



Corporate Report

Clerk's Files

Originator's
Files 'B' 023/10 W2,
'A' 149/10 W2

PDC JUN 14 2010

DATE: May 25, 2010

TO: Chair and Members of Planning and Development Committee
Meeting Date: June 14, 2010

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Appeal to the Ontario Municipal Board
Committee of Adjustment Decision
Consent Application 'B'023/10 W2 &
Minor Variance Application 'A' 149/10 W2
Sandra Ortiz Gonzalez
1356 Lakeshore Road West
South of Lakeshore Road West,
west of Bexhill Road**

Ward 2

RECOMMENDATION: That the Report dated May 25, 2010 from the Commissioner of Planning and Building regarding the appeal filed by Legal Services by letter be continued, 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' 023/10 & 'A' 149/10, Sandra Ortiz Gonzalez, granted on April 8, 2010, regarding the property at 1356 Lakeshore Road West.

BACKGROUND: On April 8, 2010 and April 22, 2010, the Committee of Adjustment considered severance application, 'B' 023/10 to convey a parcel of land having a lot frontage of approximately 30.0 m (984.0 ft.) and a lot area of approximately 914.5 m² (9,843.9 sq. ft.), for the purpose of creating a new residential lot. A minor variance application, under file 'A' 149/10 W2, was also submitted to permit an exterior side yard of 5.5 m (18.1 ft.) to the existing dwelling on the retained lands, whereas 7.5 m (24.6 ft.) is required. The applications were approved on April 22, 2010.

A "Placeholder" appeal was submitted on May 14, 2010 by Legal Services. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendix 1.

COMMENTS:

The applicant's authorized agent attended the Committee of Adjustment meetings on April 8, 2010 and April 22, 2010, to present the applications. The agent advised the Committee that his client intended to renovate the existing home and live there, and that the existing detached garage would be demolished. He indicated that the requested reduced exterior side yard was an existing condition as a result of the property abutting a daylight-triangle. He further explained that his client also proposed to convey the southerly portion of the property for the purpose of creating a new residential lot for future development. The agent indicated that his client had not prepared architectural plans for a dwelling on the proposed new lot. He explained that the conveyed lot would comply with the requirements of the Zoning By-law with respect to lot frontage and lot area.

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 as "Residential Low Density I" in the Clarkson-Lorne Park District in Mississauga Plan, which permits detached dwellings, to a maximum density of 10 units per net residential hectare. The Clarkson-Lorne Park District Policies further outline specific requirements for consent applications. Section 4.7.4.1.1 states:

"To preserve the character of the area, the minimum frontage and area of new lots created by way of consent applications will generally represent the greater of:

- the average lot frontage and lot area of residential lots on both sides of the same street within 120.0 m (393.7 ft.) of the subject property. In the case of a corner lot, lots on both streets within 120.0 m (393.7 ft.) will be considered;
- or the requirements of the Zoning By-law."

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

The Planning and Building Department reviewed the applications and calculated the average of the lot frontage and lot area within 120.0 m (393.7 ft.) of the subject lands as per the Clarkson-Lorne Park District Policies, and the results are as follows:

Average Lot Area = approximately 1587.7 m² (17,090.4 sq. ft.)

Average Lot Frontage = approximately 30.4 m (99.7 ft.)

In this particular instance, the District Policies would be applicable to the consent application as the average lot area is greater than the Zoning By-law requirement.

Based on the information provided in the severance application, the retained and severed lots would both have lot areas of approximately 914.0 m² (9,838.5 sq. ft.) and lot frontages of approximately 30.0 m (98.4 ft.).

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

Zoning By-law

The subject property is zoned "R2-5" (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 695.0 m² (7,481.2 sq. ft.) and the minimum required lot area for a corner lot is 810.0 m² (8,719.1 sq. ft.). Subsection 4.2.3.5 further specifies that the minimum required lot frontage for interior and corner lots is 30.0 m (98.4 ft.). The retained and severed lots comply with the minimum required lot

area and lot frontage, and therefore, the proposal maintains the general intent and purpose of the Zoning By-law. The applicant also submitted a minor variance application to recognize an insufficient exterior side yard under file 'A' 149/10 W2. It should be noted that this variance is not technically required since it is simply recognizing a legal non-conforming situation.

Criteria for Consents

An application for consent must meet the criteria set out under Section 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 4.7.4.1.1 of the Clarkson-Lorne Park District Policies of Mississauga Plan. The proposed lots do not conform to this policy with respect to the lot area.

While there are some lots that are located along Bexhill Road that have similar lot areas to those proposed, the majority were not created by way of consent (Appendix 9). 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 Plan, it does not meet this criteria.

Another criteria under the *Planning Act* is 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 Lakeshore Road West and Bexhill Road (Appendix 9). In particular, the lots would be distinctively different from the properties which define the east side of Bexhill Road, which are distinguished by lots that are generous in lot area. 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 this criteria.

Notwithstanding the recommendation from the Planning and Building Department that the applications be refused, the Committee of Adjustment, after considering the submissions put

forward by the applicant, the comments received and the recommended conditions, was 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, resolved to grant provisional consent subject to the recommended conditions, as set out by the City, being fulfilled.

With respect to the requested minor variance, the Committee, after considering the submissions put forward by the agent and having reviewed the plans and comments received, was satisfied that the request was desirable for the appropriate further development of the subject property. They noted that the site is encumbered by an abutting daylight-triangle. The Committee was satisfied that the general intent and purpose of the Zoning By-law and the Official Plan would be maintained. The Committee was also of the opinion that the requested variance was minor in nature. Accordingly, the Committee resolved to authorize and grant the request, as presented, subject to the condition that the applicant proceed in accordance with the front elevation rendering (Appendix 7) and landscape plan (Appendix 8) reviewed by the Committee.

OMB Appeal

The Committee of Adjustment's decision to approve the consent and variance was to be final and binding on May 23, 2010. It was the opinion of this Department that the Committee's decisions should be appealed by City Council to the Ontario Municipal Board (OMB). Accordingly, the Planning and Building Department requested that Legal Services prepare the appropriate Notice of Appeals to the 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' 023/10 W2 does not meet the general intent of the Official Plan. While the proposed lots do meet the requirements of the Zoning By-law, they do not conform to Section 4.7.4.1.1 under the Clarkson-Lorne Park District Policies of Mississauga Plan with respect to lot area. Therefore, with regard to the criteria set out in *Planning Act* R.S.O. 1990, c.P.13., the consent does not conform to the Official Plan Policies of the Mississauga Plan. This approval

by the Committee has broader implications and could set an undesirable precedent.

ATTACHMENTS:

Appendix 1 - Committee of Adjustment Decisions 'B' 023/10 & 'A' 149/10

Appendix 2 - Land Use Map

Appendix 3 - Zoning Map

Appendix 4 - General Context Map

Appendix 5 - Aerial Photograph

Appendix 6 - Plan of Survey

Appendix 7 - Elevation

Appendix 8 - Landscape Plan

Appendix 9 - Lotting Pattern

original signed by

Edward R. Sajecki

Commissioner of Planning and Building

Prepared By: Joanne Fung, C of A Planner

DIRECTOR OF DEVELOPMENT
PLANNING AND BUILDING
DEPARTMENT MAY - 3 2010



File: "B" 023/10
WARD 2

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

Sandra Ortiz Gonzalez

on Thursday April 22, 2010

Sandra Ortiz Gonzalez is the owner of Lot 1, Registered Plan 332, located and known as 1356 Lakeshore Road West, zoned R2-5, Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 30.00 m (98.42 ft) and an area of approximately 914.50 m² (9843.91 ft²). The effect of the application is to create a new lot for residential purposes.

Mr. V. Fulgenzi, authorized agent, attended and presented the application to the conveyance of a parcel of land for the creation of a new residential lot. Mr. Fulgenzi advised the Committee that his client intended to renovate the existing home and live there and that the existing detached garage would be demolished. He explained his client also proposes to convey the southerly portion of the property for the purpose of creating a new residential lot for future development. Mr. Fulgenzi indicated that his client had not prepared architectural plans for a dwelling on the proposed new lot. He indicated that the conveyed lot would comply with the requirements of the Zoning By-law with respect to lot frontage and lot area.

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

The City of Mississauga Planning and Building Department (April 7, 2010)
The City of Mississauga Transportation and Works Department (March 30, 2010)
The City of Mississauga Community Services Department, Park Planning Section (April 6, 2010)
The Region of Peel, Environment, Transportation and Planning Services, (March 31, 2010)
The Region of Peel, Environment, Transportation and Planning Services, Waste Management Division (March 31, 2010)

When asked, Mr. Fulgenzi indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

A memorandum was received from Ward Councillor Mullin stating that the subject application did not meet the intent and purpose of the Official Plan or the Zoning By-law and requested the Committee to refuse the subject application.

A letter was received from Mr. D. Mason, a resident of 935 Bexhill Road, expressing interest in the application.

A letter was received from Ms. C. R. Finley, President of the Owenwood Residents Association, stating that the subject application did not meet the intent and purpose of the Official Plan or the Zoning By-law. She explained that the members of the association expressed concerns with the state of repair of the existing home. Attached to the letter was a list of homeowners belonging to the Owenwood Residents Association.

A letter was received from Mr. A. and Ms. Z. Moledina, owners of 971 Bexhill Road, expressing concern with the requested variance and requested the Committee to refuse the subject application.

Mr. W. Van Rlemsdyk, owner of 1333 Gatehouse Drive and a representative of the Owenwood Residents Association, attended and spoke in opposition. Mr. Van Rlemsdyk

File: "B" 023/10
WARD 2

explained that the property and dwelling had been in a state of disrepair for several years. He stated that the dwelling has been used for multiple family occupancy which is in contravention of the Zoning By-law. Mr. Van Riemsdyk advised the Committee that the subject property was not indicative of the character of the neighbourhood and was concerned that the property provided a negative first impression to visitors of the Clarkson-Lorne Park neighbourhood. He reiterated that the Owenwood Residents Association wanted the existing dwelling on the retained lands to be refurbished and maintained in good repair prior to consent. Mr. Van Riemsdyk concluded that the application did not meet the Clarkston-Lorne Park District Policies.

Ms. J. Fung, a planner with the City of Mississauga's Planning and Building Department, attended and explained that the lots would not meet the Official Plan requirements. She explained that the lots needed to meet either the minimum standards as set out in the Zoning By-law or the average lot frontage and lot area of residential lots on both sides of the same street within 120.00 m (393.70 ft.) of the subject property, whichever was more restrictive. Ms. Fung indicated that the both the conveyed and retain lots did not meet this requirement.

No other persons expressed any interest in the application.

The Committee noted the Owenwood Residents Association concerns with respect to the repair of the existing home on the retained lands and expressed concerns that little detail has been submitted with respect to the proposed renovations to the existing house and the development of the conveyed lot. The Committee requested the applicant to consider providing architectural plans and or artistic renders of the proposed renovations to the existing dwelling.

Mr. Fulgenzi upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow him to provide architectural plans of the proposed renovations of the existing dwelling.

The Committee consented to the request and deferred the application to April 22, 2010.

On April 22, 2010, Mr. V. Fulgenzi, authorized agent, attended and presented the application to the conveyance of a parcel of land for the creation of a new residential lot. Mr. Fulgenzi advised the Committee that had met with the Owenwood Ratepayers Association and area residents to discuss their concerns. He stated that he provided a set of artistic renderings and a landscape plan to the ratepayers association. Mr. Fulgenzi outlined the renovations he would be completing on the existing house. He explained he would be immediately replacing the dilapidated vinyl siding with stucco and, in the future, alter the existing roof with dormers to allow for additional living space. Mr. Fulgenzi indicated he would be providing enhanced landscaping which included stone pavers, an assortment of shrubs and plants and two (2) additional trees. Mr. Fulgenzi explained that he understood the neighbourhood's concern given the history of the property and assured that the dwelling would be maintained in a good state of repair and be used as his primary residence.

Mr. Fulgenzi presented an artistic rendering of the front elevation of the proposed renovations and a landscape plan.

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

The City of Mississauga Planning and Building Department (April 16, 2010)
The City of Mississauga Transportation and Works Department (April 15, 2010)

When asked, Mr. Fulgenzi indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

Mr. W. Van Riemsdyk, owner of 1333 Gatehouse Drive and a representative of the Owenwood Residents Association, attended and spoke in concern. Mr. Van Riemsdyk

File: "B" 023/10
WARD 2

requested that the existing dwelling be restored to a good state of repair before being given consent to sever the lot. He also expressed concerns with the length of construction.

Ms. S. Wallace, co-owner of 961 Bexhill Road, attended and spoke in concern of the subject application. Ms. Wallace questioned why the applicant was applying without full architectural plans of the renovation to the existing dwelling or architectural plans for a dwelling on the proposed new lot.

No other persons expressed any interest in the application.

The Committee asked Mr. Fulgenzi what types of plants he would be planting on the retained lands and if the existing garage was to be demolished.

Mr. Fulgenzi responded that he could provide the Committee a plant list at a later date if requested and that the existing garage would be demolished.

The Committee, after considering the submissions put forward by Mr. Fulgenzi, 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 noted that the applicant has made reasonable measures to ensure that the existing house would be restored to a good state of repair.

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, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 15, 2010.
3. A letter shall be received from the City of Mississauga, Community Services Department, Planning, Development and Business Services Division – Park Planning Section, indicating that a satisfactory arrangement has been made with respect to the matters addressed in their comments dated April 6, 2010.
4. A letter shall be received from the City of Mississauga, Community Services Department, Planning, Development and Business Services Division – Park Planning 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" lands.
5. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" land and "retained" lands comply with the provisions of the Zoning By-law with respect to among other things, lot frontage and lot area, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. (A149/10)
6. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services and Waste Management, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2010.
7. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" lands 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

File: "B" 023/10
WARD 2

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.

MOVED BY: B. Butt SECONDED BY: J. Thomas CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on April 29, 2010.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE MAY 23, 2010.

Date of mailing is May 3, 2010.


S. PATRIZIO (CHAIR)

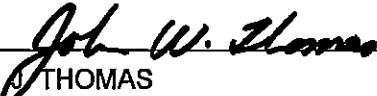

D. GEORGE


R. BENNETT


B. BUTT

(ABSENT)
G. MALONEY


C.L. VUN


J. THOMAS

I certify this to be a true copy of the Committee's decision given on April 29, 2010.


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 May 3, 2011.

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

The subject lands are also the subject of an application for a Minor Variance, File "A"149/10.



File: "A" 149/10
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

Sandra Gonzalez Ortiz

on Thursday April 22, 2010

Sandra Ortiz Gonzalez is the owner of Lot 1, Plan 332, located and known as 1356 Lakeshore Road West, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit an exterior side yard of 5.53 m (18.14 ft) to the existing dwelling on the retained lands of Committee of Adjustment File "B" 023/10; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.60 ft) in this instance.

Mr. V. Fulgenzi, authorized agent, attended and presented the application to permit a reduced exterior side yard to the existing dwelling on the retained lands of Committee of Adjustment File "B" 023/10. Mr. Fulgenzi advised the Committee that his client intended to renovate the existing home and live there. He stated that his client had not prepared architectural plans for the proposed renovations. Mr. Fulgenzi indicated that the requested reduced exterior side yard was an existing condition as a result of the property abutting a day-light-triangle. He confirmed that the retained lot would comply with the requirements of the Zoning By-law with respect to lot frontage and lot area. Mr. Fulgenzi indicated that the existing detached garage would be demolished.

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

The City of Mississauga Planning and Building Department commented as follows (April 7, 2010):

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Plan

<i>Planning District:</i>	<i>Clarkson-Lorne Park</i>
<i>Designation:</i>	<i>Residential Low Density I</i>

Discussion:

Clarkson-Lorne Park is an established and stable residential District which has evolved into a unique area characterized by low density housing on large, spacious and often heavily treed lots. 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 natural features, lot frontage and area, among other matters.

The Clarkson-Lorne Park District Policies of the Official Plan outline specific requirements for consent applications. Section 4.7.4.1.1 states that to preserve the character of the area, the minimum frontage and area of new lots created by way of consent applications will generally represent the greater of the average lot frontage and area of residential lots on

File: "A" 149/10
WARD 2

both sides of the same street within 120.00 m (393.70 ft.) of the subject property, or the requirements of the Zoning By-law. The purpose of this policy is to ensure that the generous lot frontages and areas that define and characterize the streetscape in this area are maintained.

In this instance, the proposed severed and retained lots do meet the requirements of the Zoning By-law. However, staff has also conducted the appropriate research and analysis to determine the average lot frontage and lot area of all residential lots within 120.00 m (393.70 ft.) of the subject property. The proposed lots do not conform to this policy with respect to the lot area. While this Department is aware that there are some lots located along Bexhill Road that have similar lot areas to those proposed, we note that the majority were not created by way of consent and that 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.

The requested severances do not recognize or enhance the scale and character of the existing residential area or streetscape with respect to lot area, and, therefore, does not satisfy compatibility concerns as outlined in the Development Concept for this District. With regard to the criteria set out in Section 51 (24) of the Planning Act, we advise that the requested consent does not conform to the Official Plan Policies of Mississauga Plan.

Zoning By-law 0225-2007

Zoning: "R2-5", Residential

3.0 OTHER APPLICATIONS

No other applications are currently in process.

4.0 COMMENTS

We advise that the Committee previously refused a consent application for the subject property under file 'B' 157/88, which requested to sever the property to create two residential lots. At the time, the Committee was of the opinion that the severance request would, if approved, result in lots that were out of character with the area as they would be substantially smaller.

In assessing the current severance proposal and in taking into consideration the immediate area, we recognize that the properties immediately to the west at 966 and 990 Bexhill Road were created by way of a consent application under file 'B' 112/99. However, this Department was not in support of the proposal at the time as we were of the opinion that the resulting lots did not conform to the Official Plan and were out of character with the neighbourhood. When taking into consideration the context of the surrounding area, we note that the proposed severance would result in lots that are smaller than the average size of the lots along Lakeshore Road West and Bexhill Road. In particular, the lots would be distinctively different from the properties which define the east side of Bexhill Road, which are distinguished by lots that are generous in lot area. 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, which are appropriate in both size and configuration."

The City of Mississauga Transportation and Works Department commented as follows (March 30, 2010):

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 23/10."

The Region of Peel, Environment, Transportation and Planning Services, Waste Management Division commented as follows (March 31, 2010):

"Waste Management Comments

File: "A" 149/10
WARD 2

This property is within the vicinity of Birchwood Park. This site was used for the disposal of flyash and bottom ash from the Lakeview Generating Station. Leachate has been detected. A park is located on the site. It is catalogued by the M.O.E as A220105.

Please be advised that the records of the Regional Municipality of Peel concerning the location and nature of waste disposal sites or hazardous wastes are incomplete and that the Regional Municipality of Peel makes no representation that its records may be relied upon in determining whether or not lands have been used for the disposal of waste or hazardous wastes.

However, should there be any doubt about the integrity of the listed application with respect to the possibility of a waste disposal site or hazardous wastes on or adjacent to the property, we recommend that the applicant carry out a detailed soil investigation by a qualified Geotechnical Engineer. If it is found that the subject lands have been used for the disposal of waste or hazardous waste, then approval of the Minister, for the proposed use, as per Section 46 of the Environmental Protection Act (Ontario), may be required."

A memorandum was received from Ward Councillor Mullin stating that the subject application did not meet the intent and purpose of the Official Plan or the Zoning By-law and requested the Committee to refuse the subject application.

A letter was received from Mr. D. Mason, a resident of 935 Bexhill Road, expressing interest in the application.

A letter was received from Ms. C. R. Finley, President of the Owenwood Residents Association, stating that the subject application did not meet the intent and purpose of the Official Plan or the Zoning By-law. She explained that the members of the association expressed concerns with the state of repair of the existing home. Attached to the letter was a list of homeowners belonging to the Owenwood Residents Association.

A letter was received from Mr. A. and Ms. Z. Moledina, owners of 971 Bexhill Road, expressing concern with the requested variance and requested the Committee to refuse the subject application.

Mr. W. Van Riemsdyk, owner of 1333 Gatehouse Drive and a representative of the Owenwood Residents Association, attended and spoke in opposition. Mr. Van Riemsdyk explained that the property and dwelling had been in a state of disrepair for several years. He stated that the dwelling had been used for multiple family occupancy which was in contravention to the Zoning By-law. Mr. Van Riemsdyk advised the Committee that the subject property was not indicative of the character of the neighbourhood and was concerned that the property provided a negative first impression to visitors of the Clarkson-Lorne Park neighbourhood. He reiterated that the Owenwood Residents Association wanted the existing dwelling on the retained lands to be refurbished and maintained in good repair prior to consent. Mr. Van Riemsdyk concluded that the application did not meet the Clarkson-Lorne Park District Policies.

Ms. J. Fung, a planner with the City of Mississauga's Planning and Building Department, attended and explained that the lots would not meet the Official Plan requirements. She explained that the lots needed to meet either the minimum standards as set out in the Zoning By-law or the average lot frontage and lot area of residential lots on both sides of the same street within 120.00 m (393.70 ft.) of the subject property, whichever was more restrictive. Ms. Fung indicated that the both the conveyed and retain lots did not meet this requirement.

No other persons expressed any interest in the application.

The Committee noted the Owenwood Residents Association concerns with respect to the repair of the existing home on the retained lands and expressed concerns that little detail has been submitted with respect to the proposed renovations to the existing house and the development of the conveyed lot. The Committee requested the applicant to consider providing architectural plans and or artistic renders of the proposed renovations to the existing dwelling.

File: "A" 149/10
WARD 2

Mr. Fulgenzi upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow him to provide architectural plans of the proposed renovations of the existing dwelling.

The Committee consented to the request and deferred the application to April 22, 2010.

On April 22, 2010, Mr. V. Fulgenzi, authorized agent, attended and presented the application to the conveyance of a parcel of land for the creation of a new residential lot. Mr. Fulgenzi advised the Committee that had met with the Owenwood Ratepayers Association and area residents to discuss their concerns. He stated that he provided a set of artistic renderings and a landscape plan to the ratepayers association.

Mr. Fulgenzi outlined the renovations he would be completing on the existing house. He explained he would be immediately replacing the dilapidated vinyl siding with stucco and, in the future, alter the existing roof with dormers to allow for additional living space. Mr. Fulgenzi indicated he would be providing enhanced landscaping which included stone pavers, an assortment of shrubs and plants and two (2) additional trees. Mr. Fulgenzi explained that he understood the neighbourhood's concern given the history of the property and assured that the dwelling would be maintained in a good state of repair and be used as his primary residence.

Mr. Fulgenzi presented an artistic rendering of the front elevation of the proposed renovations and a landscape plan.

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

The City of Mississauga Planning and Building Department commented as follows (April 16, 2010):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Plan

Planning District: *Clarkson-Lorne Park*
Designation: *Residential Low Density I*

Zoning By-law 0225-2007

Zoning: *"R2-5", Residential*

3.0 OTHER APPLICATIONS

No other applications are currently in process.

4.0 COMMENTS

Our comments from the April 8, 2010 meeting remain applicable. "

The City of Mississauga Transportation and Works Department commented as follows (April 15, 2010):

"We are noting for information purposes that any Transportation and Works concerns/requirements for this property will be addressed under Consent Application 'B' 23/10."

Mr. W. Van Riemsdyk, owner of 1333 Gatehouse Drive and a representative of the Owenwood Residents Association, attended and spoke in concern. Mr. Van Riemsdyk requested that the existing dwelling be restored to a good state of repair before being given consent to sever the lot. He also expressed concerns with the length of construction.

File: "A" 149/10
WARD 2

Ms. S. Wallace, co-owner of 961 Bexhill Road, attended and spoke in concern of the subject application. Ms. Wallace questioned why the applicant was applying without full architectural plans of the renovation to the existing dwelling or architectural plans for a dwelling on the proposed new lot.

No other persons expressed any interest in the application.

The Committee asked Mr. Fulgenzi what types of plants he would be planting on the retained lands and if the existing garage was to be demolished.

Mr. Fulgenzi responded that he could provide the Committee a plant list at a later date if requested and that the existing garage would be demolished.

The Committee after considering the submissions put forward by Mr. Fulgenzi and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the site is encumbered by abutting a day-light-triangle.

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.

File: "A" 149/10
WARD 2

Accordingly, the Committee resolves to authorize and grant the request as presented subject to the following condition:

1. The applicant is to proceed in accordance with the front elevation rendering and landscape plan reviewed by the Committee.

MOVED BY: B. Butt SECONDED BY: J. Thomas CARRIED


Application Approved, on condition as stated.

Dated at the City of Mississauga on April 29, 2010.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE MAY 19, 2010.

Date of mailing is May 3, 2010.



S. PATRIZIO (CHAIR)


D. GEORGE


R. BENNETT


B. BUTT

(ABSENT)
G. MALONEY


C.L. VUN


J. THOMAS

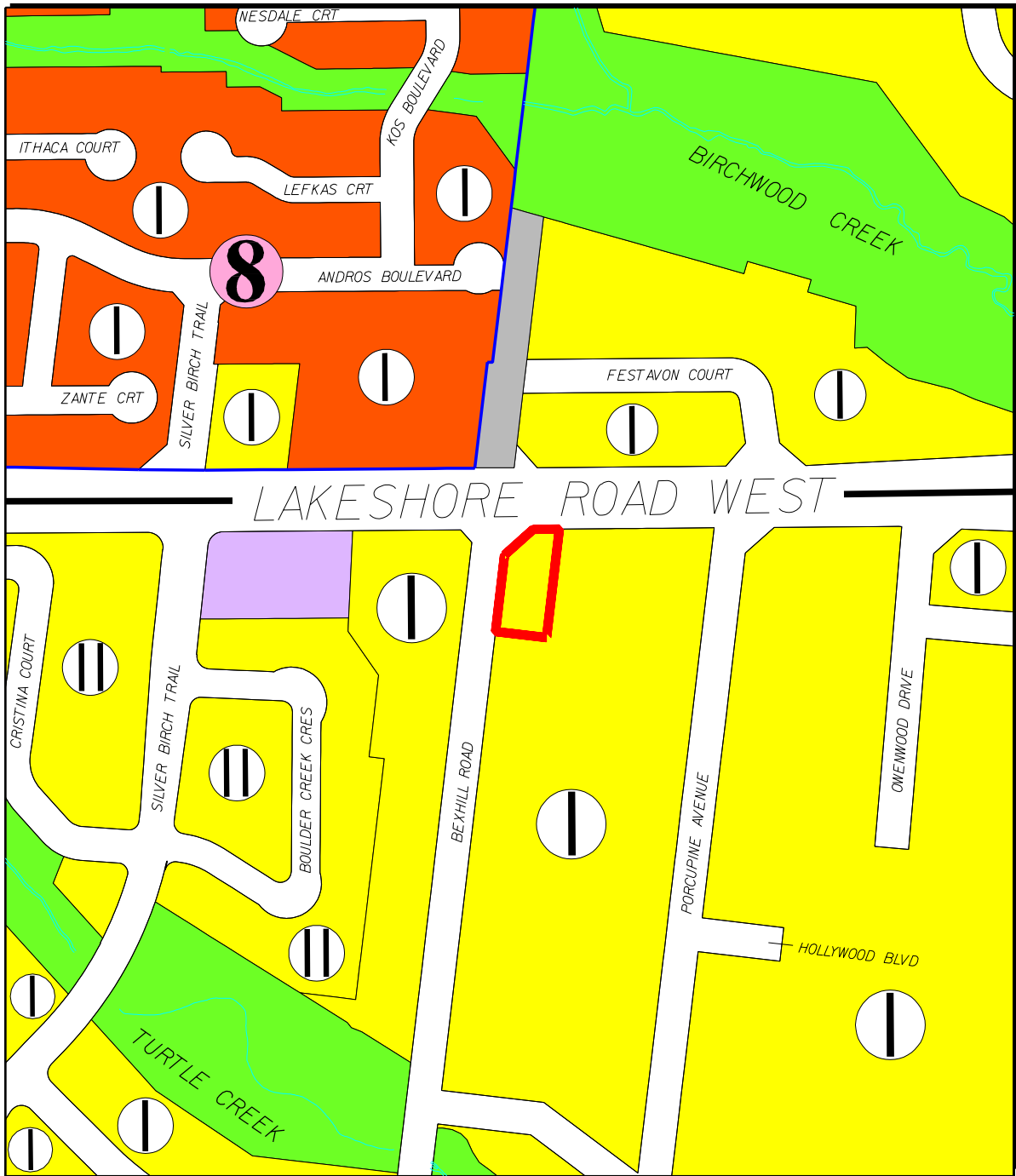
I certify this to be a true copy of the Committee's decision given on April 29, 2010.


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 CLARKSON-LORNE PARK DISTRICT LAND USE MAP
CLARKSON-LORNE PARK DISTRICT POLICIES OF MISSISSAUGA PLAN**






LAND USE DESIGNATIONS

-  Residential- Low Density I
-  Residential- Low Density II
-  Residential- Medium Density I
-  Residential- High Density I
-  Residential- High Density II
-  Mainstreet Retail Commercial
-  General Retail Commercial
-  Convenience Retail Commercial
-  Motor Vehicle Commercial
-  Office
-  Business Employment
-  Public Open Space
-  Private Open Space
-  Greenbelt
-  Utility

TRANSPORTATION LEGEND

-  Provincial Highway and Interchange
-  Arterial
-  Major Collector
-  Major Collector (Scenic Route)
-  Minor Collector
-  Local Road
-  Existing Commuter Rail
-  GO Transit Station

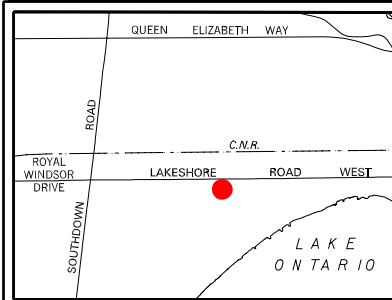
LAND USE LEGEND

-  Regulatory Floodplain
-  Node Boundary
-  Cem - Cemetery
-  Existing Stormwater Management Facility
-  Planning District
-  Special Site Areas (See Special Site Policies)

 **SUBJECT LANDS**



SUBJECT: SANDRA ORTIZ GONZALEZ



FILE NO:
'B'023/10 & 'A'149/10

DWG. NO:
A14910_B01210LM

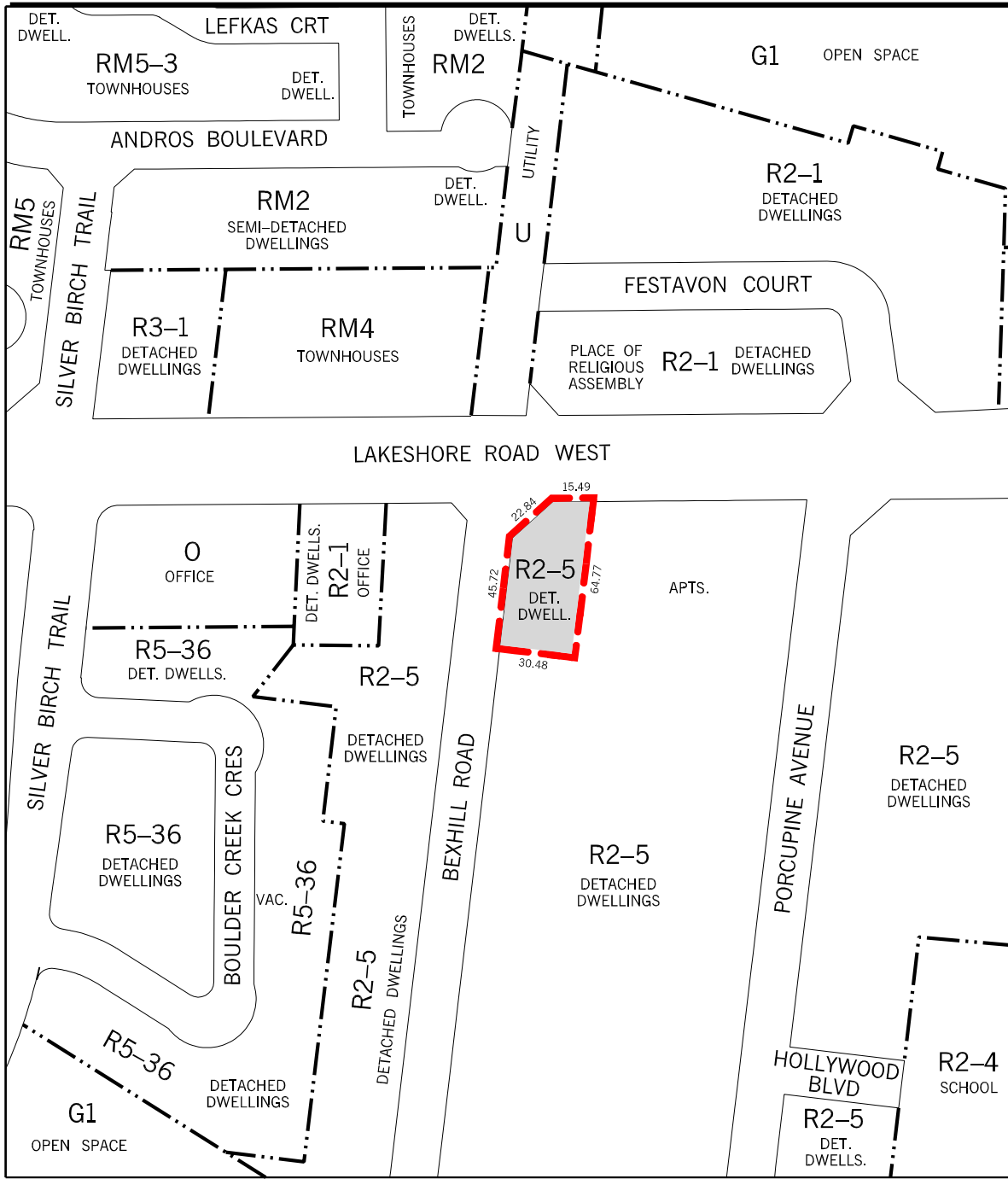
SCALE:
NTS

PDC DATE:
2010 06 14

DRAWN BY:
W. FINLAY

 **MISSISSAUGA**
Planning and Building

Produced by
T&W, Geomatics



LEGEND:



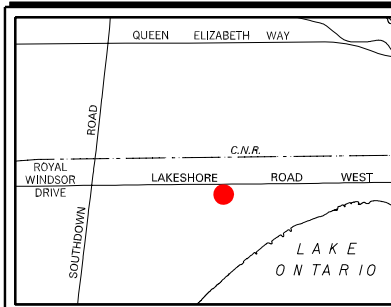
SUBJECT LANDS

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



SUBJECT:

SANDRA ORTIZ GONZALEZ

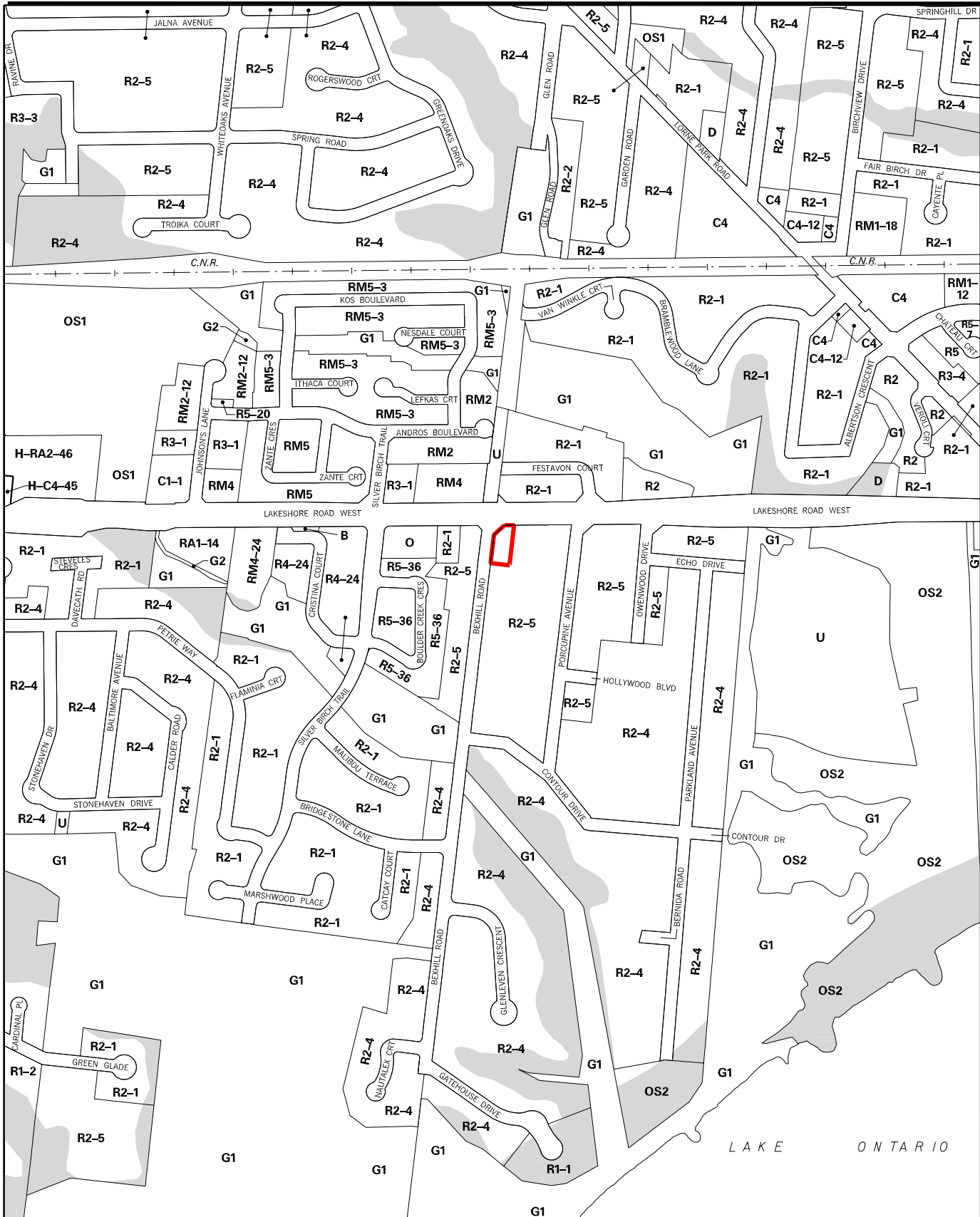


FILE NO:	'B'023/10 & 'A'149/10
DWG. NO:	A14910_B01210R
SCALE:	1:2500
PDC DATE:	2010 06 14
DRAWN BY:	W. FINLAY

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX 3



LAKE ONTARIO



LEGEND:



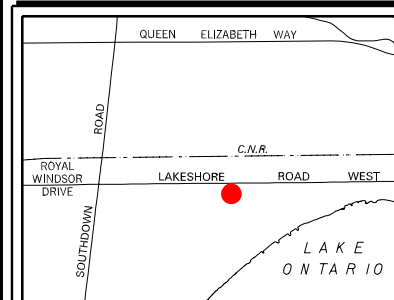
SUBJECT LANDS

DATE OF AERIAL PHOTO: SPRING 2009



SUBJECT:

SANDRA ORTIZ GONZALEZ



FILE NO:
'B'023/10 & 'A'149/10

DWG. NO:
V8A14910_B01210A

SCALE:
1:2500

PDC DATE:
2010 06 14

DRAWN BY:
W. FINLAY

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

APPENDIX 5

APPENDIX 6





ELEVATION

'B' 02/310 & 'A' 14/910

APPENDIX 7

BEXHILL ROAD

LAKE SHORE ROAD



Key Map

Legend

- Proposed Deciduous Tree
- Existing Coniferous Tree
- Existing Deciduous Tree
- Proposed Shrub
- Subsided Area
- Property Line
- Feature Paving
- Wood Privacy Fencing

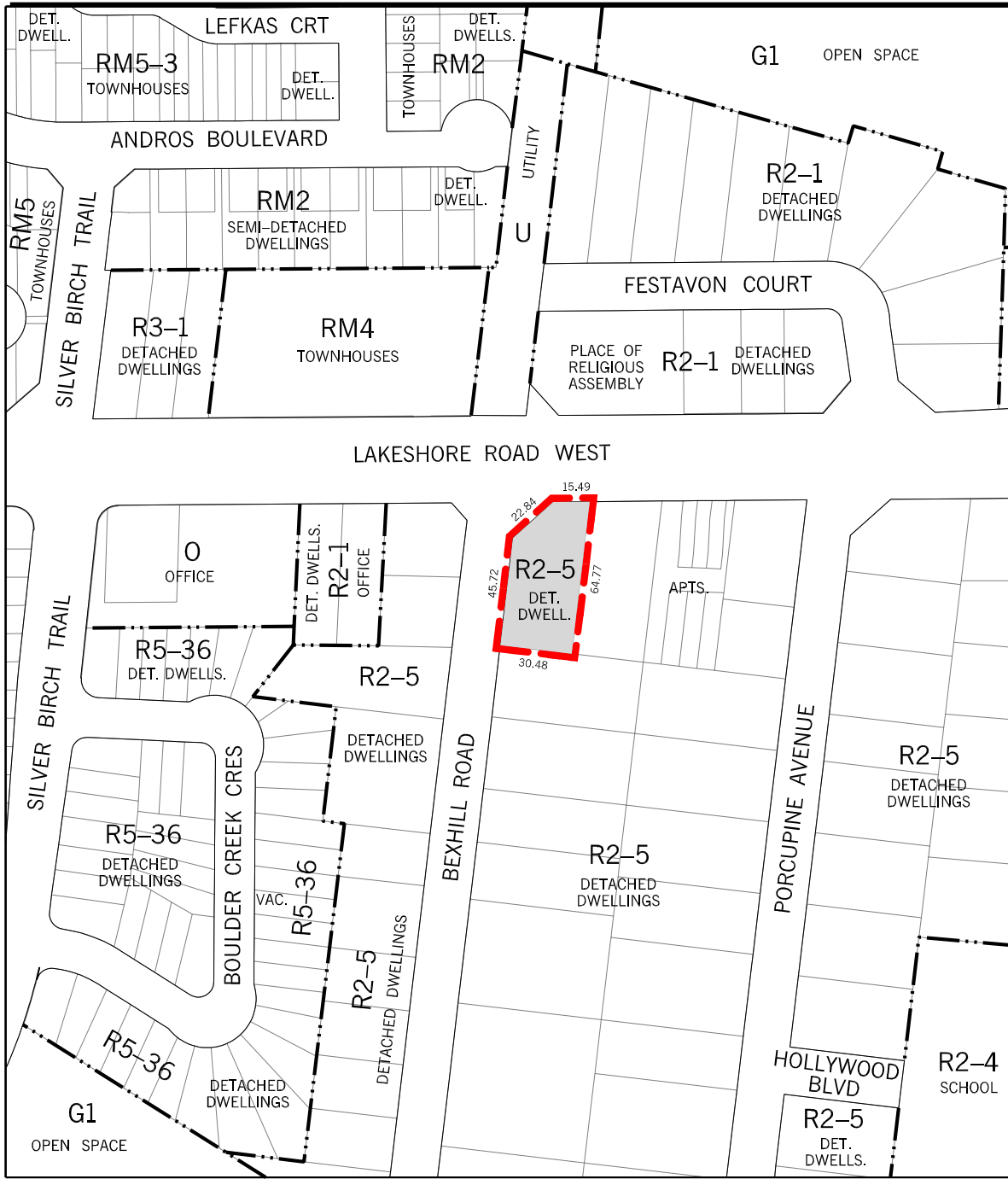
LOT 1

LOT 2

LANDSCAPE PLAN

'B' 02/310 & 'A' 14/910

APPENDIX 8



LEGEND:

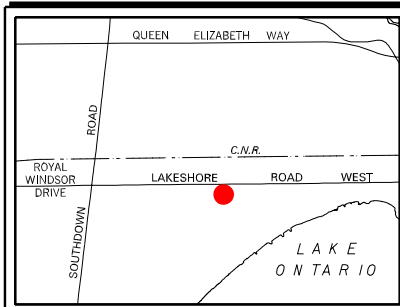


SUBJECT LANDS

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



SUBJECT: **SANDRA ORTIZ GONZALEZ**



FILE NO:
 'B'023/10 & 'A'149/10

DWG. NO:
 A14910_B01210S

SCALE:
 1:2500

PDC DATE:
 2010 06 14

DRAWN BY:
 W. FINLAY

MISSISSAUGA
 Planning and Building

Produced by
T&W, Geomatics