

MINUTES OF COMMITTEE OF ADJUSTMENT

The 7th meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday July 20, 2016 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. Marion Norton had a pecuniary interest in Application A16/2016.

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.

Minutes were not available for this meeting.

A13/2016- Jeff Acorn, Part Lot 36 PCL K Concession 6 (Uxbridge), 648 Ball Rd

Jeff Acorn was present as the owner of the property. He stated he had one building on the property and wanted to construct another barn to store equipment for the property. The required 100' from the property line would place the building in a location that would interfere with the existing path and use of the property.

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-34/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 13/2016, Relief from the Interior Side Yard Width for a Non-Residential Building, Loy 36 PCL

K Concession 6 - 648 Ball Road, Jeff Acorn

MOVED by Councillor Hight, SECONDED by Councillor Ballinger
"THAT the Council of the Township of Uxbridge receive
Report DS-34/16 of Emilia Gruyters, Planning Technician for
information;

AND THAT that prior to the Committee of Adjustment making
a decision with respect to Application A 13/2016, 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:

1. The interior side yard width be in substantial
conformity or greater than the setback proposed by
this application;
2. The approval of the variance apply only to the interior
side yard width of the new farm implement shed and
existing barn contemplated under Application
A13/2016;
3. The owner/applicant obtain a building permit for the
construction within one (1) year of the final date of
appeal of Application A13/2016;
4. The construction under the approval of Application
A 13/2016 be in substantial conformity with the design
and location of the plans submitted with the
application;
5. The costs of fulfilling the conditions be the
responsibility of the owner."

CARRIED

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

The new truss drawings were recognized by the members. The new drawings would not
affect the application considered at tonight's meeting.

Bob asked about the approximate location of the building. The building would be located approximately where the paddock is located. The paddock area will be smaller once the building is constructed.

Brock asked about the items that would be stored in the building. The building would store equipment for the property and items for the horses. There are no horses on the property because they are preparing the property for them. The horses will be arriving from the North Bay area.

Marion stated the lean to on the property has equipment stored under it and wanted to know whether this equipment will be stored in the new building. This equipment would be stored in the new building and they plan on beginning construction in the fall. The building will store hay among other things. There may be water in the building for the horses but heat will not be installed.

The members had no further questions.

DECISION

Moved by Rob Miller, Seconded by Brock Clark that application A13/2016 by Jeff Acorn, Part Lot 36 PCL K Concession 6 (Uxbridge), 648 Ball Rd, Relief from Section 4.4.3.c.iii to permit an interior side yard width of 12.1 m for a variance of 17.9 m and to recognize an existing side yard width of 27.2 m for a variance of 2.8 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:

1. The interior side yard width be in substantial conformity or greater than the setback proposed by this application.
2. Prior to the framing stage of the construction, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the side yard setbacks approved through the Committee of Adjustment decision A13/2016.
3. The approval of the variance apply only to the interior side yard width of the new farm implement shed and existing barn contemplated under Application A13/2016.
4. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A13/2016.

- 5. The construction under the approval of Application A13/2016 be in substantial conformity with the design and location of the plans submitted with the application.
- 6. The costs of fulfilling the conditions be the responsibility of the owner.

CARRIED

A14/2016- Clint & Jayann Nicolle, Plan 856 Block A (Uxbridge), 50 Nicholson Dr

Clint and Jayann were present as the owners of the property. Jayann explained they wanted to expand the existing deck and alter the existing porch. There is an existing unassumed road along the side of the property which is the exterior side yard. They are unable to meet the setback to the exterior side yard.

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-35/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A14/2016, Relief from the Interior Side Yard Width for an Accessory Building, Plan 856 Block A (Uxbridge)- 50 Nicholson Drive, Clint and Jayann Nicolle

MOVED by Councillor Barton, SECONDED by Councillor Hight "THAT the Council of the Township of Uxbridge receive Report DS-35/16 of Emilia Gruyters, Planning Technician for information; AND THAT prior to the Committee of Adjustment making a decision with respect to Application A14/2016, 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:

- 1. Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A14/2016;

2. The interior side yard width be in substantial conformity or greater than the setback proposed by this application;
3. The approval of the variance apply only to the porch and deck contemplated under Application A14/2016;
4. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A14/2016;
5. The construction under the approval of Application A14/2016 be in substantial conformity with the design and location of the plans submitted with the application;
6. The costs of fulfilling the conditions be the responsibility of the owner."

CARRIED

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

DECISION

Moved by Ed Chillman, Seconded by Robert Harrison that application A14/2016 by Clint & Jayann Nicolle, Plan 856 Block A (Uxbridge), 50 Nicholson Dr, Relief from Section 4.7.2.c.ii to permit an exterior side yard width of 4.1 m for a variance of 5.9 m, Relief from 5.1.h to recognize an interior side yard setback for the garage of 0.07 m for a variance of 1.1 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:

1. Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A14/2016.
2. Prior to the framing stage of the construction, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the side yard setbacks approved through the Committee of Adjustment decision A14/2016.

3. The interior side yard width be in substantial conformity or greater than the setback proposed by this application.
4. The approval of the variance apply only to the porch and deck contemplated under Application A14/2016.
5. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A14/2016.
6. The construction under the approval of Application A14/2016 be in substantial conformity with the design and location of the plans submitted with the application.
7. The costs of fulfilling the conditions be the responsibility of the owner.

CARRIED

A15/2016- Chris Doyle & Karen Viggiani, Lot 28 Plan 749 (Uxbridge), 128 Pilkey Rd

Chris Doyle and Karen Viggiani were present as the owners of the property. The property was bought in 2013 and they wanted to build a dwelling once Chris was retired. They consulted with Lake Simcoe Region Conservation Authority (LSRCA) and because of the changes with the code in 2015, the dwelling would have to be moved away from the flood plain which travels at the rear of the property. The move away from the rear flood plain area forces the dwelling closer to the front lot line. The end result is the dwelling cannot meet the front yard setback. The dwelling will be a bungalow with a walkout. This design will blend in with the adjacent properties. If the front yard setback is not approved this evening, a 2 storey dwelling will have to be built which does not meet the character of the surrounding homes.

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-36/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 15/2016, Relief from the Minimum Front Yard Depth of a Residential Use and Relief from the Minimum Setback from the Street Centreline, Lot 28, Plan 749 (Uxbridge) -128 Pilkey Road, Chris Doyle and Karen Viggiana

MOVED by Councillor Barton, SECONDED by Councillor Bryan
'THAT the Council of the Township of Uxbridge receive Report

DS-36/16 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A 15/2016, 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:

1. Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A15/2016;
2. The approval of the variance apply only to the front yard depth and setback from the street centreline from a Township Road as contemplated under Application A15/2016;
3. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A 15/2016;
4. The construction under the approval of Application A15/2016 be in substantial conformity with the design and location of the plans submitted with the application;
5. The costs of fulfilling the conditions shall be the responsibility of the owner."

CARRIED

A letter in opposition to the development was read (see file).

Emilia Gruyters responded to the concerns addressed in the letter.

1. The neighbours within 60 metres of the property were circulated within 10 days of the meeting. A sign was posted on the property within 10 days of the meeting to notify anyone else who may have an interest in the application.
2. An individual came to the counter and asked about the process to approve the minor variance. The process was explained and her questions were answered.
3. Staff reports and other agency comments were not available because they had not been received at the time of the inquiry.

4. Complete architectural plans for minor variance applications are not required. At the time of application, a site plan and elevation drawings are requested and sometimes floor plans depending on the minor variance requested.
5. A complete set of architectural plans are required during the building permit process including grading plans.
6. A well report and approval of the septic system is requested before the issuance of a building permit. The septic system design is approved by the Region of Durham Health Department.
7. The removal of trees or issues with natural features will be reviewed by LSRCA.
8. Development statistics such as coverage are required during the building permit application process. Discussions with the owner during the submission of the minor variance application indicated there were no other variances required.
9. There is no indication of further variances. A further review of the zoning requirements will take place during the building permit application process. A scaled site plan will be required during the building permit application process. A variance for the minimum lot frontage is not required as per the General Provisions of Section 5.5 in Zoning By-law 81-19, as amended.
10. An arborist report and or environmental study may be required after the LSRCA review.
11. A planning justification report is requested by the Township of Uxbridge for re-zoning applications and are not requested for a minor variance application.
12. The four tests for the minor variance will be considered during the decision made by the Committee of Adjustment.

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

DECISION

Moved by Robert Harrison, Seconded by Ed Chillman that application A15/2016 by Chris Doyle & Karen Viggiani, Lot 28 Plan 749 (Uxbridge), 128 Pilkey Rd, Relief from Section 4.7.2.c.i to permit an front yard depth of 7.3 m for a variance of 2.7 m, Relief from Section 4.7.f.iv to permit a minimum setback from the street centerline of a Township Road of 17.3 m for a variance of 2.7 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:

1. Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A15/2016.
2. Prior to the framing stage of the construction, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the front yard setback approved through the Committee of Adjustment decision A15/2016.
3. The approval of the variance apply only to the front yard depth and setback from the street centreline from a Township Road as contemplated under Application A15/2016.
4. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A15/2016.
5. The construction under the approval of Application A15/2016 be in substantial conformity with the design and location of the plans submitted with the application.
6. The owner/applicant satisfy the requirements of the Region of Durham Health Department with respect to A15/2016.
7. The costs of fulfilling the conditions shall be the responsibility of the owner.

CARRIED

A16/2016- Alfred Dolson & Sandra Boryszko, Part Lot 5 Concession 4 (Uxbridge), 469 Webb Rd

Marion Norton had a pecuniary interest in the application and removed herself from the panel and sat in the audience.

Alfred Dolson was present as the owner of the property. The main floor of the building does not exceed the 93 m² maximum permitted by the Zoning By-law. The 2nd storey of the proposed garage increases the gross floor area over the maximum permitted. The height will exceed the maximum permitted by the by-law but the figures given are greater than the actual height. The owner has woodworking equipment he would like to store in the new building as well as his own vehicles.

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

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-37/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 16/2016, Relief from the Total Gross Floor Area of Accessory Buildings and Relief from the Building Height of an Accessory Building, Part Lot 5, Concession 4 (Uxbridge)- 469 Webb Road- Alfred Dolson and Sandra Boryszko

MOVED by Councillor Bryan, SECONDED by Councillor Molloy "THAT the Council of the Township of Uxbridge receive Report OS-37/16 of Emilia Gruyters, Planning Technician for information;

AND THAT the Council of the Township of Uxbridge does not support Committee of Adjustment Application A 16/2016."

CARRIED

Brock stated when he visited the property, he observed a white chasse box and canvass covered storage area. These don't appear on the application. These items will be removed once the building is constructed. Brock asked what was in the building and the owner stated it was used for storage.

Brock continued to say he noticed a path on the property used to access the back of the yard. If the building is approved, will there be the same access to enter the back yard. There would be access for a farm tractor. Brock asked how the building would be removed if access would only be for a tractor. The owner felt there would be enough room to remove the chasse box.

Brock asked if the Juliet balcony was functional and the owner said you could stand on it and look out. Brock asked why the stairs were on the outside of the building. The owner said the stairs would take up too much space on the inside. The second floor would be used to store antiques. The owner said the second floor is insignificant to the cost of the entire building. The building would have hydro installed but no plumbing except for an exterior fixture for a garden hose.

Rob Miller asked if the box would be removed and the owner said only after the construction of the new building which was needed to store these items. There would not be heating installed in the lower part of the building. The upper level would not be divided into rooms.

Bob Harrison asked if the downstairs would be insulated. It would be insulated.

Brock expressed concern about the balcony and the stairs. He wanted to see the outside stairs and balcony removed from the drawings. The owner stated the balcony would be used to move in large items and the entrance to the building could be changed. He re-stated the second storey was not much more money than the entire cost of the building. He stated he would be signing an agreement to ensure it would not be used for human habitation, commercial or industrial uses.

Ed Chillman stated the issues with the stairs is it suggests human habitation or living quarters. Alfred stated it would be difficult to connect an apartment to the existing septic system because of the elevation on the property.

DECISION

Moved by Robert Harrison, Seconded by Brock Clark that application A16/2016 by Alfred Dolson & Sandra Boryszko, Part Lot 5 Concession 4 (Uxbridge), 469 Webb Rd, Relief from Section 5.1.d to permit a total gross floor area of 189.9 m² for a variance of 96.8 m² and to permit a building height of 8.5 m for a variance of 3.5 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:

1. The accessory building not be used for human habitation, commercial or industrial purposes. An agreement between the Township and the owner should be entered into to ensure this requirement.
2. The size of the garage and building height be in substantial conformity or less with the size of the garage proposed by this application.
3. The approval of the variance apply only to the garage contemplated under Application A16/2016.
4. The owner/applicant obtain a building permit for the construction within one (1) year of the final date of appeal of Application A16/2016.
5. Approval of the accessory building be conditional that there shall be no plumbing in the building.
6. The construction under the approval of Application A16/2016 be in substantial conformity with the design and location of the plans submitted with the application.
7. The white chase box be removed within one month of the final inspection of the new garage.

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

CARRIED

Marion Norton returned to the panel to chair the remainder of the meeting.

A17/2016- John & Joanne Fraser, Part Lot 20 Concession 5, 40R-17939 Part 3(Uxbridge), 543 Wagg Rd

John Fraser was present as the owner of the property. He stated it was his second time before the committee because of an error in the interpretation of the use of the proposed building. He wanted a large building as proposed the first time he appeared before the committee but he has decided to reduce the size which will still accommodate his need for storage.

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-38/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 17/2016, Relief from the Total Gross Floor Area of Accessory Buildings and Relief from the Building Height of an Accessory Building, Part Lot 20, Concession 5, 40R-17939, Part 3 (Uxbridge)- 543 Wagg Road, John and Joanne Fraser

MOVED by Councillor Beach, SECONDED by Councillor Ballinger "THAT the Council of the Township of Uxbridge receive Report DS-38/16 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A17/2016, 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:

1. The approval of the variance apply only to the new

building contemplated under Application A17/2016;

2. The applicant obtain a building permit for the accessory storage building within one (1) year of the final date of appeal of Application A17/2016;

3. The size of the garage and building height be in substantial conformity or less with the size and height proposed in Application A17/2016."

CARRIED

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

Marion asked when the construction would take place. The owner wanted to start as soon as possible.

DECISION

Moved by Robert Miller, Seconded by Bob Harrison that application A17/2016 by John & Joanne Fraser, Part Lot 20 Concession 5, 40R-17939 Part 3(Uxbridge), 543 Wagg Rd, Relief from Section 5.1.d to permit a total gross floor area of all accessory structures and buildings of 173.9 m² for a variance of 80.9 m² and to permit a building height of 6.7 m for a variance of 1.7 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:

1. The approval of the variance apply only to the new building contemplated under Application A17/2016.
2. The applicant obtain a building permit for the accessory storage building within one (1) year of the final date of appeal of Application A17/2016.
3. The size of the garage and building height be in substantial conformity or less with the size and height proposed in Application A17/2016.

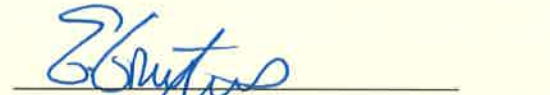
CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm



Marion Norton- Chairperson



Emilia Gruyters- Secretary Treasurer