

ISSUE DATE:

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PL111279

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: Ejaz Anwar Khan
Subject: Minor Variance
Variance from By-law No.: 0225-2007, as amended
Property Address/Description: 6925 Lisgar Drive
Municipality: City of Mississauga
Municipal File No.: A352/11
OMB Case No.: PL111279
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APPEARANCES:

Parties

City of Mississauga

Counsel

A. Wilson-Peebles,
D. Koehn, Student-at-Law

**MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY AND
ORDER OF THE BOARD**

This is an appeal by Ejaz Anwar Khan (Applicant) from a decision of the Committee of Adjustment of the City of Mississauga that dismissed his application for variance to By-law 0225-2007, to permit an existing driveway to remain at a width of 9.44 metres whereas the maximum permitted driveway width is 6.09 metres.

Before the hearing, the Board was informed that the parties had arrived at a Settlement and that the Applicant would not be appearing. Counsel for the Municipality presented the signed Minutes of Settlement (Exhibit 2) wherein the parties agreed that the Applicant would re-sod 1.22 metres of hard surface on both sides of the driveway, thus reducing the total driveway width to 7.01 metres.

Lauren Eramo, a Land Use Planner for the City of Mississauga was qualified, and presented land use planning evidence and opinion in support of the Settlement. There was no other evidence or opinion.

Ms Eramo took the Board to the policies of the Official Plan and sections of the Zoning By-law that are relevant to this matter. It was her opinion that the Settlement reached by the parties satisfies subsection 45(1) of the *Planning Act*.

Having considered Ms Eramo's evidence and opinion, which was not contradicted, the Board is satisfied that the variance proposed by this settlement maintains the general intent and purpose of the By-law and of the Official Plan, is desirable for the appropriate development and use of the land and is minor.

Accordingly, the Board Orders that the appeal by Ejaz Anwar Khan is allowed and the variance to By-law 0225-2007, as proposed in the Minutes of Settlement is authorized.

This is the Order of the Board.

"K. J. Hussey"

K. J. HUSSEY
VICECHAIR