

MINUTES OF COMMITTEE OF ADJUSTMENT

The 11th meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday November 15, 2017 in 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 Robert Harrison, Seconded by Ed Chillman, that the minutes of September 20, 2017 hearing be approved, as presented.

A34/2017– Nikki Francies, Lot 351 Block MM Plan 83 40R-3479 Part 2, 50 Victoria Drive

Nikki Francies was present as the owner of the property. She stated the existing shed was replaced 2 years ago when the renovations were completed for the dwelling. A complaint has been made about its location but it's been in the same location for many years.

There are two neighbours in the audience in support of the application and I have signatures from other neighbours in support of the application.

Written Comments

Fire Department – See File

Chief Building Official – See File

Report from Development Services – See File

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

Report DS-64/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Application A34/2017- Relief from the Rear Yard Depth, Relief from Maximum Lot Coverage of All Buildings, Lot 351, Block MM Plan Plan 83 40R-3479 Part 2, Uxbridge, 50 Victoria Drive- Nikki Francies

MOVED by Councillor Hight, SECONDED by Councillor Molloy "THAT the Council of the Township of Uxbridge receive Report DS-64/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A34/2017 for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A34/2017, 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 shed contemplated under Application A34/2017."

CARRIED

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A34/2017– Nikki Francies, Lot 351 Block MM Plan 83 40R-3479 Part 2, 50 Victoria Drive (Uxbridge), Relief from Section 5.1.h.ii to permit a rear yard depth of 0.3 m for a variance of 0.9 m, Relief from Section 4.10.2.1.f to permit a maximum lot coverage of 33 % for a variance of 3.0%, **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 shall apply only to the shed contemplated under Application 34/2017.

A38/2017– Jane Butler – Mike Butt (Agent), Lot 6 Plan 40M 2211, 7 Furlan Crt

Mike Butt was present as the agent for the application. He explained Ms. Butler was the last of the property owners to construct a deck on the property. She needed the deck as a means of access off the main floor. The dwelling has a walk-out basement.

Written Comments

Fire Department – See File

Chief Building Official – See File

Report from Development Services – See File

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

Report DS-65/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A38/2017 - Relief from Rear Yard Depth, Lot 6 Plan 40M 2211, 7 Furlan Court- Mike Butt (Agent)

MOVED by Councillor Molloy, SECONDED by Councillor Bryan "THAT the Council of the Township of Uxbridge receive Report DS-65/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A38/2017 for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A38/2017, 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:

The approval of the variance shall apply only to the rear yard depth as contemplated under Application A38/2017.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A38/2017.

The construction under the approval of Application A38/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.

The costs of fulfilling the conditions should be the responsibility of the owner."

CARRIED

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

The owner did not have an issue with the condition of approval.

Ed asked if there would be enough room in the rear yard. The agent stated the shed in the rear yard will be removed which will provide the needed space.

Marion asked about the date of construction. The deck will be constructed in the spring.

DECISION

Moved by Ed Chillman, Seconded by Brock Clark that application A36/2017 by Jane Butler – Mike Butt (Agent), Lot 6 Plan 40M 2211, 7 Furlan Crt (Uxbridge), Relief from Section 4.9.4.26.a.vi to permit a rear yard depth of 4.0 m for a variance of 4.0 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:

The approval of the variance shall apply only to the rear yard depth as contemplated under Application A38/2017.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A38/2017.

The construction under the approval of Application A38/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.

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

CARRIED

A39/2017– Michael Vanderheyden, Lot 1 Plan 83 Block 69, 110 Planks Lane

Michael was present as the owner of the property. He stated the proposed house design doesn't meet the zoning requirements for setbacks. He needs a variance for the exterior side yard setback.

Written Comments

Fire Department – See File

Chief Building Official – See File

Report from Development Services – See File

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

Report DS-66/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Application A39/2017- Relief from the Exterior Side Yard Depth, Relief from Minimum Setback from the Street Centreline, Lot 1 Plan 83 Block 69, Uxbridge, 110 Planks Lane - Michael Vanderheyden MOVED by Councillor Bryan, SECONDED by Councillor Highet "THAT the Council of the Township of Uxbridge receive Report DS-66/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A39/2017 for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A39/2017, 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:

1. The approval of the variance shall apply only to the exterior side yard depth and setback from the street centreline of a Township Road as contemplated under Application A39/2017.
2. 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.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A39/2017.

4. 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.

5. The dwelling constructed under the approval of Application A39/20 17 shall be in substantial conformity with the design and location of the plans submitted with the application.

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

CARRIED

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

The owner did not have any issues with the conditions of approval.

Further discussions took place and it was determined the new dwelling would be located in approximately the same location as the existing house; an attached garage is proposed as part of the structure, the exterior side yard width is from third avenue, the tree on the north side of the property will have to be removed and the owner plans to begin construction in the spring.

DECISION

Moved by Brock Clark, Seconded by Ed Chillman that application A39/2017 by Michael Vanderheyden, Lot 1 Plan 83 Block 69, 110 Planks Lane (Uxbridge), Relief from Section 4.9.2.c.ii to permit a an exterior side yard Depth of 2.9 m for a variance of 5.1 m, Relief from Section 4.9.2.g.iv to permit a minimum setback from the street centerline of a Township Rd of 12.9 for a variance of 5.1 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 exterior side yard depth and setback from the street centreline of a Township Road as contemplated under Application A39/2017.
2. 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.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A39/2017.

4. 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.
5. The dwelling constructed under the approval of Application A39/2017 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/applicant.

CARRIED

A40/2017– Hans Steel Canada – Shenshu Zhang (Agent), Lots 3-6 Plan 40M-1679, 6 Sangster Rd

Shenshu Zhang was present as the agent for the application. He stated the property is located in the industrial park. The parcel was purchase 3 years ago and the building is occupied by Hans Steel Canada, a steel manufacturing company. Less than 50 employees work there and another ten will be required because of the new building. The owner wishes to add a new building.

Written Comments

Fire Department – See File

Report from Development Services – See File

Chief Building Official - See File

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

Report DS-67/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Application A40/2017, Relief from the Minimum Front Yard Depth, Relief from the Minimum Exterior Side Yard Width, Relief from Minimum Setback from the Street Centreline, Relief from the Parking Space Requirement, Relief from the Maximum Lot Coverage of All Buildings, Relief from the Maximum Floor Space Index Relief from the Minimum Landscape Open Space, Relief from the Maximum Height, Relief from the Use of the Exterior Side Yard, Relief from the Parking Area Location, Relief from the Landscape Location, Lot 3-6 40M-1679 (Uxbridge) 6 Sangster Rd - Hans Steel Canada - Shenshu Zhang (Agent)

MOVED by Councillor Bryan, SECONDED by Councillor Molloy

"THAT the Council of the Township of Uxbridge recommend that the Committee of Adjustment table Report DS-67/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A40/2017 upon further information from staff."

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

The agent did not have any issues with the conditions of approval.

Ed Chillman asked about the grade depth at Anderson. The grading along with the storm water management plan will be reviewed prior to the issuance of a building permit and during the site plan application process.

Brock asked how close the septic system could be to the building and the definition of a dispersal field. The system must be 5 m and the field refers to the septic system.

Robert Harrison made a motion to table the application. A second motion was not made.

DECISION

Moved by Ed Chillman, Seconded by Rob Miller that application A40/2017 by Hans Steel Canada – Shenshu Zhang (Agent), Lots 3-6 Plan 40M-1679, 6 Sangster Rd (Uxbridge), Relief from Section 4.18.2.c.i to permit a front yard depth of 6.0 m for a variance of 9.0 m, Relief from Section 4.18.2.f.iv to permit a minimum setback from the street centerline of a Township Rd of 16.0 for a variance of 9.0 m and of 23.1 m for a variance of 1.9 m, Relief from Section 5.15 to permit a minimum number of parking spaces of 130 for a variance of 73 spaces, Relief from section 4.18.2.c.ii to permit an exterior side yard width of 13.1 m for a variance of 1.9 m, Relief from section 4.18.9.27.b.ii to permit a maximum lot coverage of 37.7 % for a variance of 7.7 %, Relief from section 4.18.9.27.b.iii to permit a maximum floor space index of .39 for a variance of .09, Relief from section 4.18.9.27.b.iv to permit a minimum landscape open space of 21.7 % for a variance of 13.3%, Relief from section 4.18.2.h to permit a maximum building height of 16.9 m for a variance of 4.9 m, Relief from section 4.18.6 to allow exterior yard to be obstructed with parking, Relief from section 5.15.e.iii to permit parking area in the exterior yard, Relief from section 4.18.9.27.e to allow the landscaping only in the rear yard, **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 owner/applicant shall obtain a building permit within two (2) years of the final date of appeal of Application A40/2017.

The owner/applicant shall obtain approval from the Region of Durham Health Department.

The owner/applicant shall enter into an amending site plan agreement with the Township of Uxbridge.

CARRIED

A41/2017– Andrea & Travis Geldart, Lot 14 Plan 40M 2320, 98 Campbell Drive

Andrea was present as the owner of the property. She stated she has a walk-out basement and wishes to have a larger deck than permitted by the zoning by-law.

Written Comments

Fire Department – See File

Report from Development Services – See File

Chief Building Official-See File

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

Report DS-68/17 of Emilia Gruyters, Planning Technician Development Services re Committee of Adjustment Application A41/2017, Relief from Rear Yard Depth, Lot 14, Plan 40M-2320, 98 Campbell Drive - Andrea and Travis Geldart

MOVED by Councillor Molloy, SECONDED by Councillor Highet "THAT the Council of the Township of Uxbridge receive Report DS-68/17 of Emilia Gruyters, Planning Technician-Development Services re Committee of Adjustment Application A41/2017 for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A41/2017, 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 rear yard depth as contemplated under Application A41/2017;

CARRIED

Letter of support for the application was read (See File).

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

The owner did not have any issues with the conditions of approval.

Ed asked if there would be stairs leading to the lower level of the property. There would be no stairs.

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A41/2017 by Andrea & Travis Geldart, Lot 14 Plan 40M 2320, 98 Campbell Drive (Uxbridge), Relief from Section 4.10.2.1.iv to permit a rear yard depth of 8.9 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.**

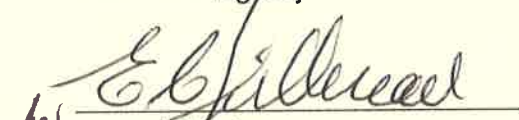
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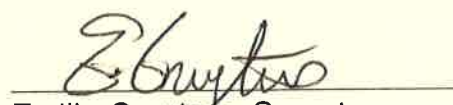
1. The approval of the variance shall apply only to the rear yard depth as contemplated under Application A41/2017.
2. The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A41/2017.
3. The construction under the approval of Application A41/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.
4. The costs of fulfilling the conditions should be the responsibility of the owner.

CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm


Marion Norton- Chairperson


Emilia Gruyters- Secretary
Treasurer