

ISSUE DATE:

Jan. 24, 2006

DECISION/ORDER NO:

0249



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050619

The Town of Pelham has appealed to the Ontario Municipal Board under subsection 53(19) 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 Pelham which granted an application by Pentti Piironen and Paula Piironen numbered B5/05P to convey part of the lands composed 750 and 752 Canboro Road O.M.B. File No. C050210

Pentti Piironen and Paula Piironen have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 2678(2005) of the Town of Pelham
OMB File No. R050145

Craig
RECEIVED

JAN 27 2006

TOWN OF PELHAM

APPEARANCES:

Parties

Pentti and Paula Piironen

Town of Pelham

Counsel*/Agent

T.A. Richardson*

C. Larmour

**MEMORANDUM OF ORAL DECISION DELIVERED BY M.F.V. EGER ON
JANUARY 16, 2006 AND ORDER OF THE BOARD**

Minutes of Settlement, supported by Affidavit Planning Evidence of the Town's Director of Planning Services were filed with the Board in advance of today's telephone conference. The Board finds that the proposed revisions to the consent conditions are reasonable and the by-law as amended conforms to the relevant Official Plan.

On this basis, the Board allows the appeal of the Town of Pelham under subsection 53(19) of the *Planning Act* and the conditions to the decision of the Committee of Adjustment of the Town of Pelham dated June 14, 2005 are amended as follows:

1. Condition 4 is deleted; and

3rd

2. Condition 3 is deleted and replaced with the following new Condition 3:

Condition 3-

That the dwelling known municipally as 750 Canboro Road and situated on the subject parcel, be converted from a duplex dwelling to a single family detached dwelling, to the satisfaction of the Chief Building Official. Such conversion shall include the removal of one of the front (north face) entrances and suitable reinstatement; removal of any internal barriers to create a permanent connection between the storeys; removal of the stove and electrical supply therefore from the second floor kitchen; and removal of one hydro-electrical meter and appurtenances necessary to convert the duplex to a single detached dwelling, to the satisfaction of the electrical safety authority (Hydro One Inspection).

In all other respects, the conditions in the Committee's Decision remain the same.

Further, the appeal by the Piironens against By-law 2678 (2005) is allowed in part, and By-law 2678 (2005) is amended by deleting subsection 2(c) and substituting the following new subsection 2(c):

- 2(c) Maximum driveway width shall be 7.16 metres (23.5 feet) to be located between the extensions of the easterly and westerly limits of the existing dwelling.

A copy of the amended By-law is appended to this decision as Attachment "1". In all other respects, this appeal is dismissed.

So orders the Board.

"M.F.V. Eger"

M.F.V. EGER
VICE-CHAIR