



Corporate Report

Clerk's Files

Originator's
Files 'B' 001/08 W1

DATE: March 25, 2008

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 14, 2008

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Amendment to Site Plan Control By-law 0293-2006, as amended**
Committee of Adjustment Decision
C of A 'B' 001/08 W1
Owner: Dana Bach
1 Wesley Crescent
Northeast corner of High Street West
and Wesley Crescent **Ward 1**

RECOMMENDATION: That the Report dated March 25, 2008, from the Commissioner of Planning and Building recommending that Council enact a by-law to amend Site Plan Control By-law 0293-2006, as amended, to include the property located at 1 Wesley Crescent, northeast corner of High Street West and Wesley Crescent, in order to fulfill a condition of provisional consent granted by the Committee of Adjustment under file 'B' 001/08 W1, Dana Bach, be adopted.

BACKGROUND: On January 3, 2008, the Committee of Adjustment considered consent application 'B' 001/08 W1 to permit the conveyance of a parcel of land having a frontage of approximately 6.88 m (22.57 ft.) and an area for approximately 285.20 m² (3,073.10 sq. ft.). The effect of the application was to create a new residential lot for semi-detached dwelling purposes. Due to the concerns raised by area residents in connection with the proposed massing of the dwelling along Wesley Crescent, landscaping and

tree preservation, the Committee suggested that the application be deferred so that the applicant and the agent could meet with the surrounding residents in order to accommodate their concerns as much as possible.

On January 29, 2008, a meeting was held by Ward 1 Councillor, Carmen Corbasson, with area residents, the applicant, and Planning and Building Department staff. At the meeting, the applicant presented an alternative design for the proposed semi-detached dwellings which addressed issues raised by the residents, as well as the Planning and Building Department.

The Committee of Adjustment considered the application again on February 7, 2008, at which time, the Committee resolved to grant provisional consent subject to a number of conditions being fulfilled, including Site Plan Control By-law 0293-2006, as amended, being revised to include the subject property.

Background information is provided in Appendix 1.

COMMENTS:

The Planning and Building Department had no objection to the requested severance under file 'B' 001/08 W1, subject to the following conditions:

1. That the severed and retained lands comply with the provisions of the Zoning By-law with respect to minimum lot frontage, lot area and setbacks to the existing building or alternatively that any minor variance is approved, final and binding, and;
2. That Site Plan Control By-law 0293-2006, as amended, be revised to include the subject property.

In comments to the Committee of Adjustment, the Planning and Building Department indicated that it would like to ensure that future development on the subject property is constructed in a manner which minimizes any potential adverse impacts. Given the concerns raised by area residents, it was deemed appropriate to require Site Plan approval for the development of the proposed lots to ensure adequate control over tree preservation and building massing for the proposed dwellings.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: Site Plan Control By-law 0293-2006, as amended, should be revised to include the subject property in order to fulfill a condition of provisional consent granted by the Committee of Adjustment under file 'B' 001/08 W1, Dana Bach, regarding the property at 1 Wesley Crescent.

ATTACHMENTS: Appendix 1 – Committee of Adjustment Decision 'B' 001/08
Appendix 2 – Zoning Map
Appendix 3 – Aerial Photograph

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Krystina Collins, Committee of Adjustment Planner



COMMITTEE OF ADJUSTMENT DECISION

City of Mississauga

'B' - 1 / 08

B 1/08
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

D. Bach

on Thursday February 7, 2008

D. Bach is the owner of Part of Lots 6 and 7, Registered Plan F-23, located and known as 1 Wesley Crescent, zoned RM7, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 6.88 m (22.57 ft.) and an area for approximately 285.20 m² (3,073.10 sq. ft.). The effect of the application is to create a new residential lot for semi-detached dwelling purposes.

On January 3, Mr. M. Walker and W. Borzecki, authorized agent, attended and presented the applications. Mr. Walker advised the Committee that it is the applicant's intention to build a semi-detached dwelling on the subject lands. He noted that the dwellings will conform to the zoning by-law requirements in all respect. The elevations of the proposed dwellings will fit in the neighbourhood. Only three trees will have to be removed to accommodate the dwellings. All existing structures will be removed. All the trees along the streets will remain. In response the Planning and Building Department comments, Mr. Borzecki stated that three vehicles can be accommodated on each of the resultant lots.

Mr. Walker presented an elevation rendering for the Committee's review and consideration.

The Committee received comments and recommendations from the following agencies:

The City of Mississauga, Planning and Building Department (December 21, 2007),
The City of Mississauga, Transportation and Works Department (December 20, 2007),
The Region of Peel, Environment, Transportation and Planning Services, Transportation Division (December 20, 2007),
Region of Peel, Environment, Transportation and Planning Services, Planning Division (December 24, 2007),
TheRegion of Peel, Environment, Transportation and Planning Services, Waste Management Division (December 12, 2007).

A submission with four signatures, was received form the owners of 16, 22, 44 and 50 Wesley Crescent, setting out reasons why they oppose the creation of a new residential lot for semi-detached purposes.

Mr. K. Pratt of 2 Wesley Crescent attended and advised the Committee that he had not seen the proposed plans for the dwelling, he was concerned with the long sidewall along Wesley Crescent of the proposed dwelling and the removal of the mature trees on the property.

Mr. M. Beagan of 4 Wesley Crescent attended and advised the Committee that he was opposed to the application, noting that he represented the residents of 6, 8, and 15 Wesley Crescent and one resident on High Street.

The Committee suggested that the applicant and her agents meet with the neighbourhood residents, perhaps with help of the Ward Councillor, to provide details of the proposed development and accommodate the area residents' concerns as much as possible, of among other things the wall along Wesley Crescent etc. The Committee suggested that the application be deferred so that site and elevation plans can be presented to the neighbours before the Committee considers the application.

The Committee deferred the application to February 7, 2008.

On February 7, 2008, and W. Borzecki, Architect, attended and further presented the application. Mr. Walker informed the Committee that a meeting had been held with the Ward Councillor, Carmen Corbasson and area residents. As a result of the meeting, several changes were made to the application. Among other things, the dwelling was reduced in length; parking was re-arranged to accommodate parking of three vehicles on site; the elevations modified to reflect the concerns of the residents.

The Committee reviewed the information submitted with the application.

The Committee reviewed the comments and recommendations received at the previous meeting and the updated comments and recommendations from the following agencies:

The City of Mississauga, Planning and Building Department (February 4, 2008),
The City of Mississauga, Transportation and Works Department (February 1, 2008),
The Region of Peel, Environment, Transportation and Planning Services, Waste Management Division (January 24, 2008).

A letter, dated February 5, 2008, was received from Ward 1 Councillor Corbasson, requesting the Committee to impose a condition to include the subject lands in the Site Plan Control By-law, in the event the Committee approves the application, in order to protect the residents' interests.

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

Mr. Walker consented to the imposition of the proposed conditions.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Walker and Mr. Borzecki, the comments received and the recommended, 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. A letter shall be received from the City of Mississauga, Community Services Department, Planning, Development, and Business Services Division, Planning and Heritage Section, indicating that a satisfactory arrangement has been made with respect to the payment of money in lieu of conveyance of land for park or other public recreational purposes with respect to the "severed" land.

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 February 1, 2008.

4. 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.

5. A letter shall be received from the City of Mississauga, Planning and Building Department, indicating that the Site Plan Control By-law 0293-2006, as amended, be revised to include the subject lands.

6. A letter shall be received from the Region of Peel, Public Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 20, 2008.

7. 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 with respect to, among other things, lot frontage, and lot area and setbacks to existing structures, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.

MOVED BY:

B. Butt SECONDED BY: S. Patrizio CARRIED

Application Approved on conditions as stated.

Dated at the city of Mississauga on February 14, 2008.

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 MARCH 6, 2008.

Date of mailing is February 15, 2008

BY-LAW 0225-2007

LEGEND:



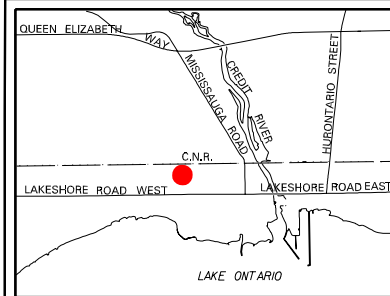
SUBJECT LANDS

**NOTE: EXISTING ZONING DELINEATED ON THE PLAN
PROPOSED ZONING INDICATED BY SHADING WITHIN
THE APPLICATION AREA.**



SUBJECT:

DANA BACH



FILE NO:

'B' 00108

DWG. NO:

B00108R

SCALE:

1:2500

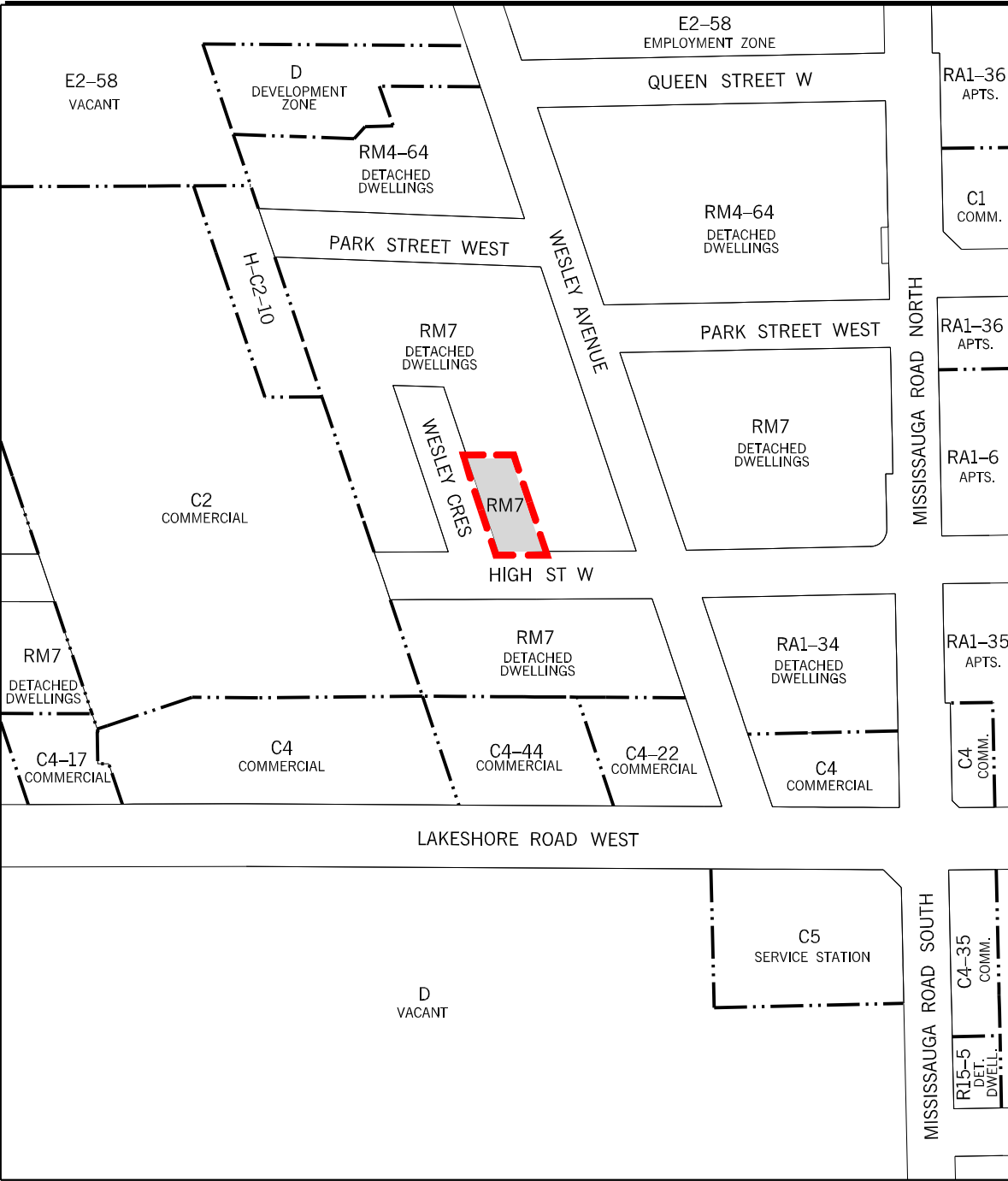
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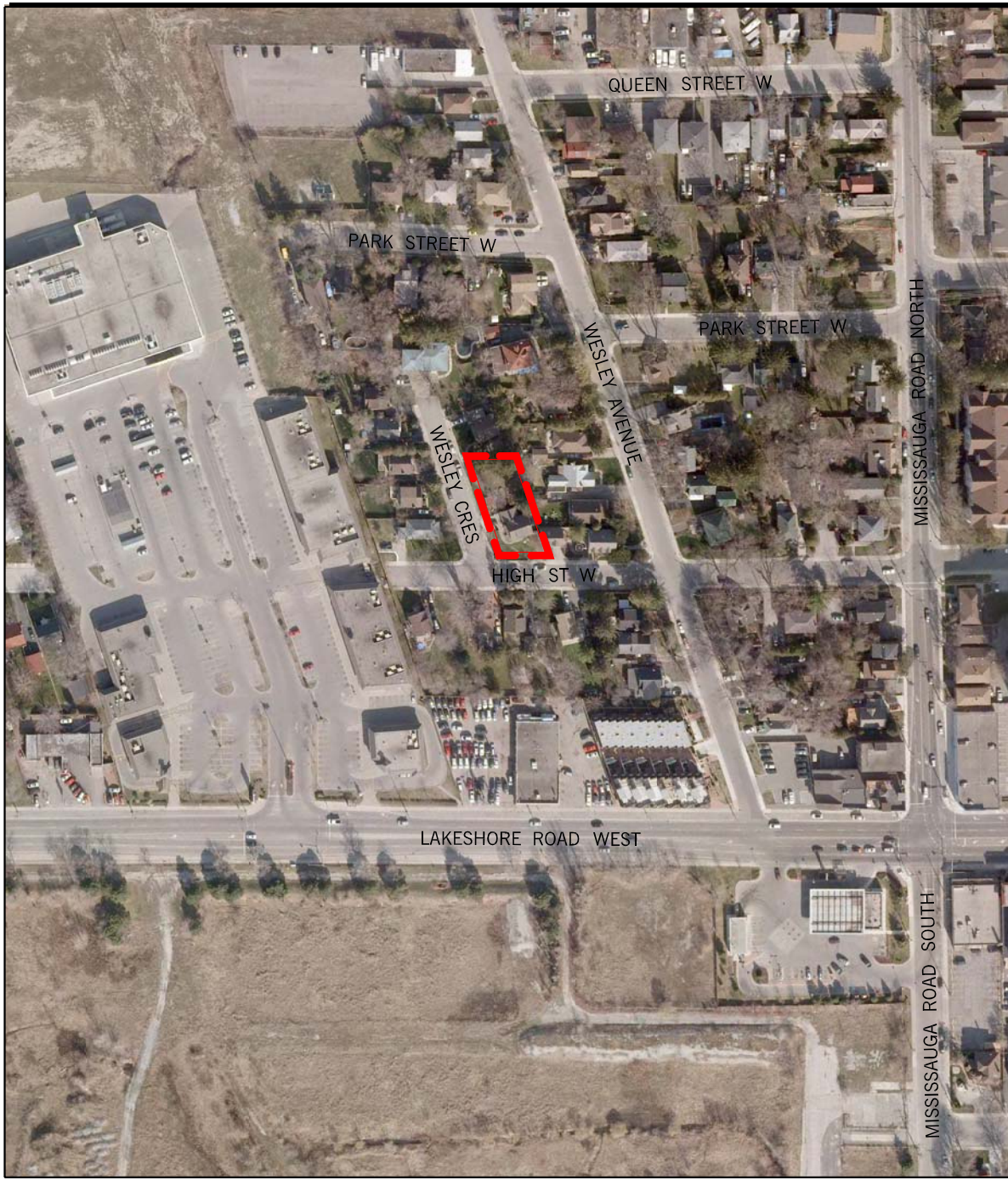
2008 04 14

DRAWN BY:

R.DICOSOLA

APPENDIX 2





LEGEND:

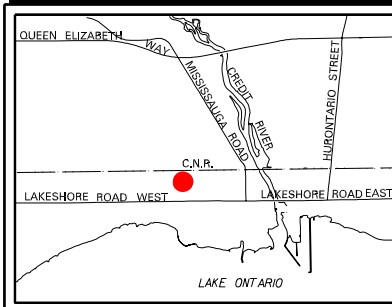


SUBJECT LANDS

DATE OF AERIAL PHOTO: 2007



SUBJECT: DANA BACH



FILE NO:	'B' 00108
DWG. NO:	B00108A
SCALE:	NTS
PDC DATE:	2008 04 14
DRAWN BY:	R.DICOSOLA

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX 3