

MINUTES OF COMMITTEE OF ADJUSTMENT

The 1st meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday January 25, 2017 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Ed Chillman
Brock Clark
Rob Miller
Robert Harrison
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 and none were declared.

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 of December 21st were not available.

A1/2017- Tamara Stimpson & Gregory Church, Lot 10 Concession 2 (Uxbridge), 257 Ashworth Rd

Tamara Stimpson & Gregory Church were present as owners of the property. Tamara stated they wanted to operate a cidery and tasting room which would include fresh and hard ciders. An outdoor patio around the tasting room was also proposed. They would like to provide tours about how the cider is made.

Written Comments

Lake Simcoe Region Conservation Authority – 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-01/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 1/2017, Relief from the definition of a farm

produce retail outlet, Relief from the temporary or seasonal operation of a farm produce retail sales outlet, Relief from Relation to Street, Relief from the Front Yard Depth and Relief from the Minimum Setback from the Street Centreline, Lot 10 Concession 2 (Uxbridge), 257 Ashworth Rd. - Tamara Stimpson & Gregory Church

MOVED by Councillor Molloy

"THAT Report DS-01/17 of Emilia Gruyters, Planning Technician received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A1/2017, they should be satisfied that the proposed variance meets 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 Bylaw, the following conditions should be established:

1. Prior to the issuance of the building permit for the new building and alterations to the existing building, the owner/applicant satisfy the requirements of the LSRCA with respect to A1/2017.
2. Prior to the issuance of the building permit for the new building and alterations to the existing building, the owner/applicant satisfy the requirements of the Region of Durham Health Department.
3. The applicant obtain a building permit for the accessory building and alterations to the existing building within one (1) year of the final date of appeal of Application A 1/2017.
4. The approval of the variance shall apply only to the tasting room considered under Application A1/2017.
5. The owner/applicant enter into a site plan agreement with the Township of Uxbridge.
6. The costs of fulfilling the above conditions shall the responsibility of the owner

A letter of objection was read. (See File)

Tamara addressed the letter of objection. (See File)

Tracy Spatz from 253 Ashworth Rd was present in the audience. She was requesting the application be tabled because of a number of concerns which included traffic, consumption of alcohol and the fact that the property is not being farmed. She objected to the variance because she felt the building was

too close to the road and is not in character with the surrounding properties and she felt the property was not large enough for this type of use.

Emilia Gruyters stated as a result of the owners response to some of the neighbours concerns, a number of other variances were identified and would have to be addressed through a revised minor variance application or possible a re-zoning application. A future meeting with the owner would have to be scheduled.

Letters of opposition were read. (See File)

A letter of support was read.(See File)

DECISION

Moved by Bob Harrison, Seconded by Brock Clark that application A1/2017 by Tamara Stimpson & Gregory Church, Lot 10 Concession 2 (Uxbridge), 257 Ashworth Rd, Relief from Section 4.4.1.b.iii to permit a farm produce retail sales outlet to operate all year round, Relief from Section 1.52 to permit the sale of the farm produce to be reprocessed, Relief from Section 4.4.3.c.i to permit a minimum front yard depth of 5.0 m for a variance of 25.0 metres, Relief from Section 4.4.3.iv to permit a minimum setback from street centreline of a Township Rd of 15.1 m for a variance of 24.9 m, **BE TABLED UNTIL THE CONCERNS OF THE LAKE SIMCOE REGION CONSERVATION AUTHORITY, REGION OF DURHAM HEALTH DEPARTMENT AND TOWNSHIP OF UXBRIDGE HAVE BEEN ADDRESSED.**

CARRIED

A2/2017- Bill & Anne Starke, Part Lot 15 Concession 3, 40R-12937 Part 1(Uxbridge) 3840 Concession Rd 4

Bill and Anne Starke were present as owners of the property. Bill stated they were before the committee of adjustment again to propose a second storey above the garage approved in September 2016. The garage would remain in the same location but it would be slightly longer to accommodate the stairs inside.

Written Comments

Report from Development Services – See File

Fire Department – See File

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

Report DS-02/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A2/2017, Relief from the Maximum Total Gross Floor Area of all Accessory Buildings & Structures, Relief from the Maximum, Building Height of an Accessory Building & Structure, Part Lot 15 Concession 3, 40R-12937 Part 1 (Uxbridge), 3840 Concession Rd 4, Bill & Anne Starke

MOVED by Mayor O'Connor

"THAT Report DS-02/17 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A2/2017, they should be satisfied that the proposed variance 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;

AND THAT the approval of the variance apply only to the total gross floor area of the accessory building and building height as contemplated under Application A2/2017;

AND THAT the owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A2/2017;

AND THAT the construction under the approval of Application A2/2017 be in substantial conformity with the design and location of the plans submitted with the application;

AND THAT the costs of fulfilling the conditions be the responsibility of the owner."

AND THAT the Applicant enter into an agreement establishing that this structure shall not be used for habitation;

AND THAT this agreement be registered against the title of the property."

The owners had no concerns about the conditions of approval.

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

Ed asked why they were doubling the size of the garage. He stood on the property next door and the neighbours will be facing an 8 foot wall once the construction is complete.

Bill said it was more economical to add the second floor and they needed the storage space.

Brock wanted clarification on the covered areas of the garage. The covered areas were included in the calculation for the total gross floor area.

Marion asked if the intent of the stairs were to provide habitation on the second floor of the garage. The owners stated it was not their intent to do so.

DECISION

Moved by Robert Harrison, Seconded by Rob Miller that application A2/2017 by Bill & Anne Starke, Part Lot 15 Concession 3, 40R-12937 Part 1(Uxbridge) 3840 Concession Rd 4, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 114.1 m² for a variance of 54.1 m² and to permit a building height of 5.3 m for a variance of 0.3 m, **BE APPROVED** as applied 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:

The approval of the variance apply only to the total gross floor area of the accessory building and building height as contemplated under Application A2/2017.

The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A2/2017.

The construction under the approval of Application A2/2017 be in substantial conformity with the design and location of the plans submitted with the application.

The accessory building not be used for human habitation, commercial or industrial purposes. An agreement between the Township and the owner be entered into to ensure this requirement.

Approval of the accessory building should be conditional that there shall be no plumbing in the building.

The costs of fulfilling the conditions be the responsibility of the owner.

CARRIED

A3/2017- James & Clare Meadway, Lot 15 M1166 (Uxbridge), 6 Norton Drive

James and Clare Meadway were present as owners of the property. James stated they wanted to operate swimming lessons from their existing inground pool.

James read a motivational letter outlining the need for swimming lessons.

The lessons would be taught by his wife Clare and one other swimming instructor.

Written Comments

Report from Development Services – See File

Fire Department – See File

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

Report DS-03/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A3/2017, Relief from the General Provisions of the Home Occupation By-law Lot 15 M 1166 (Uxbridge),6 Norton Drive- James & Clare Meadway

MOVED by Mayor O'Connor
"THAT Report DS-03/17 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A3/2017, they should be satisfied that the proposed variance 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;

AND THAT the approval of the variance apply only to the home occupation/swimming lessons as contemplated under Application A3/2017;

AND THAT the swimming lessons shall cease upon the sale or lease of the property."

AND THAT the Applicant assure that sufficient parking be provided on the property."

CARRIED

Ms. Emes – Chambers from 5 Norton Drive was present in the audience. She read a letter of support(See File).

Ms. Donner from 7 Chilton Road was present in the audience. She supported the application because Clare Meadway provides quality swim lessons. She drives 30 minutes to participate in the lessons.

Eric Diesberger from 8 Norton Drive was present in the audience. He lives next door and has no issues with the swim lessons.

Ms. Kalback from 184 Rob Irwin Drive was present in the audience. She supported the application because the lessons are safe and personalized.

Ms. Wood from 59 O'Brien Avenue in Stouffville was present in the audience. She supported the application because Clare Meadway helps children succeed and not be afraid of water.

Ms. Garganis from 41 Campbell Drive was present in the audience. She supported the application because Clare helps children pass the various levels of swimming.

Ms. Verder was from 2 Norton Drive was present in the audience. She said there should be no problems with traffic. She supported the application.

Ms. Nelson from 20 Norton Drive was present in the audience. She supported the application because she felt it was vital to family life safety. Children become confident in the water.

Ms. Pollock from 77 Fred Silvester Rd in Stouffville was present in the audience. She supported the application because it was an important service. There has been no problems with noise or cars blocking the road or driveway.

Brock Clark asked whether the owner could provide parking for 96 cars.

After further discussions about the requirements for the home occupation, 96 cars were not required. The by-law requires the property to provide 2 parking spaces for the home occupation. The property can provide up to 6 spaces. Many of the students have siblings which take the lessons and not all parents wait for the lessons to be over.

The committee determined that had parking and noise issues been an problem, the overwhelming support for the swimming lessons would not be present at this meeting.

DECISION

Moved by Rob Miller, Seconded by Ed Chillman that application A3/2017 by James & Clare Meadway, Lot 15 M1166 (Uxbridge), 6 Norton Drive, Relief from Section 5.10.g to permit the home occupation be conducted outside the dwelling unit, **BE APPROVED** as applied 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:

The approval of the variance apply only to the home occupation/swimming lessons as contemplated under Application A3/2017.

The swimming lessons shall cease upon the sale or lease of the property.

The home occupation/swimming lessons comply with all other requirements of the home occupation by-law.


Reasons for the Approval:

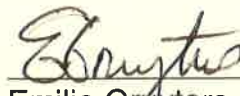
The local support was overwhelming and should be a success.

CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm



Marion Norton- Chairperson

Emilia Gruyters- Secretary
Treasurer