

MINUTES OF COMMITTEE OF ADJUSTMENT

The 10th meeting of 2016, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday November 16, 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 September 21, 2016 hearing be approved, as presented.

Moved by Brock Clark, Seconded by Rob Miller, that the minutes of October 19, 2016 hearing be approved, as presented.

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

Karen Carey was present as the owner of the property. Rudy Van Veen was present as the applicant for the application.

They explained there were items at the rear of the dwelling that required storage and the addition to the garage would provide storage space for those items.

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 A21/2016,
Relief from Maximum Total Lot Coverage of all Accessory Buildings
or Structures, Lot 28, Concession 6, 40R-26064, Part 1, 2, 188
Toronto Street South – Karen Carey

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

AND THAT prior to the Committee of Adjustment making a decision
with respect to Application A21/2016, 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 accessory building shall not be used for human
habitation, commercial or industrial purposes.

AND THAT the size of the garage addition shall be in substantial
conformity or less with the size of the construction proposed by this
application.

AND THAT the approval of the variance shall apply only to the
garage addition contemplated under Application A21/2016.

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 A21/2016.

AND THAT approval of the accessory building shall be conditional
that there shall be no plumbing in the building.

AND THAT the construction under the approval of Application
A21/2016 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

The owner/ applicant had no objections to the conditions.

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

Marion Norton asked if there would be heat installed in the building and when the construction would take place. There would be no heat and the owner wished to construct the addition as soon as possible.

DECISION

Moved by Brock Clark, Seconded by Ed Chillman that application A21/2016 by Karen Carey, Part Lot 28 Concession 6, 40R-26064 Part 1, 2 (Uxbridge) 188 Toronto St S, Relief from Section 5.1.d to permit a maximum lot coverage of an accessory building of 8.4 % for a variance of 3.4 %, **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 accessory building shall not be used for human habitation, commercial or industrial purposes.

The size of the garage addition shall be in substantial conformity or less with the size of the construction proposed by this application.

The approval of the variance shall apply only to the garage addition contemplated under Application A21/2016.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A21/2016.

Approval of the accessory building shall be conditional that there shall be no plumbing in the building.

The construction under the approval of Application A21/2016 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

**A25/2016- Barb Cline, Block 23 Plan 40M-2308, 40R-24370 Part 1 (Uxbridge),
18 Meadows End Cres**

Barb Cline was present as the owner of the property. She explained the covered deck would serve as the family's outdoor living space.

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-53/16 of Emilia Gruyters, Planning Technician-
Development Services re Minor Variance Application A25/2016,
relief from Maximum Projection into a required yard and relief from
the Exterior Side Yard Width, Block 23, Plan 40M-2308, 40R-24370
Part 1, 18 Meadows End Crescent – Barb Cline

MOVED by Councillor Bryan, SECONDED by Councillor Beach
“THAT the Council of the Township of Uxbridge receive Report DS-
53/16 of Emilia Gruyters, Planning Technician-Development for
information;

AND THAT prior to the Committee of Adjustment making a decision
with respect to Application A25/2016, 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
porch/deck contemplated under Application A25/2016;

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 A25/2016;

AND THAT the construction under the approval of Application
A25/2016 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

Marion asked about the glass enclosure around the deck. The glass would serve as a railing for the deck once it is complete. The deck was started without a permit.

Sharon Morton from 19 Meadows End Cres. was present in the audience. She lived across the street. She felt the construction is an eyesore. She was concerned the large roof would interfere with the future sale of her home. A gas fireplace has already been added and she was concerned the deck would be enclosed.

Barb stated they had no plans to enclose the porch.

Ed Chillman stated the application was not about the roof since the zoning bylaw permitted covered porches or decks.

Ed stated he noticed plywood had been used to enclose the deck. The owner stated it was only temporary because the weather was changing and they wanted to protect the construction.

Brock asked about when the deck was constructed. The owners purchased the house in April 2016 and an existing deck was present at the rear of the property. The deck and roof along the side of the dwelling are new and were built together.

There were no further questions.

DECISION

Moved by Ed Chillman, Seconded by Robert Harrison that application A25/2016 by Barb Cline Block 23 Plan 40M-2308, 40R-24370 Part 1 (Uxbridge), 18 Meadows End Cres., Relief from Section 5.1.k to permit a maximum projection of 3.0 m for a variance of 1.5 m and to permit a minimum exterior side yard width of 3.0 m for a variance of 1.6 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 application conforms to all the by-laws for a covered porch and the variance is minor in nature.

Conditional Upon:

The approval of the variance shall apply only to the porch/deck contemplated under Application A25/2016.

The owner/applicant shall obtain a building permit for the construction within one (1) year of the final date of appeal of Application A25/2016.

The construction under the approval of Application A25/2016 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

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

Janis Cochran was present as the owner of the property. Anthony Golden was present as the contractor for the project.

Janis stated they are building a cabana to provide shade in the backyard so they can enjoy their property. If they were to comply with the 1.2 m setback they would not be able to build it because of the location of the existing pool.

Marion asked if the construction had taken place without a permit. The contractor said he did not realize a cabana needed a building permit.

A Letter was read from Scott and Patricia Richardson from 6 Button Crescent(See File).

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-54/16 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 Highet
“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 had no issues with the conditions of approval.

Michael Damus from 4 Isaac Crt was present in the audience. He was concerned about the setback and about any changes to the grades that might affect his property. His pool is located towards this side of the property as well. He was concerned about the height of the cabana.

After further discussions, the committee concluded the cabana meets the height requirement of 5.0 m to the midpoint of the roof.

Suggestions were made to add a condition to have the CBO verify there will be no grading issues.

Collin Mason from 4 Button Cres was present in the audience. He lives behind the subject property and had not objection to the variance.

Letters were read in support of the application. (See File)

Robert Harrison asked about the construction of the structure and stated if the construction consists of 4 posts and sonotubes, they should be able to maintain the grades of the property. The contractor confirmed this and stated there should not be any grading issues.

Rob Miller stated the roof lines appear to be close to the property line. He asked how far the eaves would project. The contractor stated there would be very little

overhang because of how close the cabana is to the property line. The floor of the cabana would be flagstone and river rock would be installed along the fence line.

Janis explained the rear yard did not have any grassed area. The entire back yard is interlock and there would be no problem with drainage.

Marion asked Mr. Damus how long he has lived at this property and if at anytime there were drainage issue. Mr. Damus said there have not been any issues.

A comment was made that Mr. Damus deck is built higher than the Cochran's property.

Brock stated the drawings were not accurate in terms of the number of posts on the property.

Anthony asked if the variance was for the number of posts or the setbacks. The members felt the drawings were not accurate and should not have been submitted.

The contractor said the bathroom shown on the drawings was an afterthought and was just sketched in at the last moment. He was not sure what type of bathroom it would be

Marion stated a building permit would be required before the cabana and washroom could be installed or finished.

Brock asked if the sink and toilet are enclosed, what would happen to the overflow.

Discussions about the accuracy of the minor variance setback were discussed. Brock measured the distance to the closest post and found the setback to be 18 inches and not the 20 inches as requested in the application.

Discussions took place about tabling the application to ensure the setbacks are accurate.


DECISION

Moved by Rob Miller, Seconded by Ed Chillman that application A26/2016 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 0.5 m for a variance of 0.7 m, BE TABLED UNTIL THE DECEMBER 21ST MEETING TO OBTAIN ACCURATE SETBACKS AND DRAWINGS. CARRIED**

ADJOURNMENT

The meeting adjourned at 8:30 pm


Marion Norton- Chairperson


Emilia Gruyters- Secretary
Treasurer