

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 2nd meeting of 2018, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday February 21, 2018 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

### **PRESENT**

Marion Norton-Chair  
Ed Chillman  
Robert Harrison  
Brock Clark  
Rob Miller  
Emilia Gruyters-Secretary Treasurer

### **CALL TO ORDER**

**The meeting was called to order at 7:00 pm. The Chairperson asked if any of the members had a pecuniary interest in tonight's applications. Rob Miller declared a pecuniary interest in application A4/2018.**

Marion Norton – Chairperson read the following:

**Under the Freedom of Information and Protection of Privacy Act under the Environmental Assessment Act, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in all submissions become part of the public record files for this matter and can be released, if requested, to any person.**

The minutes from January 24, 2018 were not available.

### **A2/2018– Michael Schram, Lot 7 Plan 446 Block 69(Uxbridge), 109 New Street**

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Michael Schram was present as the owner of the property. He was proposing an addition which included a 2 car garage with living space above. The location was based on providing a parking space well away from the side walk and providing green space on the side entrance.

### **Written Comments**

Chief Building Official – See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

Report DS-05/18 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A2/2018, Relief from the minimum Exterior

Side Yard Depth, Relief from the Minimum Rear Yard Depth, Relief from the Minimum Setback from Street Centreline, Lot 7, Plan 446, Block 69 (Uxbridge) -109 New Street- Michael Schram.  
MOVED by Mayor O'Connor

'THAT Report DS-05/18, as amended, of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A2/2018, they should be satisfied that the proposed variances meet Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A2/2018, they should consider that the proposed addition be built further to the west to line up with the existing house therefore eliminating the need for a minor variance;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. Site and grading plans shall be prepared by a qualified person and be approved by the Chief Building Official prior to the issuance of a building permit.
2. Prior to the framing stage of the construction, an Ontario Land Surveyor shall submit a survey to the Township Building Department verifying the interior side yard width approved through the Committee of Adjustment Decision A2/2018.
3. The owner shall obtain a building permit within 1 year of the final date of appeal of Application A2/2018.
4. The addition constructed under the approval of Application A2/2018 shall be in substantial conformity with the design and location of the plans submitted with the application.
5. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant."

**CARRIED**

The owner did not have any issues with the conditions of approval but preferred not to move the addition to the west because it would not maximize the space of the property.

There was no one in the audience to speak to the application. A motion was made by Ed Chillman to approve the application. A second motion was not made.

## **DECISION**

Moved by Rob Miller, Seconded by Brock Clark that Application A2/2018 by Michael Schram, Lot 7 Plan 446 Block 69(Uxbridge), 109 New Street, Relief from Section 4.9.2.cii to recognize an existing exterior side yard depth of 4.2 m for a variance of 3.8 m, Relief from Section 4.9.2.c.iii (a) to permit an interior side yard width of 0.6 m for a variance of 0.6 m, Relief from Section 4.9.2.g.iv to recognize an existing minimum setback from street centreline from a Township road of 14.2 m for a variance of 3.8 m, **NOT BE APPROVED** for the following reasons:

- Granting the variance would interfere with providing a parking space for a full sized vehicle which could interfere with maintaining a clear sidewalk resulting in future parking tickets
- There is enough space on the property to avoid the variance by redesigning the addition and constructing it two feet west of the interior property line.

## **A3/2018– Antonio Albanese, Lot 5 Plan 40M-2308(Uxbridge), 23 Meadows End Cres**

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Antonio Albanese was present as the owner of the property. The addition was to add living space and a single car garage. A variance is required for the interior side yard width.

A letter was read from a neighbor. (See File)

### **Written Comments**

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

Report DS-06/18 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A3/2018, Relief from the minimum Interior Side Yard Dept, Lot 5, Plan 40M-2308 (Uxbridge)-23 Meadows End Cres. (Antonio Albanese).  
MOVED by Mayor O'Connor

'THAT Report DS-06/18 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A3/2018, they should be satisfied that the proposed variances meet Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. Site and grading plans shall be prepared by a qualified person and be approved by the Chief Building Official prior to the issuance of a building permit.

2. Prior to the framing stage of the construction, an Ontario Land Surveyor shall submit a survey to the Township Building Department verifying the interior side yard width approved through the Committee of Adjustment Decision A3/2018.

3. The owner shall obtain a building permit within 1 year of the final date of appeal of Application A3/2018.

4. The addition constructed under the approval of Application A3/2018 shall be in substantial conformity with the design and location of the plans submitted with the application.

5. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.

6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant."

**CARRIED**

The owner did not have any issues with the conditions of approval.

There was no one in the audience to speak to the application.

## **DECISION**

Moved by Bob Harrison, Seconded by Ed Chillman that Application A3/2018 by Antonio Albanese, Lot 5 Plan 40M-2308(Uxbridge), 23 Meadows End Cres, Relief

from Section 4.10.2.1.c.iii (a) to permit an interior side yard width of 0.6 m for a variance of 0.6 m, **BE APPROVED** for the following reasons:

1. **The application is minor in nature.**
2. **The development of the land is appropriate and desirable.**
3. **The intent of the By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

**Conditional Upon:**

1. Site and grading plans shall be prepared by a qualified person and be approved by the Chief Building Official prior to the issuance of a building permit.
2. Prior to the framing stage of the construction, an Ontario Land Surveyor shall submit a survey to the Township Building Department verifying the interior side yard width approved through the Committee of Adjustment Decision A3/2018.
3. The owner shall obtain a building permit within 1 year of the final date of appeal of Application A3/2018.
4. The addition constructed under the approval of Application A3/2018 shall be in substantial conformity with the design and location of the plans submitted with the application.
5. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**A4/2018– Brett & Tamara McKenney, Part Lot 17 Plan 83 Block 79, 72 Reach Street**

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Rob Miller had a pecuniary interest in this application and sat in the audience.

Brett & Tamara McKenney were present as owners of the property. They wanted to construct a two car garage with an in-law suite above. The encroachment into the side yard is to provide a 2 car garage space and a comfortable layout for the proposed apartment above.

Brett advised the committee that he has spoken to the Region of Durham Works department and they have no concerns with the location of the addition (See letter in file).

## Written Comments

Chief Building Official – See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

Report DS-07/18 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A4/2018, Relief from the minimum Interior Side Yard Depth, Relief from the Minimum Front Yard Depth, Relief from the Street Centerline, Relief from Driveway Width, Part Lot 17, Plan 83, Block 79 (Uxbridge) - 72 Reach Street - Brett and Tamara McKenney.

MOVED by Mayor O'Connor  
"THAT Report DS-07/18 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustments making a decision with respect to Application A4/2018, they should be satisfied that the proposed variances meet Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. Site and grading plans shall be prepared by a qualified person and be approved by the Chief Building Official prior to the issuance of a building permit.
2. Prior to the framing stage of the construction, an Ontario Land Surveyor shall submit a survey to the Township Building Department verifying the interior side yard width approved through the Committee of Adjustment Decision A3/2018.



3. The owner shall obtain an entrance permit from the Public Work Department.
4. The owner shall obtain a building permit within 1 year of the final date of appeal of Application A4/2018.
5. The addition constructed under the approval of Application A4/2018 shall be in substantial conformity with the design and location of the plans submitted with the application.
6. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.
7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant."

The owners had no concerns with the conditions of approval.

There was no one in the audience to speak to the application.

## **DECISION**

Moved by Brock Clark, Seconded by Ed Chillman that Application A4/2018 by Brett & Tamara McKenney, Part Lot 17 Plan 83 Block 79(Uxbridge), 72 Reach Street, Relief from Section 4.9.2.ci to recognize an existing front yard depth of 2.9 m for a variance of 5.1 m, Relief from Section 4.9.2.c.iii (a) to permit an interior side yard width of 0.6 m for a variance of 0.6 m. Relief from Section 4.9.2.g.iv to recognize an existing minimum setback from street centreline from a Township road of 12.9 m for a variance of 5.1 m, Relief from Section 5.1.h.ii to recognize an interior side yard width of 0.3 m for a variance of 1.1 m, **BE APPROVED** for the following reasons:

1. **The application is minor in nature.**
2. **The development of the land is appropriate and desirable.**
3. **The intent of the By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

### **Conditional Upon:**

1. Site and grading plans shall be prepared by a qualified person and be approved by the Chief Building Official prior to the issuance of a building permit.
2. Prior to the framing stage of the construction, an Ontario Land Surveyor

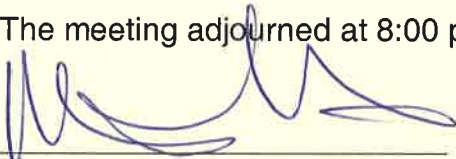
shall submit a survey to the Township Building Department verifying the interior side yard width approved through the Committee of Adjustment Decision A4/2018.

3. The owner shall obtain an entrance permit from the Public Works Department.
4. The owner shall obtain approval from the Region of Durham for the second driveway.
5. The owner shall obtain a building permit within 1 year of the final date of appeal of Application A4/2018.
6. The addition constructed under the approval of Application A4/2018 shall be in substantial conformity with the design and location of the plans submitted with the application.
7. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
8. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

**ADJOURNMENT**

The meeting adjourned at 8:00 pm



Marion Norton-Chairperson

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Emilia Gruyters- Secretary  
Treasurer