

ISSUE DATE:
JAN. 13, 2011



PL101088

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 / Appellant: Carlo Holdings Ltd.
Subject: Minor Variance
Variance from By-law No.: 0225-2007
Property Address/Description: 6915 Dixie Road
Municipality: City of Mississauga
Municipal File No.: A-246/10
OMB Case No.: PL101088
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APPEARANCES:

Parties

Carlo Holdings Ltd.

Agent

S. Iqbal

DECISION DELIVERED BY C. HEFFERON AND ORDER OF THE BOARD

Background

Carlo Holdings Ltd. ("Carlo") has applied to the City of Mississauga to permit a reduced number of parking spaces in conjunction with a banquet hall use on the property municipally known as 6915 Dixie Road, Mississauga.

Minor variance application A246/10 requested relief to Zoning By-law 0225-2007 ("By-law") to permit a minor variance allowing a minimum parking space requirement of 160 spaces, whereas the By-law requires a minimum of 177 spaces.

The application was deferred twice by the City of Mississauga Committee of Adjustment ("Committee") prior to a decision being made. The first decision to defer was taken because no one from Carlo appeared at the hearing to present the application. The second deferral was requested by Carlo itself upon hearing comments from City of Mississauga staff on the application to submit additional materials for review.

The Committee eventually refused Carlo's minor variance application for "lack of prosecution".

Carlo appealed this decision on September 20, 2010.

Evidence & Analysis

The City of Mississauga did not appear at the hearing on January 10, 2011.

The agent for Carlo explained that the banquet hall has been operating in Units 17 – 23 of an industrial plaza at 6915 Dixie Road since 1991. However, in order to continue to operate this use and renew the business license, Carlo was informed by the City in 2010 that a minor variance in the required number of parking spaces would be required.

The agent explained that the banquet hall only operates after 5:00 p.m. Monday to Friday as well as on the weekends. He testified that there has never been a shortage of parking spaces; nor have there been any complaints. In the absence of contradictory evidence, I adopt and rely on the agent's testimony on this matter.

As required by subsection 45(1) of the *Planning Act*, I considered the appeal in light of the four tests and find that the proposed parking use conforms to the general intent of both the Official Plan and the By-law and that it is both desirable for the appropriate use of the lands and that the requested variance is minor.

Disposition and Order of the Board

The Board Orders that the appeal against the provisions of the City of Mississauga Zoning By-law 0225-2007 is allowed and the minor variance reducing the number of required parking spaces from 177 to 160 is authorized.

So Orders the Board.

"C. Hefferon"

C.HEFFERON
MEMBER