

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



ISSUE DATE: January 23, 2020

CASE NO(S): PL190408

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:	Sunset 6 Investment Inc.
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	3447 Cawthra Road
Municipality:	City of Mississauga
Municipal File No.:	A188/19
LPAT Case No.:	PL190408
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LPAT Case Name:	Sunset 6 Investment Inc. v. Mississauga (City)

Heard: December 6, 2019 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

Sunset 6 Investment Inc.

Kristin Lavignasse

City of Mississauga

No one appeared

DECISION DELIVERED BY STEVEN COOKE AND ORDER OF THE TRIBUNAL

[1] Sunset 6 Investment Inc. (the “Applicant”) applied to the City of Mississauga (the “City”) for minor variances in order to expand the commercial uses of the special site-specific designation of the Applicants property, located at 3447 Cawthra Road (the “Property”). The proposal is for a medical office as a permitted use. The application was refused by the Committee of Adjustment (the “COA”) on August 1, 2019, which led to this appeal, pursuant to s. 45(12) of the *Planning Act*.

Background

[2] The Property is currently zoned R3-58 under the City’s Zoning By-law No. 0225-2007 and considered part of the Applewood Neighbourhood policies of the City’s Official Plan (the “OP”).

[3] The Applewood Neighbourhood is a mature and well-established area with a mix of lower density dwelling types. Apartments are predominantly located along arterial roads with retail dispersed throughout the area. Cawthra Road is considered in the OP as an arterial road.

[4] Notwithstanding the Residential Low Density II designation of the Applewood Neighbourhood policies, under s. 16.2.4.6.2 of the OP the Property is identified as Special Site 6 currently allows for additional policies:

- a. a window and door showroom and associated office will be permitted in addition to residential uses;
- b. the building, including amenities and signage, whether new or modified, will have a residential appearance which is consistent with the form, design and scale of the surrounding residential area;

- c. all required and related parking will be accommodated at grade in such a manner that minimizes the loss of vegetation and provides for limited impact on adjoining residential development;
- d. to minimize the amount of hard surface area, on-site parking areas should have efficient vehicular circulation and layout which is suitably screened, preferably with vegetation; and
- e. new buildings or modified buildings used for a window and door showroom and associated office will not exceed 150 square metre.

Submission

[5] The Applicant was represented by part owner Kristin Lavignasse. In her submission to the Local Planning Appeal Tribunal ("Tribunal") Ms. Lavignasse stated that in 2014 the existing structure was built to conform to the Special Site 6 specific policies. The Property is a two-storey dwelling with two-bedroom residential unit on the second floor and a commercial unit on the main level. The limitations of use on the Property have made it difficult to find a tenant for the commercial unit despite several interest individuals.

[6] In Exhibit 1, Ms. Lavignasse provided the Tribunal with visuals of other similar properties in the immediate area that have been permitted for uses of office, personal service establishments and medical office - restricted.

[7] Ms. Lavignasse also noted that when the application to the City COA was submitted that there were no objections from neighbours in the community.

[8] The City did not appear before the Tribunal to dispute or raise concerns.

Conclusion

[9] The Tribunal finds that the application of appeal has met the four tests of a Minor Variance.

[10] The minor variance request to expand the uses of the Property is appropriate and conforms to the OP. The use defined in the City OP of a medical office – restricted, personal service establishment, or office are appropriate for an arterial road and consistent with other Special Sites with the neighbourhood.

[11] The Tribunal also find that the minor variance request of additional uses can be sublimated into and meet the spirit of the existing policies of Special Site 6 in the Applewood Neighbourhood.

[12] The application is considered minor in nature, as the minor variance is for the internal use of the property without changing the character of the building. The property is already designated for commercial uses and will remain appropriate land uses.

Order

[13] The Tribunal orders that the appeal is allowed and that the variances to By-law No. 0225-2007 to include a window and door showroom and associated office, medical office – restricted, personal service establishment, or office as permitted uses be authorized.

“Steven Cooke”

STEVEN COOKE
MEMBER

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Local Planning Appeal Tribunal

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Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248