

MINUTES OF COMMITTEE OF ADJUSTMENT

The 4th meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday May 17, 2017 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

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

ABSENT

Rob Miller

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.

Minutes were not available

A13/2017- Stedanmar Holdings Limited – Daniel Di-Leo, Lot 21 Concession 1 (Uxbridge), 5200 Concession Rd 2

Daniel Di-Leo was present as the owner of the property. David McKay was present as the Planner for the application.

David explained the application before the Committee of Adjustment was approved in 2015. An agreement with the Township of Uxbridge has been executed but the condition to obtain a building permit within one year of the final date of appeal has lapsed and as a result, the application is being heard a second time at the committee of adjustment. The building permit is ready for issuance once the minor variance and 20 day appeal period lapses.

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-21/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A13/2017, Relief from Section 5.4.b to permit the exterior expansion of a legal non-conforming building, 5200 Concession Road 2, Lot 21, Concession 1 (Uxbridge), Stedanmar Holdings Limited- Daniel Di-Leo (Goodwood Kartways)

MOVED by Councillor

"THAT the Public Works and Operations Committee receive Report DS-21/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A 13/2017 for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A 13/2017, 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 structure contemplated under Application A13/2017;

AND THAT the applicant/owner obtain a building permit within one (1) year of the final date of appeal of Application A 13/2017;

AND THAT the owner enter into a site plan agreement with the Township of Uxbridge within one year of the final date of appeal

CARRIED

The owner did not have issues with the conditions read.

Ian McGill was present in the audience representing HOME. He referred to the emails between the Deputy Clerk and the Township of Uxbridge Planning Consultant as it pertains to the proposed use of the building. He also made reference to the OMB decision the noise and pollutant study submitted during the hearing and the site plan application already established between the owner and the Township.

He stated the above emails suggest the new building would be used for office and kart repairs. He felt the OMB decision was clear that the use could not be

extended but the use as a go-Kart facility could continue. The levels of pollution as stated in the reports have not been addressed in the site plan agreement.

A copy of the report was forwarded to the members prior to the meeting but the pollution levels referred to in the report dealt with the track expansion. The expansion of the existing building would not affect these levels since the building would be used for the storage of Go Karts.

David McKay explained that since the first submission of construction drawings, the drawings have been reviewed and revised to show storage area. The emission study provided deals with the previous track expansion and the OMB decision dealt with the track expansion. The site plan agreement is in place to address the expansion of the existing structure and to provide a site plan for Township records. In order to expand the building a minor variance application is required because the use is legal non-conforming. Section 45 (2) (a) (ii) of the Planning Act provides the Committee of Adjustment the ability to consider an application for a use that is similar to the purpose which it was used on the day the by-law was passed.

Brock Clark asked about the size of the building, the number of stories and the number of go karts that would be stored in the building. The building size is 40 x 100 feet and the building would be a single storey. The owner was not sure how many go karts would be stored in the building.

Ed Chillman inquired about the number of steel storage buildings that would be removed. Five containers would be removed and the space lost by this removal would be made up in the size of the expanded building.

Marion asked if the application was the same as in 2015. The application is the same. The reason for application A13/2017 is that the condition to obtain a building permit within a year of the final date of appeal has lapsed.

DECISION

Moved by Ed Chillman, Seconded by Cathie Proulx that application A13/2017 by Stedanmar Holdings Limited – Daniel Di-Leo, Lot 21 Concession 1 (Uxbridge), 5200 Concession Rd 2, Relief from Section 5.4.b to permit the exterior expansion of a legal non-conforming storage building located at 5200 Concession Rd 2. The building expansion proposed is from 200 m² to 374 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:

The approval of the variance apply only to the structure contemplated under Application A13/2017.

The expansion of the building be in substantial conformity with the plans submitted with the minor variance application.

The applicant/owner obtain a building permit within one (1) year of the final date of appeal of Application A13/2017.

The owner enter into a site plan agreement with the Township of Uxbridge within one year of the final date of appeal of Application A13/2017.

CARRIED

A14/2017- Classique Custom Homes & Cottages Inc. – Andy Clayton, Plan RCP 1717 Part Lot #2 RP 40R20688 Part 1 (Uxbridge) 99 Second Avenue

Andy Clayton was present as the owner of the property. He explained he had a previous minor variance approval in 2015 for a coverage of 38% and he is re-applying to obtain the same variance for the coverage requirement but he also needs a variance for the rear yard depth. The dwelling will have no foundation or basement below.

A letter was read not supporting the application. (See File)

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-22/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A14/2017, Relief from the Maximum Lot Coverage, Relief from the Rear Yard Depth, Plan RCP 1717, Part Lot 2, 40R-20688 Part 1 (Uxbridge), 99 Second Avenue, Uxbridge- Classique Custom Homes & Cottages Inc. -Andy Clayton MOVED by Councillor

"THAT the Public Works and Operations Committee receive Report DS-22/17 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A14/2017 for information;

AND THAT the purpose of the minor variance would be to accommodate a larger building envelope on the lot. Site and grading plans shall be prepared by a qualified person and be

approved by the Township Engineer prior to the issuance of a building permit;

AND THAT the owner obtain a building permit within 1 year of the final date of appeal of Application A14/2017;

AND THAT the lot will need to be connected to municipal water and sewage services in accordance with the requirements of the Region's Works and Health Department;

AND THAT the dwelling constructed under the approval of Application A14/2017 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/applicant.

A letter was read from Cherie Sparkes informing the committee members a court order has not been fulfilled by the applicant.

Discussions about tabling the application took place.

CARRIED


DECISION

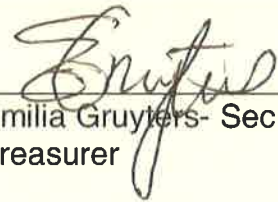
Moved by Bob Harrison, Seconded by Ed Chillman that application A14/2017 by Classique Custom Homes & Cottages Inc. – Andy Clayton, Plan RCP 1717 Part Lot #2 RP 40R20688 Part 1 (Uxbridge) 99 Second Avenue, Relief from Section 4.9.2.f. to permit a maximum lot coverage of all buildings of 38% for a variance of 8%, Relief from Section 4.9.2.c.iv to permit a rear yard depth of 5.3 m for a variance of 4.7 m, **BE TABLED UNTIL THE CONDITIONS OF THE COURT ORDER FOR 99 SECOND AVENUE ARE MET.**

CARRIED

ADJOURNMENT

The meeting adjourned at 8:00 pm


Marion Norton- Chairperson


Emilia Gruyters- Secretary
Treasurer