

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 19, 2016

CASE NO(S): PL160025

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

Applicant and Appellant:	Susan Boutari
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	5840 O'Meara Street
Municipality:	City of Mississauga
Municipal File No.:	A-352/15
OMB Case No.:	PL160025
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OMB Case Name:	Boutari v. Mississauga (City)

Heard: May 11, 2016 in Mississauga, Ontario

APPEARANCES:

Parties

Representative

Susan Boutari

Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON MAY
11, 2016 AND ORDER OF THE BOARD**

[1] The matter before the Board is an appeal by Susan Boutari ("Applicant") from a decision of the Committee of Adjustment ("Committee") for the City of Mississauga ("City"). The Committee did not authorize a variance requested by the Applicant for the purpose of legalizing the width of her driveway. The City did not appear. The only other person who attended the hearing was the Applicant's spouse, Khaled Riad.

[2] The Applicant testified on her own behalf. She explained that she has lived in her house (5840 O'Meara Street) with her family for six years. In 2015 her mother, who was ill, moved into their home and for mobility and access reasons, they arranged to extend the paved portion of their existing driveway. A neighbour had undertaken a similar widening and she retained the same paving company. The Applicant was unaware that she required a variance from a provision of By-law No. 0225-2007 ("By-law") prior to widening the paved portion of her driveway. The contractor said nothing about a permit.

[3] The City contacted the Applicant and advised that a variance was required to legalize the widening of the driveway. Under the By-law, the maximum driveway width is 6 metres ("m"). The necessary application was made to the Committee requesting a variance from the By-law to permit a maximum driveway width of 8.55 m. The Committee did not authorize the variance, indicating that the expanded driveway width results in too much hard surface area in front of the house.

[4] No neighbours or other witnesses beyond the Applicant attended the hearing. The Applicant filed several photographs taken in the neighbourhood showing similar driveway widths. In assessing an application for a minor variance, the Board is required to apply the four part test set out in s. 45(1) of the *Planning Act*. Based on the Applicant's testimony, I find that the variance to the By-law should be authorized. There was no evidence to suggest that a variance for an increase in driveway width will not maintain the purpose and general intent of either the By-law or the Official Plan. The variance is desirable and minor. There was no evidence presented of impact. In arriving at this conclusion, I have considered the provincial interest and the decision of the Committee. I find that the variance is consistent with the Provincial Policy Statement and conforms to all applicable provincial plans. There is no reason not to authorize the variance, as requested.

[5] The decision and order of the Board is to allow the appeal and authorize a variance from the By-law to permit a driveway width of 8.55 m.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

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Ontario Municipal Board

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