

MINUTES OF COMMITTEE OF ADJUSTMENT

The 11th meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday December 21, 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 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 November 15, 2016 hearing be approved, as presented.

A26/2016- Kevin & Janis Cochran, Lot 22 Plan 40M-1989 Plan H-50065 Block 11 Part Lot 561, 40R-20001 Part 1, 7 (Uxbridge) 2a Isaac Crt

Kevin Cochran was present as the owner of the property. He explained the drawings for the application have been changed which includes removing the proposed bathroom. The property has direct sunlight in the back yard and they wanted to provide shade for their children. The pool is existing and they are unable to move the cabana because of the pool.

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-52/16 of Emilia Gruyters, Planning Technician-

Development Services re Minor Variance Application A26/2016, relief from the Interior Side Yard Setback, Lot 22, Plan 40M-1989, Plan H-50065, Block 11, Part Lot 561, 40R-2001 Part 1, 7 (Uxbridge) 2a Isaac Court – Kevin and Janis Cochran

MOVED by Councillor Bryan, SECONDED by Councillor Hight
“THAT the Council of the Township of Uxbridge receive Report DS-52/16 of Emilia Gruyters, Planning Technician-Development Services for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A26/2016, 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 the approval of the variance shall apply only to the cabana contemplated under Application A26/2016;

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 A26/2016;

AND THAT the construction under the approval of Application A26/2016 shall be in substantial conformity with the design and location of the plans submitted with the application;

AND THAT the setback proposed shall be in substantial conformity or greater than the setback contemplated in application A26/2016l;

AND THAT the costs of fulfilling the conditions shall be the responsibility of the owner.”

CARRIED

The owner/ applicant had no objections to the conditions.

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

Robert Harrison asked how much the overhang would project beyond the main roof. The owner stated it would be 8 inches.

DECISION

Moved by Ed Chillman, Seconded by Robert Harrison that application A21/2016 by Kevin & Janis Cochran, Lot 22 Plan 40M-1989 Plan H-50065 Block 11 Part Lot 561, 40R-20001 Part 1, 7 (Uxbridge) 2a Isaac Crt, Relief from Section 5.1.h.ii to permit a minimum interior side yard setback of 0.4 m for a variance of 0.8 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 cabana contemplated under Application A26/2016.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A26/2016.

The construction under the approval of Application A26/2016 shall be in substantial conformity with the design and location of the plans submitted with the application.

The setback proposed shall be in substantial conformity or greater than the setback contemplated in application A26/2016.

The owner/applicant shall submit a grading & drainage plan prior to the issuance of a building permit.

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

CARRIED

**A27/2016- Melfer Construction – Robert Liderra, Lot 20 40M-1679 (Uxbridge)
7 Paisley Lane**

The owner/applicant was not in attendance.

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

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A27/2016 by Melfer Construction – Robert Liderra, Lot 20 40M-1679 (Uxbridge) 7 Paisley Lane, Relief from Section 14.18.9.28.b.iv to permit a minimum landscaped open space of 24 % for a variance of 16%, **BE TABLED UNTIL THE NEXT AVAILABLE MEETING.**

CARRIED

**A28/2016- Alex & Jutta Manis, Lot 14 Plan 749 40R-12031 Part 2 (Uxbridge)
97 Pilkey Rd**

Alex Manis was present as the owner of the property. He explained he needed the sheds but decided he would remove many of them if he could erect the one larger building for storage. He confirmed the tarped structure would be removed.

Written Comments

Lake Simcoe Region Conservation Authority – See File

Fire Department – See File

Report from Development Services – See File

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

Report DS-61/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment application A28/2016, Relief from the Maximum Gross Floor Area of Accessory Buildings and Structures, Lot 14, Plan 749 40R-12031 Part 2, 97 Pilkey Road- Alex and Jutta Manis;

MOVED by Mayor O'Connor

"THAT the Planning and Economic Development Committee receive Report DS-61/16, as amended, of Emilia Gruyters, Planning Technician for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A28/2016, 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 prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A28/20 16;

AND THAT the size of the new construction shall be in substantial conformity or less than the size proposed by this application;

AND THAT the approval of the variance shall apply only to the shed(s) contemplated under Application A28/2016;

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 A28/2016;

AND THAT the construction under the approval of Application A28/2016 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;
AND THAT the Applicant be required to remove the shed and tent within three (3) months after the new building is constructed."

CARRIED

Emilia Gruyters stated she spoke to the planner at Lake Simcoe Region Conservation Authority earlier in the week and it was suggested the application could be approved with conditions and that a building permit be obtained within 2 years.

Gerri-Lynn was present in the audience and she commented if the property is outside of their regulated limits, why are studies required. Liz Howson stated LSRCA may not have the authority to ask for the studies if the property isn't regulated. It was recommended LSRCA be contacted about their request.

Murray Henderson from 105 Pilkey Rd was present in the audience. He wanted to know if the proposal was for a garage or shed. The owner said it would be a garage 22 ft x 44 ft in size. Mr. Henderson was concerned it would be visible from the road.

Ed Chillman reminded the audience the application was for the gross floor area and location of the garage only. Whether the garage was visible from the road was not a variance contemplated in this application.

Marion Norton asked when the owner wished to start the construction. The owner wanted to start as soon as possible but would not proceed if the cost of the studies were too great.

The owner stated the height of the building was 10 feet to the peak of the roof.

Because of the studies required by LSRCA, the condition for obtaining a building permit was changed from one year to two years.

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A28/2016 by Alex & Jutta Manis, Lot 14 Plan 749 40R-12031 Part 2 (Uxbridge) 97 Pilkey Rd, Relief from Section 5.1.d to permit a maximum gross floor area of all accessory buildings and structures on a lot of 113.8 m² for a variance of 53.8 m², Relief from Section 5.1.b. to permit an accessory building or structure to be located closer to the street line than the principal or main building **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:

Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A28/2016.

The size of the new construction shall be in substantial conformity or less than the size proposed by this application.

The approval of the variance shall apply only to the shed(s) contemplated under Application A28/2016.

The owner/applicant shall obtain a building permit for the construction within two (2) years of the final date of appeal of Application A28/2016.

The construction under the approval of Application A28/2016 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

A29/2016- Judy & Dimitrios Manolakos-Doug & Christine Seed, Part Lot 15 Concession 7, 40R-5774 Part 1, 40R-10561 Part 1(Uxbridge), 63 Mayfair Drive

The owner / applicant was not in attendance.

DECISION

Moved by Rob Miller, Seconded by Ed Chillman that application A29/2016 by Judy & Dimitrios Manolakos – Doug & Christine Seed, Part Lot 15 Concession 7, 40R-5774 Part 1, 40R-10561 Part 1 (Uxbridge), 63 Mayfair Drive, Relief from Section 5.4.d to permit an increase in height of 1.5 m, **BE TABLED UNTIL THE NEXT AVAILABLE MEETING.**

CARRIED

A30/2016- Wooden Sticks Golf Inc. - Greg Seemann, 6100 Concession 7 Lots 25 & 26 40R-12280 Part 1 (Uxbridge), 40 Elgin Park Dr

Greg Seemann was present as the owner/applicant of the property. He wanted Wooden sticks to continue to be a destination for Uxbridge. The existing accommodations on site are limited and are geared to a one night stay. He has had requests from visitors to stay for longer periods of time.

The proposed development is a combination of single rooms and condominium style units with cooking facilities for multi-night stays.

Written Comments

Lake Simcoe Region Conservation Authority – See File

Fire Department – See File

Report from Development Services – See File

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

Report DS-59/16 of Elizabeth Howson, Macaulay Shiomi Howson Ltd. re Minor Variance Application A30/2016, Relief from Maximum Number of Accessory Guest Cabins, Relief from Maximum Gross Floor Area of each Cabin, Relief from Prohibition of Cooking Facilities within the Cabins, Concession 6, Lots 23, 24, 25, 26 and 27, Township of Uxbridge- Wooden Sticks Golf Course

MOVED by Councillor Molloy, SECONDED by Councillor Barton
"THAT the Council of the Township of Uxbridge receive Report DS-59/16 of Elizabeth Howson, Macaulay Shiomi Howson Ltd. for information;

AND THAT Planning and Economic Development Committee recommend approval of the minor variance application by Wooden Sticks Golf Inc.- Accessory Guest Cabins- 40 Elgin Park Drive, Lots 23, 24, 25, 26 and 27, Concession 6, Township of Uxbridge, Region of Durham.

CARRIED

Marion stated this application is supported by the Region of Durham, the Township of Uxbridge and the Township's Planning consultant.

Ian Bacque from 82 Button Cres was present in the audience. He felt the application was significant and not minor. He is concerned about seeing the buildings from his property. He was also concerned with the present sign on the property.

He was reminded the minor variance application was not about the present sign on the property. He was advised to see the Development Services Department about this complaint and the issuance of the sign permit.

Max Kalinowski from 6100 Main St was present in the audience. He was concerned about the 2 storey buildings and his privacy. He was told the buildings won't be seen above the tree lines.

Ed stated much of Mr. Kalinowski's concerns would be dealt with during the building permit and site plan application process.

Marion asked the applicant when the development would begin. Greg said once he obtains approval from the various agencies he would submit a building permit application.

Further discussions took place about removing the condition to obtain a building permit within one year. The various studies and approvals will take time and it is difficult to know when they will be complete. The owner is committed to this development and will apply for an application once all approvals are obtained. This condition was removed from the approved decision.

DECISION

Moved by Ed Chillman, Seconded by Robert Harrison that application A30/2016 by Wooden Sticks Golf Inc. - Greg Seemann, 6100 Concession 7 Lots 25 & 26 40R-12280 Part 1 (Uxbridge), 40 Elgin Park Dr, Relief from Section 4.3.5.11.d to permit a maximum of ten (10) guest cabins, Section 4.3.5.11.d.i to permit a maximum gross floor area of each cabin of 1207.7 m² for a variance of 1132.7 m² Section 4.3.5.11.d.iii to permit cooking facilities in the guest cabins, **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:

Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the Ministry of Environment with respect to A30/2016.

Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the LSRCA with respect to A30/2016.

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

The approval of the variance shall apply only to the four cabins contemplated under Application A30/2016.

The construction under the approval of Application A30/2016 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

The owner of Melfer Construction arrived and appeared before the Committee of Adjustment to present his application.

**A27/2016- Melfer Construction – Robert Liderri, Lot 20 40M-1679 (Uxbridge)
7 Paisley Lane**

There was a motion to remove the application from its tabled status by Brock Clark and Seconded by Robert Miller.

Robert explained the rear of the lot is sodded and this space is needed for parking and a turnaround area for the company's trucks and trailers. He is proposing to replace the area with gravel for greater ease. There would not be outside storage planned in this area.

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-60/16 of Emilia Gruyters, Planning Technician re
Committee of Adjustment Application A27/2016, Relief from the
Minimum Open Space Landscape Requirement, Lot 20, 40M-1679,
7 Paisley Lane, Uxbridge - Melfer Construction - Robert Liderri

MOVED by Mayor O'Connor

"THAT the Planning and Economic Development Committee receive Report DS-60/16 of Emilia Gruyters, Planning Technician for information;

AND THAT that prior to the Committee of Adjustment making a decision with respect to Application A27/2016, 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 the approval of the variance shall apply only to the open space landscape requirement contemplated under Application A27/2016.

AND THAT the applicant/owner shall submit a revised landscape plan to the Development Services Department for the site plan development file."

CARRIED

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

DECISION

Moved by Robert Harrison, Seconded by Brock Clark that application A27/2016 by Melfer Construction – Robert Liderra, Lot 20 40M-1679 (Uxbridge) 7 Paisley Lane, Relief from Section 14.18.9.28.b.iv to permit a minimum landscaped open space of 24 % for a variance of 16%, **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 open space landscape requirement contemplated under Application A27/2016.

The applicant/owner shall submit a revised landscape plan to the Development Services Department for the site plan development file.

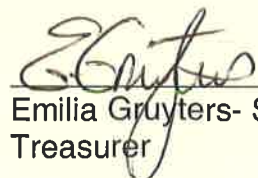
CARRIED

ADJOURNMENT

The meeting adjourned at 8:50 pm



Marion Norton- Chairperson



Emilia Gruyters- Secretary
Treasurer