

ISSUE DATE:

Apr. 27, 2011



PL100690

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

Appellant:	Credit Reserve Association
Applicant:	Vitaly Kovaliv
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1486 Carmen Drive
Municipality:	City of Mississauga
Municipal File No.:	A-225/10
OMB Case No.:	PL100690
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APPEARANCES:

Parties

Vitaly Kovaliv

Credit Reserve Association

Counsel/Agent*

Robert E. Jarvis

Bruce Maule*

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON
APRIL 15, 2011 AND ORDER OF THE BOARD**

Credit Reserve Association appealed a decision made by the Committee of Adjustment (Committee) for the City of Mississauga. The Committee authorized two variances in connection with an application by Mr. Kovaliv to demolish and rebuild a home at 1486 Carmen Drive.

Mr. Kovaliv and the Credit Reserve Association have been able to resolve the appeal and jointly seek authorization for two variances from the By-law, one of which is modified from the one authorized by the Committee.

Mr. Quan, a qualified land use planner retained by Mr. Kovaliv, testified in support of the settlement reached. Mr. Quan indicated that the amendment to the

application is minor, which I accept. Accordingly, there is no need for further notice and the application is amended. Mr. Quan also provided an opinion that the two variances, individually and collectively, meet the four tests set out in section 45(1) of the *Planning Act* and should therefore be authorized. I accept Mr. Quan's opinion and reasoning.

Based on the joint submission of Mr. Jarvis and Mr. Maule, and in accordance with the agreement reached, the appeal is allowed and the following variances are authorized:

1. A front yard of 9.6 m. (29.59 ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00 m (39.37 ft.) in this instance; and,
2. An eaves height of 6.48 m. (21.25 ft.); whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (20.99 ft.).

This decision is subject to the following conditions:

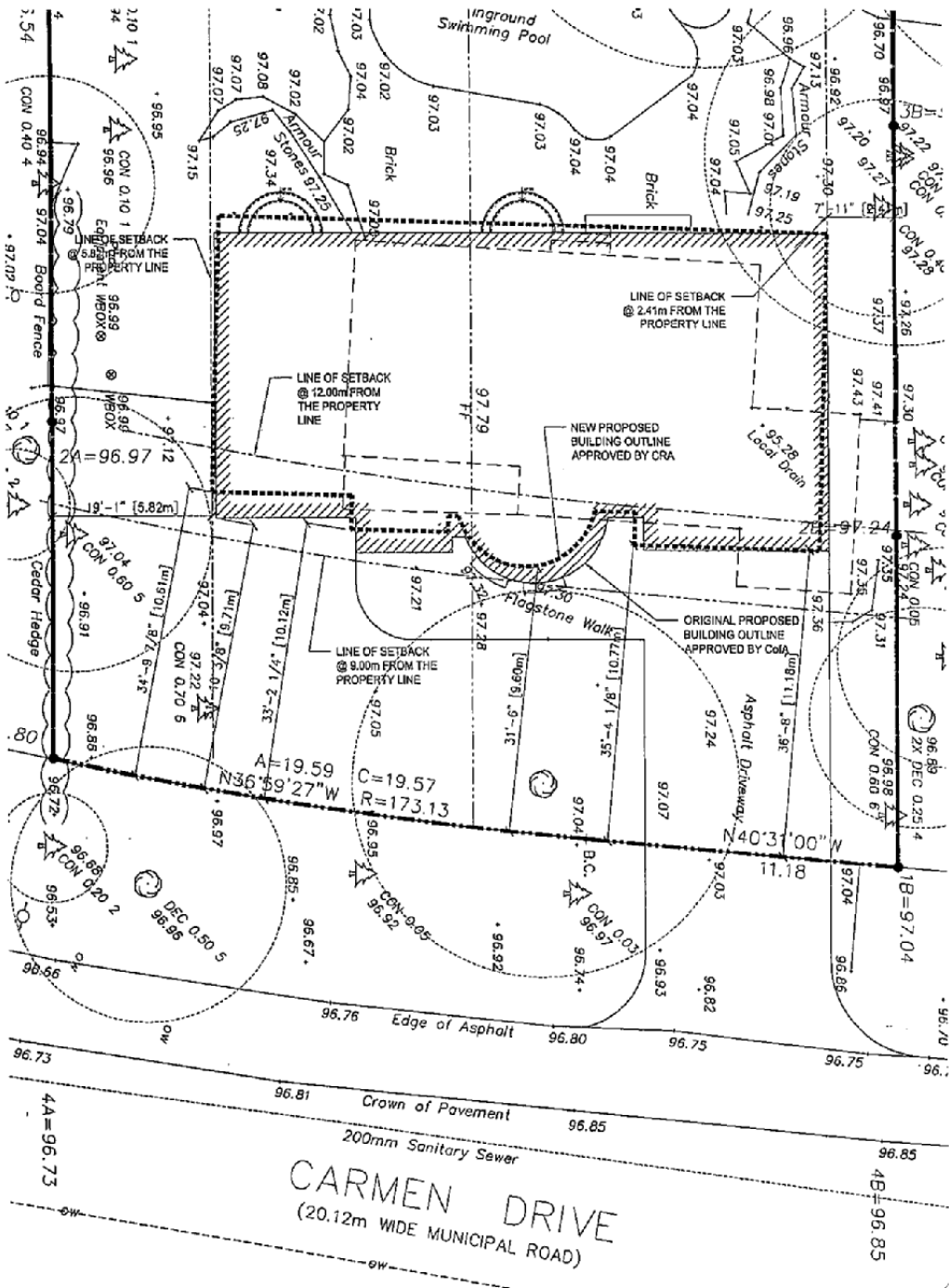
1. The Applicant shall submit a revised set of plans to the Committee of Adjustment office for approval indicating the deletion of the basement entrance stairwell;
2. The Applicant shall proceed in accordance with the revised plans upon approval of Condition #1; and
3. The Building Envelope shall be in accordance with Attachment "1"

This is the Order of the Board.

"J. de P. Seaborn"

J. de P. SEABORN
VICE-CHAIR

ATTACHMENT "1"



16 BUILDING ENVELOPE DRAWING 10