

Issue Date:

May 5, 2009



PL081070

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Christine Buck
Subject: Minor Variance
Property Address/Description: 2726 Line 13, Part Lot 13, Concession 13
Variance from By-law: 79B25
Municipality: Town of Bradford West Gwillimbury
Municipal File No.: A14/08 BWG
OMB Case No.: PL081070
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APPEARANCES:

Parties

Christine Buck

Counsel

R. Quance

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN B. CAMPBELL
ON APRIL 27, 2009 AND ORDER OF THE BOARD**

Christine Buck, (the "Applicant") made an application to the Committee of Adjustment (the "COA") of the Town of Bradford West Gwillimbury (the "Town") for two variances in respect of an already constructed garage:

1. rear yard setback – required 7.62m, requested 1.29m;
2. interior yard setback – required 3.65m, requested 1.01m.

The COA denied the variances.

G. McKnight, the Director of Planning for the Town, appeared at the hearing to indicate that the Town takes no position in this matter.

Counsel for the Applicant filed as Exhibit 1, a Document Book, which contains at Tab G, a report to the COA, prepared by Mr. McKnight. The report contains staff's

comments on the variances, including an opinion on whether the variances meet the four tests set out in subsection 45(1) of the *Planning Act* (the "Act"). It is the opinion of staff that the variances, individually and collectively meet the four tests.

The Board accepts this uncontradicted opinion of the Director of Planning for the Town that the four tests are met. The Board, therefore, finds that the variances maintain the purpose and intent of the Town's Official Plan and Zoning By-law; they are desirable for the appropriate development of the land; and they are minor.

The Board allows the appeal and authorizes the variances subject to conditions which have been recommended by staff:

1. that the Applicant obtain a clearance from the Town's grading inspector that confirms drainage on the subject lands and westerly-abutting property are not detrimentally impacted by the addition to the garage; and
2. that the variances apply only to the garage's dimensions existing as of July 23, 2008.

This is the Order of the Board.

"Susan B. Campbell"

SUSAN B. CAMPBELL
VICE CHAIR