



COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

GEORGE CHONDRONIKOLAS

on Thursday December 8, 2011

George Chondronikolas is the owner of Part of Lot 7, Registered Plan E-20, located and known as 2249 Gordon Drive, zoned R1-7, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an two storey addition proposing a garage area of 138.50 m² (1,490.85 sq.ft.), a northerly side yard setback of 1.22 m (4.00 ft.) to the garage addition, an existing southerly side yard of 2.06 m (6.75 ft.), and a driveway width of 16.50 m (54.13 ft.); whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00 m² (807.31 sq.ft.), a minimum side yard of 1.80 m (5.90 ft.) on one side and 4.20 m (13.77 ft.) on the other side, and permits a maximum driveway width of 10.50 m (34.44 ft.) in this instance.

Mr. D. Brown, authorized agent, attended and presented the application to permit a two storey addition to the dwelling. Mr. Brown characterized the lot as having a significant depth and lot area and noted that the abutting lot to the north was undeveloped. Mr. Brown advised the Committee that the proposed addition would contain a garage at grade level and bedrooms within the second storey. He noted that the second storey of the addition would be slightly stepped back from the side wall of the first storey and that no windows would be included along the side of the addition. Mr. Brown stated that a "man" door would be constructed at the rear of the garage.

Mr. Brown indicated that his client owned several vehicles, of which two were too large to fit into the existing garage. He stated that the garage addition would allow for a larger door to be installed allowing the oversized vehicles to be parked within the expanded garage. He also noted that there would be an additional tandem space and ancillary storage space for an antique car. Mr. Brown advised the Committee that the existing driveway was oversized and that the driveway would be maintained.

It was Mr. Brown's opinion that the subject proposal was congruent with the intent of the Official Plan. He noted that the proposed addition was of similar architectural style as the dwelling. Mr. Brown suggested that the existing garage had a slight projection beyond the front face wall of the existing dwelling and noted that the proposed addition would maintain this architectural feature. Mr. Brown confirmed that no trees were to be removed for the proposed addition.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (November 30, 2011):

"1.0 RECOMMENDATION"

The Planning and Building Department recommends that the application be refused.

2.0 BACKGROUND

Mississauga Plan

Planning District: **Cooksville**
Designation: **Residential Low Density I - Special Site #11**

Discussion:

The Cooksville District policies of Mississauga Plan identify the subject property as being located within an area which merits special attention. The Special Site 11 policies stipulate additional provisions which go beyond the "Residential Low Density I" policies. The following policies, among others, shall apply:

- a. preserve and enhance the generous front, rear and side yard setbacks;
- d. garages should be recessed or located behind the main face of the house. Alternatively, garages should be located in the rear of the property;
- g. reduce the hard surface areas in the front yard;

The proposal for a garage addition of 138.50 sq. m (1490.85 sq. ft.) to the existing three-car garage, driveway width extension, and insufficient side yard setbacks do not maintain the intent of the Cooksville District policies.

New Mississauga Official Plan

Character Area: **Cooksville Neighbourhood**
Designation: **Residential Low Density I - Special Site #4**

Discussion:

Until the new Mississauga Official Plan comes into force, the existing Official Plan continues to be in effect. While the existing Official Plan is the plan of record against which minor variances are being reviewed, regard should also be given to the new Mississauga Official Plan. We note that the Special Site 4 policies of the Cooksville Neighbourhood are the same as those identified under the Special Site 11 policies of the Cooksville District in the current Official Plan.

Zoning By-law 0225-2007

Zoning: **"R1-7", Residential**

Discussion:

The variances being requested are excessive and do not maintain the intent of the Zoning By-law regulations with respect to maintaining generous setbacks and limiting the amount of hard surface area proposed within the front yard. The purpose of the applicable zone regulations is to ensure that the character of the Gordon Woods neighbourhood is maintained.

3.0 OTHER APPLICATIONS

- Site Plan* File: Required - No application received
- Building Permit* File: Required - No application received

4.0 COMMENTS

Based on the information submitted with the variance application, it appears that the variance for driveway width should be amended to indicate that the maximum driveway width is 8.5 m (27.88 ft.) in this instance and not 10.5 m (34.44 ft.), as the proposed driveway does not provide direct vehicular access to the garage only. We note that the proposed driveway width has not been dimensioned on the site plan submitted with the variance application.

We further note that Site Plan approval and a Building Permit are required and in the absence of a Site Plan or Building Permit application, we are unable to verify the accuracy of the requested variances, as amended, or determine whether additional variances will be required. We recommend that the applicant submit a Building Permit application in order to ensure that all required variances have been accurately identified.

We advise that on October 24, 2011, this Department had a preliminary discussion with the applicant regarding the proposal. At that time, the applicant was advised that the requested

variances are excessive and should be reduced. It was also indicated that this Department would not support the proposal in its current form."

The City of Mississauga Transportation and Works Department commented as follows (December 1, 2011):

"We note for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition would be addressed through the Building Permit process."

A letter was received from the Gordon Woods Homeowners' Association, stating their objection to the requested variances. They suggested that the proposal did not meet the intent and purpose of the Zoning By-law or the Cooksville District Plan.

A petition was received signed by the residents of 2239, 2244, 2254, 2271 & 2272 Gordon Drive, expressing their support for the subject application.

No other persons expressed any interest in the application.

Mr. Brown upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. Brown and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the existing enlarged driveway was appropriate for the subject property and had no perceptible impact on any of the abutting properties.

The Committee is not satisfied that the requested addition to the existing dwelling is desirable for the appropriate use of the subject property. The Committee was not satisfied that Mr. Brown's assertions that the applicants vehicles were too large for the existing driveway as satisfactory justification to allow variance to the Zoning By-law. The Committee indicated that the proposed garage was excessive and inappropriate for the subject property and did not compatible with the existing character of the neighbourhood.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, in this instance.

(for the driveway width request only)
The Committee is of the opinion that the amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing driveway to remain having a width of 16.50 m (54.13 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.88 ft.) in this instance.

The Committee further resolves to refuse the proposed two storey side addition and the associated requests for reduced side yards.

MOVED BY: D. George SECONDED BY: L. Dahonick CARRIED


Application Approved, in Part.

Dated at the City of Mississauga on December 15, 2011.

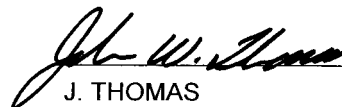
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **JANUARY 4, 2012**.

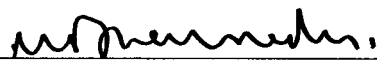
Date of mailing is December 19, 2011.


S. PATRIZIO (CHAIR)



D. GEORGE


R. BENNETT


J. THOMAS


D. KENNEDY


L. DAHONICK


J. ROBINSON

I certify this to be a true copy of the Committee's decision given on December 15, 2011.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.