

ISSUE DATE:

**March 06, 2009**



PL081367

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:	Richard Oblak
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	3681 Colonial Drive
Municipality:	City of Mississauga
OMB Case No.:	PL081367
OMB File No.:	PL081367
Municipal No.:	A-316/08

**APPEARANCES:**

**Parties**

Richard Oblak

City of Mississauga

**Counsel\*/Agent**

W. Whidden

A. Wilson-Peebles\*  
K. Collins - Planner

**DECISION DELIVERED BY J. V. ZUIDEMA AND ORDER OF THE BOARD**

Mr. Richard Oblak filed an application for a minor variance for relief from the City of Mississauga's Zoning By-Law 0225-2007 to permit him to park a commercial vehicle on his driveway, which vehicle exceeds the restrictions outlined in the By-Law. Mr. Oblak lives at 3681 Colonial Drive in the City of Mississauga (the "subject property"). His residence is in a residential area designated as Residential Low Density II in the City's Official Plan. The subject property is zoned R4-52 and the policies within that zone promote residential uses.

Mr. Oblak seeks relief from subsection 4.1.10.2.1 which states:

A maximum of one (1) commercial motor vehicle shall be parked on a lot in a Residential Zone subject to the following:

The commercial motor vehicle shall be less than or equal to 3000 kg registered gross weight or 2600 kg curb weight and be less than 5.6 m in length and 2.0 m in height.

Mr. Oblak's vehicle does not meet the height and length limitations. His vehicle is 7 m in length and 2.52 m in height. The City of Mississauga's (the "City") Committee of Adjustment refused Mr. Oblak's application and he appealed to this Board. The City was opposed to the appeal and no one else appeared either in opposition or support.

The Board heard from Ms K. Collins, a professional land-use Planner with the City who was qualified and accepted as an expert in her discipline. The Board accepts her professional opinion as a basis to dismiss Mr. Oblak's appeal.

Specifically in order to arrive at this decision, the Board relies on Ms Collin's evidence wherein she testified that the variances to the height and length restrictions did not meet the four tests required by ss. 45(1) of the *Planning Act*. She indicated that the parking of this vehicle undermines the residential character of the area. She also opined that because Colonial Drive is a minor collector road and designated as such in the City's Official Plan, there is a fair amount of traffic and pedestrian activity on this street. A Bus Stop is located almost immediately across the street from the subject property along with another closer to Burnamthorpe Road. Ms Collins raised concerns of public safety associated with Mr. Oblak's requested variance. She concluded that the relief sought was not in the public interest and did not constitute good and proper planning.

Mr. Oblak testified on behalf of himself and candidly admitted that he could do the work he does using a smaller truck. He installs doors and windows and requires a vehicle, which can accommodate the height of many standard doors. He stated that he needed to get a new truck in any event and could obtain one which met the length restriction. Concerning the height however, even another truck would likely exceed the limitation in the Zoning By-Law, but perhaps not as much as what he was seeking with the current application. He was forthright to indicate that he uses his vehicle for his employment and although he had sought alternative locations to park his vehicle within the designated commercial areas of the City, he was unable to find a location, which was suitable to him.

Based on the evidence presented by the City which the Board accepts, Mr. Oblak's appeal is dismissed and the variances are not authorized.

THE BOARD ORDERS that the appeal is dismissed and the variances are not authorized.

This is the Order of the Board.

"J. V. Zuidema"

J. V. ZUIDEMA  
VICE CHAIR