

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** August 09, 2018

**CASE NO(S):** PL180491

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Andrei Mazour
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1515 Garnet Avenue
Municipality:	City of Mississauga
Municipal File No.:	A147/18
LPAT Case No.:	PL180491
LPAT File No.:	PL180491
LPAT Case Name:	Mazour v. Mississauga (City)

**Heard:** July 18, 2018 in Mississauga, Ontario

**APPEARANCES:**

<u>Party</u>	<u>Representative</u>
Andrei Mazour	Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON  
JULY 18, 2018 AND ORDER OF THE TRIBUNAL**

---

[1] This was the hearing of an appeal by Andrei Mazour (“Appellant”) from the refusal of the City of Mississauga (“City”) Committee of Adjustment (“COA”) to refuse an application for variances from Zoning By-law No. 0225-2007 (“Zoning By-law”) to

permit the construction of a new enlarged dwelling at a property known as 1515 Garnet Avenue (“Subject Property”).

[2] The variances sought in the application are as follows:

1. A gross floor area – infill residential of 392.50 square metres (“m<sup>2</sup>”) (4,224.83 square feet (“ft<sup>2</sup>”)); whereas Zoning By-law No. 0225-2007, as amended, permits a maximum floor area – infill residential of 353.30 m<sup>2</sup> (3,803.96 ft<sup>2</sup>) in this instance.
2. A combined width of side yards of 4.98 metres (“m”) (16.33 feet (“ft”)); whereas Zoning By-law No. 0225-2007, as amended, requires a minimum combined width side yards of 5.76 m (18.89 ft) in this instance.

[3] The City did not appear at the hearing and no other persons appeared to seek status on the appeal.

[4] The Appellant provided the only evidence to the Tribunal. He provided a copy of the City planning staff report which was supportive of the application. The City planning staff report provided to the COA had indicated that the variances met the four-part test under s. 45(1) of the *Planning Act* (“Act”). The Appellant also explained that the proposed development is subject to site plan control and that he continues to have discussions with the City’s Transportation and Works department to finalize a site plan.

[5] The Appellant explained that he had attended several preliminary consultations with City planning staff before he submitted architectural drawings with the City to support his application. He explained that the City’s planner had provided advice to him and his architect regarding building orientation and design aimed at meeting Official Plan policy and Zoning By-law requirements and to ensure that the new

dwelling was similar to other new redevelopment in the neighbourhood that has been recently approved by the COA.

[6] The Appellant explained that he has observed that the neighbourhood is experiencing redevelopment of bungalows with new dwellings of similar size and built form as he proposes and that he has attempted to replicate what the COA has recently approved on properties within approximately 120 m of the Subject Property.

[7] The Appellant further explained that the only concern raised about the proposed development was by his next door neighbour in relation to ensuring that proper grading/drainage will be provided between the two properties. He explained that he has obtained assurances that the side yard setback areas that will be provided, in addition to the large rear yard, will be sufficient to ensure that new weeping tiles can be installed and that adequate areas for grading, drainage and infiltration exist to support the development without adversely impacting his next door neighbour. Further, the Appellant explained that he will still require approval of a grading plan and that he has hired and obtained advice from a soil engineer to assist him in preparing the grading plan.

[8] The Appellant explained that he does not require variances individually for either side yard setback as the minimum zoning standard is met but that he requires a variance for the combination of side yard setbacks for only a portion of the proposed new dwelling. He further explained that it was his understanding that the Zoning By-law, in this instance, includes the garage in the calculation of gross floor area and that absent the garage that the new dwelling would meet the maximum gross floor area standard.

[9] The Appellant explained that although two large trees were recently damaged in a storm and will have to be removed, that all remaining trees on the Subject Property and on City lands will be maintained as part of the proposal.

[10] Having considered the uncontradicted evidence of the Appellant and the City planning staff report supporting the application and having considered the application against the policies of Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017, the Tribunal found that the application does not give rise to any issues of inconsistency or non-conformity with provincial policy. Further, having reviewed the applicable policies of the City's Official Plan and the standards of the Zoning By-law provided to the Tribunal by the City and as set out in the City's planning staff report, the Tribunal found that the application maintains the general intent and purpose of the Official Plan and the Zoning By-law. Further, the Tribunal found that the variances are desirable for the appropriate use of the Subject Property in that the development will fit harmoniously in the context of other detached residential dwellings in a neighbourhood that is experiencing some redevelopment with similar new enlarged homes. Finally, the Tribunal found that the variances are minor in that they will not result in any unacceptable adverse impacts.

[11] Overall therefore, the Tribunal found that the variances meet the four-part test under s. 45(1) of the Act for minor variances. The Tribunal ordered that the appeal is allowed and the two variances as set out in paragraph 2 above are authorized.

*"Justin Duncan"*

JUSTIN DUNCAN  
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.

**Local Planning Appeal Tribunal**

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