

ISSUE DATE:

Sept. 7, 2004

DECISION/ORDER NO:

1446



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL040463

C12/HM  
C.A. Young

Christine Leith & Max Plank have appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Committee of Adjustment of the Town of Orangeville which dismissed an application numbered A-10/04 for variance from the provisions of By-law 22-90, as amended, respecting 56 First Street  
OMB File No. V040259

**APPEARANCES:**

Parties

Counsel

Town of Orangeville

C. C. Cooper

Christine Leith and Max Plank

E. Hall

**MEMORANDUM OF ORAL DECISION DELIVERED BY N. M. KATARY ON  
SEPTEMBER 1, 2004 AND ORDER OF THE BOARD**

At the commencement of the hearing, the counsel for the Town stated that the Municipality had no position on the matter of two variances before the Board and that he was appearing as a friend of the Board to be of assistance to the Board if necessary.

No one appeared in opposition to the application.

The counsel for the applicants/appellants stated that she was not calling any witness in support of the application and was going to rely upon the documents filed as Exhibit 1, especially, the report by the planning staff of the Municipality that went to the Committee of Adjustment. She added that the planning staff report was clear and categorical in supporting the application giving reasons for their support and that she did not see the need to call the planner who wrote the report in the light that the counsel for the Town was not taking a position on the matter.

The Board disclosed that it had read the planning staff report contained in the file.

The Board asked the counsel for the Town if in his opinion the report was accurate and represented the report that went to the Committee. The counsel stated that it was and he had nothing more to add other than what was contained in the planning staff report.

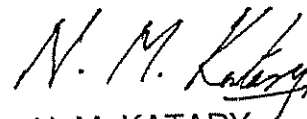
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SEP 08 2004

On the basis of an examination of the documents contained in Exhibit 1 and the submissions made by the two legal counsel the Board finds that the application for the two variances meet the four tests set out in Section 45(1) of the *Planning Act*.

Accordingly, the Board authorizes the variances subject to the following two conditions:

1. That the planter box shall be removed; and
2. That the driveway shall be widened to the maximum permitted width of 7.6 metres.

The Board so Orders.

  
N. M. KATARY  
MEMBER



COMMITTEE OF ADJUSTMENT

DECISION OF COMMITTEE WITH REASONS  
RE APPLICATION FOR MINOR VARIANCE

Planning Act, R.S.O. 1990, c. P.13, ss. 45(8)

APPROVAL AUTHORITY: THE CORPORATION OF THE TOWN OF ORANGEVILLE

RE AN APPLICATION BY: Christine Leith and Max Plank

LOCATION OF PROPERTY: Part of Lot 2, Block 17, Registered Plan 212  
56 First Street

PURPOSE OF APPLICATION: The applicants are requesting a minor variance to permit two of the required parking spaces in the driveway, closest to the building, to be obstructed by other parking spaces behind them, and a minor variance to permit two of the required parking spaces to be partly located on the First Street road allowance, between the sidewalk and the property line.

WE, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the zoning by-law and the official plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the by-law as to whether or not this application has met the requirements of Section 45(1) of the Planning Act.

CONCUR in the following decisions and reasons for decisions made on the 5<sup>th</sup> day of May, 2004.

THE REQUEST IS HEREBY **REFUSED**

THIS DECISION:

IF **APPROVED**: IS SUBJECT TO THE CONDITIONS AND FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

IF **REFUSED**: IS FOR THE REASONS SET OUT ON PAGE TWO OF THE NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT.

Three handwritten signatures on lines, each labeled "Signature of Member".

Two handwritten signatures on lines, each labeled "Signature of Member".

CERTIFICATION  
Planning Act, 1990, R.S.O. c. P.13, ss. 45(10)

I, Susan Lankheit, Secretary-Treasurer of the Committee of Adjustment certify that this is a true copy of the decision of the committee given on May 5, 2004 with respect to the application recorded therein.

Handwritten signature of Susan Lankheit on a line, followed by the printed name "Susan Lankheit, Secretary-Treasurer Committee of Adjustment".

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**THIS DECISION OR ANY CONDITION 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 BY A CHEQUE IN THE AMOUNT OF \$125.00 PAYABLE TO THE MINISTER OF FINANCE.**

Only individuals, corporations and public bodies may appeal decisions in respect of applications for minor variance to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

**DATE DECISION MAILED: MAY 6, 2004**

**LAST DAY FOR APPEALING THIS DECISION: MAY 25, 2004**

**(Appeals must be received no later than 4:30 p.m. on the above date)**

**CONDITIONS:**

**REASONS FOR DECISION:** The variance is refused as it is not desirable for the appropriate development or use of the land.