

MINUTES OF COMMITTEE OF ADJUSTMENT

The 6th meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday July 19, 2017 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Cathie Proulx
Brock Clark
Robert Harrison
Rob Miller
Emilia Gruyters-Secretary Treasurer

ABSENT

Ed Chillman

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.

Moved by Rob Miller, Seconded by Brock Clark, that the minutes of June 21, 2017 hearing be approved, as presented.

**A19/2017-- Michael & Elizabeth Papadamou- Demetre Bazios(Agent)
Part Lot 32 Concession 1 40R16267 Part 1 (Uxbridge), 14239 Concession Rd 1(York-Durham Line)**

Michael and Elizabeth Papadamou were present as owners of the property. Michael explain the proposed building was to store 5 boats and jet skis. The cost to store these items elsewhere was too great. The height variance is needed because of the boats that are being stored.

Written Comments

Fire Department – See File

Report from Development Services – See File

Lake Simcoe Region Conservation Authority – See File

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

Report DS-36/17 Emilia Gruyters Planning Technician-Development re Services re Relief from the Maximum Total Gross Floor Area of all Accessory Buildings & Structures Relief from the Maximum Building Height of any Accessory Building or Structures Part Lot 32 Concession 1 40R16267 Part 1 (Uxbridge) 14239 Concession Rd 1 (York-Durham Line) Michael & Elizabeth Papadamou- Demetre Bazios (Agent)

MOVED by Councillor Hight, SECONDED by Councillor Molloy "THAT the Council of the Township of Uxbridge receive Report DS-36/17 of Emilia Gruyters Planning Technician Development for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A19/2017, 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 shall apply only to the total gross floor area and building height as contemplated under Application A 19/2017;

AND THAT the owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A 19/2017;

AND THAT the accessory building shall not be used for human habitation, commercial or industrial purposes. An agreement between the Township and the owner shall be entered into to ensure this requirement. This agreement shall be registered on title;

AND THAT the construction under the approval of Application A 19/2017 shall be in substantial conformity with the design and location of the plans submitted with the application;
AND THAT the costs of fulfilling the conditions shall be the responsibility of the owner."

CARRIED

The owners did not have issues with the conditions read.

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

Marion Norton asked if there would be water or heat. There would be no water installed in the building and the owner would use propane to heat the building. The owner wanted to start construction as soon as possible. The owner was advised he could apply for the permit but it would not be issued until the 21st day.

DECISION

Moved by Robert Harrison, Seconded by Cathie Proulx that application A19/2017 Michael & Elizabeth Papadamou- Demetre Bazios(Agent) Part Lot 32 Concession 1 40R16267 Part 1 (Uxbridge), 14239 Concession Rd 1(York-Durham Line), Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 233.0 m² for a variance of 140.0 m² and to permit a building height of 6.1 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. The approval of the variance shall apply only to the total gross floor area and building height as contemplated under Application A19/2017.
2. The owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A19/2017.
3. The accessory building shall not be used for human habitation, commercial or industrial purposes. An agreement between the Township and the owner shall be entered into to ensure this requirement. This agreement shall be registered on title.
4. The construction under the approval of Application A19/2017 shall 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.
6. The owner/applicant satisfy the requirements of the Lake Simcoe Region Conservation Authority

**A20/2017- Donald & Laurie-Anne Penner Part Lot 32 40M-1707 (Uxbridge)
13 Campbell Drive**

Donald and Laurie-Anne Penner were present as the owners of the property. Donald explained that they have applied for a land division application which has been conditionally approved. They are following the pattern of the three lots developed a few years ago on Cemetery Rd. They are creating three lots and one of the lots requires a variance for the lot frontage of 15.7 m.

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-37/17 of Emilia Gruyters Planning Technician Development re Relief from the Minimum Lot Frontage Part Lot 32 40M-1707- 13 Campbell Drive Don & Laurie-Anne Penner; MOVED by Councillor Bryan, SECONDED by Councillor Highet "THAT the Council of the Township of Uxbridge receive Report DS-37/17 of Emilia Gruyters Planning Technician Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A20/2017, 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 By-law, the following conditions should be established;

AND THAT in the event that the other conditions of approval of the related consent application are not satisfied, the decision of the Committee of Adjustment for this application shall be deemed null and void."

CARRIED

David McIntosh from 15 Campbell Drive was present in the audience. He was concerned about the trees bordering the property and the impact the development would have on them. Donald stated he was working with Ralph Grandner, a surveyor to develop a grading/drainage plan and to ensure the least amount of damage is made to the trees.

Rob Miller asked about the discrepancy between the variance requested and the dimensions given on the survey.

Emilia Gruyters explained that where the lot lines are not parallel or the front lot line is not straight the zoning by-law states that the lot frontage is measured from the required front yard depth which is 8 m for this zone.

Marion Norton asked if the grades would be similar to the lots created on Cemetery Rd. The owner stated they would be and further stated they will continue to live at 13 Campbell Drive and will try to ensure the development does not have a negative impact on the neighbourhood.

DECISION

Moved by Brock Clark, Seconded by Rob Miller that application A20/2017 by Donald & Laurie-Anne Penner Part Lot 32 40M-1707 (Uxbridge) 13 Campbell Drive, Relief from Section 4.9.2.b.i to permit a minimum lot frontage requirement of 15.7 m for a variance of 1.3 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:

In the event that the other conditions of approval of the related consent application are not satisfied, the decision of the Committee of Adjustment for this application shall be deemed null and void.

CARRIED

A21/2017- Barry & Connie Prentice, Part Lot 31 Concession 3 (Uxbridge), 370 Regional Rd 8

Barry and Connie Prentice were present as the owners of the property. Barry stated they wanted to building garage/barn to store a tractor, small items and use the building for a workshop for his personal use.

Written Comments

Report from Development Services – See File

Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

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

Report DS-38/17 of Emilia Gruyters Planning Technician Development re Relief from the Maximum Total Gross Floor Area of all Accessory Buildings & Structures Relief from the Maximum Building Height of any Accessory building or Structures Part Lot 31 Concession 3 - 370 Regional Rd 8 Barry & Connie Prentice;

MOVED by Councillor Molloy, SECONDED by Councillor Highet "THAT the Council of the Township of Uxbridge receive Report DS-38/17 of Emilia Gruyters Planning Technician Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A21/2017, 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 owner/applicant satisfy the requirements of the Lake Simcoe Region Conservation Authority;

AND THAT the approval of the variance shall apply only to the total gross floor area and building height as contemplated under Application A21/2017;

AND THAT the owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A21/2017;

AND THAT the accessory building shall not be used for human habitation, commercial or industrial purposes;

AND THAT the construction under the approval of Application A21/2017 shall be in substantial conformity with the design and location of the plans submitted with the application;

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

CARRIED

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

Marion asked the owner to clarify what would be repaired in the building. A tractor and any other equipment that would require his attention.

Marion asked if the building would be heated or have water. The building might have a stove but there would not be water installed. The owner wanted to begin construction as soon as possible.

DECISION

Moved by Rob Miller, Seconded by Bob Harrison that application A21/2017 by Barry & Connie Prentice, Part Lot 31 Concession 3 (Uxbridge), 370 Regional Rd 8, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 187.6 m² for a variance of 94.6 m² and to permit a building height of 5.6 m for a variance of 0.6 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 owner/applicant satisfy the requirements of the Lake Simcoe Region Conservation Authority.
2. The approval of the variance shall apply only to the total gross floor area and building height as contemplated under Application A21/2017.
3. The owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A21/2017.
4. The accessory building shall not be used for human habitation, commercial or industrial purposes.
5. The construction under the approval of Application A21/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.
6. The costs of fulfilling the conditions shall be the responsibility of the owner.

**A22/2017- Uxbridge Commercial Centre Inc.-Miller Planning Services-
Rodger Miller (Agent) Lots 1, 2 M1181 40R-28783 (Uxbridge), 2 Douglas
Street**

Rodger Miller was present as the agent/planner for the development. He stated the minor variance and site plan application have been applied for simultaneously. He presented a drawing identifying the variances to the committee members. He stated a right in only entrance would exist from Toronto Street and there would be another entrance/exit from Douglas Road. The rear property line is angled and they are trying to utilize as much of the property as possible. They are able to provide the parking but the design of the property has resulted in seeking permission for a number of variances. For example, the height proposed is greater than the by-law permits but there are parts of the building that are less than 6m.

The committee members expressed concerns about traffic and congestion on the property. The area where the lanes for the restaurants would merge were discussed. Rodger stated a traffic study has been submitted to the Region and should not be a concern. He also stated a stop bar would be installed at the south end of the property for the restaurant and right in only entrance.

Written Comments

Report from Development Services – See File

Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

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

Report DS-39/17 of Emilia Gruyters Planning Technician Development re Relief from the Minimum Rear Yard Depth, Relief from the Minimum Floor Space Index, Relief from the Minimum Height Requirement, Relief from the Minimum Building Frontage, Relief from the Stacking Lane Requirement Lots 1, 2, M 1118 40R-28783 Part 1 (Uxbridge) 2 Douglas Street Uxbridge Commercial Centre Inc.-Miller Planning Services-Rodger Miller (Agent);

MOVED by Councillor Bryan, SECONDED by Councillor Molloy
"THAT the Council of the Township of Uxbridge receive Report DS-39/17 of Emilia Gruyters Planning Technician Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A22/2017, 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 owner/applicant satisfy the requirements of the Lake Simcoe Region Conservation Authority;

AND THAT the approval of the variance shall apply only to the list of variances as contemplated under Application A22/2017;

AND THAT the owner/applicant shall obtain a building permit application for the construction within two (2) years of the final date of appeal of Application A22/2017;

AND THAT the owner/applicant shall enter into a site plan agreement with the Township of Uxbridge."

CARRIED

Vince Saccucci from 74 Wellington Street in Aurora was present in the audience and was representing the interests for 304 Toronto St S. He wanted to express concern about the 4 tests of the minor variance application. He felt the requests being made were not minor. For example the request for the rear yard setback from 4.0 m to 1.0 is a change of 75 %. The height request was a 20% change. This was true for the remaining variances as well. He felt that it was a precedent for others to follow.

Rodger felt Mr. Saccucci observations did not address the impact of the development and variances. Rodger felt the variances were minor in nature.

Brock Clark expressed concern about the traffic entering Douglas Street and the impacts it would have on the Douglas crossing development. He recommended a traffic light be installed to address the possible congestion.

Rodger stated a traffic study was submitted to the Region and there has been no recommendation for this request.

Rob Miller asked about the drop in grade at the location of the right in only off of Toronto St and how it would be dealt with. As part of the site plan application a grading and drainage plan will require a fill permit which will provide the safe access to the site. The fill permit has been approved with conditions. Rob asked about whether there would be landscaping between the retirement residence and the proposed development. Rodger stated the consultants have requested grading and drainage plans to work with the adjacent lands for grading and landscaping. It has not been finalized. Rob asked if there is evidence of contamination on the site. An ESA 1 has been conducted and submitted to the Region.

Marion Norton asked if the two (2) year requirement to obtain a building permit application was sufficient. Given the various studies and approvals needed for

the development a decision was made to allow for a three (3) year period.

Discussions took place about the possible sources of the fill. Rodger stated it may come from development within the Township, Douglas Crossing (Phase 2) or an approved pit or quarry.

DECISION

Moved by Rob Miller, Seconded by Cathie Proulx that application by A22/2017- Uxbridge Commercial Centre Inc.-Miller Planning Services- Rodger Miller (Agent) Lots 1, 2 M1181 40R-28783 (Uxbridge), 2 Douglas Street, Relief from Section 4.17.5.2.b.iv to permit a minimum rear yard depth of 1.0 m for a variance of 3.0m, Relief from section 4.17.5.2.b.v to permit a minimum floor space index of 0.28 for a variance of .02, Relief from section 4.17.5.2.b.ix to permit a minimum building height of 5.1 m for a variance of 0.9 m, Relief from section 4.17.5.2.b.xi to permit a minimum lot frontage of 32% for a variance of 0.8%, Relief from section 5.15.h.i.c to permit 7 and 9 spaces and 3 and 4 spaces for a variance of 3 and 4 respectively, **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 owner/applicant satisfy the requirements of the Lake Simcoe Region Conservation Authority.
2. The approval of the variance shall apply only to the list of variances as contemplated under Application A22/2017.
3. The owner/applicant shall obtain a building permit application for the construction within three (3) years of the final date of appeal of Application A22/2017.
4. The owner/applicant shall enter into a site plan agreement with the Township of Uxbridge.

A23/2017- Wesley & Valerie Wilson, Part Lot 33 Concession 7 40R13090 Parts 1 & 2 40R9236 Part 1(Uxbridge), 29 Michael Cummings Crt

Wesley & Valerie were present as owners of the property. Wesley stated he has approval for the deck but would like to add stairs. The lot is irregular and he is unable to comply with the side yard depth requirement.

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-40/17 of Emilia Gruyters Planning Technician Development re Relief from the Interior Side Yard Depth for an Open Deck with Stairs, Part Lot 33 Concession 7 40R 13090 Parts 1 & 2, 40R9236 Part 1 (Uxbridge) 29 Michael Cummings Crt Wesley & Valerie Wilson

MOVED by Councillor Hight, SECONDED by Councillor Barton
"THAT the Council of the Township of Uxbridge receive Report DS-40/17 of Emilia Gruyters Planning Technician Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A23/2017, 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 shall apply only to the stairs as contemplated under Application A23/2017;

AND THAT the stairs constructed under the approval of Application A23/2017 shall be in substantial conformity with the design and location of the plans submitted with the application;

AND THAT the owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A23/2017."

CARRIED

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

DECISION

Moved by Robert Harrison, Seconded by Brock Clark that application A23/2017 by A23/2017- Wesley & Valerie Wilson, Part Lot 33 Concession 7 40R13090 Parts 1 & 2 40R9236 Part 1 (Uxbridge), 29 Michael Cummings Crt, Relief from Section 5.1.k to permit an interior side yard depth of 0.9 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:

1. The approval of the variance shall apply only to the stairs as contemplated under Application A23/2017.
2. The stairs constructed under the approval of Application A23/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application for the construction within one (1) year of the final date of appeal of Application A23/2017.

ADJOURNMENT

The meeting adjourned at 8:45 pm


Marion Norton - Chairperson


Emilia Gruyters- Secretary
Treasurer