

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 3, 2015

CASE NO(S): PL141266

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Jeff Roe
Subject:	Minor Variance
Variance from By-law No.:	2005-005
Property Address/Description:	56 Springer Street
Municipality:	Township of Middlesex Centre
Municipal File No.:	A-20/14
OMB Case No.:	PL141266
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Heard: January 13, 2015 by teleconference

APPEARANCES:

Parties

Counsel

Municipality of Middlesex Centre
("Municipality")

Andrew Wright

Jeff Roe ("Proponent")

Self-Represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO
ON JANUARY 15, 2015 AND ORDER OF THE BOARD**

[1] The Proponent owns 56 Springer Street in the community of Komoka and wishes to construct a 66.89 square metre ("sq. m") residential storage shed in the northwest corner of his property, in addition to maintaining an existing shed with an area of approximately 11.15 sq. m.

[2] In that regard, he applied to the Committee of Adjustment ("Committee") for a

variance (“Accessory Building Variance”) to permit a maximum total area for all accessory buildings of 78.04 sq. m whereas the applicable regulations restrict the total maximum area for all accessory buildings to 50 sq. m. The Proponent’s minor variance application was assigned Middlesex Centre Committee of Adjustment File No. A-20/14.

[3] The Committee denied his application and the Proponent then appealed the Committee’s decision to the Ontario Municipal Board.

[4] Subsequent to the appeal being filed, the Municipality indicated that it was prepared to agree with the relief being sought provided certain conditions were attached to any such approval.

[5] In support of the Municipality’s position, Benjamin Puzanov, a Senior Planner with the County of Middlesex, filed an affidavit. Among other things, Mr. Puzanov is of the opinion that subject to the conditions, the variance requested meets the four tests set out in s. 45(1) of the *Planning Act* and the conditions being imposed are appropriate.

[6] Based on all of the foregoing therefore, it is ordered that the Accessory Building Variance is authorized subject to the following conditions:

- (a) That the accessory building granted via Minor Variance A-20/14 be constructed generally in the location shown on the lot plan submitted in support of Minor Variance Application No. A-20/14;
- (b) That the Proponent provide a screen in the form of a privacy fence with a minimum height of 1.8 metres (“m”) or a row of coniferous trees with a minimum height of 1.8 m along the entire depth of the accessory building to be constructed via Minor Variance No. A-20/14 and adjacent to the property’s northerly interior side lot line. If a privacy fence is to be constructed, its location and size shall first be reviewed and approved by the Municipality’s Building Division; and

(c) That no single accessory building on the property exceed an area of 66.89 sq. m.

[7] The appeal has therefore been allowed in part.

“Steven Stefanko”

STEVEN STEFANKO
VICE-CHAIR

Ontario Municipal Board

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