

ISSUE DATE:

Dec. 05, 2008



PL081160

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Christopher Barré (1214536 Ontario Ltd.)
Subject: Minor Variance
Variance from By-law No.: 0225-2007
Property Address/Description: 3 Brant Avenue
Municipality: City of Mississauga
OMB Case No.: PL081160
OMB File No.: PL081160
Municipal No. A-242/08

APPEARANCES:

Parties

1214536 Ontario Ltd.

Agent

Christopher Barré

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. CHRISTOU ON
NOVEMBER 27, 2008 AND ORDER OF THE BOARD**

CONTEXT

Christopher Barré (“Appellant” and “Applicant”) has appealed the decision of the Committee of Adjustment (“Committee”) that refused a variance to Zoning By-law 0225-2007, to permit one tandem parking space in a commercial establishment situated at 3 Brant Avenue, in the City of Mississauga. The Zoning By-law does not permit tandem parking in commercial zones.

Also, a concurrent variance to allow access to the required parking to be 6.10 m wide, where the By-law requires a minimum isle that is 7.0 m wide, was approved by the Committee as part of the same application and the Board will therefore not deal with this variance.

In support of the variance, the Board heard evidence from the owner, Mr. Barré. No one else appeared at the Board hearing in support or in opposition, and no one from the City appeared.

The main issue before the Board is the appropriateness of the one tandem parking space.

THE APPLICANT'S EVIDENCE

3 Brant Avenue is situated at the northeast corner of Brant Avenue and Lakeshore Road, and the property is located in a well-established commercial area of the City. The predominant building form to the east, west and south is two-to-four-storey mixed-use buildings with commercial, office and residential uses. His property however, comprises a post-war residential style bungalow that is now used for retail commercial purposes.

The property has a frontage of 15.25 m on Lakeshore Road and a frontage of 43.58 m on Brant Avenue. A two-car garage with approximately 450-m² floor space with a double driveway exists with access off Brant Avenue. A total of four parking spaces can therefore be accommodated in tandem, to serve the needs of the commercial use. According to Mr. Barré, three parking spaces are required for this use.

Mr. Barré indicated to the Board that most of the commercial buildings on Lakeshore Road do not have their own parking, but there is ample public metered parking on both sides of the street. There is also long-established metered and free parking on both sides of Brant Avenue, which serves the commercial uses.

With respect to his request for one tandem parking space on the property, Mr. Barré indicated that his wife, who manages the small specialty retail business, would be occupying one of the parking spaces inside the garage. The other two parking spaces would be available to customers. As such, he contends the variance is minor and appropriate for this use.

It was Mr. Barré's opinion that the tandem parking at this location would meet the general intent and purpose of the Official Plan and the Zoning by-law, is minor and appropriate. There is limited pedestrian activity on the street related to the commercial use. The sight lines from the garage to the street have existed and would be maintained. The streetscape would not be disturbed. There would be no adverse impacts. In fact, most of the neighbours have been in support of this proposal.

Therefore, in his opinion, the application meets the four statutory tests prescribed in subsection 45(1) the *Planning Act*. The variance meets the intent and purpose of the Official Plan and the Zoning By-law, is minor and appropriate.

THE BOARD'S FINDINGS

The Board heard evidence from the proponent that the one proposed tandem parking space in the garage would be for the owner's use would fit well with the pattern of development in this area and would maintain the existing converted dwelling for the specialty commercial use it has been used for, without causing any adverse impacts to the neighbourhood. Further, there is sufficient public parking on the street normally used for the commercial establishments on Lakeshore Road and there is room for additional parking spaces to be added on the site, should such be required.

The Board adopts and relies on the uncontested evidence of Mr. Barré.

Having considered all evidence and submissions made at this hearing, the Board finds that the variance meets the four statutory tests of subsection 45(1) of the *Planning Act*. It is the Board's view that this proposal for one tandem parking space will be compatible with the residential built form in the immediate area and will not adversely impact the neighbourhood. There were no objections or opposition raised at the hearing.

The BOARD ORDERS that the appeal is allowed and the variance to By-law No. 0225-2007 of the City of Mississauga is authorized for the one tandem parking space at 3 Brant Avenue for the commercial use and the existing building. The Committee approved the variance for reduced driveway width and the Board concurs.

So Orders the Board.

"A Christou"

A. CHRISTOU
MEMBER