

ISSUE DATE:

**Jan. 08, 2010**



PL090914

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: Irena and Stanistaw Zebrowski  
Subject: Minor Variance  
Variance from By-law No.: 0225-2007  
Property Address/Description: 1072 Ogden Ave  
Municipality: City of Mississauga  
OMB Case No.: PL090914  
OMB File No.: PL090914  
Municipal No. A-298/09

**APPEARANCES:**

**Parties**

**Agent**

Irena and Stanistaw Zebrowski

Ryszard Fejdasz

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER ON  
JANUARY 4, 2010 AND ORDER OF THE BOARD**

This is an appeal by Irena and Stanistaw Zebrowski (Applicants) from a decision of the Committee of Adjustment (Committee) of the City of Mississauga (City) that dismissed their application for variances to By-law 0225-2007 (By-law) to permit an existing detached garage with loft at 1072 Ogden Avenue (Subject Property).

The variances would permit the following:

1. A garage height of 6.68 metres instead of the maximum 4.6 metres.
2. An accessible loft accessory to the garage within the roof area of the garage where none is permitted.

The Board was advised of a required third variance being a garage eave height of 4.1 metres instead of the maximum 3.0 metres. There being no objection, the Board amends the application pursuant to subsections 45 (18.1) and (18.1.1) to add the eave height variance and requires no further notice.

Ryszard Fejdasz, agent for the applicants, and Magdalena Zebrowski, daughter of the applicants, presented evidence in support of the amended application. No others, including the City, were in attendance. The evidence in support of the application was not contradicted.

The two witnesses presented the Board with a series of photos confirming the existence of a previous garage, that included a loft area, and that had come into serious disrepair as a result of a roof collapse. They confirmed the new garage to be an improved replacement. Ms Zebrowski testified that neighbours were happy with the improvements. Based on the photographic evidence presented, the Board finds that the new garage does represent an improvement over the previous garage and notes that no one attended in opposition to the new garage either at the Committee or at this hearing.

The two witnesses also presented the Board with photographic evidence of other similar garages with upper level lofts being located in the general area.

There is no dispute with the Official Plan and Zoning By-law permission of low density residential development, including accessory detached garages, on the subject property or with the intent to protect that new structures are consistent with and compatible with existing land uses.

In this case, there is no evidence of any inconsistency or incompatibility with existing land uses. A garage with loft storage has historically existed on the Subject Property. Other similar garages are located in the vicinity. The roof and eave heights are not so much higher as to attract any more attention than the previous dilapidated garage on the Subject Property. There has been no evidence suggesting any undue adverse impact resulting from the new garage use or heights. Storage in a garage is expected. In this case, storage in an upper loft of the garage has historically existed. The Applicants have confirmed the loft area will only be used for storage accessory to the permitted residential uses existing on the Subject Property.

Based on the evidence presented, that was not contradicted, the Board finds that each of the three variances maintains the general intent and purpose of the By-law and of the Official Plan, are desirable for the appropriate development and use of the land and are minor.

In conclusion, the appeal is allowed and the amended variances are authorized subject to any use of the loft area being restricted to only storage accessory to the permitted residential uses existing on the Subject Property.

The Board so Orders.

“D. R. Granger”

D. R. GRANGER  
VICE CHAIR