

Update Week 2004-50

Planning

Case Name:
**Saunderson v. Uxbridge (Township) Committee of
Adjustment**

Myra Saunderson has 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 Township of Uxbridge which dismissed an application numbered A-28/2004 for variance from the provisions of By-law 81-91, as amended, respecting 2 Button Crescent OMB File No. V040409

[2004] O.M.B.D. No. 1246

File Nos. PL040741, V040409

Ontario Municipal Board

J.R. Aker, Member

Oral decision: December 2, 2004.

Filed: December 8, 2004.

(7 paras.)

COUNSEL:

T. **Takishita**, for Myra Saunderson.

Q. Annibale, for Township of Uxbridge.

John Ostrander, on his own behalf.

Edward Burley, on his own behalf.

Scott Richardson, on his own behalf.

MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. AKER AND ORDER OF THE BOARD:--

1 At the outset of the hearing, Mr. Takashita requested an adjournment. His submission is that his client required a further variance and that his client would make an application to the Committee of Adjustment. He stated that there was a possibility of a resolution between his client and the Township of Uxbridge (Township).

2 Mr. Annibale, counsel for the Township, confirmed that a further variance would be required relating to the maximum number of driveways per residential lot and the width of the driveway. He stated that the Township would not issue a building permit without the approval of a second variance.

3 Mr. Burley, Mr. Ostrander and Mr. Richardson opposed the adjournment. The submission of Mr. Burley is that the request for adjournment is for the purpose of delay and the planning issue relating to the second variance only surfaced in the last ten (10) days. He suggested that there may be a civil matter pending between Ms Saunderson and the Township. He stated that many of the residents took time away from work to attend today and wished to proceed. Mr. Ostrander and Mr. Richardson supported the submission of Mr. Burley.

4 The decision of the Board is to grant the adjournment. The second variance is not before the Board and it would be premature to hear evidence on only the variance for lot coverage today.

5 The hearing is set for 10:00 a.m. on Friday, June 3, 2005 for one day. The location is the Council Chambers, Township of Uxbridge, 51 Toronto Street South, Uxbridge. No further notice is required.

6 This member is seized.

7 The Board so Orders.

J.R. AKER, Member

qp/e/qlcct