

MINUTES OF COMMITTEE OF ADJUSTMENT

The 2nd meeting of 2017, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday March 15, 2017 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Ed Chillman
Brock Clark
Robert Harrison
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.

Moved by Ed Chillman, Seconded by Robert Harrison, that the minutes of December 21, 2016 hearing be approved, as presented.

Moved by Brock Clark, Seconded by Robert Harrison, that the minutes of January 25, 2017 hearing be approved, as presented.

A4/2017- Josh Vickers, Lot 6 40M-2318 (Uxbridge), 29 Bagshaw Cres

Josh Vickers was present as the owner of the property. The size of the garage was necessary to store items for the residence.

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-1 0/17 of Emilia Gruyters, Planning Technician-Secretary

Treasurer Development Services re Relief from the Maximum Total Gross Floor Area of all Accessory Buildings & Structures Relief from the Maximum Building Height of an Accessory Building & Structure, Lot 6 40M-2318 (Uxbridge), 29 Bagshaw Cres- Josh Vickers
MOVED by Councillor Barton

"THAT the Planning and Economic Development receive Report DS-10/17 of Emilia Gruyters, Planning Technician Secretary Treasurer Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A4/2017, 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 front yard setback for the accessory building shall be established;

AND THAT the approval of the variance shall apply only to the total gross floor area and building height of the garage as contemplated under Application A4/2017;

AND THAT the owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A4/2017;

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

AND THAT the construction under the approval of Application A4/2017 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 owner did not have issues with the conditions read.

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

Marion Norton asked if the garage would be heated and if water would be installed. The owner will provide heat but not water.

DECISION

Moved by Brock Clark, Seconded by Ed Chillman that application A4/2017 by Josh Vickers, Lot 6 40M-2318 (Uxbridge), 29 Bagshaw Cres, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 245.2 m² for a variance of 185.2 m² and to permit a building height of 6.2 m for a variance of 1.2 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.**

CARRIED

Conditional Upon:

The approval of the variance shall apply only to the total gross floor area and building height of the garage as contemplated under Application A4/2017.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A4/2017.

The accessory building shall not be used for human habitation, commercial or industrial purposes. An agreement between the Township and the owner should be entered into to ensure this requirement.

The construction under the approval of Application A4/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.

The costs of fulfilling the conditions shall be the responsibility of the owner

A5/2017- Terry & Cindy Smith, Part Lot 34 Concession 7 (Uxbridge), 15 Colby Road

Terry and Cindy Smith were present as owners of the property. The garage was needed to store the owners' classic car and camper.

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-11/17 of Emilia Gruyters, Planning Technician-Secretary
Treasurer Development Services re Relief from the Maximum Total
Gross Floor Area of all Accessory Buildings & Structures Relief from
the Maximum Building Height of an Accessory Building & Structure
Relief from the Interior Side Yard Depth, Part Lot 34 Concession 7
(Uxbridge), 15 Colby Road- Terry & Cindy Smith

MOVED by Councillor Beach

"THAT the Planning and Economic Development receive
Report DS-11/17 of Emilia Gruyters, Planning Technician Secretary
Treasurer Development Services for information;

AND THAT prior to the Committee of Adjustment making a
decision with respect to Application A5/2017, 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 shall obtain approval from the
Region of Durham Health Department for the 2 piece washroom in
the proposed garage;

AND THAT the approval of the variance shall apply only to
the total gross floor area and building height as contemplated
under Application A5/2017;

AND THAT the owner/applicant shall obtain a building permit
for the construction within one (1) year of the final date of
appeal of Application A5/2017;

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
A5/2017 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 had no concerns about the conditions of approval.

Jim Rondeau from 17 Colby Rd was present in the audience. He was concerned about the size of the building because it was double the size permitted under the zoning by-law. He was concerned about the location of the driveway. It will need to be changed in order to accommodate the camper. The owner said the new driveway will connect to the present driveway. Jim did not want to look at a 2 storey garage. The owner stated he needed the height to accommodate the storage of the camper.

The neighbour stated the owner did not live on the property. Terry Smith indicated the house is being rented but he plans on moving into the house in July.

Andrew Craddle from 18 Colby Rd was present in the audience. He was concerned about the size and felt it looked like an industrial building. He felt it would be used for commercial uses because it was too large to only store one vehicle and an RV.

Terry stated it would not be used for commercial ventures. The RV is 31 feet long and the garage will store other items such as an ATV and snowmobile.

The neighbours were concerned about potential future home owners using the building for commercial or industrial uses. The agreement required as an approved condition would be registered on title and therefore future home owners would be aware of it.

Marion asked if the building would be heated and if water would be installed. The building would be heated and 1 washroom would be installed. The reason for the washroom in the building was because it was convenient.

DECISION

Moved by Robert Harrison, Seconded by Ed Chillman that application A5/2017 by Terry & Cindy Smith, Part Lot 34 Concession 7 (Uxbridge), 15 Colby Road, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 116.9 m² for a variance of 56.9 m² and to permit a building height of 5.4 m for a variance of 0.4 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 owner/applicant shall obtain approval from the Region of Durham Health Department for the 2 piece washroom in the proposed garage.

The approval of the variance shall apply only to the total gross floor area and building height as contemplated under Application A5/2017.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A5/2017.

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

The construction under the approval of Application A5/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.

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

CARRIED

Reasons for the Decision:

The application is in line with the by-law and planning objectives and is minor in nature. The owner has agreed to have the condition of adding no habitation, commercial or industrial uses to an agreement which will be registered on title.

The plans are consistent with the other properties on the street and there are no other storage buildings available for the owner except for a carport.

A6/2017- John & Jean Postma-Jacob Postma, Part Lot 21 Concession 3 40R-7798 Part 1 (Uxbridge), 5129 Concession Rd 3

Jacob Postma was present representing the owners of the property. The garage was needed for more storage.

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-12/17 of Emilia Gruyters, Planning Technician-Secretary
Treasurer Development Services re Relief from the Maximum Total
Gross Floor Area of all Accessory Buildings & Structures Relief from
Relation to Street Part Lot 21 Concession 3 40R-7798 Part 1

(Uxbridge) 5129 Concession Rd 3 John & Jean Postma- Jacob Postma

MOVED by Councillor Barton

"THAT the Planning and Economic Development receive Report DS-12/17 of Emilia Gruyters, Planning Technician Secretary Treasurer Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A6/2017, 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 front yard setback for the accessory building shall 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 A6/2017;

AND THAT the owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A6/2017;

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 A6/2017 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.

The applicant did not have issues with the approved conditions.

The established front yard setback is 18.2 m (60 feet).

Marion asked if the building would be heated or have water. The building would be heated but he wasn't sure it would have water.

DECISION

Moved by Ed Chillman, Seconded by Robert Harrison that application A6/2017 by John & Jean Postma-Jacob Postma, Part Lot 21 Concession 3 40R-7798 Part 1 (Uxbridge), 5129 Concession Rd 3, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 126.4 m² for a variance of 66.4 m². Relief from Section 5.1.b to permit the accessory building or structure to be located closer to the street line than the principal or main building on the lot, **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 front yard setback for the accessory building shall be established. The proposed front yard setback is 18.2 metres (60 feet).

The approval of the variance shall apply only to the total gross floor area and building height as contemplated under Application A6/2017.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A6/2017.

The accessory building shall not be used for human habitation, commercial or industrial purposes.


The construction under the approval of Application A6/2017 shall be in substantial conformity with the design and location of the plans submitted with the application.

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

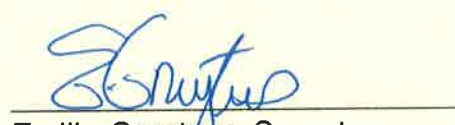
CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm



Marion Norton, Chairperson



Emilia Gruyters- Secretary
Treasurer