

ISSUE DATE:

December 07, 2012



PL120789

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: John Goodfellow-Jones, Gregory Blair Jones
Subject: Consent
Property Address/Description: 1092 Gardner Avenue
Municipality: City of Mississauga
Municipal File No.: B-039/12
OMB Case No.: PL120789
OMB File No.: PL120789

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: John Goodfellow-Jones, Gregory Blair Jones
Subject: Minor Variance
Variance from By-law No.: 0225-2007
Property Address/Description: 1092 Gardner Avenue
Municipality: City of Mississauga
Municipal File No.: A 269/12
OMB Case No.: PL120789
OMB File No.: PL120791

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: John Goodfellow-Jones, Gregory Blair Jones
Subject: Minor Variance
Variance from By-law No.: 0225-2007
Property Address/Description: 1092 Gardner Avenue
Municipality: City of Mississauga
Municipal File No.: A 268/12
OMB Case No.: PL120789
OMB File No.: PL120790

APPEARANCES:

Parties

Counsel

John Goodfellow-Jones and Gregory Blair
Jones

K. Kovar

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR
SCHILLER ON OCTOBER 16, 2012 AND ORDER OF THE BOARD**

[1] Messrs. J. Goodfellow-Jones and G. B. Jones (“Applicants”) wish to demolish an existing bungalow, divide the existing lot into two lots and build two new two-storey houses, one on each new lot. They have applied for consent to sever and for associated variances to the zoning by-law.

[2] No one appeared in opposition to the proposal.

[3] The Board heard from Mr. M. Bissett, a qualified land use planner who is a full member of the Canadian Institute of Planners and a Registered Professional Planner in Ontario. Mr. Bissett acknowledged the expert’s duty to the Board.

[4] The subject site is within the Lakeview planning district of the City of Mississauga (“City”). The site is at the east end of Gardner Avenue. Gardner Avenue itself ends just beyond the subject site at a townhouse development. East of the townhouse development is a spur rail line that runs roughly north-south.

[5] Gardner Avenue is north of Lakeshore Road East, which is commercial in this area. Gardner Avenue is south of the CN rail line running east-west. Small industrial uses are dotted along the south side of the rail line.

[6] The area has a variety of lot sizes and lot frontages. The subject site is one of the larger lots. The two smaller lots that would result from a division of this larger lot would not comply with the zoning by-law. For that reason, the Board has before it an application for minor variance.

[7] There are three variances being sought:

1. A lot area of 330 sq. m. where the by-law requirement is 550 sq. m.;
2. Lot frontage of 9.84 m. where the by-law requirement is 15 m.; and
3. An interior side yard setback between the proposed two new houses of 1.24 m. where the by-law requirement for a side yard setback for two-storey houses is 1.81 m.

[8] The Provincial Policy Statement (“PPS”) and the provincial Growth Plan for the Greater Golden Horseshoe (“GGH”) both emphasize intensification generally and both seek the efficient use of land and existing infrastructure. The proposed development would result in two houses to replace one. The location is within a settlement area and has existing infrastructure for full municipal services.

[9] The Board finds that the variances and proposed division of land are consistent with the PPS and conform to the GGH.

[10] The City’s Official Plan (“OP”) designates the subject site as residential. The OP encourages:

1. compatible residential intensification,
2. high quality design that enhances the community character, and
3. a compact and orderly urban form.

In addition, the OP discourages the reduction of residential densities.

[11] The OP calls for a range of housing types and densities for the subject site. The proposed development fits within both the range of housing types and the densities.

[12] The residential use in the area to the west of the subject site is generally single family detached housing. The proposal would replace a single house with two new single family detached houses.

[13] The applicants have filed elevations for the proposed development that demonstrate a careful attention to design and have indicated a willingness to build substantially in accordance with those plans.

[14] The proposed two houses met the OP objective of a compact and orderly urban form.

[15] The Board finds that the requested variances maintain the general intent and purpose of the OP.

[16] The by-law requirements for lot area, frontage and side yard setback are intended to ensure appropriate access for maintenance and safety and to provide appropriate levels of privacy.

[17] The Board finds that that proposed lot area and lot frontage are appropriate for the development of the proposed houses.

[18] The side yard setback is the interior side yard between the two proposed new houses. There is no impact on the adjacent house to the west or to the townhouse development to the east. No evidence was put before the Board of any concern that the reduced interior side yard setback would impede access for safety or maintenance purposes.

[19] The Board finds that the requested variances maintain the general intent and purpose of the zoning by-law.

[20] The Board also considered the criteria set out in s. 51(24) of the *Planning Act*, R.S.O. 1990 c. P.13, which the Board must consider when determining the appropriateness of a requested division of land. The Board is satisfied that the proposed lots are an appropriate size and shape and that the proposed division of land meets the applicable criteria of s. 51(24).

[21] The site plan and elevations, found at Attachment 1 to this decision, set out the location of the houses on each lot. They also reflect the appropriate design of the structures whose facades are mirror images of each other.

ORDER

[22] The Board orders that the appeal is allowed and that:

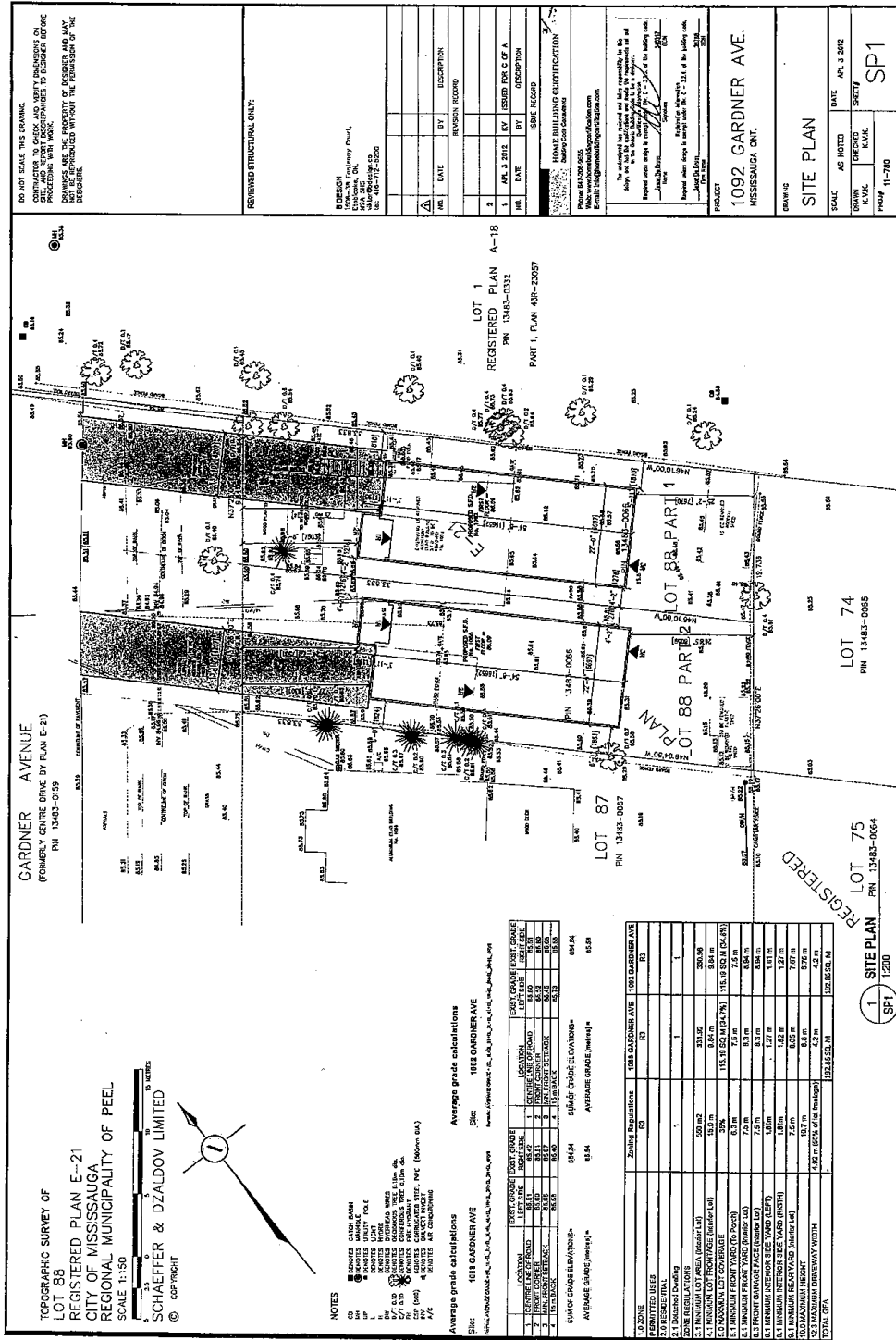
1. provisional consent is to be given; and
2. the variances to permit:
 - i. A lot area of 330 sq. m. where the by-law requirement is 550 sq. m.;
 - ii. Lot frontage of 9.84 m. where the by-law requirement is 15 m.; and
 - iii. An interior side yard setback between the proposed two new houses of 1.24 m. where the by-law requirement for a side yard setback for two-storey houses is 1.81 m.

are authorized subject to the condition that the proposed two houses are built substantially in accordance with the site plan and elevations found at Attachment 1 this decision.

“Susan de Avellar Schiller”

SUSAN de AVELLAR SCHILLER
VICE CHAIR

Attachment 1



GARDNER AVENUE
(FORMERLY GARDNER DRIVE BY PLAN E-21)
PIN 13483-0359

LOT 88 PART 1
REGISTERED PLAN A-18
PIN 13483-0332
PART 1, PLAN A38-23057

LOT 87
PIN 13483-0087

LOT 88 PART 2
PIN 13483-0085

LOT 74
PIN 13483-0085

LOT 75
PIN 13483-0084

TOPOGRAPHIC SURVEY OF
LOT 88
REGISTERED PLAN E-21
CITY OF MISSISSAUGA
REGIONAL MUNICIPALITY OF PEEL
SCALE 1:150
SCHAEFFER & DZALDOV LIMITED
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NOTES
1. EXISTING GRADE SHOWN BY DOTTED LINE
2. EXISTING GRADE SHOWN BY SOLID LINE
3. EXISTING GRADE SHOWN BY DASHED LINE
4. EXISTING GRADE SHOWN BY LONG DASHED LINE
5. EXISTING GRADE SHOWN BY SHORT DASHED LINE
6. EXISTING GRADE SHOWN BY Wavy LINE
7. EXISTING GRADE SHOWN BY Solid LINE
8. EXISTING GRADE SHOWN BY Dotted LINE
9. EXISTING GRADE SHOWN BY Dashed LINE
10. EXISTING GRADE SHOWN BY Long Dashed LINE
11. EXISTING GRADE SHOWN BY Short Dashed LINE
12. EXISTING GRADE SHOWN BY Wavy LINE

Average grade calculations
SITE: 1092 GARDNER AVE
Average grade (meters) = 6.58

TO ZONE	FROM ZONE	PERMITTED USE	PERMITTED USE	1092 GARDNER AVE	1092 GARDNER AVE
10-1	10-2	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-3	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-4	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-5	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-6	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-7	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-8	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-9	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-10	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-11	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-12	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-13	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-14	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-15	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-16	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-17	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-18	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-19	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-20	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-21	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-22	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-23	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-24	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-25	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-26	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-27	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-28	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-29	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-30	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
10-1	10-31	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL

1 SITE PLAN REGISTERED
SPT 1200

SCALE AS NOTED DATE: JUN 3 2012
DRAWN BY: K.V.K. CHECKED BY: K.V.K. SHEET: SPT1
PROJECT: 11-780

1092 GARDNER AVE.
MISSISSAUGA, ONT.
DRAWING
SITE PLAN

HOME BUILDING CERTIFICATION
Product 041 000 000
Home Building Certification
www.homebuildingcertification.com
Email: info@homebuildingcertification.com

NO.	DATE	BY	DESCRIPTION
1	APR. 3 2012	KV	ISSUED FOR C.O.F.A.
2			
3			
4			
5			
6			
7			
8			
9			
10			

DO NOT SCALE THIS DRAWING.
CONTRACTOR TO CHECK AND VERIFY DIMENSIONS ON
PRODUCTION WITH ALL DIMENSIONS TO FACE UNLESS
SPECIFICALLY NOTED OTHERWISE.
DIMENSIONS ARE THE PROPERTY OF DESIGNER AND MAY
BE MODIFIED WITHOUT THE FORFEITURE OF THE
DESIGNER'S LIABILITY.

REVERSED STRUCTURAL ONLY:
DRAWING
DATE: JUN 3 2012
BY: K.V.K.
CHECKED BY: K.V.K.
PROJECT: 11-780

FRONT ELEVATION
 No. 1088
 1 FRONT
 A03 3/16"=1'-0"

NO SCALE FOR DRAWING.
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF WORK.
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF WORK.
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF WORK.

NO.	DATE	BY	DESCRIPTION

HOME BUILDING CERTIFICATION
 I hereby certify that the above is a true and correct copy of the original drawings as submitted to me for certification.
 I am a duly Licensed Professional Engineer in the State of Massachusetts.
 Signature: _____
 Title: _____
 Date: _____

PROJECT: 1088 GARDNER AVE., MESSA, MASSACHUSETTS
 DRAWING: PROPOSED ELEVATIONS
 SCALE: AS NOTED
 DATE: APR. 3, 2018
 SHEET: 1 OF 1
 A03

DO NOT SCALE THIS DRAWING.
 DIMENSIONS SHALL BE TAKEN FROM THE DIMENSION LINES.
 DIMENSIONS SHALL BE TAKEN FROM THE DIMENSION LINES.
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 DIMENSIONS SHALL BE TAKEN FROM THE DIMENSION LINES.

1092 GARDNER AVE.
 MASSACHUSETTS, U.S.A.

1 FRONT
 A03 3/16"=1'-0"

FRONT ELEVATION
 No. 1092

NO.	DATE	BY	DESCRIPTION
1	APR 3 2012	ST	ISSUED FOR R.O.S.
2		ST	REVISION
3		ST	REVISION

REVISION RECORD

PROJECT: 1092 GARDNER AVE., MASSACHUSETTS, U.S.A.

DATE: APR 3 2012

SCALE: AS NOTED

PROJECT: 1092