

MINUTES OF COMMITTEE OF ADJUSTMENT

The 1st meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday January 20, 2016 in the Council Chambers, Municipal Offices, Uxbridge, Ontario.

PRESENT

Marion Norton – Chair
Brock Clark
Rob Miller
Robert Harrison
Emilia Gruyters-Secretary Treasurer

ABSENT

Ed Chillman

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 Brock Clark, Seconded by Robert Harrison, that the minutes of November 18, 2015 hearing be approved, as presented.

Moved by Robert Harrison, Seconded by Brock Clark, that the minutes of December 21, 2015 hearing be approved, as presented.

A1/2016–David & Connie Mckibbon, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 38 Main Street South

A2/2016–David & Connie Mckibbon, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 30 Main Street South

David and Connie Mckibbon were present as the owners of the property. The first application is to recognize the existing home and its setbacks. The second application is as a result of and land division application and to build a home which the owners will occupy.

David presented elevation drawings to the committee which were the same as the one's submitted with the application. Both the garage and the new home will face the street.

The construction will be all brick with a stone basement. This will be similar to the existing home at 38 Main St. S.

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-02/16 of Emilia Gruyters, Planning Technician re Committee of Adjustment Application A1/2016 and A2/2016, 38 Main Street South, 30 Main Street South, Plan 83 Block 000, part Lot 1, 2, 19, 40R-16666 Part 5, Uxbridge – David and Connie Mckibbon

MOVED by Mayor O'Connor

“THAT the Planning and Economic Development Committee receive Report DS-02/1 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A1/2016 and A2/2016, 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;

1. In the event that the other conditions of approval of the related consent application (LD 114/2015) are not satisfied, the decision of the Committee of Adjustment for these applications should be deemed null and void.

2. An agreement should be entered into with the owner that addresses the requirements for lot creation for 30 Main Street South and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.

3. Prior to the framing stage of the construction of the addition, the owner's Ontario Land Surveyor should submit a survey to the Township Building department verifying the side yard setback, lot coverage of all buildings, lot coverage of all accessory buildings and the rear yard setback for the accessory building as approved through the Committee of Adjustment.

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

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

6.The variances for the dwellings and accessory structures should be in substantial conformity or less with the variances proposed by the applications.

7.The dwelling proposed on 30 Main Street South should be in substantial conformity with the plans submitted with the minor variance application.

8.The applicant should obtain a building permit for the dwelling within one (1) year of the final date of appeal of Application A2/2016.”

CARRIED

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

Bob Harrison supported the design of the new dwelling since it would fit in with the character of the neighbourhood.

Rob Miller asked about the driveway on the property and was informed that it was a right of way owned by the neighbour.

Marion Norton asked when the construction of the new dwelling would take place and was informed in the summer of 2016. She asked if the owners would be able to meet the conditions of the land division committee. The owners stated there were confident they could meet the conditions and had no issues with the conditions of the committee of adjustment.

Brock Clark asked if the driveway was widened, on whose lot it would take place. It would take place on the McGibbon’s property.

There were no further questions.

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A1/2016 by David & Connie Mckibbon, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 38 Main Street South, Relief from Section 4.10.1.c.i to recognize an existing front yard depth of 0.70 m for a variance of 7.3 m, Relief from Section 4.10.2.1.c.iv to recognize an existing rear yard depth of 7.1 m for a variance of 2.9 m, Relief from Section 5.1.d to recognize the existing lot coverage of all accessory buildings of 8.3 % for a variance of 3.3 %, **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. In the event that the other conditions of approval of the related consent application (LD 114/2015) are not satisfied, the decision of the Committee of Adjustment for these applications is deemed null and void.
2. The variance for the dwelling and accessory structure be in substantial conformity or less with the variances proposed by the application.

CARRIED

DECISION

Moved by Brock Clark, Seconded by Robert Harrison that application A2/2016 by David & Connie Mckibbon, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 30 Main Street South, Relief from Section 4.10.1.b to permit a minimum lot frontage of 13.7 m for a variance of 1.3 m, Relief from Section 4.10.2.1.c.iii to permit an interior side yard width of 1.2 m for a variance of 2.8 m. Relief from Section 4.10.2.1.f to permit a lot coverage of all buildings of 49 % for a variance of 19%, Relief from Section 5.1.d to permit a lot coverage of all accessory buildings of 10.7 % for a variance of 5.7 %, Relief from Section 5.1.h.ii to permit a minimum rear yard setback of 1.1 m for a variance of 0.1 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. In the event that the other conditions of approval of the related consent application (LD 114/2015) are not satisfied, the decision of the Committee of Adjustment for these applications is deemed null and void.
2. An agreement is entered into with the owner that addresses the requirements for lot creation for 30 Main Street South and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.

3. Prior to the framing stage of the construction of the dwelling and accessory structure, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the side yard setback, lot coverage of all buildings, lot coverage of all accessory buildings and the rear yard setback for the accessory building as approved through the Committee of Adjustment.
4. The applicant/owner provide a professional grading/site plan prior to the issuance of a building permit.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/ applicant.
6. The variances for the dwelling and accessory structure be in substantial conformity or less with the variances proposed by the application.
7. The dwelling proposed on 30 Main Street South be in substantial conformity with the plans submitted with the minor variance application.
8. The applicant obtain a building permit for the dwelling within one (1) year of the final date of appeal of Application A2/2016.

CARRIED

A38/2015– Lorne Johannessen, Part Lot 27 Concession 6 (Uxbridge), 6400 Concession Rd 7

Kristin Mason was present as the owner of the property. They have re-applied to the committee of adjustment because the setbacks from the previous application was incorrect. The existing house and addition were plotted on the survey and the error was discovered. The footprint of the addition will remain the same.

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-73/15 of Emilia Gruyters, Planning Technician re Relief from the Interior Side Yard Width, Lot 27, Concession 6, 6400 Concession 7 – Lorne Johannessen

MOVED by Mayor O'Connor

“THAT the Report DS-73/15 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A38/2015, 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 framing stage of the construction of the garage, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the front yard setback approved through the Committee of Adjustment decision A38/2015:

AND THAT the applicant obtain a building permit within one (1) year of the final date of appeal of Application A38/2015:

AND THAT the setbacks of the addition be in substantial conformity or greater with the setbacks proposed by this application:

AND THAT the approval of the variance apply only to the interior side yard setback contemplated under application A38/2015;

AND THAT all requirements of the home occupation/home industry by-law be met.”

CARRIED

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

There were no questions.

DECISION

Moved by Brock Clark, Seconded by Bob Harrison that application A38/2015 by Lorne Johannessen, Part Lot 27 Concession 6 (Uxbridge), 6400 Concession Rd 7, Relief from Section 4.4.2.c.iii to permit an interior side yard width of 0.63 m for a variance of 5.3 m and to recognize an interior side yard of 3.3 m for a variance of 2.7 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:

Prior to the framing stage of the construction of the addition, the owner's Ontario Land Surveyor submit a survey to the Township Building department verifying the side yard setback approved through the Committee of Adjustment decision A38/2015.

The applicant obtain a building permit within one (1) year of the final date of appeal of Application A38/2015.

The setbacks of the addition be in substantial conformity or greater with the setbacks proposed by this application.

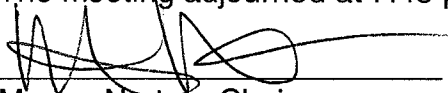
The approval of the variance apply only to the interior side yard setback contemplated under application A38/2015.

Comments from the Lake Simcoe Region Conservation Authority are required to determine if there are any concerns with the proposal.

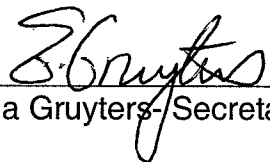
CARRIED

ADJOURNMENT

The meeting adjourned at 7:45 pm



Marion Norton- Chairperson



Emilia Gruyters- Secretary Treasurer