

MINUTES OF COMMITTEE OF ADJUSTMENT

The 9th meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday October 19, 2016 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Ed Chillman
Brock Clark
Rob Miller
Robert Harrison
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. Rob Miller had a pecuniary interest in Application A22/2016 and A23/2016.

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 for this meeting.

A21/2016- Karen Carey, Part Lot 28 Concession 6, 40R-26064 Part 1, 2 (Uxbridge) 188 Toronto St S

The owners were not present at the meeting.

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

The sign for this application was not picked up from the Township office within 10 days prior to the meeting. Moved by Rob Miller, Seconded by Ed Chillman, that the application be tabled to the November 16th meeting.

CARRIED

A22/2016& A23/2016- Nancy St John, Plan 83 Block 55 Lot E Lot F (Uxbridge), 19 First Avenue & 17 First Avenue

Moved by Robert Harrison, Seconded by Brock Clark, that Application A22/2016 and A23/2016 be heard together.

CARRIED

Nancy and Brian St John were present as owners of the property. Nancy explained the present lot was very large and supported a century home. They wanted to subdivide the lot through the Region of Durham Land Division Committee. They have received conditional approval from the Land Division Committee under application LD 032/2016. As part of the approval, they must provide a noise study, archeological study, engineered drawings and extend the sewer.

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-49/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Applications A22/2016 and A23/2016, Relief from the Lot Frontage Requirement and Relief from the Front Yard Depth Requirement Plan 83, Block 55 Lot E and F, 17 First Avenue and 19 First Avenue - Nancy St. John

MOVED by Councillor Ballinger
"THAT the Planning and Economic Development Committee receive Report DS-49/16 of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A22/2016 and A23/2016, 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 in the event that the other conditions of approval of the related consent application (LD 032/2016) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void;

AND THAT an agreement shall be entered into with the owner that addresses the requirements for lot creation for 17 First Avenue and to also address the requirements of the Township's Allocation Policy for the lot.

AND THAT this agreement is required to be registered;

AND THAT the design and elevations of the new dwelling shall be approved by Council prior to the issuance of a building permit;

AND THAT the applicant/owner shall provide a professional grading/site plan prior to the issuance of a building permit;
AND THAT the costs of fulfilling the conditions shall be the responsibility of the owner/ applicant;

AND THAT the applicant shall obtain a building permit for the dwelling within one (1) year of the final date of appeal of Application A23/2016."

CARRIED

Nancy requested the condition to obtain a building permit within 1 year of the final date of appeal be extended to 3 years. Completing the various studies and consulting with the architect to confirm a design for the new dwelling would take some time.

Brock Clark asked Emilia Gruyters if obtaining a building permit also meant it would be issued in 3 years. The 3 years would mean a building permit application and building permit was issued.

Aaron Stanley from 23 First Avenue was present in the audience. He stated the trees on the property would be affected because the construction would impact the root system which would damage the trees. The new building would be on a smaller lot which is not compatible with the lot sizes in the neighbourhood. The new building would not look like a heritage building which would not be compatible with the existing homes. The Township should preserve the historical integrity of the neighbourhood.

Nancy explained the trees were very important to them. The existing butternut tree has been assessed by an arborist and the bottom of the tree is rotten and will have to be removed. The existing maple tree has been cared for and safe-guards will be in place to protect it. The design of the home will be approved by council and will be compatible to the adjacent homes. It will not be a distraction since there are some other lots which are narrower and there are some newer style homes on the street.

Marion Norton said she was out on the property and the butternut tree appeared to be in poor condition.

Brian St John said the arborist had assessed the tree and has concluded it has blight.

Aaron wanted the St John's to produce the paper work to prove this.

Ed Chillman reminded the audience the tree was not part of the minor variance application.

Emilia explained that some trees are allowed to be removed because of the construction of the home.

Aaron stated he would contact the Ministry of Natural Resources to make a decision on the tree.

Sarah Reid from 28 First Avenue was present in the audience. She was concerned about the width of the lot and wanted to see the plans for the new house. She wanted an opportunity to comment on the new plans.

Robert Harrison suggested Sarah contact her councilor about the elevations since Council would be approving the drawings.

Nancy stated the lot size supports the infill and intensification policy of the Provincial Policy Statement. Council will approve the elevations of the new house and she is sure the new home will enhance the streetscape.

Sarah stated no neighbours on First Avenue were consulted. Nancy said she had spoken to a few but everyone.

George Pratt from 29 First Avenue was present in the audience. He owns a home on the high school property. He supports infilling but was concerned about the width of the lot. He was concerned about the style of the new home and whether it was appropriate. He wanted to know if the property was sold what would be built on the property. George was informed the agreement for the property would be registered on title and would stay with the property no matter who owned it.

Jim Wood from 35 Brock St E. was present in the audience and he had no objections.

Ed stated the lot would be compatible because the elevations would be approved by Council to ensure this and the land division committee has supported the land division application.

Marion stated she was out to the property and felt it supported infilling and the PPS. The elevations would be approved by Council to ensure compatibility.

There were no further questions.

DECISION

Moved by Brock Clark, Seconded by Ed Chillman that application A22/2016 by Nancy St John, Plan 83 Block 55 Lot E Lot F (Uxbridge), 19 First Avenue, Relief from Section 4.9.2.c.i to recognize a front yard depth of 5.1 m for a variance of 2.9 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.**

Reasons for the Approval by Members:

The variance is in accordance with this area of the Township. This issue was not contested by the public.

Conditional Upon:

In the event that the other conditions of approval of the related consent application (LD 032/2016) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

CARRIED

DECISION

Moved by Ed Chillman, Seconded by Brock Clark, that application A23/2016 by Nancy St John, Plan 83 Block 55 Lot E Lot F (Uxbridge), 17 First Avenue, Relief from Section 4.9.2.b.i to permit a minimum lot frontage of 12.8 m for a variance of 4.2 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.**

Reasons for the Approval by Members:

Based on the report from Development Services and comments from the audience, there are many different sized lots in the area and since Town Council retains control of the overall design on the property, I feel this works well as an infill lot.

The application meets the Provincial Policy Statement for infilling and intensification. The Region of Durham Land Division Committee has conditionally approved the land severance application.

Conditional Upon:

In the event that the other conditions of approval of the related consent application (LD 032/2016) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

An agreement shall be entered into with the owner that addresses the requirements for lot creation for 17 First Avenue and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.

The design and elevations of the new dwelling shall be approved by Council prior to the issuance of a building permit

The applicant/owner shall provide a professional grading/site plan prior to the issuance of a building permit.

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

The applicant shall obtain a building permit for the dwelling within three (3) years of the final date of appeal of Application A23/2016.

CARRIED

A24/2016- Gil & Deirdre Broude, Lot 58 40M-1639 (Uxbridge), 3 FoxFire Chase

Hailey Weatherbee was present as the agent representing the owners. She explained the lot is irregular and the shortest lot line is where the driveway entrance is located. It would be inconvenient not to have the garage near the driveway existing on the lot.

Marion asked Hailey to show the location of the driveway on the plan. The garage would be tucked into the trees just off the driveway on the north side.

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

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-50/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A24/2016, Relief from the location of an accessory structure or building closer to the street line, Lot 58, Plan 40M-1639, 3 FoxFire Chase- Gil & Deirdre Broude

MOVED by Councillor Beach

"THAT the Planning and Economic Development Committee receive Report DS-50/16 of Emilia Gruyters, Planning Technician for information;

AND THAT that prior to the Committee of Adjustment making a decision with respect to Application A24/2016, 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 a front yard setback for the accessory building shall be established prior to the Committee of Adjustment making a decision on the application;

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 A24/2016;

AND THAT the construction under the approval of Application A24/2016 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

CARRIED

The applicant had no issues with the conditions of approval.

After further discussions, the front yard setback for the garage was established at 20.1 m (66 ft).

DECISION

Moved by Rob Miller, Seconded by Robert Harrison that application A24/2016 by, Gil & Deirdre Broude, Lot 58 40M-1639 (Uxbridge), 3 FoxFire Chase, Relief from Section 5.1.b to allow a garage to be located closer to the street line than the main or principle 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:

A front yard setback for the accessory building shall be established prior to the Committee of Adjustment making a decision on the application. The established front yard setback is 20.1 m (66 ft).

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A24/2016.

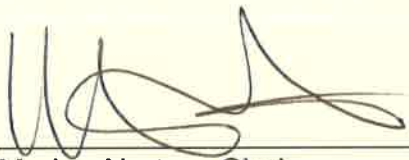
The construction under the approval of Application A24/2016 shall be in substantial conformity with the design and location of the plans submitted with the application.

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