

MINUTES OF COMMITTEE OF ADJUSTMENT

The 5th meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday June 21, 2017 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Ed Chillman
Brock Clark
Robert Harrison
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 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 19, 2017 hearing be approved, as presented.

Moved by Ed Chillman, Seconded by Robert Harrison, that the minutes of May 17, 2017 hearing be approved, as presented.

A15/2017-- Capris Investments Inc. – Howard Friedman (Agent) Plan 64 Lots 115, Part Lots 90, 93-95, 114, 116-121, 129 Part Block A, 40R23286 Parts 1, 5, 15, 27 (Uxbridge), Regional Rd 1(Retained Lot)

A16/2017– Capris Investments Inc. – Howard Friedman (Agent) Plan 64 Lots 115, Part Lots 90, 93-95, 114, 116-121, 129 Part Block A, 40R23286 (Uxbridge) Ravenshoe Rd (Severed Lot)

Stacey Williams was present as the agent for the project. A signed affidavit from the owner was submitted prior to the meeting allowing Ms. Williams to attend on behalf of Howard Friedman.

Stacey explained the applications were subject to a land division application at the Region of Durham and there were a number of studies completed ensuring

the new lot can function with private services. The applications were reviewed and met the Regional, Township and Provincial policies. The applications meet the four tests.

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-27/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Applications A15/2017 and A16/2017, Relief from the Minimum Lot Frontage, relief from the Minimum Lot Area, Plan 64, Lots 115, Part Lots 90, 93-95, 114, 116-121 129 Part Block A 40R-23286, Parts 1, 5, 15, 27 (Uxbridge), Regional Road 1 (retained lot), Ravenshoe Road (severed lot)- Capris Investments Inc. Howard Friedman

MOVED by Mayor O'Connor

"THAT the Public Works and Operations Committee receive Report DS-27/17 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A15/2017 and A16/2017, 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 these applications shall be deemed null and void."

CARRIED

The agent did not have issues with the conditions read.

Duff Mitchell was present in the audience from 689 Ravenshoe Rd. He objected to the application because the lot is sandwiched between two lots and it will have an negative impact on the water availability and iron content. The access from Ravenshoe is also inappropriate because it's very busy and the lot is too small for the area.

Marion Norton stated the proposed lot is larger than the two adjacent lots and is appropriated for the area for size.

Stacey stated the lots are zoned Hamlet Residential which permits a single family dwelling. Hydrological studies requested by the land division committee show the lot can accommodate the appropriate private services for the dwelling.

Duff stated but the lots do not meet the lot area requirements.

Marion stated that on her visit to the site the property appears very steep. Stacy stated some re-grading would have to be completed before construction could take place.

Michele Whelan from 693 Ravenshoe Rd was present in the audience. She stated she was told that the property could not be developed because of the easement on the property. She was concerned about the impact the development would have on her well.

Ed Chillman stated that the committee is being asked to comment on the lot frontage and lot area of the lots. The lots are larger than the existing lots adjacent to the properties and there are reports requested by the Region of Durham Land Division ensuring the lot on Ravenshoe Road can support a single family dwelling. The easement represents a road which is now closed. The zoning is in place which permits a single family dwelling.

Stacey informed the committee that lot B on the drawings is not joined to the subdivision to the south but that should the lot be developed, the road would have to come through the existing subdivision into lot B.

Phyllis Markin from 14900 Durham Rd/Concession Rd 7 was present in the audience. Her property is south of parcel B. She is concerned about more homes being building on parcel B.

Stacey stated the retained lot/parcel B is not being developed at this time.

Robert Harrison stated parcel A appears comparable in size to the existing lots on either side of the subject parcel.

Rob Miller stated he wanted clarification on the discrepancy in size of the lots on the application and the plan submitted by the surveyor.

Stacey explained that once the Region of York takes the road widening the lot size will be different. She wanted the variance for the lot size to show the before and after the road widening takes effect.

Brock Clark asked if the lot width on the parcel facing Regional Rd 1 was represented by the existing broken fencing on the property. The owner and the agent did not know.

Emilia Gruyters explained that existing fencing in the area was not an accurate representation of lot lines. The 11 m frontage would have been determined by a surveyor for the land division application. The severance application has been reviewed by the Region of Durham Planning Department and other approving agencies and would have not been conditionally approved if the application had not met the relevant planning policies.

Duff was asked if he attended the Land Division hearing. He did attend and stated his concerns were heard at the hearing.

Bob Harrison asked if a dwelling could have been constructed if the lot had been severed after the construction. A dwelling would have been approved provided it met all the conditions of a building permit application but the lot would not have complied and would have needed a minor variance application for the lot size or lot frontage after the land division application.

DECISION

Moved by Ed Chillman, Seconded by Rob Miller that application A15/2017 Capris Investments Inc. – Howard Friedman (Agent) Plan 64 Lots 115, Part Lots 90, 93-95, 114, 116-121, 129 Part Block A, 40R23286 Parts 1, 5, 15, 27 (Uxbridge), Regional Rd 1(Retained Lot), Relief from Section 4.8.4.20.i (a) to permit a minimum lot frontage requirement of 11 m for a variance of 19 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 these applications shall be deemed null and void.

DECISION

Moved by Ed Chillman, Seconded by Rob Miller that application A16/2017 Capris Investments Inc. – Howard Friedman (Agent) Plan 64 Lots 115, Part Lots 90, 93-95, 114, 116-121, 129 Part Block A, 40R23286 Parts 1, 5, 15, 27 (Uxbridge), Ravenshoe Rd (Severed Lot), Relief from Section 4.8.2.a to permit a minimum lot area requirement of 1950 m² for a variance of 1050 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:

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 these applications shall be deemed null and void.

CARRIED

**A17/2017- Tom & Linda Jones, Plan 30 Block 41 Lot 497 & 498 (Uxbridge),
47 Young Street**

Tom and Linda Jones were present as the owners of the property. They wanted to construct an addition for an in-law suite. Tom and Linda would live in the addition while their daughter and child would live in the main house. The previous expansions and renovations would not allow the addition to be located in the rear yard.

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-28/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Applications A17/2017, Relief from the Exterior Side Yard Depth and Relief from the setback from a Street Centreline, Plan 30 Block 41, Lot 497 and 498 (Uxbridge)- 47 Young Street-Tom and Linda Jones

MOVED by Councillor Ballinger

"THAT the Public Works and Operations Committee receive Report DS-28/17, as amended, of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A17/2017 for information;

AND THAT prior to the framing stage of the construction, the owner's Ontario Land Surveyor submit a survey to the Township Building Department verifying the exterior side yard setback approved through the Committee of Adjustment Decision A17/2017;

AND THAT the owner obtain a building permit application within 1 year of the final date of appeal of

Application A17/2017;

Ed Chillman asked if any of the trees would be removed. One will have to be removed.

Marion asked about plans to address the grading and drainage issues along the shared property line with 49 Young Street. Discussions took place about a curb being installed along the driveway to help direct water away from buildings.

Tom Jones stated he was not responsible for the water problems at 49 Young street.

CARRIED

DECISION

Moved by Ed Chillman, Seconded by Bob Harrison that application A17/2017 by Tom & Linda Jones, Plan 30 Block 41 Lot 497 & 498 (Uxbridge), 47 Young Street, Relief from Section 4.9.2.c.ii to permit a minimum exterior side yard depth of 1.3 m for a variance of 6.7 m, Relief from 4.9.2.g.iv to permit a minimum setback from a Street Centreline of a Township Road of 11.3 m for a variance of 6.7 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 framing stage of the construction, the owner's Ontario Land Surveyor submit a survey to the Township Building Department verifying the exterior side yard setback approved through the Committee of Adjustment Decision A17/2017.
2. The owner obtain a building permit application within 1 year of the final date of appeal of Application A17/2017.
3. The addition constructed under the approval of Application A17/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.
4. An approved Ontario Land Surveyor/engineering grading plan be submitted with the building permit application that addresses drainage conditions between lot 47 and lot 49.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

A18/2017- Joe Morra-Rommel Lumbao (Agent), Lot 10 Plan 40M-2336 (Uxbridge), 41 Anderson Blvd

Joe Morra was present as the owner of the property. Rommel Lumbao was present as the agent for the project. Rommel explained the owner is proposing to construct a building consisting of offices, manufacturing and warehousing. They were requesting a 3 metre side yard depth to accommodate a proper turning radii for the fire trucks and company delivery trucks.

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-29/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Applications A18/2017, Relief from the Minimum Interior Side Yard Width, Relief from the Minimum Landscape Open Space Area, Lot 10, Plan 40M-2336 (Uxbridge)- 41 Anderson Blvd., Joe Morra-Rommel Lumbao.

MOVED by Councillor Beach

"THAT the Public Works and Operations Committee receive Report DS-29/17 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A18/2017, 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 condition should be established;

1. The owner enter into site plan agreement with the Township of Uxbridge.
2. The owner provide a revised landscape plan. "

CARRIED

Joaquin Valdez from 16581 Highway 48 was present in the audience. He is the owner of 43 Anderson Blvd. He is opposed to the side yard depth because the proposed building will be 10 feet from his building.

Marion Norton asked if he would be needing a variance for his building. Mr. Valdez stated he will be requesting permission to reduce the front yard depth of his proposed building. He was also concerned about snow accumulation between the property lines.

Further discussions took place about the distance between the two buildings. Given that 43 Anderson will not be requesting a variance for the interior side yard depth, he will be maintaining the 6 m requirement. Therefore, the distance between the two buildings will be 9 m.

The concerns about the snow removal and accumulation will be dealt with through the site plan application.

Joe Morra stated the runoff calculation and the infiltration gallery would be reviewed and approved by the Township engineer.

Brock Clark asked if the building could be moved 1 metre away from the interior side lot line.

The owner and agent stated they would not like to reduce the space on the south side of the property because of the length of the material being delivered and the shipment method involves unloading the material from both sides of the trucks.

DECISION

Moved by Rob Miller, Seconded by Bob Harrison that application A18/2017 by Joe Morra-Rommel Lumbao (Agent), Lot 10 Plan 40M-2336 (Uxbridge), 41 Anderson Blvd, Relief from Section 4.18.2.c.iii to permit a minimum interior side yard width of 3.0 m for a variance of 3.0 m, Relief from Section 4.18.b.iii to permit a minimum landscaped open space area between the parking area and the street line of 5.4 m for a variance of 0.6m, **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:

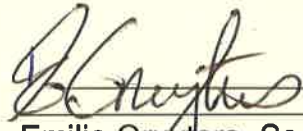
1. The owner enter into site plan agreement with the Township of Uxbridge.
2. The owner provide a revised landscape plan.

ADJOURNMENT

The meeting adjourned at 8:30 pm



Marion Norton- Chairperson



Emilia Gruyters- Secretary
Treasurer