are not considered accessory to the research facility. Through discussions with the applicant and based on the floor plans (Appendix 7) submitted with the minor variance application, the "accessory uses" are described as retail sales, classrooms for education and research, and a lab and medical area. As the primary use, a reptile zoo, is not permitted, these uses cannot be considered as accessory to the primary use.

While a letter was initially submitted by the Sheridan Park Association (SPA) in support of the proposal, upon further review of the proposed facility, a subsequent letter (Appendix 9) was submitted noting their opposition to the proposal.

The Planning and Building Department recommended that the minor variance application be refused on the basis that it does not maintain the general intent and purpose of the Official Plan and the Zoning By-Law, is not minor in nature, and is not desirable for the appropriate development of the land.

Official Plan

The subject property is designated "Business Employment" in the Sheridan Park Corporate Centre in Mississauga Official Plan, which allows for facilities involved with scientific and engineering

research and development, education and training facilities but excludes elementary or secondary level education, data processing centres, engineering services, offices associated with science and technology uses, hotels, and accessory commercial uses. The Sheridan Park Corporate Centre has unique policies to protect these lands as a research park, and to differentiate the Park from other Corporate Centres in the City of Mississauga.

A reptile zoo with associated retail sales and a children's party area operated in conjunction with reptile research, are not permitted uses within the Sheridan Park Corporate Centre. Furthermore, an indoor or outdoor zoo and associated uses are not recognized as uses in the Official Plan for the entire City. Therefore, the proposed uses do not maintain the general intent and purpose of the Official Plan.

Zoning By-law

The subject property is zoned "E2-6" (Employment). The applicable zone provisions permit a variety of business activities including office, commercial uses, science and technology facilities, education and training facilities, wholesaling/warehousing, hospitality associated uses, and other uses.

Through discussions with the operator of the proposed facility, the business was described to City staff as a zoo/public exhibit use with accessory retail sales. The zoo/public exhibit would include field trips for school children during weekdays and the general public on weekends. While the information being provided from such activities at the proposed facility is both informative and educational, this use does not fall under the Zoning By-law definition of an "Education and Training Facility", where specialized instruction is provided for a particular skill or profession and may include a "Science and Technology Facility". The children/adults are being entertained and learning general information about the reptiles in the subject building. The term, "accessory to a research establishment", would typically include but not be limited to a cafeteria, a fitness area and/or offices, and

would have floor area restrictions that are less than the principal research establishment use.

Although Planning staff do not question that some research may occur on site, and that there is an educational component to the business, the educational component does not comply with the Zoning By-law definition for an Education and Training Facility.

A reptile zoo with associated retail sales and a children's party area operated in conjunction with reptile research is not a permitted use. Therefore, the requested use on the subject property does not maintain the general intent and purpose of the Zoning By-law.

Four Tests of a Minor Variance

An application for a minor variance from a Zoning By-law must meet all four tests established under the *Planning Act*, namely, the application must: maintain the general intent and purpose of the Official Plan; maintain the general intent and purpose of the Zoning By-law; be desirable for the appropriate development or use of the land; and be minor in nature. Failure to satisfy just one of these tests is fatal to the application.

As a zoo of any sort is not a recognized use in the City's Official Plan or Zoning By-law, these tests cannot possibly be met, regardless of whether it is ancillary or accessory to a research facility. The proposed use fails two of the four tests and by virtue of this cannot be considered minor or desirable, and therefore, fails the *Planning Act* requirements.

Parking Variance

In addition to the land use related concerns raised by Planning staff, the applicant was also granted relief from the parking requirement for the subject property. A Parking Study to justify the significantly reduced parking standard of 70% less than what is required, was not submitted.

Based on the Gross Floor Area (GFA) of the existing building, the relief from the parking would be from 200 to 59 spaces. Based on the site plan submitted to the Zoning Section through the Certificate of Occupancy application, there are currently only 50 parking spaces available on-site, with no parking spaces for people with disabilities.

Committee of Adjustment Decision

The Committee of Adjustment considered the submissions put forward and was satisfied that the amended request met the general intent and purpose of the Zoning By-law and Official Plan in this instance, and was of the opinion that the amended request was minor in nature. The Committee approved a reptile zoo with associated retail sales and children's party area, operated in conjunction with a reptile research facility known as "Reptilia"; and to permit parking for the subject use at a rate of 1.6 spaces per 100 m² (1,076 sq. ft.) Gross Floor Area (GFA) - Non-Residential, whereas By-law 0225-2007, as amended, makes no provisions for such a use and requires parking at a rate of 5.4 spaces per 100 m² (1,076 sq. ft.) GFA - Non-Residential.

Ontario Municipal Board Appeal

The Committee of Adjustment's decision to approve the minor variance will be final and binding on February 27, 2013. Based on Council endorsed protocol, the Planning and Building Department prepares a Corporate Report to the Planning and Development Committee recommending that the City appeal a decision of the Committee of Adjustment, when in the Department's opinion, the decision does not maintain the general intent and purpose of the Official Plan. Accordingly, the Planning and Building Department requested that Legal Services prepare the appropriate Notice of Appeal to the Ontario Municipal Board (OMB) and file a "Placeholder" appeal prior to the appeal period expiring pending further instruction from Council.

CONCLUSION:

The minor variance approved by the Committee of Adjustment under file 'A' 040/13 W2, does not maintain the general intent and purpose of the Official Plan or the Zoning By-law, is not minor in nature and is not desirable for the appropriate use of the land.

ATTACHMENTS:

- Appendix 1: Committee of Adjustment Decision 'A' 040/13 W2
- Appendix 2: Land Use Map
- Appendix 3: Zoning Map
- Appendix 4: General Context Map
- Appendix 5: Aerial Photograph
- Appendix 6: Reference Plan
- Appendix 7: Floor Plan
- Appendix 8: Site Plan
- Appendix 9: Letter dated February 21, 2013 from Sheridan Park Association



Edward R. Sajecki
Commissioner of Planning and Building

*Prepared By: Lauren Eramo-Russo,
Committee of Adjustment Planner*



File: "A" 040/13
WARD 2

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

DARVAL HOLDINGS LTD

on Thursday January 31, 2013

Darval Holdings Ltd. is the owner of Part of Lot 32, Concession 1, SDS, located and known as 2213 North Sheridan Way, zoned E2-6, Employment. The applicant requests the Committee to authorize a minor variance to permit ancillary uses for the proposed research facility known as "Reptilia"; whereas By-law 0225-2007, as amended, makes no provisions for ancillary uses to a research facility in this instance.

Mr. G. Broll, authorized agent, attended and presented the application to permit the operation of a research and education facility with ancillary zoo and retail components. Mr. Broll advised the Committee that the building on the subject property had been vacant for several years and was located within an area where research and development operations were common. Mr. Broll suggested that the primary function of the operation was for reptile research and education and was a compatible use within the intended land use designation indicated within the *Official Plan*. He noted that the Zoning By-law permitted science and technology uses including educational facilities and indicated that the proposed operation would conduct scientific research and have educational components.

Mr. Broll confirmed that no new development would occur on the property and that all changes would be internal to the building. It was Mr. Broll's opinion that the Zoning By-law did not have an appropriate parking standard to be applied to the proposed operation and that the Planning department suggested that 200 parking spaces were required. Mr. Broll stated that the parking lot would be rehabilitated and striped according to a previously approved Site Plan Application and suggested that the existing parking supply would be sufficient for the use.

Dr. A. Gno, an operator of the proposed facility, attended and explained the various functions of the proposed facility. Dr. Gno advised the Committee that the facility would serve as an expansion of a similar facility located in another municipality. He explained that this location would provide the necessary research and educational space required to conduct scientific research on various reptiles. Dr. Gno noted that some of the education that would be provided would be training to Environment Canada staff and various emergency service personnel. He noted that the facility would contain a zoo and retail component that would be ancillary to the primary research component. Dr. Gno confirmed that schools would be able to attend the site on an appointment basis and that smaller groups would be accommodated on a walk-in basis. He noted that these ancillary operations would partially subsidize the operational costs of the facility.

Mr. B. Childs, an operator of the proposed facility, attended and indicated the financial requirements of the proposed operation. Mr. Childs noted that the operational costs of the facility would be partially funded from government grants, educational research, zoo and retail components. He noted that the facility would allow for the development of domestic products associated with reptiles such as medical serums.

4-9

File: "A" 040/13
WARD 2

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

The City of Mississauga Planning and Building Department commented as follows (January 30, 2013):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: *Sheridan Park Corporate Centre*
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: "E2-6", Employment

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 13/3743

4.0 COMMENTS

We advise that the minor variance application, as requested, does not accurately reflect the proposed use. The proposed use would be more accurately described as a reptile zoo with associated retail sales and children's party area, operated in conjunction with reptile research. Such a use is not currently permitted in the E2-6 zone within Sheridan Park Corporate Centre, or anywhere within the City of Mississauga. Please refer to the attached maps that indicate where Reptilia is being proposed.

We note that Planning and Building staff together with Councillor Mullin recently visited the Vaughan location of Reptilia to gather an understanding of the proposed facility. Based on this visit, it was determined that the use does not fall under the definitions outlined within the Zoning By-law, and would be more suitable in a Commercial area.

Through our discussions with Brian Child, representative of Reptilia, the use at this location was described as a zoo/public exhibit use, with accessory retail sales. The zoo/public exhibit would include field trips for school children during the weekdays and the general public on weekends. While the information provided from such activities is both informative and educational, this use does not fall under the Zoning By-law definition of an Educational and Training Facility, where specialized instruction is provided for a particular skill or profession. The children/adults are being entertained and learning general information about the animals in the subject building.

Furthermore, the principal use at this location is not a Science and Technology Facility. The floor plan provided with the minor variance application shows that the "Lab and Medical Area" is very small compared to the other uses. The area identified as "Animals for Education and Research" is the public exhibit/zoo area, the "Supplies, Ed Materials and Gift Shop" is a retail store, and the "Classrooms" may also be used for birthday parties as well for school children to talk about specific animals during school fieldtrips, as is the case with the separate rooms at the Vaughan location.

The request through the Committee of Adjustment is for a minor variance to permit "ancillary uses for the proposed research facility known as "Reptilia". This Department has two significant concerns with this request:

1. We are not satisfied that the principal use of this building is a research facility (science and technology facility) and not a zoo and public exhibit facility, and;
2. That the types of "ancillary uses" being requested are not actually accessory to the research facility, so they must be specifically listed in the minor variance application. Without being specific to a file or project, "ancillary uses" to a research establishment would typically include but not be limited to a cafeteria, a fitness area and/or offices, and would have floor area restrictions which are less than the principal research establishment use.

File: "A" 040/13

WARD 2

The subject property is designated Business Employment in the Sheridan Park Corporate Centre which permits only facilities involved with scientific and engineering research and development, education and training facilities (excluding a public school or private school), data processing centres, engineering services, offices associated with science and technology uses, hotels and accessory commercial uses.

Our concerns, which have been relayed to the proponent, is that the principal use at this location does not maintain the intent of the Mississauga Official Plan Policies for the Sheridan Park Corporate Centre nor the Zoning By-law definition of an Educational and Training Facility or a Science and Technology Facility. In addition, we note that the objective and vision as set out in the work undertaken to date in connection with the Master Plan exercise for the Sheridan Park Corporate Centre is centred on re-inventing the Park as a viable world class state of the art Science and Technology Business Park.

In order to issue any permit for the proposed uses, they would need to be clearly identified in the Committee of Adjustment decision, as there can be no ambiguity as to what uses are being permitted by this variance.

In addition, we note that parking is required for the proposed use at the rate of 5.4 spaces per 100 m² (1076.42 sq. ft.) Gross Floor Area (GFA) – non-residential, requiring 200 parking spaces, based on a GFA of 3 695 m² (39,773.95 sq. ft.) (which has not, to date, been confirmed), and 6 parking spaces for people with disabilities (based on 200 parking spaces being required). From the information submitted with Certificate of Occupancy application (C 13/3743), approximately 50 parking spaces are available on site, with no parking spaces for persons with disabilities. The site plan submitted with Certificate of Occupancy application does not correctly reflect the current on-site parking layout. We advise that a Parking Utilization Study that satisfactorily justifies the requested reduction in parking is required and has not been submitted.

In view of the preceding, this Department is of the opinion that the proposal is not an appropriate or desirable use within the Sheridan Park Corporate Centre and does not meet the intent of the Official Plan and Zoning By-law, is not minor in nature, nor is it a desirable use of the land within the Sheridan Park Corporate Centre."

The City of Mississauga Transportation and Works Department commented as follows (January 24, 2013):

"Enclosed are a number of photos which depict the subject property."

A memorandum was received from Ward Councillor Mullin expressing her objection to the requested variances. It was Councillor Mullin's opinion that the proposed operation did not conform to the requirements of the *Official Plan* or Zoning By-law. She requested that the subject application be refused.

A letter was received from the Sheridan Park Association indicating that they did not have an objection to the application.

Mr. D. Culham, an interested stakeholder, attended and spoke in support of the subject application. Mr. Culham was of the opinion that the proposed use was compatible with the surrounding area. He noted that the research and educational component would be valuable to the municipality.

Mr. M. Douglas, an interested stakeholder, attended and spoke in support of the subject application. Mr. Douglas advised the Committee that the Sheridan Park area was undergoing transition of the predominant uses within the area. He suggested that the proposed use was compatible with the changing land use demands of the area.

No other persons expressed any interest in the application.

Mr. Broll upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

File: "A" 040/13
WARD 2

The Committee consented to the request and, after considering the submissions put forward by Messrs. Broll, Gno, Childs, Culham & Douglas 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 indicated that the applicant had confirmed that the predominant function of the operation would be for scientific research and educational purposes. They noted that the zoo and retail component would be a subordinate part of the business operation. The Committee noted that the Sheridan Park Corporate Centre was in a period of transition with changing land use demands and were of the opinion that the proposed operation contained sufficient research facilities to be compatible with the *Official Plan* and Zoning By-law requirements and a desirable use for the lands. The Committee further noted that the parking rate requested is appropriate in this instance with the principle function of the business being research and education.

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 is of the opinion that the amended request is minor in nature in this instance.

4-12

File: "A" 040/13
WARD 2

Accordingly, the Committee resolves to authorize and grant the amended request to permit a reptile zoo with associated retail sales and children's party area, operated in conjunction with reptile research facility known as "Reptilia" and to permit parking for the subject use to be provided at a rate of 1.6 spaces per 100.00m² (1076.42 sq.ft.) Gross Floor Area (GFA) - Non-Residential; whereas By-law 0225-2007, as amended, makes no provisions for such a use and requires parking at a rate of 5.4 spaces per 100.00m² (1076.42 sq.ft.) Gross Floor Area (GFA) -Non-Residential in this instance.

MOVED BY: J. Robinson SECONDED BY: R. Bennett CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on February 7, 2013.

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 FEBRUARY 27, 2013.

Date of mailing is February 11, 2013.


S. PATRIZIO (CHAIR)

DISSENTED
D. GEORGE


R. BENNETT


J. THOMAS

DISSENTED
D. KENNEDY

ABSENT
L. DAHONICK


J. ROBINSON

I certify this to be a true copy of the Committee's decision given on February 7, 2013.


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.

4-13



**PART OF SCHEDULE 10 LAND USE DESIGNATIONS
OF MISSISSAUGA OFFICIAL PLAN**

- LAND USE DESIGNATIONS**
- Residential Low Density I
 - Residential Low Density II
 - Residential Medium Density
 - Residential High Density
 - Downtown Mixed Use
 - Downtown Core Commercial
 - Mixed Use
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Office
 - Business Employment
 - Industrial
 - Airport
 - Institutional
 - Public Open Space
 - Private Open Space
 - Greenbelt
 - Parkway Belt West
 - Urban
 - To Be Determined

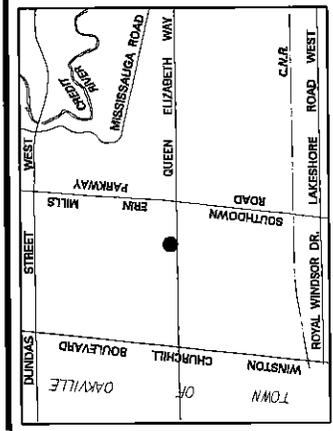
- LAND USE LEGEND**
- Heritage Conservation District
 - 19816 N23/2000 NEF
 - Compatible Neosa Cantourne
 - LBPA Operating Area Boundary
 - Sewer Altronic Noise Policies
 - Area Exempt from LBPA Operating Area
 - Natural Hazards
 - City Centre (City Hall)
 - City Centre Transit Terminal
 - GO Bell Transit Station
 - Public School
 - Catholic School
 - Hospital
 - Community Facilities

- CITY STRUCTURE Elements**
- Downtown
 - Major Node
 - Community Node
 - Neighbourhood
 - Corporate Centre
 - Employment Area
 - Special Purpose Area

ND2 Region of Peel Non-Decision

SUBJECT LANDS
SHERIDAN PARK CORPORATE CENTRE
2213 NORTH SHERIDAN WAY

SUBJECT: DARVAL HOLDINGS



APPENDIX 2

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PDC DATE: 2013 03 22
DRAWN BY: B. KRUGER

Produced by
T&W, Geomatics

MISSISSAUGA
Planning and Building

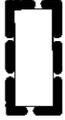
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4-14



SUBJECT LANDS
SHERIDAN PARK CORPORATE CENTRE
2213 NORTH SHERIDAN WAY

LEGEND:



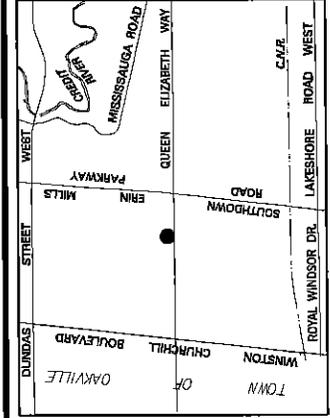
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APPENDIX 3

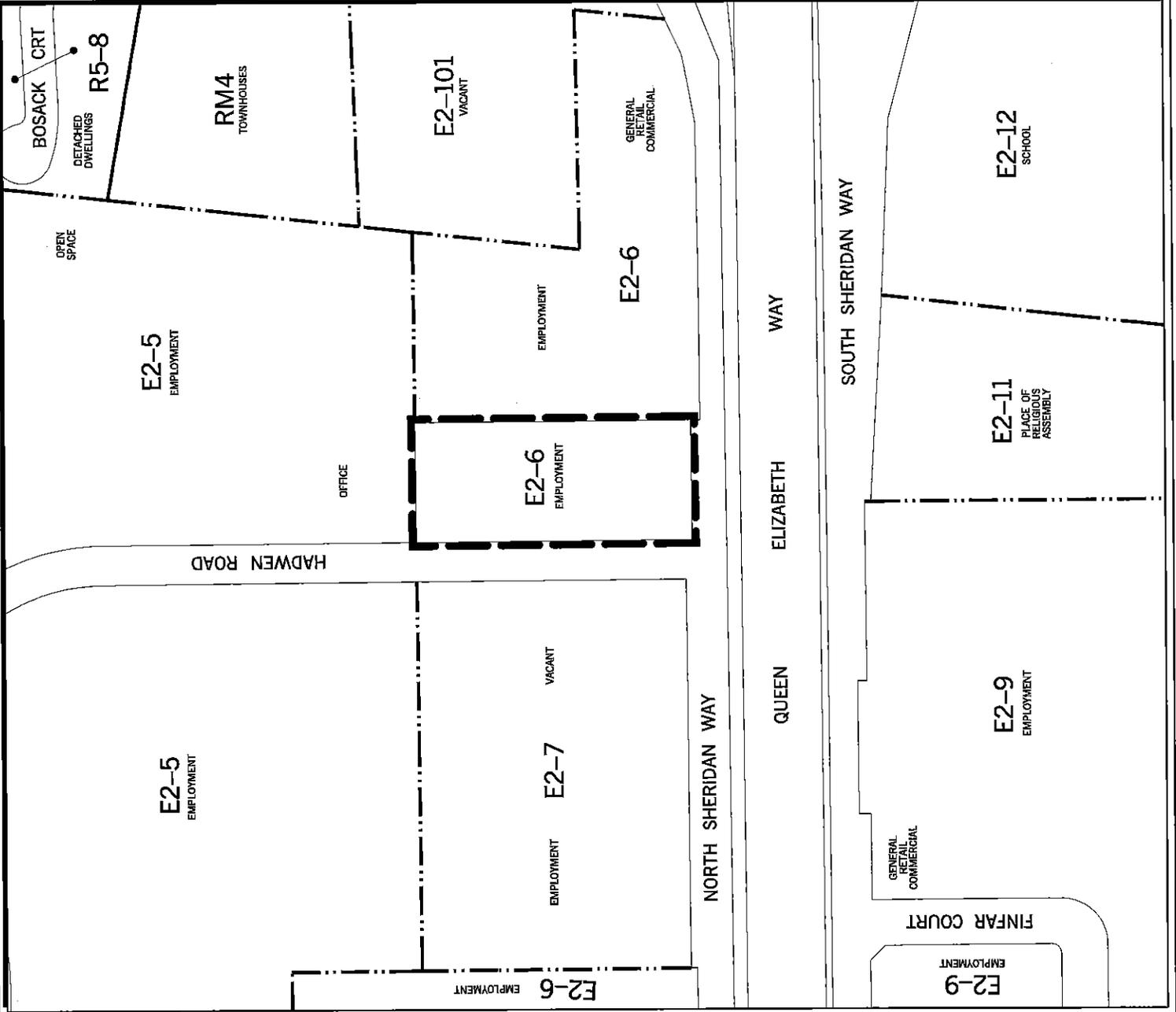
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DRAWN BY:
B. KRUGER

Produced by
T&W, Geomatics



MISSISSAUGA
Planning and Building

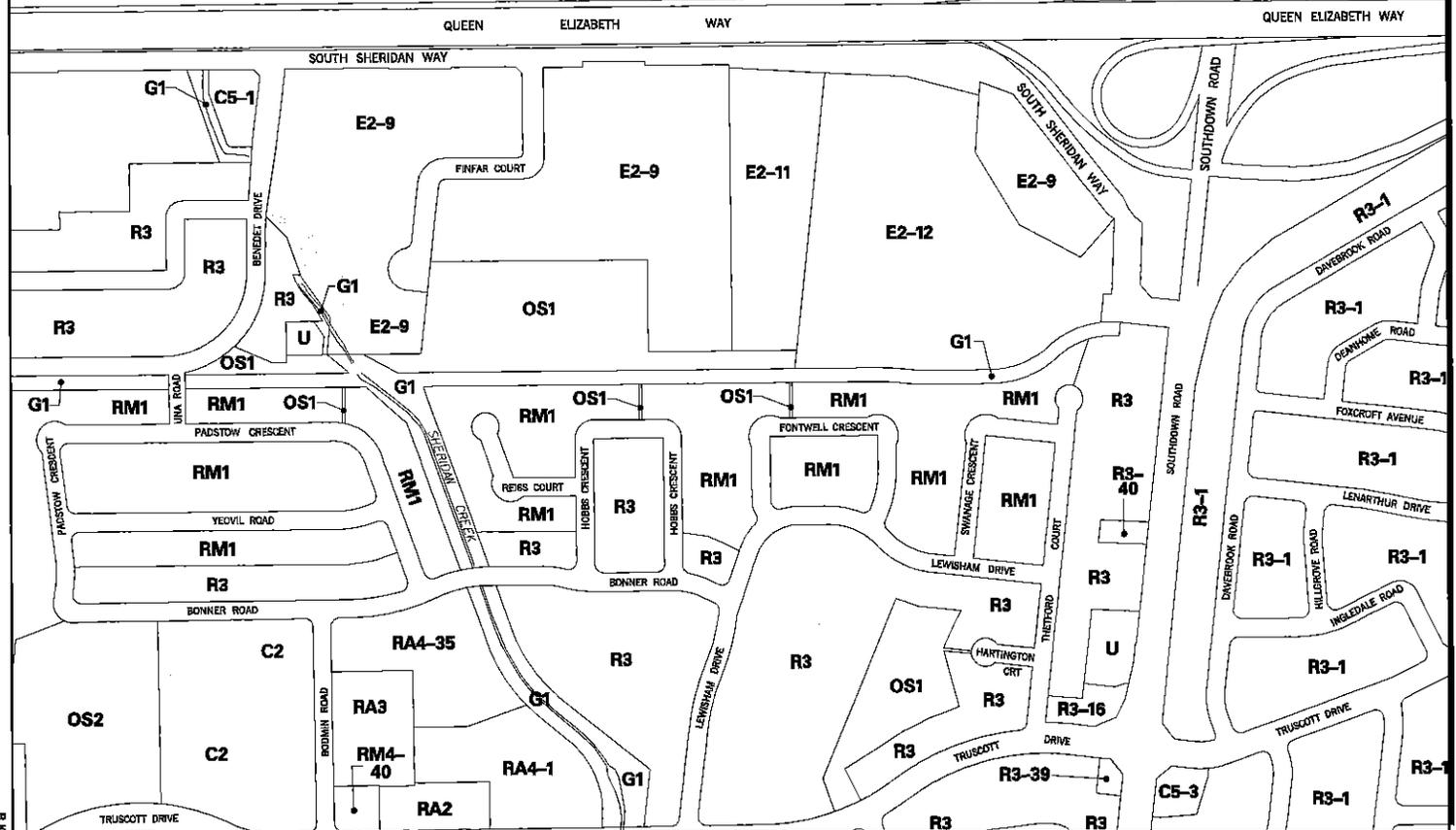
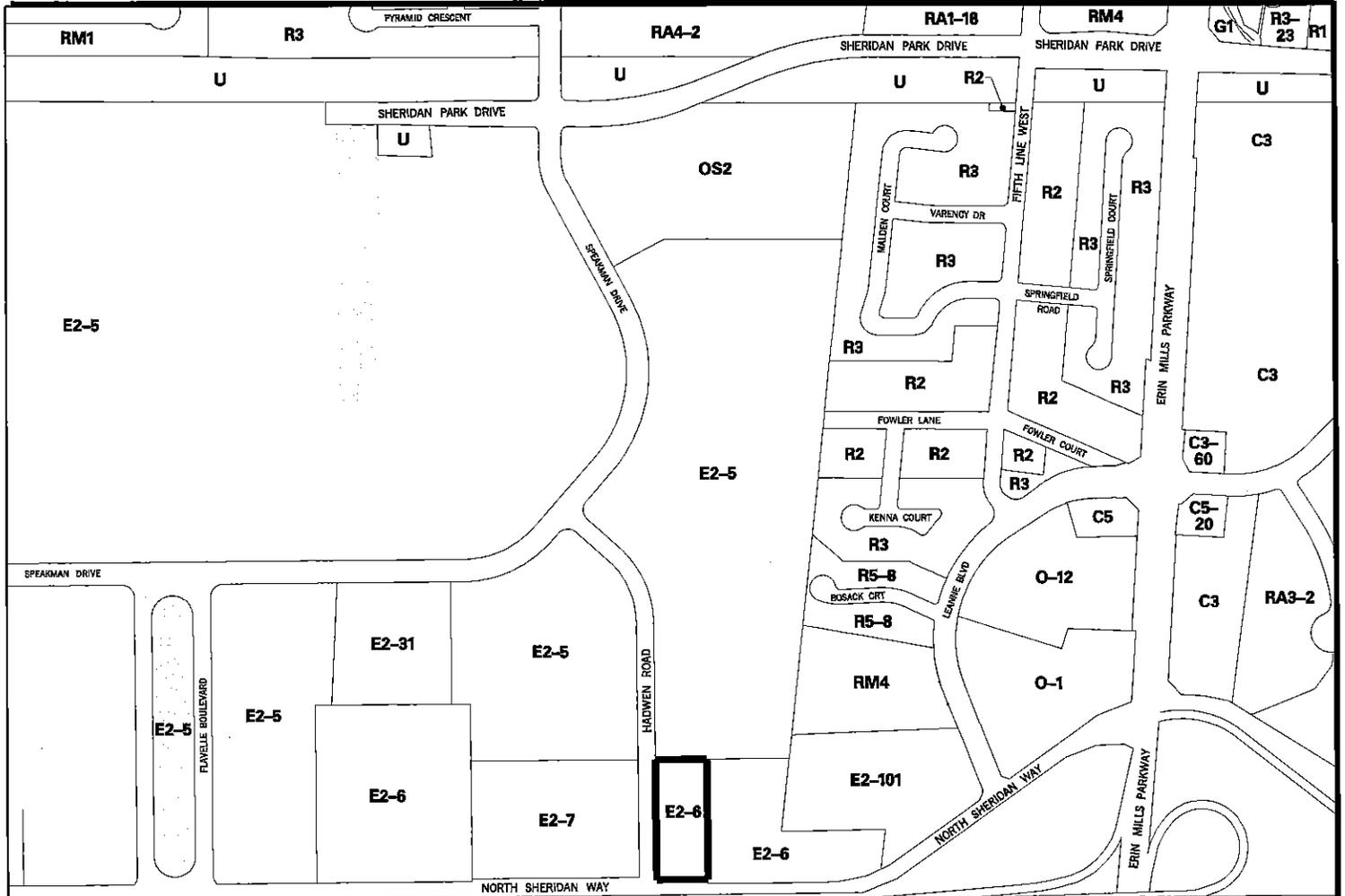
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GENERAL CONTEXT MAP

'A' 04013 W2

APPENDIX 4

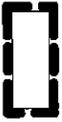


4-16



SUBJECT LANDS
SHERIDAN PARK CORPORATE CENTRE
2213 NORTH SHERIDAN WAY

LEGEND:



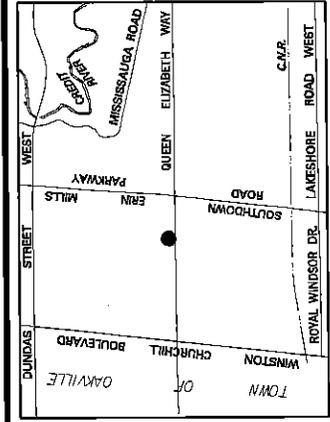
SUBJECT: DARVAL HOLDINGS

FILE NO:
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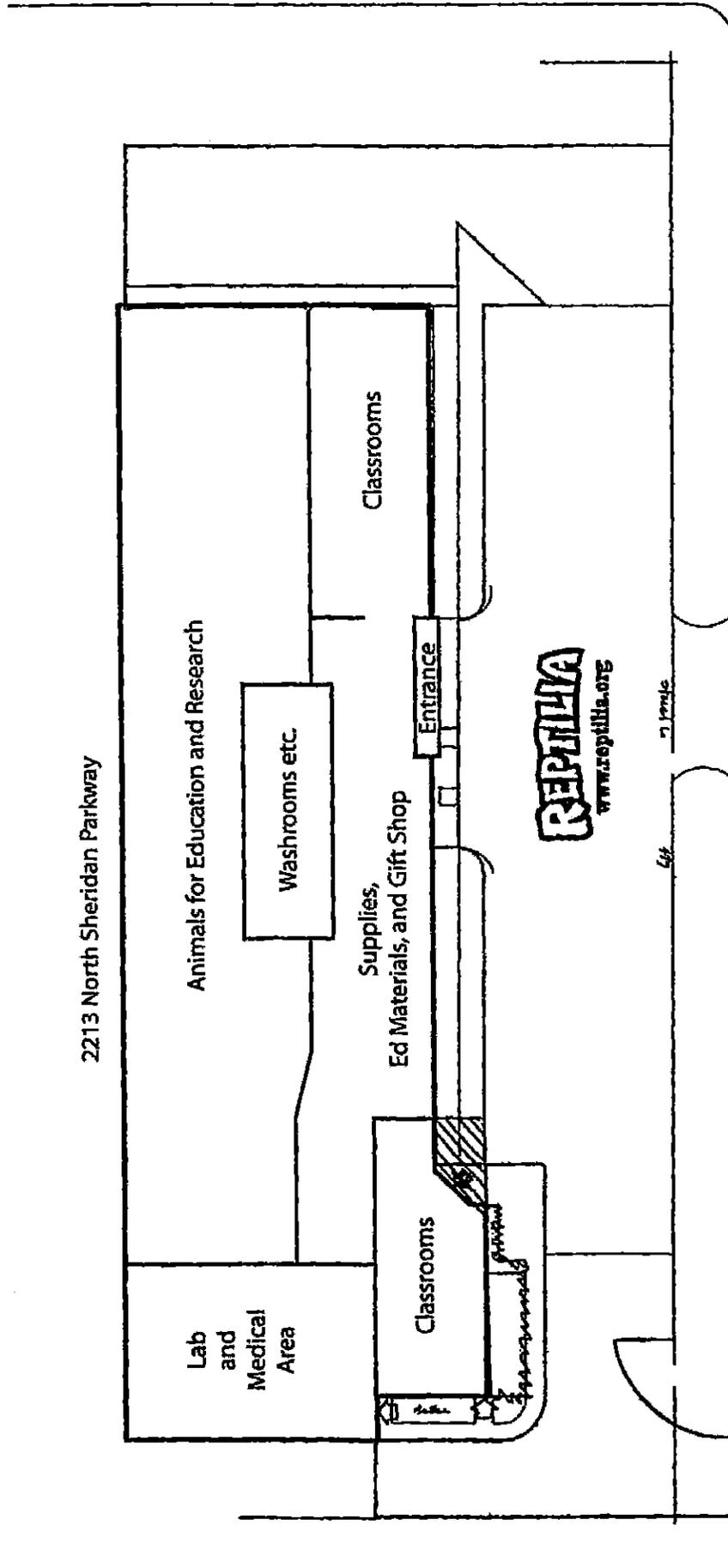
APPENDIX 5

PDC DATE:
2013 03 22
DRAWN BY:
B. KRUGER

Produced by
T&W, Geomatics



MISSISSAUGA
Planning and Building





February 21, 2013

Marilyn Ball
Director, Development and Design
City of Mississauga
Planning & Building Department
300 City Centre Drive,
Mississauga, Ontario, Canada
L5B 3C1

Subject: Reptilia Inc. Proposal

Dear Marilyn,

Upon further consideration based on a review of more recent information, the Board of Directors of the Sheridan Park Association would like to retract our position that we are not in opposition of the minor variance being requested by Reptilia Inc. to the Committee of Adjustments Panel

As such, our position is that we are in opposition to the minor variance, as we now understand the intended use does not meet with the vision of the Sheridan Science and Technology Park.

In future, should the Sheridan Park Association be approached by a land developer regarding matters such as this, we will contact the City of Mississauga's Planning & Building Department prior to responding to ensure that we are aware of your position.

We apologize for any inconvenience that this has caused regarding this issue

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard E. Eber', is written over a light blue horizontal line.

President, Sheridan Park Association
Administrative Office

RP/gs



Corporate Report

PLANNING & DEVELOPMENT COMMITTEE
Clerk's Files

MAR 18 2013

5-1

Originator's

Files

B '6/13 W1

'A' 11/13 & 'A' 12/13 W1

DATE: February 26, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Appeal to the Ontario Municipal Board
Committee of Adjustment Decision
Consent Application 'B' 6/13 W1 and
Minor Variance Applications 'A' 11/13 and 'A' 12/13 W1
Delfim and Maria Fernandes
372 South Service Road
South of Queen Elizabeth Way,
east of Hurontario Street**

Ward 1

RECOMMENDATION: That the Report dated February 26, 2013, from the Commissioner of Planning and Building regarding the appeal filed by Legal Services by letter be adopted, and that Legal Services, together with other appropriate City staff attend the Ontario Municipal Board hearing in support of the appeal of the decisions of the Committee of Adjustment under files 'B' 6/13 W1, 'A' 11/13 and 'A' 12/13 W1, regarding the property at 372 South Service Road.

**REPORT
HIGHLIGHTS:**

- The subject consent application ('B' 6/13 W1) and minor variance applications ('A' 11/13 and 'A' 12/13 W1) were approved by the Committee of Adjustment on January 3, 2013.
- The Planning and Building Department recommended that the applications be refused since they did not maintain the intent of the Official Plan and Zoning By-law, and were not minor in nature.
- A "Placeholder" appeal has been filed by Legal Services as these decisions could set an undesirable precedent with respect to the interpretation of the Official Plan and Zoning By-law in the context of other Committee of Adjustment matters being considered by the City.

BACKGROUND:

On January 3, 2013, the Committee of Adjustment considered severance application 'B' 6/13 W1 to convey a parcel of land having a lot frontage of approximately 15.56 m (51.04 ft.) and a lot area of approximately 979.30 m² (10,541.44 sq. ft.), for the purpose of creating a new residential lot. Minor Variance applications, under files 'A' 11/13 and 'A' 12/13 W1 were also submitted to permit lot frontages of 15.56 m (51.04 ft.) in each instance. The applications were approved on January 3, 2013 by the Committee of Adjustment with variances for lot frontages.

A "Placeholder" appeal was submitted on January 25, 2013 by Legal Services. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendices 1 to 7.

COMMENTS:

The applicant's authorized agent attended the Committee of Adjustment meeting on January 3, 2013 to present the applications. The authorized agent confirmed that two appropriately sized dwellings could be constructed on the subject property in compliance with the Zoning By-law. The agent specifically noted that no side yard relief would be requested in order to maximize separation distances between dwellings and maintain the intent of the Zoning By-law. The agent confirmed that the letter of concern

from the Ward Councillor referenced the Credit Reserve Association's (CRA) initial objection and that the CRA had sent a second letter withdrawing their objection provided that the two new dwellings were constructed in compliance with the Zoning By-law. The Planning and Building Department recommended that the severance and minor variance applications be refused on the basis that they do not maintain the general intent and purpose of the Official Plan and are not desirable for the appropriate development of the land.

Official Plan

The subject property is designated "Residential Low Density I" in the Mineola Neighbourhood which permits detached dwellings. The Neighbourhood policies of Mississauga Official Plan further outline specific requirements for consent applications.

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 general represent the greater of:

- a. the average lot frontage and lot area of residential lots on both sides of the same street within 120 m (393.70 ft.) of the subject property. In the case of a corner lot, lots on both streets within 120 m (393.70 ft.) will be considered; or
- b. the requirements of the Zoning By-law."

The purpose of this policy is to ensure that the lot frontages and lot areas that define and characterize the streetscape in this neighbourhood are maintained.

The Planning and Building Department reviewed the applications and calculated the average of the lot frontages and lot areas within 120 m (393.70 ft.) of the subject lands as per Mississauga Official Plan policy, and the results are as follows:

Average Lot Frontage = approximately 32.20 m (105.64 ft.)

Average Lot Area = approximately $2\,363.24\text{ m}^2$ (25,438.53 sq. ft.)

In this particular instance, the Official Plan policy would be applicable to the consent application, as the proposal does not maintain the average lot frontage or lot area within 120 m (393.70 ft.) of the subject property.

Based on the information provided in the severance application, the retained and severed lots would both have lot frontages of approximately 15.56 m (51.04 ft.) and lot areas of approximately 979.30 m^2 (10,541.44 sq ft.).

Therefore, the proposed severance would result in the creation of 2 lots that do not represent the greater of the average lot frontage and area, and consequently, do not maintain the general intent and purpose of the Official Plan.

Zoning By-law

The subject property is zoned "R1-1" (Residential), which permits detached dwellings. Subsection 4.2.1 of Zoning By-law 0225-2007, as amended, specifies that the minimum required lot area for an interior lot is 750 m^2 (8,073.19 sq. ft.) and the minimum required lot area for a corner lot is 835 m^2 (8,988.15 sq. ft.). The minimum lot frontage for the subject property is 22.50 m (73.81 ft.). The retained and severed lots comply with the minimum required lot area; however, they do not meet the minimum lot frontage requirements in the Zoning By-law.

Criteria for Consents

An application for consent must meet the criteria set out under subsection 51(24) of the *Planning Act*. One of the criteria for evaluating the proposal is whether or not the proposal conforms to the Official Plan. As discussed previously, the proposed severance does not conform to Section 16.1.2.1 of Mississauga Official Plan with respect to lot frontage.

The intent of the Official Plan policy is to prevent the gradual division of lots which are not consistent with the character of the area. As the proposed severance does not conform to the Official Plan policies of Mississauga Official Plan, it does not meet this criterion.

Further criteria under the *Planning Act* are to have regard to the dimensions and shapes of the proposed lots. When taking into consideration the context of the surrounding area, the proposed severance would result in lots that are smaller than the average size of lots along South Service Road (Appendix 7). In particular, the lots would be distinctively different from other properties along South Service Road, which are distinguished by generous lot areas and frontages. In this respect, the requested consent does not maintain the character of the neighbourhood and does not lend itself to the suitable development of lots that are appropriate in terms of size and configuration. Therefore, the proposed severance does not meet these criteria of the *Planning Act*.

Notwithstanding the above, the Committee granted provisional consent, subject to conditions.

With respect to the requested minor variances, the Committee was satisfied that the request was desirable for the appropriate development of the subject property; that the general intent and purpose of the Zoning By-law and the Official Plan would be maintained; and that the requested variances were minor in nature. Accordingly, the Committee granted the requests, as presented.

Ontario Municipal Board Appeal

The Committee of Adjustment's decision to approve the consent was to be final and binding on February 5, 2013, and January 31, 2013 for the minor variances. Based on Council endorsed protocol, the Planning and Building Department prepares a Corporate Report to the Planning and Development Committee recommending that the City appeal a decision of the Committee of Adjustment, when in the Department's opinion, the decision does not maintain the general intent and purpose of the Official Plan. Accordingly, the Planning and Building Department requested that Legal Services prepare the appropriate Notice of Appeal to the Ontario Municipal Board (OMB) and file a "Placeholder" appeal prior to the appeal period expiring pending further instruction from Council.

CONCLUSION:

The consent approved by the Committee of Adjustment under file 'B' 6/13 W1 does not meet the general intent of Mississauga Official Plan.

The variances approved by the Committee of Adjustment under files 'A' 11/13 and 'A' 12/13 W1 do not meet the requirements of the Zoning By-law for lot frontage, and do not conform to Section 16.1.2.1 of Mississauga Official Plan with respect to lot frontage and lot area.

These approvals by the Committee have broad implications and may have significant impacts on future development in the City, resulting in undesirable development patterns in stable residential neighbourhoods.

ATTACHMENTS:

- Appendix 1: Committee of Adjustment Decision 'B' 6/13 W1, 'A' 11/13 and 'A' 12/13 W1
- Appendix 2: Land Use Map
- Appendix 3: Zoning Map

- Appendix 4: General Context Map
- Appendix 5: Aerial Photograph
- Appendix 6: Proposed Plan of Survey
- Appendix 7: Lotting Pattern



Edward R. Sajecki
Commissioner of Planning and Building

*Prepared By: Lauren Eramo-Russo,
Committee of Adjustment Planner*



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'B' - 6 / 13

"B" 006/13

Ward 1

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF AN APPLICATION BY

DELFIN & MARIA FERNANDES

on Thursday January 3, 2013

Delfim & Maria Fernandes are the owners of Lot 43, Registered Plan 321, located and known as 372 South Service Road, zoned R1-1, Residential. The applicants request the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 15.56 m (51.04 ft.) and an area of approximately 979.30 m² (10,541.44 ft²). The effect of the application is to create a new lot for residential purposes.

The subject lands are also subject to Minor Variance Applications 'A' 011/13 and 'A' 012/13.

Mr. T. Correia, authorized agent, attended and presented the application to convey a parcel of land for the creation of a new lot for residential purposes. Ms. Correia advised the Committee that the subject property had been subject to a series of previous Consent and Minor Variance applications with both positive and negative outcomes. She confirmed that all previous Consent applications had lapsed. Ms. Correia indicated that the common concern with the previous Consent and current applications was the proposed deficient lot frontages. She noted that the proposed lots would have two of the smallest lot frontages within the surrounding R1-1 zone. Ms. Correia indicated this this deficiency was misleading and suggested that the properties that fronted along South Service Road that were zoned R1-1 were not appropriately comparable to the identically zoned properties that abutted to the south. She noted that the subject property fronted onto a busy street that was separated from the Queen Elizabeth Expressway by a concrete wall; whereas, the properties to the south formed a desirable and spacious neighbourhood.

Ms. Correia confirmed that the conveyed and retained lands would yield lot areas in excess of the Zoning By-law requirement and frontages compatible with the adjacent R3-1 zone abutting along South Service Road. It was Ms. Correia's opinion that lots in the R3-1 zone were more appropriate to compare the conveyed and retained lands to as they possessed the same street character as the subject lands and did not contribute to the character of the neighbourhood to the south.

Ms. Correia confirmed that two appropriately sized dwellings could be constructed on the subject property in compliance with the Zoning By-law. She specifically noted that no side yard relief would be requested in order to maximize separation distances between dwellings. Ms. Correia confirmed that the letter of concern from Ward Councillor Tovey referenced the Credit Reserve Association's (CRA) initial letter of objection and that the CRA had sent a second letter withdrawing their objection provided that the two new dwellings were constructed in compliance with the Zoning By-law.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

- City of Mississauga, Planning and Building Department (December 21, 2012),
- City of Mississauga, Transportation and Works Department (December 20, 2012),
- City of Mississauga, Community Services Department, Park Planning (December 20, 2012),
- Region of Peel, Environment, Transportation and Planning Services (December 21, 2012),

A letter was received from Ward Councillor Tovey indicating his shared concern with the matters identified in the Credit Reserve Association's first letter.

A letter was received from L. James, a representative of the Credit Reserve Association, expressing her objection to the subject application.

A second letter was received from L. James, a representative of the Credit Reserve Association, withdrawing her objection with the understanding that the proposed dwellings would be constructed in compliance with the Zoning By-law. She noted her concern with the proposed lot frontages of the conveyed and retained lands.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Ms. Correia consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Ms. Correia, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee accepted Ms. Correia's analysis that the proposed conveyed and retained lands maintained the characteristics of the adjacent R3-1 zone and suggested that the properties within this zone were the dominant contributor to the character of the streetscape along this portion of South Service Road. The Committee confirmed its acceptance that the properties located within the R1-1 zone located to the south contributed to a separate and distinct neighbourhood that was dissimilar to the character of South Service Road. The Committee was of the

opinion that these properties were not suitable comparisons in evaluating the appropriateness of the proposed lot frontages. They noted that the dwellings that would be constructed on the conveyed and retained lands would be compliant with the Zoning By-law and would respect the necessary side yards to preserve separation distances between dwellings.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

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 "severed" 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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 20, 2013.
4. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" land and "retained" land comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 011/13 & "A" 012/13)
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 December 20, 2013.
6. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 21, 2013.

MOVED BY:

D. George SECONDED BY: J. Robinson CARRIED

5-11

Application Approved on conditions as stated.

Dated at the City of Mississauga on January 10, 2013.

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 FEBRUARY 3, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)
D. GEORGE

R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before January 14, 2014.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'A' - 11 / 13

"A" 011/13

Ward 1

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

DELFIN & MARIA FERNANDES

on Thursday January 3, 2013

Delfim & Maria Fernandes are the owners of Lot 43, Registered Plan 321, located and known as 372 South Service Road, zoned R1-1, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property, being the "retained" lands of Consent Application 'B' 006/13, proposing a lot frontage of 15.56 m (51.04 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50 m (73.81 ft.) in this instance.

Mr. T. Correia, authorized agent, attended and presented the application to convey a parcel of land for the creation of a new lot for residential purposes. Ms. Correia advised the Committee that the subject property had been subject to a series of previous Consent and Minor Variance applications with both positive and negative outcomes. She confirmed that all previous Consent applications had lapsed. Ms. Correia indicated that the common concern with the previous Minor Variance and current applications was the proposed deficient lot frontages. She noted that the proposed lots would have two of the smallest lot frontages within the surrounding R1-1 zone. Ms. Correia indicated this this deficiency was misleading and suggested that the properties that fronted along South Service Road that were zoned R1-1 were not appropriately comparable to the identically zoned properties that abutted to the south. She noted that the subject property fronted onto a busy street that was separated from the Queen Elizabeth Expressway by a concrete wall; whereas, the properties to the south formed a desirable and spacious neighbourhood.

Ms. Correia confirmed that the conveyed and retained lands would yield lot areas in excess of the Zoning By-law requirement and frontages compatible with the adjacent R3-1 zone abutting along South

Service Road. It was Ms. Correia's opinion that lots in the R3-1 zone were more appropriate to compare the conveyed and retained lands to as they possessed the same street character as the subject lands and did not contribute to the character of the neighbourhood to the south.

Ms. Correia confirmed that two appropriately sized dwellings could be constructed on the subject property in compliance with the Zoning By-law. She specifically noted that no side yard relief would be requested in order to maximize separation distances between dwellings. Ms. Correia confirmed that the letter of concern from Ward Councillor Tovey referenced the Credit Reserve Association's (CRA) initial letter of objection and that the CRA had sent a second letter withdrawing their objection provided that the two new dwellings were constructed in compliance with the Zoning By-law.

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

The City of Mississauga Planning and Building Department commented as follows (December 21, 2012):

2.1.0 RECOMMENDATION

The Planning and Building Department recommends that the consent and minor variance applications be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density I

Discussion: Mineola is an established and stable residential Neighbourhood. To satisfy compatibility concerns, any proposed development is required to recognize and enhance the scale and character of the existing residential areas by having regard to lot frontages and areas, among other matters. Mississauga Official Plan encourages development in neighbourhoods to be context sensitive and respect the existing or planned character and scale of development.

To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots proposed will generally represent the greater of the average lot frontage and area within 120 m, or the requirements of the Zoning By-law. The requested consent and minor variance applications will result in lots that are less than the average lot frontage within 120 m of the subject property.

The requested severance does not recognize or enhance the scale and character of the existing residential area or streetscape with respect to lot frontage, and therefore, does not satisfy compatibility concerns as outlined in the Mississauga Official Plan.

Zoning By-law 0225-2007

Zoning: "R1-1", Residential

Discussion: The minimum lot frontage for the subject property under By-law 0225-2007, as amended, is 22.00 m (72.17 ft.). The proposed lot frontages of 15.56 m (51.04 ft.) would result in some of the smallest lots along South Service Road. The proposed lots, having reduced frontages, do not

maintain the general intent and purpose of the Zoning By-law.

3.0 OTHER APPLICATIONS

0 Building Permit File: Required - No application received

0 Site Plan File: Required - No application received

4.0 COMMENTS

We note that in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances or determine whether additional variances will be required. In addition, we advise that demolition permits are required for the existing structures, and the property is subject to Site Plan control.

We advise for the Committee's information that the Committee had approved a severance on the subject property in 1988; however, the Planning and Building Department expressed concerns with the proposal at that time. The conditions of the severance lapsed, and the applicant returned to the Committee for the same severance in 1998 under files 'B' 17/98, 'A' 82/98, and 'A' 83/98. At that time, the Planning and Building Department recommended that the applications be refused, and they were refused by the Committee. The applicant appealed the decision, and the appeal was dismissed at the Ontario Municipal Board (OMB).

Based on the resubmission of the same applications from 1998, this Department continues to have serious concerns with the proposed consent and associated minor variance applications. The proposal would result in lots that are not consistent with the size of the other properties along South Service Road, and would set an undesirable precedence for future development. As such, we advise that the requested variances and consent are not minor in nature nor desirable for the appropriate development of the subject property.?

The City of Mississauga Transportation and Works Department commented as follows (December 19, 2012):

?We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 6/13.?

A letter was received from Ward Councillor Tovey indicating his shared concern with the matters identified in the Credit Reserve Association's first letter.

A letter was received from L. James, a representative of the Credit Reserve Association, expressing her objection to the subject application.

A second letter was received from L. James, a representative of the Credit Reserve Association, withdrawing her objection with the understanding that the proposed dwellings would be constructed in compliance with the Zoning By-law. She noted her concern with the proposed lot frontages of the conveyed and retained lands.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Correia, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee accepted Ms. Correia's analysis that the proposed conveyed and retained lands maintained the characteristics of the adjacent R3-1 zone and suggested that the properties within this zone were the dominant contributor to the character of the streetscape along this portion of South Service Road. The Committee confirmed its acceptance that the properties located within the R1-1 zone located to the south contributed to a separate and distinct neighbourhood that was dissimilar to the character of South Service Road. The Committee was of the opinion that these properties were not suitable comparisons in evaluating the appropriateness of the proposed lot frontages. They noted that the dwellings that would be constructed on the conveyed and retained lands would be compliant with the Zoning By-law and would respect the necessary side yards to preserve separation distances between dwellings.

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 is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY:

D. George SECONDED BY: J. Robinson CARRIED

Application Approved.

Dated at the City of Mississauga on January 10, 2013.

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 JANUARY 30, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)

D. GEORGE

5-16

R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

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 DECISION

City of Mississauga

'A' - 12 / 13

"A" 012/13

Ward 1

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

DELFIN & MARIA FERNANDES

on Thursday January 3, 2013

Delfim & Maria Fernandes are the owners of Lot 43, Registered Plan 321, located and known as 372 South Service Road, zoned R1-1, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property, being the "severed" lands of Consent Application 'B' 006/13, proposing a lot frontage of 15.56 m (51.04 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50 m (73.81 ft.) in this instance.

Mr. T. Correia, authorized agent, attended and presented the application to convey a parcel of land for the creation of a new lot for residential purposes. Ms. Correia advised the Committee that the subject property had been subject to a series of previous Consent and Minor Variance applications with both positive and negative outcomes. She confirmed that all previous Consent applications had lapsed. Ms. Correia indicated that the common concern with the previous Minor Variance and current applications was the proposed deficient lot frontages. She noted that the proposed lots would have two of the smallest lot frontages within the surrounding R1-1 zone. Ms. Correia indicated this this deficiency was misleading and suggested that the properties that fronted along South Service Road that were zoned R1-1 were not appropriately comparable to the identically zoned properties that abutted to the south. She noted that the subject property fronted onto a busy street that was separated from the Queen Elizabeth Expressway by a concrete wall; whereas, the properties to the south formed a desirable and spacious neighbourhood.

Ms. Correia confirmed that the conveyed and retained lands would yield lot areas in excess of the Zoning By-law requirement and frontages compatible with the adjacent R3-1 zone abutting along South

Service Road. It was Ms. Correia's opinion that lots in the R3-1 zone were more appropriate to compare the conveyed and retained lands to as they possessed the same street character as the subject lands and did not contribute to the character of the neighbourhood to the south.

Ms. Correia confirmed that two appropriately sized dwellings could be constructed on the subject property in compliance with the Zoning By-law. She specifically noted that no side yard relief would be requested in order to maximize separation distances between dwellings. Ms. Correia confirmed that the letter of concern from Ward Councillor Tovey referenced the Credit Reserve Association's (CRA) initial letter of objection and that the CRA had sent a second letter withdrawing their objection provided that the two new dwellings were constructed in compliance with the Zoning By-law.

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

The City of Mississauga Planning and Building Department commented as follows (December 21, 2012):

71.0 RECOMMENDATION

The Planning and Building Department recommends that the consent and minor variance applications be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density I

Discussion: Mineola is an established and stable residential Neighbourhood. To satisfy compatibility concerns, any proposed development is required to recognize and enhance the scale and character of the existing residential areas by having regard to lot frontages and areas, among other matters. Mississauga Official Plan encourages development in neighbourhoods to be context sensitive and respect the existing or planned character and scale of development.

To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots proposed will generally represent the greater of the average lot frontage and area within 120 m, or the requirements of the Zoning By-law. The requested consent and minor variance applications will result in lots that are less than the average lot frontage within 120 m of the subject property.

The requested severance does not recognize or enhance the scale and character of the existing residential area or streetscape with respect to lot frontage, and therefore, does not satisfy compatibility concerns as outlined in the Mississauga Official Plan.

Zoning By-law 0225-2007

Zoning: "R1-1", Residential

Discussion: The minimum lot frontage for the subject property under By-law 0225-2007, as amended, is 22.00 m (72.17 ft.). The proposed lot frontages of 15.56 m (51.04 ft.) would result in some

5-19

of the smallest lots along South Service Road. The proposed lots, having reduced frontages, do not maintain the general intent and purpose of the Zoning By-law.

3.0 OTHER APPLICATIONS

0 Building Permit File: Required - No application received

0 Site Plan File: Required - No application received

4.0 COMMENTS

We note that in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variances or determine whether additional variances will be required. In addition, we advise that demolition permits are required for the existing structures, and the property is subject to Site Plan control.

We advise for the Committee's information that the Committee had approved a severance on the subject property in 1988; however, the Planning and Building Department expressed concerns with the proposal at that time. The conditions of the severance lapsed, and the applicant returned to the Committee for the same severance in 1998 under files 'B' 17/98, 'A' 82/98, and 'A' 83/98. At that time, the Planning and Building Department recommended that the applications be refused, and they were refused by the Committee. The applicant appealed the decision, and the appeal was dismissed at the Ontario Municipal Board (OMB).

Based on the resubmission of the same applications from 1998, this Department continues to have serious concerns with the proposed consent and associated minor variance applications. The proposal would result in lots that are not consistent with the size of the other properties along South Service Road, and would set an undesirable precedence for future development. As such, we advise that the requested variances and consent are not minor in nature nor desirable for the appropriate development of the subject property.?

The City of Mississauga Transportation and Works Department commented as follows (December 19, 2012):

?We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 6/13.?

A letter was received from Ward Councillor Tovey indicating his shared concern with the matters identified in the Credit Reserve Association's first letter.

A letter was received from L. James, a representative of the Credit Reserve Association, expressing her objection to the subject application.

A second letter was received from L. James, a representative of the Credit Reserve Association, withdrawing her objection with the understanding that the proposed dwellings would be constructed in compliance with the Zoning By-law. She noted her concern with the proposed lot frontages of the conveyed and retained lands.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Correia, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee accepted Ms. Correia's analysis that the proposed conveyed and retained lands maintained the characteristics of the adjacent R3-1 zone and suggested that the properties within this zone were the dominant contributor to the character of the streetscape along this portion of South Service Road. The Committee confirmed its acceptance that the properties located within the R1-1 zone located to the south contributed to a separate and distinct neighbourhood that was dissimilar to the character of South Service Road. The Committee was of the opinion that these properties were not suitable comparisons in evaluating the appropriateness of the proposed lot frontages. They noted that the dwellings that would be constructed on the conveyed and retained lands would be compliant with the Zoning By-law and would respect the necessary side yards to preserve separation distances between dwellings.

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 is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY:

D. George SECONDED BY: J. Robinson CARRIED

Application Approved.

Dated at the City of Mississauga on January 10, 2013.

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 JANUARY 30, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)

D. GEORGE

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R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

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.

**PART OF SCHEDULE 10 LAND USE DESIGNATIONS
OF MISSISSAUGA OFFICIAL PLAN**

LAND USE DESIGNATIONS

- | | | | |
|--|----------------------------|--|---------------------|
| | Residential Low Density I | | Business Employment |
| | Residential Low Density II | | Industrial |
| | Residential Medium Density | | Airport |
| | Residential High Density | | Institutional |
| | Downtown Mixed Use | | Public Open Space |
| | Downtown Core Commercial | | Private Open Space |
| | Mixed Use | | Greenbelt |
| | Convenience Commercial | | Parkway Belt West |
| | Motor Vehicle Commercial | | Utility |
| | Office | | To be Determined |

LAND USE LEGEND

- | | | | |
|--|---------------------------------------|--|------------------------------|
| | Heritage Conservation District | | Civic Centre (City Hall) |
| | 1986 NEP/2000 NFE | | City Centre/Transit Terminal |
| | Composite Noise Contours | | GO Rail Transit Station |
| | LBP/A Operating Area Boundary | | Public School |
| | See Aircraft Noise Policies | | Catholic School |
| | Area Exempt from LBP/A Operating Area | | Hospital |
| | Natural Hazards | | Community Facilities |

CITY STRUCTURE

- | | | | |
|--|----------------|--|----------------------|
| | Downtown | | Corporate Centre |
| | Major Node | | Employment Area |
| | Community Node | | Special Purpose Area |
| | Neighbourhood | | |

ND2 Region of Peel Non-Decision

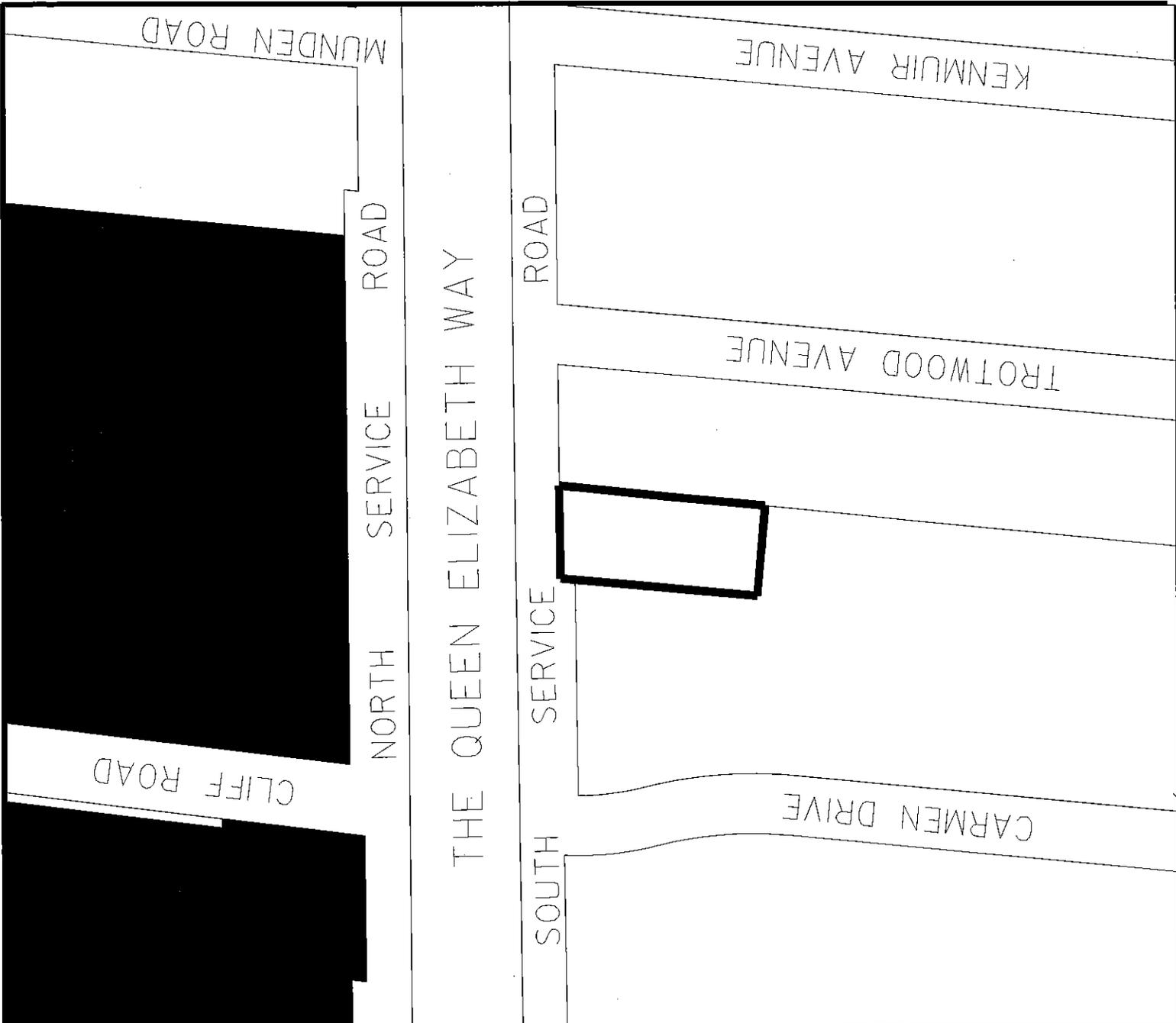
SUBJECT LANDS

5-22



SUBJECT: **DELFIN & MARIA FERNANDES**

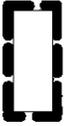
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DWG. NO: B613, A'1113, A'1213R		DATE: 22 JAN. 201
SCALE: 1:2000	DRAWN BY: B. KRUGER	Produced by T&W, Geomatics



5-23



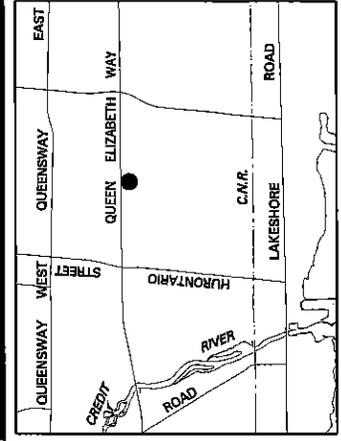
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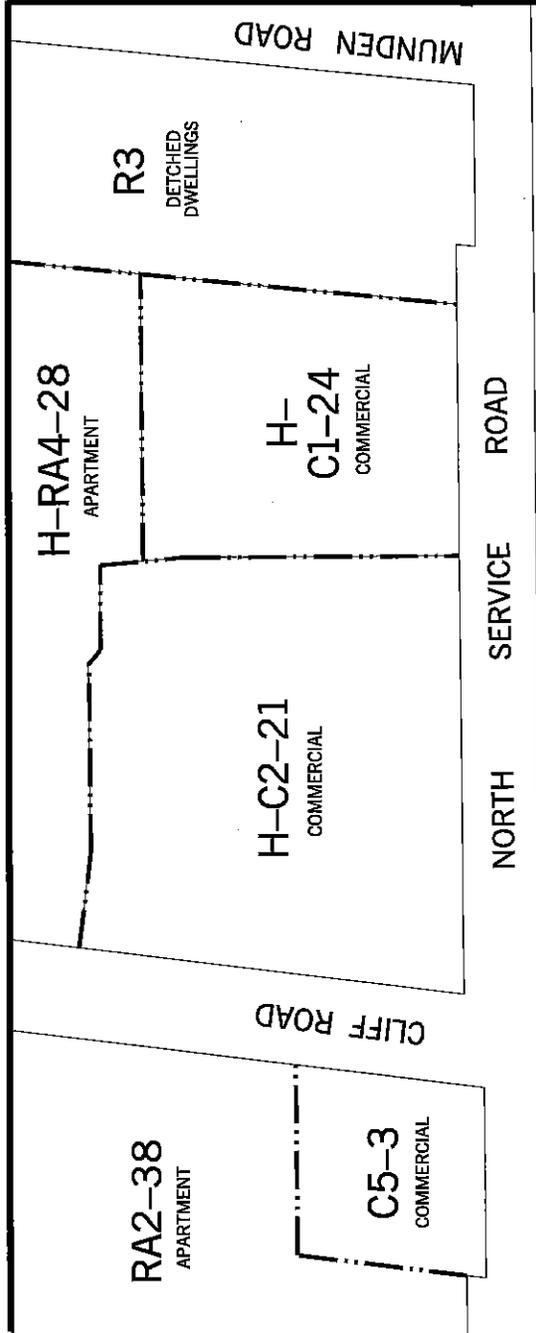
SUBJECT LANDS
372 SOUTH SERVICE ROAD

SUBJECT:
**DELFIN &
MARIA FERNANDES**

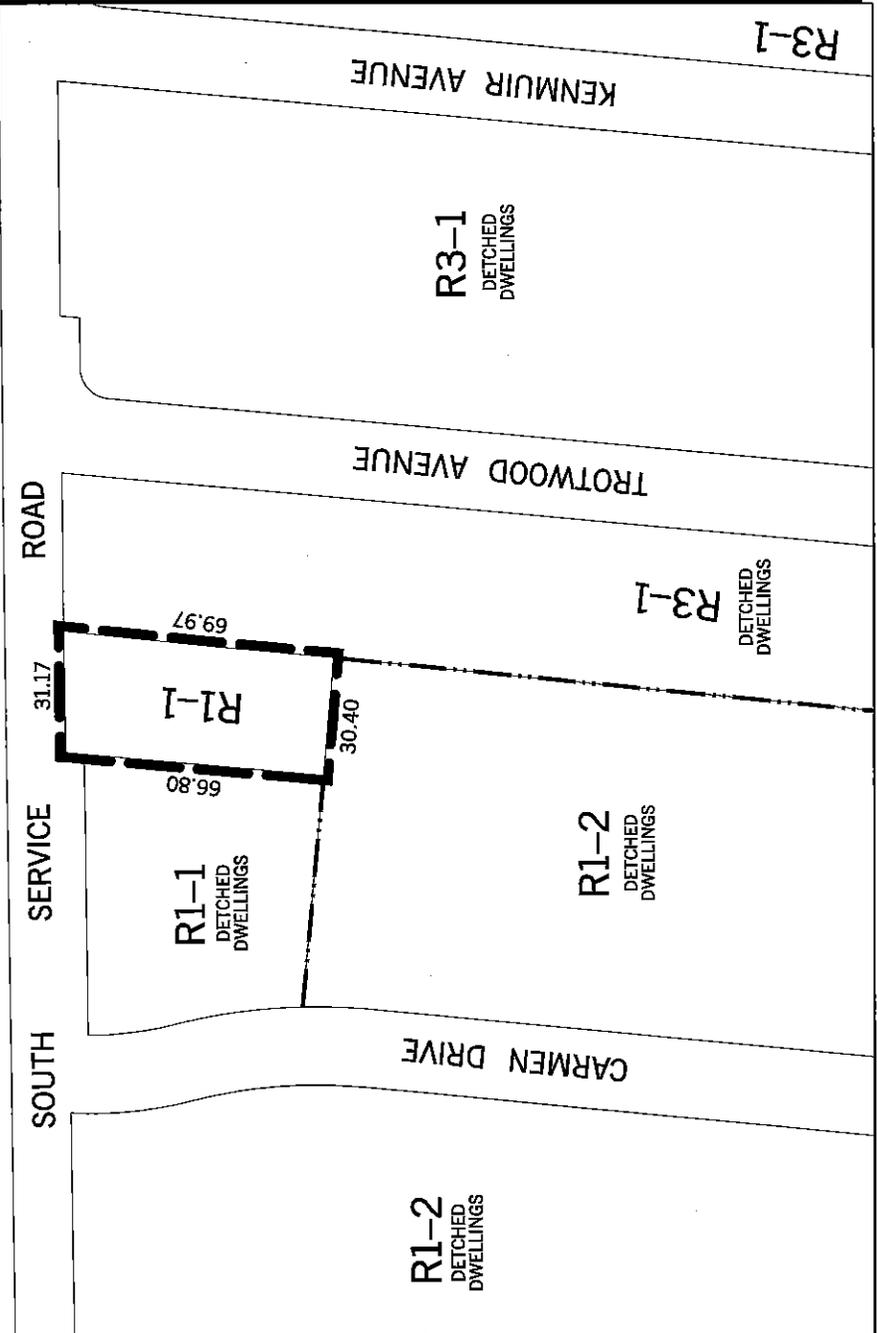
FILE NO: B'6/13, A'11/13, A'12/13	DWG. NO: B613, A'1113, A'1213R	SCALE: 1:2000	DATE: 22 JAN. 201	DRAWN BY: B. KRUGER	APPENDIX 3
Produced by T&W, Geomatics					

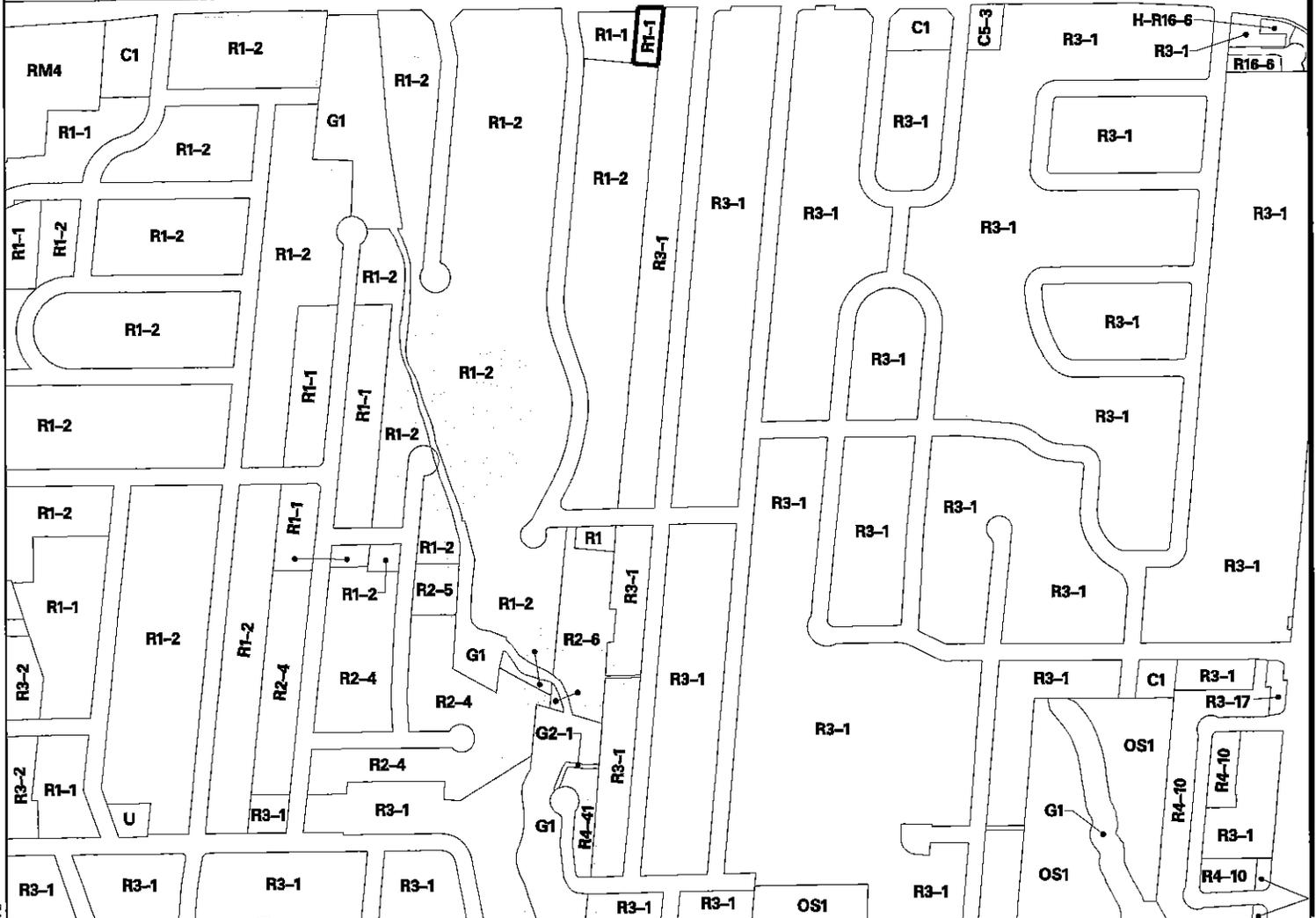
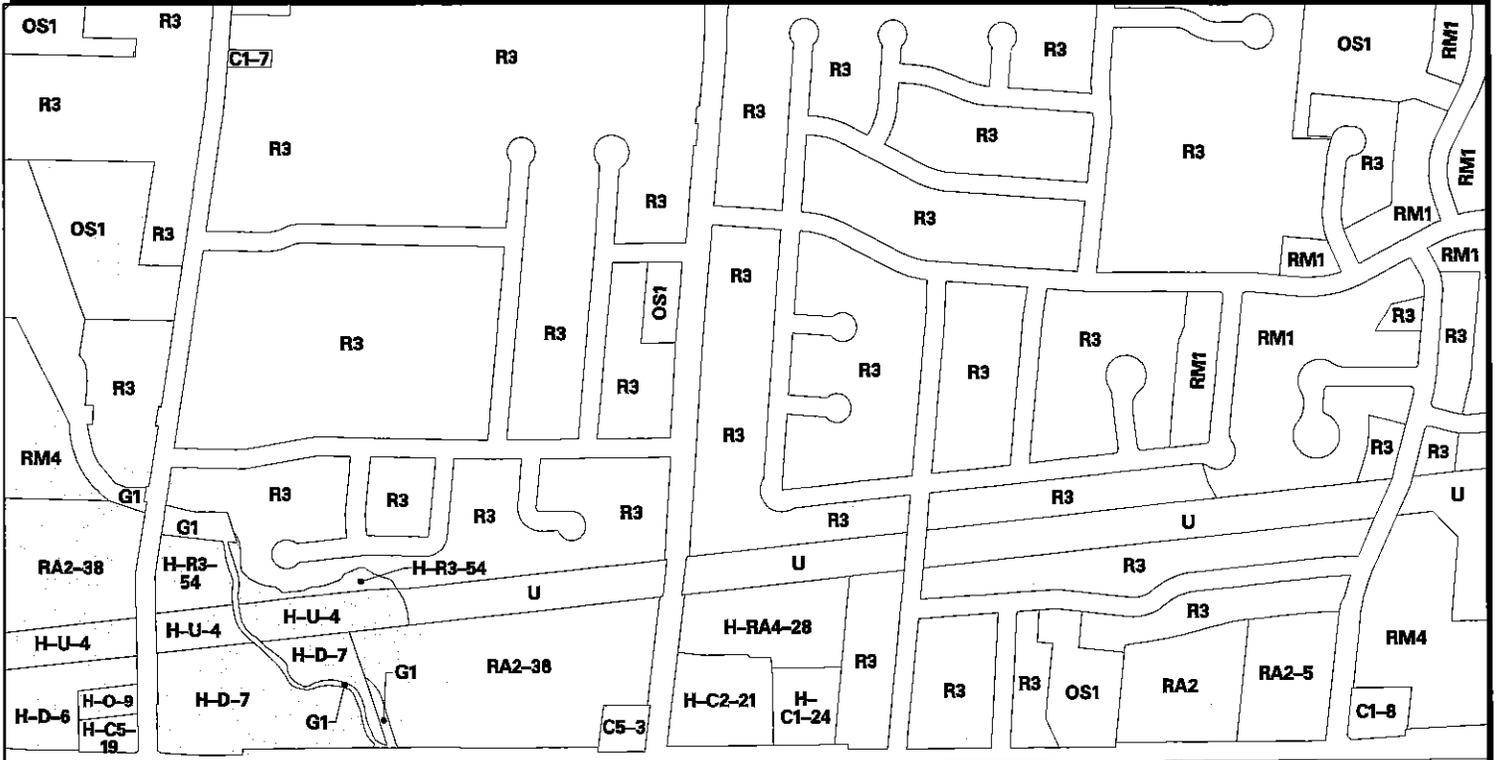


MISSISSAUGA
Planning and Building



THE QUEEN ELIZABETH WAY

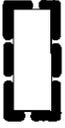




5-25



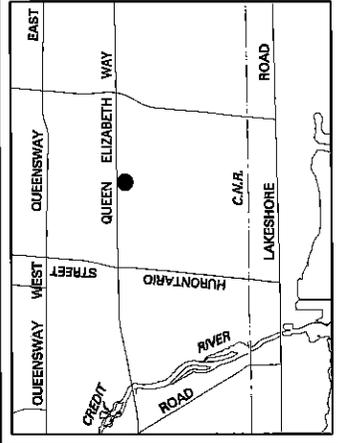
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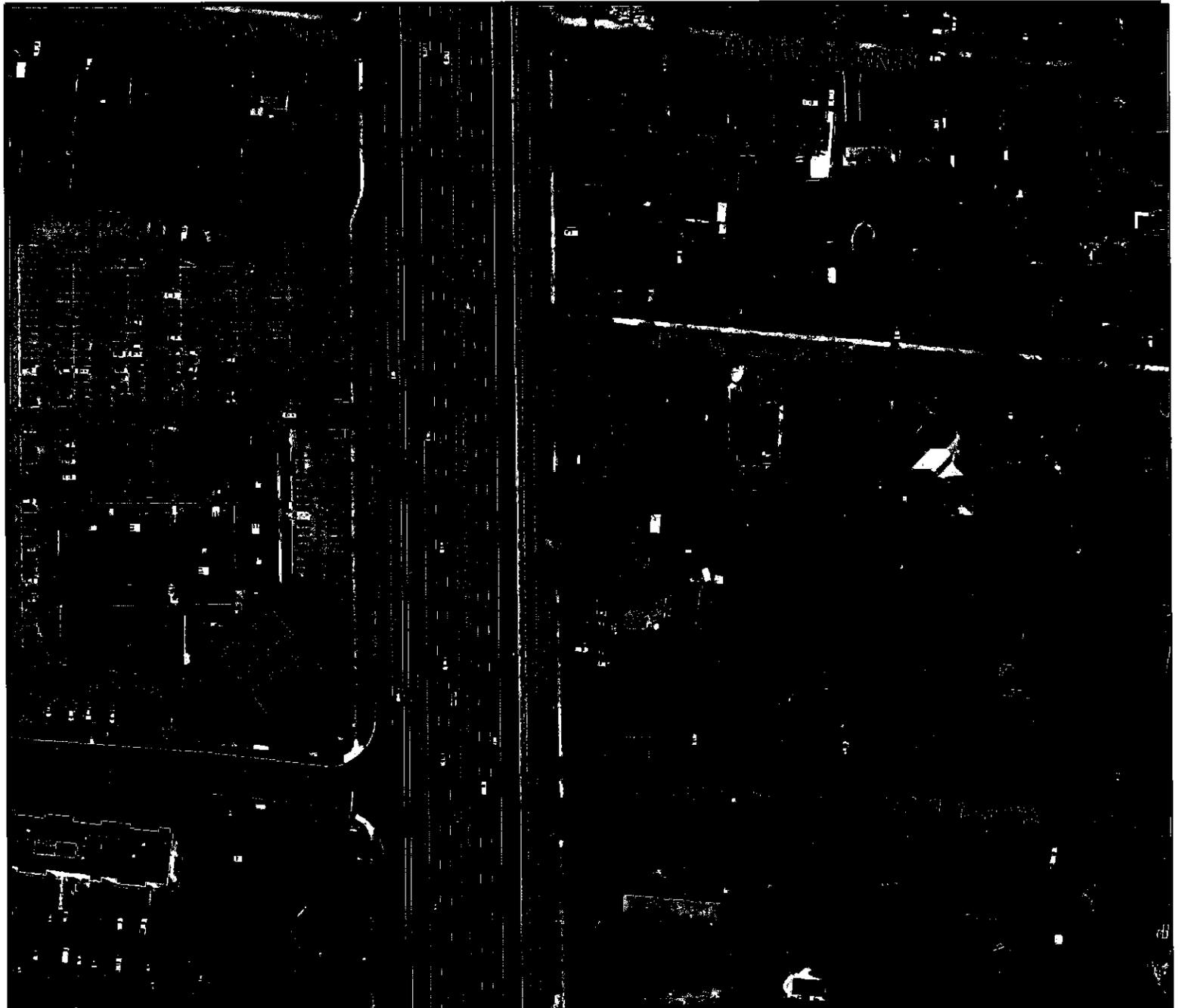
SUBJECT LANDS
372 SOUTH SERVICE ROAD

SUBJECT:
**DELFIN &
MARIA FERNANDES**

FILE NO: 'B'6/13,'A'11/13,'A'12/13	APPENDIX 5	
DWG. NO: B613,'A'1113,'A'1213A	DATE: 22 JAN. 2011	DRAWN BY: B. KRUGER
SCALE: 1:2000	Produced by T&W, Geomatics	



MISSISSAUGA
Planning and Building



5-26
B'017/98

T.M.

TARASICK, MICHELLAN LIMITED
 Surveyors
 100 LAMBTON ST. TORONTO, ONTARIO
 M5E 1B2 TEL: 978-7941

FORM NO. 1 - 3/21

MADE THE SURVEY ACT.
 DATE: FEBRUARY 3, 1987
 BY: Goodwin & Associates Inc.
 SURVEYORS
 1000 SHEPPARD AVE. EAST
 UNIT 101 SCARBOROUGH, ONTARIO M1S 1T7

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE FURNITURE ACT.

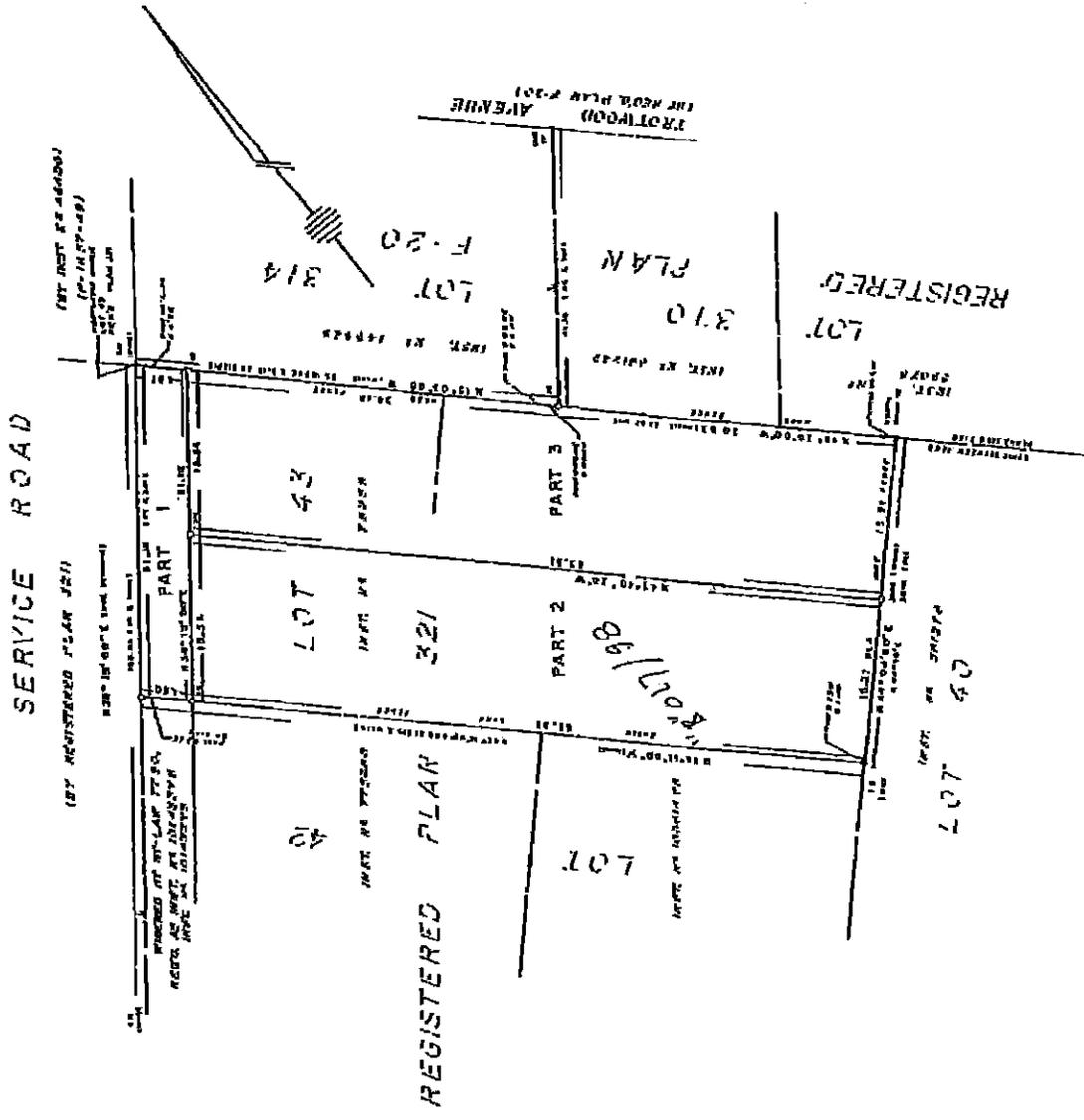
PLAN OF SURVEY OF
LOT 43
REGISTERED PLAN 321
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEELE
 Township of Pelee, County of Peel
 SCALE: 1:500
TARASICK MICHELLAN LIMITED
 Surveyors
 1985

METRIC
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND SHALL BE CONVERTED TO FEET BY DIVISION BY 0.3048.

DEVELOPER'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AS IN ACCORDANCE WITH THE SURVEY ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER;
 2. THIS SURVEY WAS COMPLETED ON THE 22nd DAY OF FEBRUARY 1987.
 SIGNATURE: [Signature]
 DONALD W. BROWN
 SURVEYOR

NOTE:
 1. ALL DIMENSIONS ARE APPROXIMATE AND ARE SUBJECT TO THE ADJUSTMENT OF THE SURVEY. THE BOUNDARY LINES OF THIS PLAN ARE BASED ON THE SURVEY OF 1987.
 2. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 3. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 4. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 5. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 6. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 7. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 8. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 9. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
 10. THE SURVEY NUMBERS SHOWN ON THIS PLAN ARE SUBJECT TO THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.

NO.	PLAN	DATE	BY
1	43	1985	TM
2	43	1985	TM
3	43	1985	TM





Corporate Report

PLANNING & DEVELOPMENT COMMITTEE

MAR 18 2013

Clerk's Files

6-1

Originator's
Files

'B' 5/13 W1,
'A' 9/13 & 'A' 10/13 W1

DATE: February 26, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: March 18, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Appeal to the Ontario Municipal Board
Committee of Adjustment Decision
Consent Application 'B' 5/13 W1 and
Minor Variance Applications 'A' 9/13 and 'A' 10/13
Freida and Emma Fischer
1238 Strathy Avenue
North of Lakeshore Road East,
east of Cawthra Road**

Ward 1

RECOMMENDATION: That the Report dated February 26, 2013, from the Commissioner of Planning and Building regarding the appeal filed by Legal Services by letter be adopted, and that Legal Services, together with other appropriate City staff attend the Ontario Municipal Board hearing in support of the appeal of the decisions of the Committee of Adjustment under files 'B' 5/13 W1, 'A' 9/13 and 'A' 10/13 W1, regarding the property at 1238 Strathy Avenue.

**REPORT
HIGHLIGHTS:**

- The subject consent application ('B' 5/13 W1) and minor variance applications ('A' 9/13 and 'A' 10/13 W1) were approved by the Committee of Adjustment on January 3, 2013.
- The Planning and Building Department recommended that the applications be refused since they did not maintain the intent of the Official Plan and Zoning By-law, and were not minor in nature.

- A "Placeholder" appeal has been filed by Legal Services as these decisions could set an undesirable precedent with respect to the interpretation of the Official Plan and Zoning By-law in the context of other Committee of Adjustment matters being considered by the City.

BACKGROUND:

On January 3, 2013, the Committee of Adjustment considered severance application 'B' 5/13 W1 to convey a parcel of land having a frontage of approximately 11.55 m (37.89 ft.) and a lot area of approximately 387.40 m² (4,170.07 sq. ft.), for the purpose of creating a new residential lot. Minor Variance applications, under files 'A' 9/13 and 'A' 10/13 W1 were also submitted to permit lot frontages of 11.55 m (37.89 ft.) in each instance, lot areas of 387.40 m² (4,170.07 sq. ft.), lot coverage of 40% for each lot, and side yard setbacks of 1.20 m (3.93 ft.) for each new proposed dwelling.

At the Committee of Adjustment meeting, the applicant indicated that the variances for lot coverage and side yard setbacks would no longer be required since the size of both dwellings would be reduced. The amended applications were approved on January 3, 2013 by the Committee of Adjustment with variances for lot frontage and lot area.

A "Placeholder" appeal was submitted on January 25, 2013 by Legal Services. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendices 1 to 7.

COMMENTS:

The applicant's authorized agent attended the Committee of Adjustment meeting on January 3, 2013 to present the applications. The authorized agent expressed the opinion that the proposed frontages and lot areas were compatible with the existing lot pattern of the surrounding properties. He further stated that in his view the proposed dwellings were compatible with the size and scale of other dwellings on this portion of Strathy Avenue.

The Planning and Building Department recommended that the severance and minor variance applications be refused on the basis that they do not maintain the general intent and purpose of the Official Plan and are not desirable for the appropriate development of the land.

Official Plan

The subject property is designated "Residential Low Density II" in the Lakeview Neighbourhood which permits detached dwellings. The Neighbourhood policies of Mississauga Official Plan further outline specific requirements for consent applications.

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 generally represent the greater of:

- a. the average lot frontage and lot area of residential lots on both sides of the same street within 120 m (393.70 ft.) of the subject property. In the case of a corner lot, lots on both streets within 120 m (393.70 ft.) will be considered; or
- b. the requirements of the Zoning By-law."

The purpose of this policy is to ensure that the lot frontages and lot areas that define and characterize the streetscape in this neighbourhood are maintained.

The Planning and Building Department reviewed the applications and calculated the average of the lot frontages and lot areas within 120 m (393.70 ft.) of the subject lands as per the Mississauga Official Plan policy, and the results are as follows:

Average Lot Frontage = approximately 23.30 m (76.44 ft.)

Average Lot Area = approximately 820.01 m² (8,826.80 sq. ft.)

In this particular instance, the Official Plan policy would be applicable to the consent application, as the proposal does not maintain the average lot frontage or lot area within 120 m (393.70 ft.) of the subject property.

Based on the information provided in the severance application, the retained and severed lots would both have lot frontages of approximately 11.55 m (37.89 ft.) and lot areas of approximately 387.40 m² (4,170.07 sq. ft.).

Therefore, the proposed severance would result in the creation of two lots that do not represent the greater of the average lot frontage and area, and consequently, do not maintain the general intent and purpose of the Official Plan.

Zoning By-law

The subject property is zoned "R3" (Residential), which permits detached dwellings. Subsection 4.2.1 of Zoning By-law 0225-2007, as amended, specifies that the minimum required lot area for an interior lot is 550 m² (5,920.34 sq. ft.) and the minimum required lot area for a corner lot is 720 m² (7,750.26 sq. ft.). The minimum lot frontage for the subject property is 15.00 m (49.21 ft.) and 19.50 m (63.97 ft.) for corner lots. The retained and severed lots do not comply with the minimum required lot area and lot frontage requirements in the Zoning By-law.

Criteria for Consents

An application for consent must meet the criteria set out under subsection 51(24) of the *Planning Act*. One of the criteria for evaluating the proposal is whether or not the proposal conforms to the Official Plan. As discussed previously, the proposed severance does not conform to Section 16.1.2.1 of Mississauga Official Plan with respect to lot frontage and lot area.

While there are some lots located along Strathy Avenue that have similar lot areas to those proposed, these were not created by way of consent (Appendix 7). The intent of the Official Plan policy is to prevent the gradual division of lots which are not consistent with the character of the area. As the proposed severance does not conform to the Official Plan policies of Mississauga Official Plan, it does not meet this criterion.

Further criteria under the *Planning Act* are to have regard to the dimensions and shapes of the proposed lots. When taking into consideration the context of the surrounding area, the proposed severance would result in lots that are smaller in area than the average size of the lots along Strathy Avenue (Appendix 7). In this respect, the requested consent does not maintain the character of the neighbourhood and does not lend itself to the suitable development of lots that are appropriate in terms of size and configuration. Therefore, the proposed severance does not meet these criteria.

Notwithstanding the above, the Committee granted provisional consent, subject to conditions.

With respect to the requested minor variances, the Committee was satisfied that the request was desirable for the appropriate development of the subject property; that the general intent and purpose of the Zoning By-law and the Official Plan would be maintained; and that the requested variances were minor in nature. Accordingly, the Committee granted the requests, as presented.

Ontario Municipal Board Appeal

The Committee of Adjustment's decision to approve the consent was to be final and binding on February 5, 2013, and January 31, 2013 for the minor variances. Based on Council endorsed protocol, the Planning and Building Department prepares a Corporate Report to the Planning and Development Committee recommending that the City appeal a decision of the Committee of Adjustment, when in the Department's opinion, the decision does not maintain the general intent and purpose of the Official Plan. Accordingly, the Planning and Building Department requested that Legal Services prepare the appropriate Notice of Appeal to the Ontario Municipal Board (OMB) and file a "Placeholder" appeal prior to the appeal period expiring pending further instruction from Council.

CONCLUSION:

The consent approved by the Committee of Adjustment under file 'B' 5/13 W1 does not meet the general intent of Mississauga Official Plan.

The variances approved under files 'A' 9/13 and 'A' 10/13 W1 do not meet the requirements of the Zoning By-law for lot frontage or lot area, and do not conform to Section 16.1.2.1 of Mississauga Official Plan with respect to lot frontage and lot area.

These approvals by the Committee have broad implications and may have significant impacts on future development in the City, resulting in undesirable development patterns in stable residential neighbourhoods.

- ATTACHMENTS:**
- Appendix 1: Committee of Adjustment Decisions
'B' 5/13 W1, 'A' 9/13 and 'A' 10/13 W1
 - Appendix 2: Land Use Map
 - Appendix 3: Zoning Map
 - Appendix 4: General Context Map
 - Appendix 5: Aerial Photograph
 - Appendix 6: Proposed Severance/Concept Plan
 - Appendix 7: Lotting Pattern



Edward R. Sajecki
Commissioner of Planning and Building

*Prepared By: Lauren Eramo-Russo,
Committee of Adjustment Planner*



6-8

APPENDIX I

COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'B' - 5 / 13

"B" 005/13

Ward 1

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -

IN THE MATTER OF AN APPLICATION BY

FRIEDA EMMA FISCHER

on Thursday January 3, 2013

Frieda Emma Fischer is the owner of Part of Lot 117, Registered Plan K-22, located and known as 1238 Strathy Avenue, zoned R3, Residential. The applicants request the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 11.55 m (37.89 ft.) and an area of approximately 387.40 m² (4,170.07 ft²). The effect of the application is to create a new lot for residential purposes.

The subject lands are also subject to Minor Variance Applications 'A' 009/13 and 'A' 010/13.

Mr. P. Chee, authorized agent, attended and presented the application to convey a parcel of land for the creation of a new undersized residential property. Mr. Chee advised the Committee that although both the conveyed and retained lands would be undersized, appropriately sized dwellings could be constructed on each property without requiring any variances for the dwellings. Mr. Chee noted that the proposed frontages of the conveyed and retained lands would be compatible with the frontages of other properties in the surrounding neighbourhood.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (December 21, 2012),
City of Mississauga, Transportation and Works Department (December 20, 2012),
City of Mississauga, Community Services Department, Park Planning (December 20, 2012),
Region of Peel, Environment, Transportation and Planning Services (December 21, 2012),

A letter was received from T. Wichert, a resident of 1200 Strathy Avenue, confirming no objection to

the subject application.

A letter was received from R. Agic, a resident of 1204 Strathy Avenue, confirming no objection to the subject application.

A letter was received from A. Proulx, a resident of 1217 Strathy Avenue, confirming no objection to the subject application.

A letter was received from F. & M. De Jesus, a resident of 1226 Strathy Avenue, confirming no objection to the subject application.

A letter was received from C. Turnbunn, a resident of 1227 Strathy Avenue, confirming no objection to the subject application.

A letter was received from M. Gaspar, a resident of 1240 Strathy Avenue, confirming no objection to the subject application.

A letter was received from S. Tapp, a resident of 1247 Strathy Avenue, confirming no objection to the subject application.

A letter was received from P. Irvani, a resident of 1264 Strathy Avenue, confirming no objection to the subject application.

A letter was received from O. Dylskyi, a resident of 1208 Ogden Avenue, confirming no objection to the subject application.

A letter was received from F. Prelec, a resident of 1211 Ogden Avenue, confirming no objection to the subject application.

A letter was received from A. Hayes, a resident of 1216 Ogden Avenue, confirming no objection to the subject application.

A letter was received from L. Fillion, a resident of 1219 Ogden Avenue, confirming no objection to the subject application.

A letter was received from I. Pettipas, a resident of 1226 Ogden Avenue, confirming no objection to the subject application.

A letter was received from A. Costache, a resident of 1236 Ogden Avenue, confirming no objection to the subject application.

A letter was received from G. Cormier, a resident of 1243 Ogden Avenue, confirming no objection to

the subject application.

A letter was received from S. Borys, a resident of 1047 Atwater Avenue, confirming no objection to the subject application.

A letter was received from H. Butt, a resident of 1059 Atwater Avenue, confirming no objection to the subject application.

A letter was received from A. Moisa, a resident of 1076 Atwater Avenue, confirming no objection to the subject application.

A letter was received from L. Bontogon, a resident of 1074 Serson Avenue, confirming no objection to the subject application.

Mr. J. Lahay, a resident of 1048 Atwater Avenue, attended and expressed his objection to the subject application. Mr. Lahay noted that the various letter of support presented by Mr. Chee were from residents outside of the municipal circulation area. He noted that the division of the lot and subsequent new dwelling represented contributed to excessive residential densities in the area. It was Mr. Lahay's opinion that the subject property could accommodate one detached dwelling of modest proportions. Mr. Lahay expressed concern with any reduced separation distances between dwellings.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Chee consented to the imposition of the proposed conditions. Mr. Chee indicated that all variances requested in the concurrent Minor Variance applications pertaining to the development of the dwellings would be deleted. He confirmed that his client would construct dwellings in compliance with the Zoning By-law on each of the undersized properties.

The Committee, after considering the submissions put forward by Mr. Chee, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

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 "severed" 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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 20, 2013.
4. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" land and "retained" land comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 009/13 & "A" 010/13)
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 December 20, 2013.
6. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 21, 2013.

MOVED BY:

J. Robinson SECONDED BY: R. Bennett CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on January 10, 2013.

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 FEBRUARY 3, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)
D. GEORGE

R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before January 14, 2014.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'A' - 9 / 13

"A" 009/13
Ward 1

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

FRIEDA EMMA FISCHER

on Thursday January 3, 2013

Frieda Emma Fischer is the owner of Part of Lot 117, Registered Plan K-22, located and known as 1238 Strathy Avenue, zoned R3, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property, being the conveyed lands of Consent Application 'B' 005/13, proposing:

1. a lot frontage of 11.55 m (37.89 ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft) in this instance,
2. a lot area of 387.40 m² (4,170.07 ft²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.34 ft²) in this instance,
3. a lot coverage of 40% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance,
4. a front yard to the garage of 6.00 m (19.68 ft); whereas By-law 0225-2007, as amended, requires a minimum front yard to the garage of 7.50 m (24.60 ft) in this instance; and,
5. a southerly side yard of 1.20 m (3.93 ft); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft) in this instance.

Mr. P. Chee, authorized agent, attended and presented the application to allow for the creation of a new undersized residential property and for the construction of an oversized dwelling on the resultant

property. Mr. Chee noted that the proposed frontage and lot area were compatible with the existing lot pattern of the surrounding properties. He noted that the proposed dwelling was compatible with the size and scale of other dwellings on this portion of Strathy Avenue.

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

The City of Mississauga Planning and Building Department commented as follows (December 21, 2012):

71.0 RECOMMENDATION

The Planning and Building Department recommends that the consent and minor variance applications be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Discussion:

Lakeview is an established and stable residential Neighbourhood. To satisfy compatibility concerns, any proposed development is required to recognize and enhance the scale and character of the existing residential areas by having regard to lot frontages and areas, among other matters. Mississauga Official Plan encourages development in neighbourhoods to be context sensitive and respect the existing or planned character and scale of development.

To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots proposed will generally represent the greater of the average lot frontage and area within 120 m, or the requirements of the Zoning By-law. The requested consent and minor variance applications will result in lots that are less than the average lot frontage within 120 m of the subject property.

The requested severance does not recognize or enhance the scale and character of the existing residential area or streetscape with respect to lot frontage or area, and therefore, does not satisfy compatibility concerns as outlined in the Mississauga Official Plan.

Zoning By-law 0225-2007

Zoning: "R3", Residential

Discussion:

The intent of the Zoning By-law is to ensure that new lots and dwellings are designed in a manner that respects the character of the area. The proposed lot frontages of 11.55 m (37.89 ft.) and lot areas of 387.4 m² (4170.07 sq ft.) are significantly less than the existing lots along Strathy Avenue. The cumulative variances that result from the proposed severance, which include insufficient lot frontage, insufficient lot area, excessive lot coverage, and dwellings with insufficient side yards, do not maintain

the intent of the Zoning By-law.

3.0 OTHER APPLICATIONS

0 Building Permit File: Required - No application received

4.0 COMMENTS

We note that in the absence of Building Permit applications for the subject dwellings, we are unable to confirm the accuracy of the requested variances or determine whether additional variances will be required. In addition, we advise that a demolition permit is required for the existing dwelling. We advise that we have serious concerns with the consent application and associated Minor Variance applications since the proposed lots are not consistent in size and character with the other properties along Strathy Avenue.

Further, we have serious concerns with the associated minor variance applications as approval would set an undesirable precedent for lots that are not in keeping with the established character of the streetscape. We advise that the proposed lot frontages of 11.55 m (37.89 ft.) are 3.45 m (11.31 ft.) less than the Zoning By-law requirement, which is not suitable for this established area. The resulting variances for the new dwellings, which include reduced lot frontages, lot areas, excessive lot coverage, and reduced side yard setbacks, are reflective of the inappropriateness of the proposed severance. As such, we advise that the requested variances are not minor in nature nor desirable for the appropriate development of the subject property.

In addition, we advise that due to the number of trees located on the subject property, this Department requires a Tree Inventory/ Preservation Plan be submitted prior to any division of land. The purpose of this report is to provide an inventory of the trees on the property, including the size, condition, and species. This will indicate which trees may be removed to accommodate construction, and which trees could be preserved.?

The City of Mississauga Transportation and Works Department commented as follows (December 19, 2012):

?We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B? 5/13.?

A letter was received from T. Wichert, a resident of 1200 Strathy Avenue, confirming no objection to the subject application.

A letter was received from R. Agic, a resident of 1204 Strathy Avenue, confirming no objection to the subject application.

A letter was received from A. Proulx, a resident of 1217 Strathy Avenue, confirming no objection to the subject application.

A letter was received from F. & M. De Jesus, a resident of 1226 Strathy Avenue, confirming no

objection to the subject application.

A letter was received from C. Turnbun, a resident of 1227 Strathy Avenue, confirming no objection to the subject application.

A letter was received from K. Zejmo, a resident of 1230 Strathy, expressing an interest in the subject application.

A letter was received from M. Gaspar, a resident of 1240 Strathy Avenue, confirming no objection to the subject application.

A letter was received from S. Tapp, a resident of 1247 Strathy Avenue, confirming no objection to the subject application.

A letter was received from P. Irvani, a resident of 1264 Strathy Avenue, confirming no objection to the subject application.

A letter was received from O. Dylskyi, a resident of 1208 Ogden Avenue, confirming no objection to the subject application.

A letter was received from F. Prelec, a resident of 1211 Ogden Avenue, confirming no objection to the subject application.

A letter was received from A. Hayes, a resident of 1216 Ogden Avenue, confirming no objection to the subject application.

A letter was received from L. Filion, a resident of 1219 Ogden Avenue, confirming no objection to the subject application.

A letter was received from I. Pettipas, a resident of 1226 Ogden Avenue, confirming no objection to the subject application.

A letter was received from A. Costache, a resident of 1236 Ogden Avenue, confirming no objection to the subject application.

A letter was received from G. Cormier, a resident of 1243 Ogden Avenue, confirming no objection to the subject application.

A letter was received from S. Borys, a resident of 1047 Atwater Avenue, confirming no objection to the subject application.

A letter was received from H. Butt, a resident of 1059 Atwater Avenue, confirming no objection to the

subject application.

A letter was received from A. Moisa, a resident of 1076 Atwater Avenue, confirming no objection to the subject application.

A letter was received from L. Bontogon, a resident of 1074 Serson Avenue, confirming no objection to the subject application.

Mr. J. Lahay, a resident of 1048 Atwater Avenue, attended and expressed his objection to the subject application. Mr. Lahay noted that the various letter of support presented by Mr. Chee were from residents outside of the municipal circulation area. He noted that the division of the lot and subsequent new dwelling represented contributed to excessive residential densities in the area. It was Mr. Lahay's opinion that the subject property could accommodate one detached dwelling of modest proportions. Mr. Lahay expressed concern with any reduced separation distances between dwellings.

No other persons expressed any interest in the application.

Mr. Chee indicated that he wished to amend the application to delete the requested variances for the proposed dwelling. He confirmed an adequately sized dwelling could be constructed on the conveyed lands in compliance with the Zoning By-law. Mr. Chee suggested that this was indicative of the appropriateness of the proposed lot frontage and area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Chee 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 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 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 construction of a new two (2) storey detached dwelling on the subject property, being the conveyed lands of Consent Application 'B' 005/13, proposing:

1. a lot frontage of 11.55 m (37.89 ft); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft) in this instance; and,
2. a lot area of 387.40 m² (4,170.07 ft²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.34 ft²) in this instance.

MOVED BY:

J. Robinson SECONDED BY: R. Bennett CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on January 10, 2013.

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 JANUARY 30, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)
D. GEORGE

R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

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.

6-19



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'A' - 10 / 13

"A" 010/13
Ward 1

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

FRIEDA EMMA FISCHER

on Thursday January 3, 2013

Frieda Emma Fischer is the owner of Part of Lot 117, Registered Plan K-22, located and known as 1238 Strathly Avenue, zoned R3, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a new two (2) storey detached dwelling on the subject property, being the retained lands of Consent Application 'B' 005/13, proposing:

1. a lot frontage of 11.55 m (37.89 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft.) in this instance,
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Mr. P. Chee, authorized agent, attended and presented the application to allow for the retained lands to remain and to allow for the construction of an oversized dwelling on the retained lands. Mr. Chee noted

that the proposed frontage and lot area were compatible with the existing lot pattern of the surrounding properties. He noted that the proposed dwelling was compatible with the size and scale of other dwellings on this portion of Strathy Avenue.

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

The City of Mississauga Planning and Building Department commented as follows (December 21, 2012):

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The Committee consented to the request and, after considering the submissions put forward by Mr. Chee 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.

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2. a lot area of 387.40 m² (4,170.07 ft²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.34 ft²) in this instance.

MOVED BY:

J. Robinson SECONDED BY: R. Bennett CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on January 10, 2013.

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 JANUARY 30, 2013.

Date of mailing is January 14, 2013.

S. PATRIZIO (CHAIR)
D. GEORGE

R. BENNETT
J. THOMAS

D. KENNEDY
L. DAHONICK

J. ROBINSON

I certify this to be a true copy of the Committee's decision given on January 10, 2013.

DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

6-25

- 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.

**PART OF SCHEDULE 10 LAND USE DESIGNATIONS
OF MISSISSAUGA OFFICIAL PLAN**

LAND USE DESIGNATIONS

- | | | | |
|--|----------------------------|--|---------------------|
| | Residential Low Density I | | Business Employment |
| | Residential Low Density II | | Industrial |
| | Residential Medium Density | | Airport |
| | Residential High Density | | Institutional |
| | Downtown Mixed Use | | Public Open Space |
| | Downtown Core Commercial | | Private Open Space |
| | Mixed Use | | Greenbelt |
| | Convenience Commercial | | Parkway Belt West |
| | Minor Vehicle Commercial | | Utility |
| | Office | | To Be Determined |

LAND USE LEGEND

- | | | | |
|--|--|--|------------------------------|
| | Heritage Conservation District | | Civic Centre (City Hall) |
| | 1988 NRP/2000 NEF Composite Noise Contours | | City Centre/Transit Terminal |
| | LBPA Operating Area Boundary see Aircraft Noise Policies | | GO Rail Transit Station |
| | Area Exempt from LBPA Operating Area | | Public School |
| | Natural Hazards | | Catholic School |
| | | | Hospital |
| | | | Community Facilities |

6-26



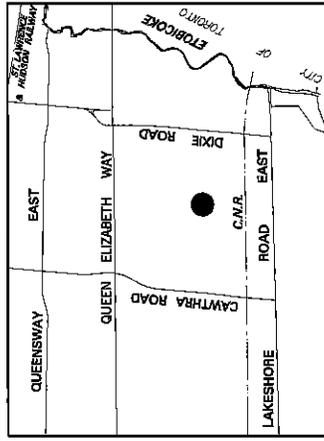
- | | |
|--|----------------------|
| | Corporate Centre |
| | Employment Area |
| | Special Purpose Area |

SUBJECT LANDS
1238 STRATHY AVENUE

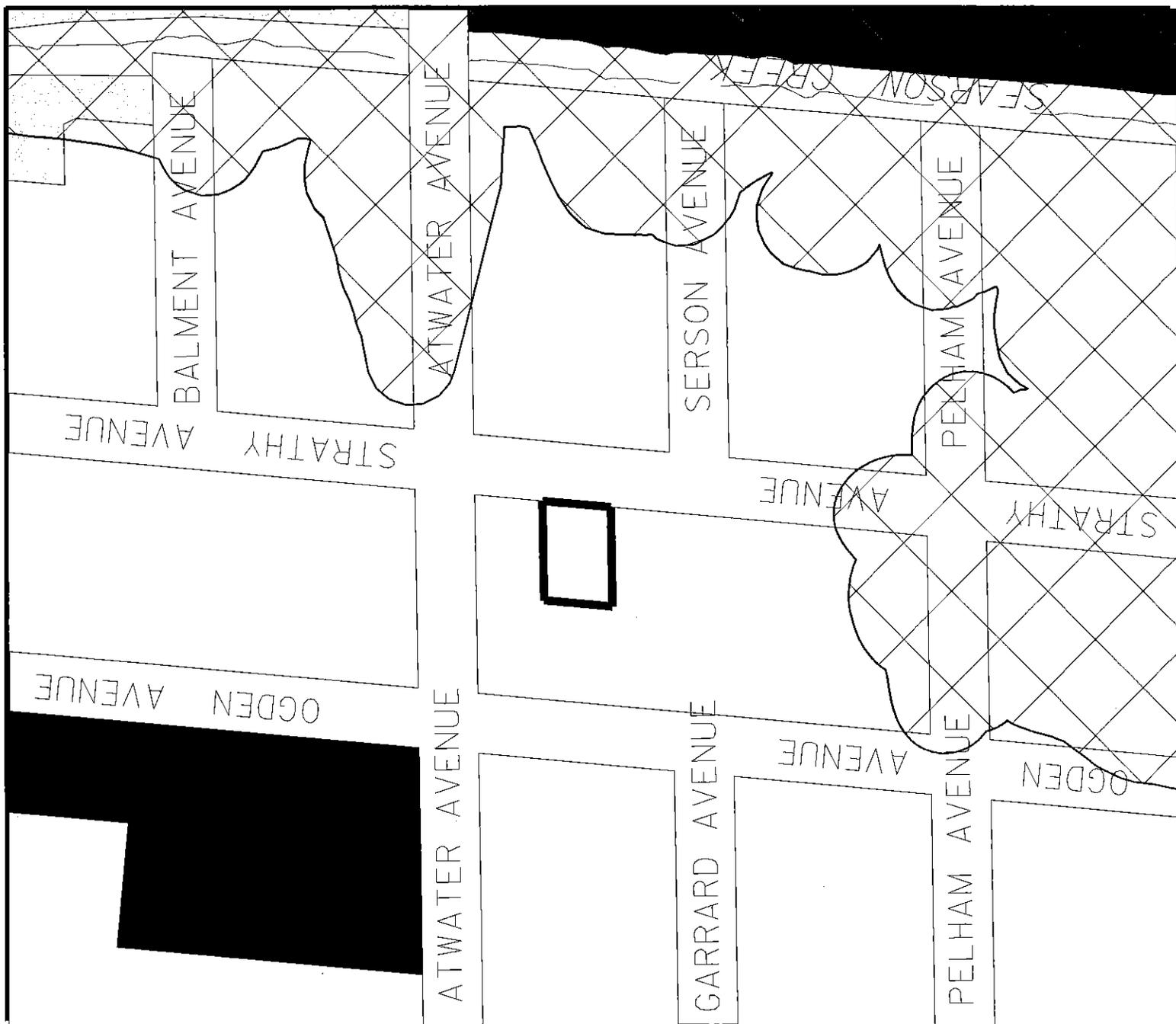
SUBJECT:

FREIDA EMMA FISCHER

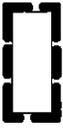
FILE NO: 'B'5/13, 'A'9/13, 'A'10/13	APPENDIX 2
DWG. NO: B513 A913 A1013L	
SCALE: 1:20000	
DATE: 6 02 2013	DRAWN BY: B. KRUGER
<i>Produced by T&W, Geomatics</i>	



MISSISSAUGA
Planning and Building



LEGEND:



SUBJECT LANDS
1238 STRATHY AVENUE

6-27



SUBJECT:

FREIDA EMMA FISCHER

FILE NO:

'B'5'13, 'A'9'13, 'A'10'13

DWG. NO:

B513 A913 A1013R

SCALE:

1:20000

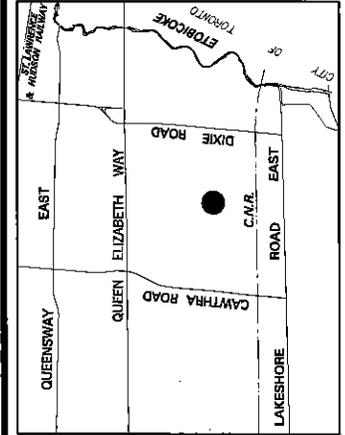
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6 02 2013

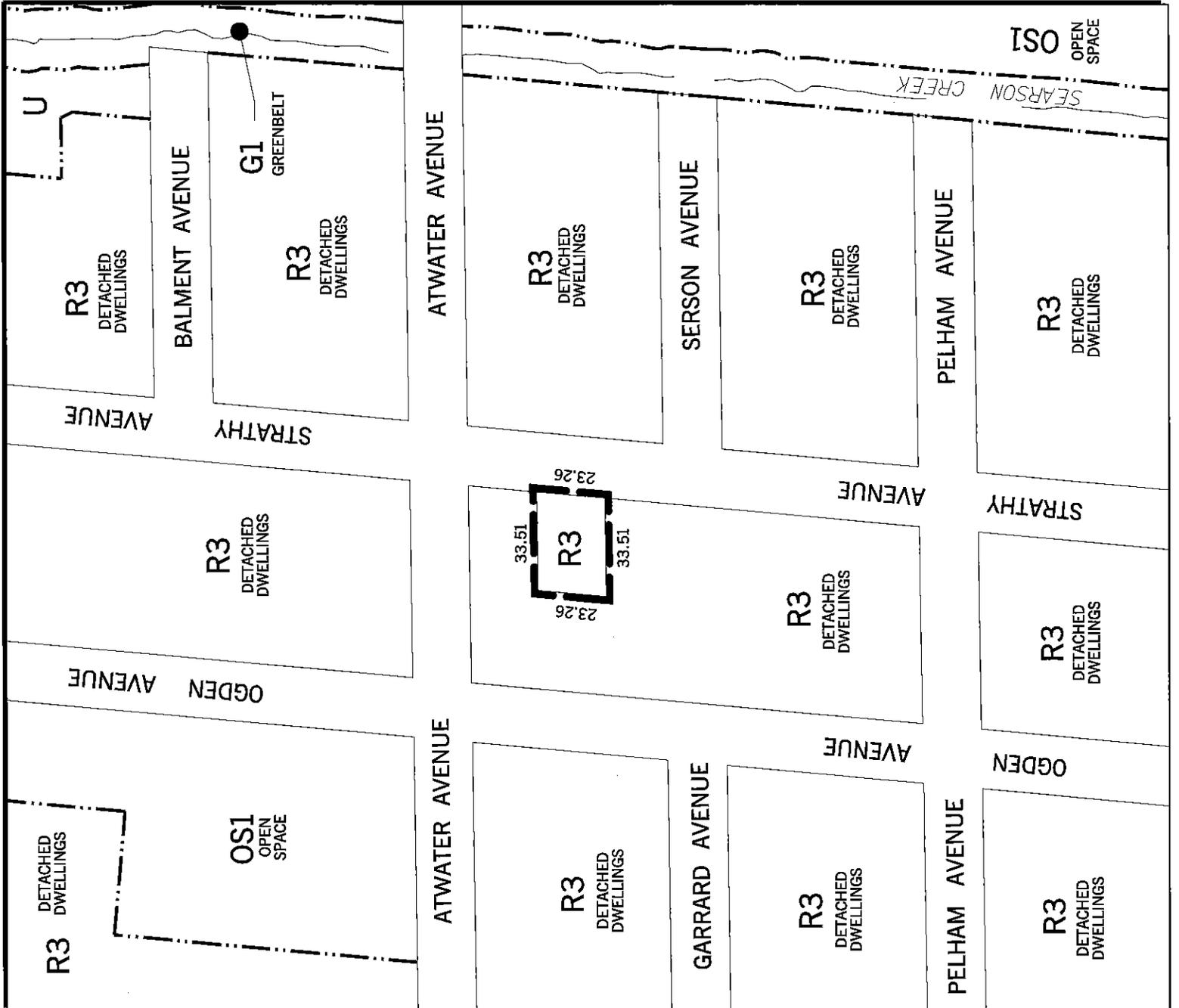
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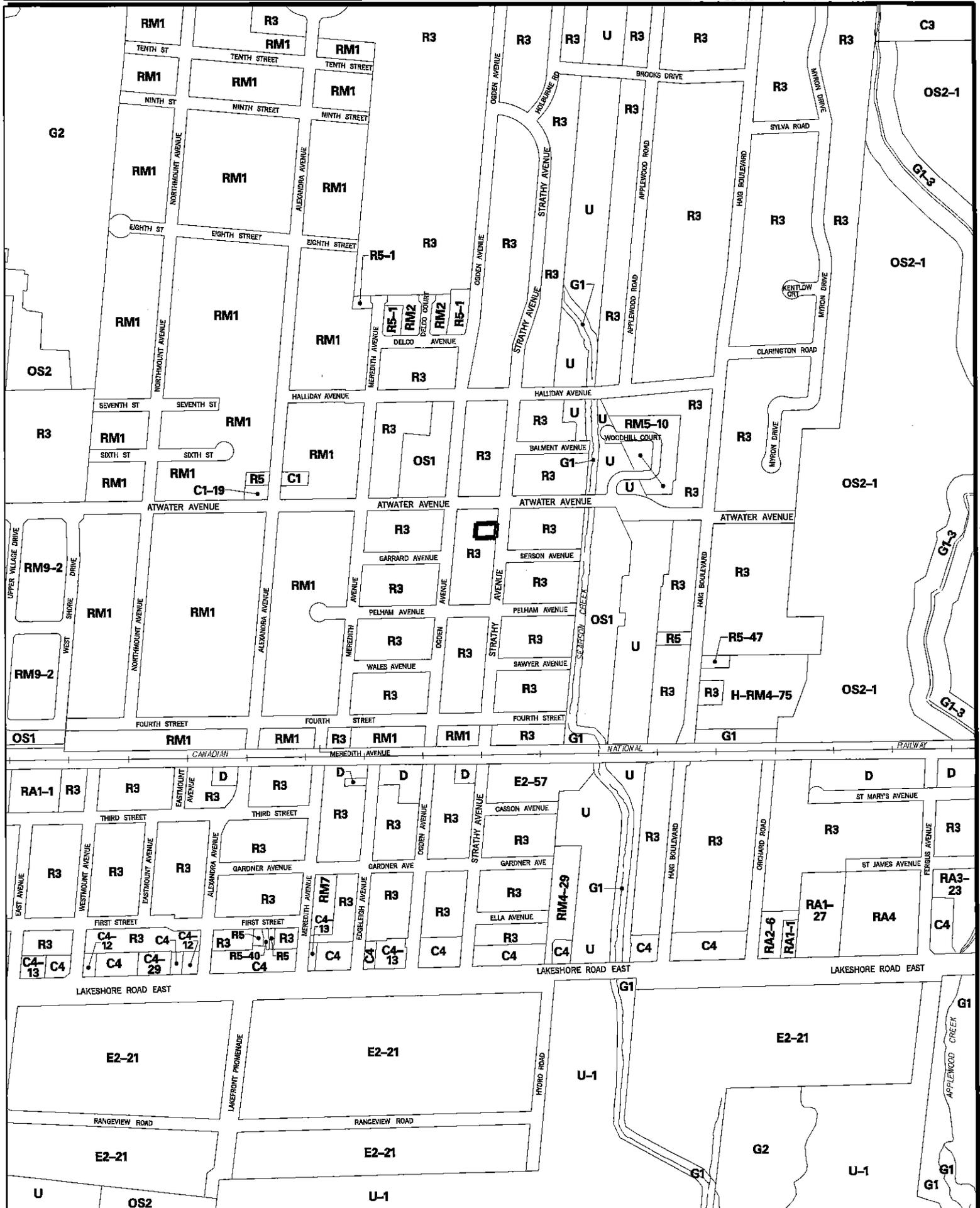
B. KRUGER

APPENDIX 3



Produced by
T&W, Geomatics





LEGEND:



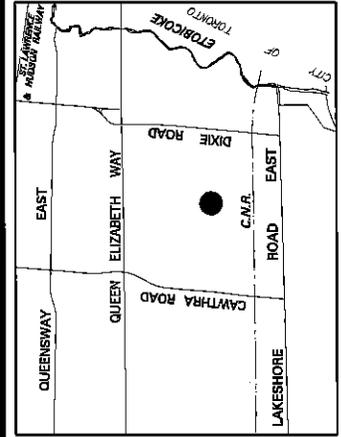
SUBJECT LANDS
1238 STRATHY AVENUE

6-29

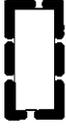


SUBJECT: **FREIDA EMMA FISCHER**

FILE NO: 'B'5/13, 'A'9/13, 'A'10/13		APPENDIX 5	
DWG. NO: B513 A913 A1013A		PDC DATE: 6 02 2013	
SCALE: 1:20000		DRAWN BY: B. KRUGER	
Produced by MISSISSAUGA Planning and Building T&W, Geomatics			



LEGEND:



SUBJECT LANDS
1238 STRATHY AVENUE

6-31



SUBJECT: **FREIDA EMMA FISCHER**

FILE NO: B'5/13, A'9/13, A'10/13	DWG. NO: B513 A913 A1013lots	SCALE: 1:20000	PDC DATE: 6 02 2013	DRAWN BY: B. KRUGER	APPENDIX 7

Produced by
MISSISSAUGA
Planning and Building
T&W, Geomatics

