

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



**ISSUE DATE:** July 15, 2015

**CASE NO(S):** PL150307

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	John Bradley
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	2076 Almira Court
Municipality:	City of Mississauga
Municipal File No.:	A149/15
OMB Case No.:	PL150307
OMB File No.:	PL150307
OMB Case Name:	Bradley v. Mississauga (City)

**Heard:** July 6, 2015 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

John Bradley  
  
City of Mississauga

**Counsel**

G. Swinkin  
  
R. Kehar

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
JULY 6, 2015 AND ORDER OF THE BOARD**

---

[1] By way of brief background, John Bradley ("Applicant/Appellant" and "Proponent") sought three minor variances to permit a proposed addition to the existing two-car garage, increased driveway width and a walkway attachment to the proposed driveway. The minor variances were refused by the City of Mississauga ("City")

Committee of Adjustment (“COA”) and the matter was before this Board on appeal. The subject property is located at 2076 Almira Court (“Almira”).

[2] At the commencement of the hearing the parties advised the Board that they had settled these matters. However, Peter Giurlanda, the abutting neighbor to the east appeared in objection to the revised minor variances and the settlement. The minor variances were revised and the proponent had agreed to a number of conditions as contained in the executed minutes of settlement (Exhibit 2).

[3] **Amended Minor Variance Application**

The minor variances were revised as follows:

1. A side yard setback of 2.41 m (8.00 ft.). whereas the Zoning by-law requires a minimum side yard setback of 4.2 m (13.78 ft.) in this instance;
2. A driveway width of 10.5 m (34.45 ft.) for that portion of the driveway that is within 6.0 m of the front garage face and which is providing direct vehicular access to the garage, provided that the driveway does not cover more than 50% of the area of the front yard and/or exterior side yard whereas the Zoning by-law requires a driveway width of 8.5 m (27.80 ft.) in this instance; and
3. A walkway attached to a driveway having a width of 1.90 m (6.23 ft.), whereas the Zoning by-law permits a maximum walkway attachment to a driveway width of 1.50 m (4.92 ft.) in this instance.

[4] The Board determined pursuant to s. 45(18.1) and 18.1.1 of the *Planning Act* (“Act”) that the revisions were minor and that no further notice was required.

[5] The Board heard professional planning evidence from David Ferro, a qualified planner with the City in support of the modified minor variances. Mr. Ferro testified that the proponent had reduced the height of the proposed garage addition and set it back

further from the street. He testified that the requested side yard setback had been increased from six to eight feet on the side yard abutting the objecting neighbor's property. Mr. Ferro described the existing physical character as having large homes on large lots. He provided examples of large homes with three car garages including the abutting home to the west on Almira. It was his opinion that homes with three car garages form part of the existing physical character of this neighborhood. He testified that the proposed garage addition to accommodate a third vehicle has been reduced in height such that it is two feet lower than the existing garage and set back further from the street to reduce the visual impact when viewed from the street.

[6] Mr. Ferro testified that the COA had granted minor variances to reduce the side yard setback (some of which were to accommodate three car garages) within the area. It was his professional planning opinion that the minor variances both singularly and cumulatively meet the four tests found in s. 45(1) of the Act in that they maintain the general intent of the Official Plan and the Zoning By-law, they are desirable for the appropriate development of the building and that they are minor.

[7] Mr. Giurlanda lives next door at 2075 Almira. He is primarily opposed to the proposed addition because it would be closer to the side yard lot line which he shares with the subject property. In his opinion, the proposed garage addition would detract from his view and result in the loss of open space between the side yards. He challenged the City's planner's evidence that there are many examples of homes with three car garages in the neighborhood. While acknowledging that the abutting house west of the subject property has a three car garage he said that the garage is set back so that it is not intrusive when viewed from the street. Mr. Giurlanda testified that the homes on Almira are unique in that the subject street -is an enclave and has its own physical character.

[8] The Board preferred the professional planning evidence of Mr. Ferro. The Board found that the existing physical character of this neighborhood includes homes with three car garages. The proponent's desire to have a three car garage is in keeping with

the existing physical character of the neighborhood. The Board found that the impact of this garage addition to Mr. Giurlanda is not adverse nor is it unacceptable. The Board found that the revised minor variances both individually and cumulatively meet the statutory tests found in s. 45 (1) of the Act as previously described.

[9] The Board added a further condition requiring that the proponent prepare a landscape plan which would include the planting of a row of trees alongside the length of the proposed garage addition and the planting of shrubs between the driveways at the front of the subject property and Mr. Giurlanda's property.

### **ORDER**

[10] The Board orders that the appeal is allowed and the revised minor variances to By-law No. 0225-2007 are authorized subject to the following conditions:

1. The conditions found in the executed minutes of settlement (Exhibit 2); and
2. The proponent prepares a landscape plan acceptable to the City.

[11] The Board can be spoken to in the event that there are difficulties in implementing Condition 2.

*"Jason Chee-Hing"*

JASON CHEE-HING  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248