



## 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

JAROSLAW CHOMA

on Thursday December 13, 2012

Jaroslav Choma is the owner of part of Lot 2, Range 3, CIR, located and known as 2244 Gordon Drive, zoned R1-7 - Residential. The applicant requests the Committee to authorize a minor variance to permit a commercial vehicle with a length of 6.20 m (20.34 ft.) and a height of 2.60 m (8.53 ft.) to be parked on the subject residential property; whereas By-law 0225-2007, as amended, permits a commercial motor vehicle with a maximum length of 5.60 m (18.37 ft.) and a maximum height of 2.00 m (6.56 ft.) to be parked on a residential property in this instance.

Ms. M. Choma, authorized agent, attended and presented the application to permit an oversized commercial vehicle to be parked on the subject residential property. Ms. Choma advised the Committee the vehicle was located off site during the day and that the vehicle would return in the evening to be stored overnight. Ms. Choma confirmed that the vehicle was too large to be stored within the garage on the property.

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

The City of Mississauga Planning and Building Department commented as follows (December 7, 2012):

### "1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### ***Mississauga Official Plan***

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

#### ***Discussion***

The Residential designation allows for uses related to residential development, such as special needs housing, accessory offices for physicians, dentists, health professionals and drugless practitioners in their principle private residences, home occupations in detached dwellings, urban gardening, parks and community uses are also permitted. There are no provisions for the parking of commercial vehicles in low-density residential areas; however such provisions exist in areas designated as "Business Employment". The requested variance is seeking to allow a use which is not associated with residential development and does not maintain the residential nature of the property. As such, the variance does not maintain the general intent and purpose of the Mississauga Official Plan.

#### ***Zoning By-law 0225-2007***

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

***Discussion***

The General Provisions for Residential Zones restrict the size, weight and number of commercial vehicles that are permitted. The intent in restricting the size and weight is to discourage parking of commercial motor vehicles that are larger than conventional pick-up trucks, SUVs or vans. Further, it is to ensure that parking is still available for a personal use vehicle and to ensure that surrounding residents do not experience negative visual and auditory impacts relating to large vehicles. In view of the preceding, the proposal does not maintain the general intent and purpose of the Zoning By-law.

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that this Department has serious concerns with regard to the visual impact of the commercial vehicle on the streetscape. The commercial vehicle appears to be larger in length and height, than a standard truck, which is not appropriate for a residential neighbourhood. Based on a recent site visit to the subject property, the commercial vehicle appears to be parked on the portion of the driveway closest to the front property line, rather than in close proximity to the dwelling facade as indicated in the drawings submitted with the Committee of Adjustment application. This impacts the streetscape, as the oversized commercial vehicle is visible from the street. The requested variances are seeking to allow a use which is not associated with residential development and does not maintain the residential nature of the property. As such, the requested variance is not minor in nature, nor desirable for the appropriate use of the land."

The City of Mississauga Transportation and Works Department commented as follows (December 6, 2012):

"Enclosed for Committee's easy reference are some photo's which depict the subject property."

A letter was received from S. Giraud, and D. Stuart, representatives of the Gordon Woods Homeowners' Association, stating the objection of their association to the subject application. They indicated that the commercial vehicle was not reflective of the residential character of the area.

A letter was received from R. Dundas, a representative of the Gordon Woods Homeowners' Association, stating an objection to the requested variance.

A letter was received from the property owners of 2009, 2102, 2112, 2135, 2207 & 2219 Parker Drive, 2109, 2119, 2135, 2160, 2170, 2182, 2185, 2196, 2202, 2234, 2239, 2245, 2249, 2254, 2271 & 2272 Gordon Drive, 213, 219, 222, 233 & 245 Isabella Avenue, 220, 235, 260 & 285 Winterborne Gate, 2241 & 2263 Taylor's Orchard and 202 Harborn Trail, expressing their support for the subject application

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Choma and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property. The Committee stated that the commercial vehicle was covered with commercial advertisement and that such aesthetics were not reflective of the residential character of the area. They indicated that the commercial vehicle was not screened by vegetation and was too large to be stored within the garage on the property. The Committee was of the opinion that these deficiencies were indicative of the inappropriateness of the commercial vehicle to be located on the residential property. The Committee confirmed that the letter of support that was received by the Committee was signed by a substantial number of residents who were not located within the circulation area of the application.

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.


MOVED BY: D. George      SECONDED BY: D. Kennedy      CARRIED


Application Refused.

Dated at the City of Mississauga on December 20, 2012.

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 9, 2013**.


Date of mailing is December 24, 2012.

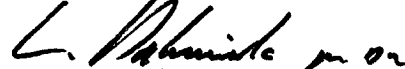
  
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S. PATRIZIO

  
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D. GEORGE

  
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R. BENNETT (CHAIR)

  
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J. THOMAS

  
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D. KENNEDY

  
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L. DAHONICK

  
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J. ROBINSON

I certify this to be a true copy of the Committee's decision given on December 20, 2012.

  
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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.