

MINUTES OF COMMITTEE OF ADJUSTMENT

The 6th meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday June 15, 2016 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Ed Chillman
Brock Clark
Cathie Proulx
Emilia Gruyters-Secretary Treasurer

ABSENT

Rob Miller
Robert Harrison

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 Brock Clark, Seconded by Ed Chillman, that the minutes of April 20, 2016 hearing be approved, as presented.

Moved by Ed Chillman, Seconded by Cathie Proulx, that the minutes of May 18, 2016 hearing be approved, as presented.

A9/2016- Christine Rumble, Lots 10 Plan 733 (Uxbridge), 17 Nicholson Drive

Christine Rumble was present as the owner of the property. She explained the proposed garage would replace the existing temporary structure. The new building would be used to store such items as a snow plow and equipment used to maintain the property. She wanted to protect the equipment from the weather and possible theft. The new structure would help to clean up 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 OS 27/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A9/2016, Relief from Section 5.1.b to permit a building closer to the street line than the principle building, relief from the interior side yard width, Lot 10, Plan 733- 17 Nicholson Drive- Christine Rumble

MOVED by Councillor Barton
"THAT the Planning and Economic Development Committee receive Report DS-27/16 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A9/2016, 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:

1. Prior to the issuance of the building permit for the new building, the owner/ applicant satisfy the requirements of the LSRCA with respect to A9/2016;
2. The applicant obtain a building permit for the accessory building within one (1) year of the final date of appeal of Application A9/2016;
3. A front yard setback for the accessory building be established prior to the final decision for application A9/2016;
4. The approval of the variance should apply only to the new accessory building and the 2 existing sheds considered under Application A9/2016;
5. The accessory building should not be used for human habitation, commercial or industrial purposes;
6. The costs of fulfilling the above conditions shall be

borne by the applicant/ owner."

CARRIED

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

Cathie Proulx asked if the small storage shed would be removed from the property and whether it had been included in the application. The shed was an ice hut that is removed every winter. It had not been included in the application because it was not used for storage. After further discussions by the members and Township staff, because it was not used for storage it would not be included in the total gross floor area calculation.

Marion asked when the construction of the building would take place. The owner wished to construct the pad for the garage in the fall and the remaining construction would take place in the spring. Heating would not be installed.

The members had no further questions.

DECISION

Moved by Brock Clark, Seconded by Ed Chillman that application A9/2016 by Christine Rumble, Lots 10 Plan 733 (Uxbridge), 17 Nicholson Drive, Relief from Section 5.1.b to permit an existing building and new accessory building to be located closer to the street line than the principal or main building on the lot, Relief from Section 5.h.ii to recognize the interior side yard setback of shed #1 of 0.38 m for a variance of 0.82 m and to recognize the interior side yard setback of shed #2 of 0.83 m for a variance of 0.37 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 building, the owner/applicant satisfy the requirements of the LSRCA with respect to A9/2016.
2. The applicant obtain a building permit for the accessory building within one (1) year of the final date of appeal of Application A9/2016.
3. A front yard setback for the accessory building be established prior to the final decision for application A9/2016. The established front yard setback is 21.3 m (70ft).

4. The approval of the variance should apply only to the new accessory building and the 2 existing sheds considered under Application A9/2016.
5. The accessory building should not be used for human habitation, commercial or industrial purposes.
6. The costs of fulfilling the above conditions shall be borne by the applicant/owner.

CARRIED

A10/2016- Paul Crowe, Lot 49 Plan 40M-1428 (Uxbridge), 86 Ewen Drive

Paul Crowe was present as the owner of the property. He wanted to construct a basement apartment and required a covered set of stairs to provide a means of egress/ingress. The OBC requires a large window for a bedroom but because his family would be occupying the space, he said they could not easily crawl out of a window. He wanted a better means of leaving the apartment should there be a fire. The OBC requires a certain width requirement and as a result, he is unable to comply with the side yard setback of that zone.

Written Comments

Fire Department – See File

Report from Development Services – See File

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

Report OS 28/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A10/2016, Relief from Interior Side Yard Width, Relief from the Rear Yard Depth, Relief from the Maximum Lot Coverage, Lot 49, Plan 40M-1428, 86 Ewen Drive- Paul Crowe

MOVED by Councillor Bryan
"THAT the Planning and Economic Development Committee receive Report DS-28/16 of Emilia Gruyters, Planning Technician for information;

AND THAT it is recommended that work not commence until it has been verified that the Application meets building and fire code regulations;

AND THAT the apartment be registered;

AND THAT the above recommendations occur before

the Committee of Adjustment considers the Application."

CARRIED

A discussion about the recommendation made by Council took place. The Committee of Adjustment cannot verify the application meets building and fire code regulations until a building permit application has been issued to the owner. This will take place after the 20 day appeal period. The apartment cannot be registered until the final inspection is made for the building permit application.

Kevin Kingston from 87 Ewen Drive was present in the audience. He lives across the street. He has concerns about more vehicles and will be able to see the stairs from his property. He wanted to know about the type of material used to construct the stairs.

Paul explained the stairs would be made of concrete and it would not be visible from the street because the roof would be flushed with the ground. The structure would have a glass enclosure. Locating the stairs in the rear yard would not work because a minor variance is already required for the existing rear yard setback.

Kevin asked if landscaping could be added to block the street view. Paul said he could add something but that the landscape could prove to be a reminder of where the stairs are when in actual fact nothing will be seen from the street.

Chris Green from 84 Ewen Drive was present in the audience. He stated the apartment would be for family members for now but what about when the property was sold; would there be problems with parking? The properties were not designed for basement apartments and if the neighbours don't want the apartment then why were we invited to this meeting.

Emilia Gruyters stated the owner would have to provide the correct number of parking spaces on the property before final approval was given for the apartment.

Marion Norton stated the purpose of the meeting was to consider everyone's comments before rendering a decision. The decision was not about the apartment since the zoning by-law permits it provided it meets all relevant requirements of the Township By-laws.

Ed Chillman stated the meeting was about considering the setback to the stairs. The issues with parking must be dealt with by leaving a complaint with the by-law enforcement department.

Rosario Morra from 85 Ewen Drive was present in the audience. He wanted to know if the stairs were for an entrance or fire escape. He has called the police a number of times because of the group home and was told they couldn't do anything about it because the Township approved the group home. He added the applicant will not live in the home. He complained about the traffic on the street and stated he spoke to the applicant about his proposal and stated the applicant did not care because he was a lawyer.

Brock Clark made the motion to table the application until Township staff investigated the complaints. There was no second motion, the motion was dropped.

A motion was made by Ed Chillman and Seconded by Cathie Proulx to approve the application with the added condition to provide landscaping to block the view of the stairs from the street line.

DECISION

Moved by Ed Chillman, Seconded by Cathie Proulx that application A10/2016 by Paul Crowe, Lot 49 Plan 40M-1428 (Uxbridge), 86 Ewen Drive, Relief from Section 4.9.c.iii to permit an interior side yard width of 0.80 m for a variance of 0.4m, Relief from Section 4.9.c.iv to recognize a rear yard setback of 7.93 m for a variance of 0.1 m, Relief from Section 4.10.f to permit a maximum lot coverage of 30.8 per cent (185.5 m²) for a variance of 0.8 per cent (4.6 m²), **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 should apply only to the covered stairs contemplated under Application A10/2016.
2. The applicant register the property as a Two Unit Dwelling in the Development Services Department.
3. The interior side yard width proposed be in conformity with or greater than the setback of 0.80 m as approved through application A10/2016 or the decision made by the Committee of Adjustment will be deemed null and void.
4. The applicant obtain a building permit for the covered stairwell within one (1) year of the final date of appeal of Application A10/2016.
5. The costs of fulfilling the above conditions shall be borne by the applicant/owner.
6. The applicant / owner provide landscape screening to cover the entrance from the street.

Rosario Morra from the audience became louder as he spoke and was asked to calm down or he would be asked to leave. He did not calm down and stated he would not

leave. He stated the Committee was not doing their job. He warned the committee members not to show their faces outside the building.

Rosario and Kevin left the chambers after the decision was made to approve the application.

A11/2016- Aggie & Dimitra Makrillias, Lot 16 Concession 3, 40R-15541 Part 1(Uxbridge), 342 Regional Rd 21

Aggie and Dimitra Makrillias were present as the owners of the property. Dimitra explained they needed to extend the existing garage for storage. A small shed existing on the property was not included in the gross floor area of this application. It would be removed once the additional space was created.

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 29/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A11/2016, Relief from Total Gross Floor Area of Accessory Buildings and Structures, Lot 16, Concession 3, 40R-15541, Part 1, 342 Regional Road 21 – Aggie and Dimitra Makrillias

MOVED by Councillor Barton

“THAT the Planning and Economic Development Committee receive Report DS-29/16 of Emilia Gruyters, Planning Technician for information;

AND THAT the Committee of Adjustment be advised that the Planning and Economic Development Committee has concerns regarding future use of this structure.”

CARRIED

Donato Frisoni whose mailing address is 1018 Creebridge Crescent in Newmarket and at 115 Webb Rd in Stouffville was present in the audience. He stated he owned the vacant lot east of the subject property. He wasn't concerned about the size but how close the addition would be to this property line. He asked if the addition could be constructed on the other side. The owner could not because of the location of the existing septic system. The owner felt this design would be more aesthetically pleasing from the road.

Ed reminded the audience the application was to consider the size of the structure and not the side yard since the setback complied with the by-law.

Dosanjh Sukwinder from 3 Stonestrow Cres was present in the audience but had no objections to the application.

Brock referred to the 7 x 9 square foot building and its use after the construction of the addition to the garage. The owner wishes to remove it after the construction.

Ed commented on the possible meaning of the word minor. He stated that buildings are sometimes 2-3 times larger than the by-law permits and the committee has concerns about the use of these buildings. He re-stated the fact the building could not be used for human habitation, commercial or industrial uses.

Marion asked if there would be servicing of vehicles in the building. The owner stated there would not be any servicing of vehicles since his business is located elsewhere.

DECISION

Moved by Brock Clark, Seconded by Cathie Proulx that application A11/2016 by Aggie & Dimitra Makriliias, Lot 16 Concession 3, 40R-15541 Part 1(Uxbridge), 342 Regional Rd 21, Relief from Section 5.1.d to permit a total gross floor area of all accessory structures of 241.9 m² for a variance of 148.9 m², **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 enter into an amending site plan agreement.
2. The total gross floor area proposed in application A11/2016 be in conformity with or less than the 241.9 m² as approved or the decision made by the Committee of Adjustment will be deemed null and void.
3. The applicant obtain a building permit for the addition to the garage within one (1) year of the final date of appeal of Application A11/2016.
4. The costs of fulfilling the above conditions shall be borne by the applicant/owner.
5. The small storage shed on the east side of the accessory building be removed.

CARRIED

**A12/2016- Bryan & Elizabeth Todd – Hailey Weatherbee(Agent), Lots 21 & 22
Concession 6, 40R6449 Part 1, 2 (Uxbridge), 5240 Concession Rd 7**

Hailey Weatherbee was present as the agent of the application. She stated the owners purchased the property a year ago and they wish to construct a dwelling and detached garage. The garage will have a loft above for storage. The existing house has been demolished and there are 2 existing metal sheds the owners wish to keep.

Marion asked why the existing sheds could not be used as storage buildings. Hailey explained the sheds were not insulated and unsuitable for the family's needs. Marion stated there is an existing trailer on the property and inquired about its purpose. The trailer is used to move furniture from the location on Concession Rd 6. The sale of this location has not been finalized. The property also has piles of crates and wood. Hailey stated the new home will have three fire places and the wood is required for this.

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 30/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A12/2016, Relief from the Total Gross Floor Area of Accessory Buildings and Structures, Relief from Building Height, Lot 21 & 22, Concession 6, 40R-6449, Part 1, 2 (Uxbridge) 5240 Concession 7 – Bryan and Elizabeth Todd

MOVED by Mayor O'Connor

“THAT the Planning and Economic Development Committee receive Report DS-30/16 of Emilia Gruyters, Planning Technician for information;

AND THAT it is recommended that prior to the Committee of Adjustment making a decision with respect to Application A12/2016, 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. A Natural Heritage Study be submitted to address Part III and IV of the Oak Ridges Moraine Plan;

2. Prior to the issuance of a building permit, an agreement is entered into between the Township and the owner that restricts the use of the proposed accessory building from the commercial or industrial purposes or human habitation;
3. The total gross floor area proposed in application A12/2016 be in conformity with or less than the 659.3 m² as approved or the decision made by the Committee of Adjustment will be deemed null and void;
4. The applicant obtain a building permit for the accessory building within one (1) year of the final date of appeal of Application A12/2016;
5. The costs of fulfilling the above conditions shall be borne by the applicant/owner."

CARRIED

Jim Clark from 695 Wagg Rd was present in the audience. He was curious about the definition of minor since the proposed garage was 7 times greater than the by-law permits. He was pleased the proposal was for a garage and resident but was concerned about the large equipment the owner's business uses.

Paul Phillips from 675 Wagg Rd was present in the audience. He was pleased a house would be built but concerned about the property being used to store the company's equipment. He asked why the garage was being built first. Hailey said the house and garage will be started at the same time. Paul commented on the two driveways and asked if they would both be used. Only the one driveway on Concession 7 would be used.

Jim Clark asked if the two drive sheds could be removed. There were no plans to remove the sheds.

Ed commented on the site location map on the drawing and that it was confusing because it suggested the property is on the corner which it is not. Hailey stated the map was to give the approximate location of the property.

Marion asked why the two buildings could not be used for storage and then the proposed building could be reduced in size and height.

Hailey said the roof could possibly come down in height but not the size.

Marion asked if the property is farmed. A farmer uses part of the property for soya beans but the Todd's don't farm.

The Todd's daughters were in the audience and stated there would be no pool equipment stored on the property. They stated the farmer uses the shed to the north and the south shed is used by the family. There are no plans to tear down the sheds.

Ed asked about the storage area in the loft and how the stairs could be used to take items up it when it is so narrow. Hailey was not sure but stated the purpose of the second floor loft was for storage.

Marion asked if heat or water would be installed in the building. The building would be heated and insulated but no water. She asked if the application is approved, would they be willing to remove the trailer and shipping container. The shipping container would be removed and would be added as a condition of approval. The trailer is used for transport of items and would not be removed.

DECISION

Moved by Cathie Proulx, Seconded by Brock Clark that application A12/2016 by Bryan & Elizabeth Todd – Hailey Weatherbee (Agent), Lots 21 & 22 Concession 6, 40R6449 Part 1, 2 (Uxbridge), 5240 Concession Rd 7, Relief from Section 5.1.d to permit a total gross floor area of 659.3 m² for a variance of 566.3 m² and to permit a building height of 6.6 m to the midpoint of the roof for a variance of 1.6 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:

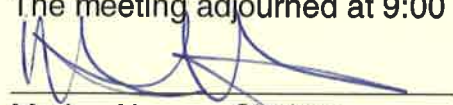
1. A Natural Heritage Study be submitted to address Part III and IV of the Oak Ridges Moraine Plan.
2. Prior to the issuance of a building permit, an agreement is entered into between the Township and the owner that restricts the use of the proposed accessory building from commercial or industrial purposes or human habitation.
3. The total gross floor area proposed in application A12/2016 be in conformity with or less than the 659.3 m² as approved or the decision made by the Committee of Adjustment will be deemed null and void.
4. The applicant obtain a building permit for the accessory building within one (1) year of the final date of appeal of Application A12/2016.
5. The costs of fulfilling the above conditions shall be borne by the applicant/owner.

6. The temporary storage container is to be removed.

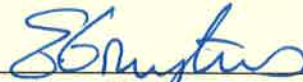
CARRIED

ADJOURNMENT

The meeting adjourned at 9:00 pm



Marion Norton- Chairperson



Emilia Gruyters- Secretary Treasurer