

MINUTES OF COMMITTEE OF ADJUSTMENT

The 7th meeting (Virtual) of 2020, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday September 16, 2020.

PRESENT

Michelle McCarthy-Chair
Gerri Lynn O'Connor
Frank Mazzotta
Cathie Proulx
Joanna Fast
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.

Michelle McCarthy – Chairperson read the following:

Under the Freedom of Information and Protection of Privacy 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 Cathie Proulx, Seconded by Joanna Fast, that the minutes of August 19, 2020 hearing be approved as presented.

A18/2020- Paul Weekes & Jennifer Dauphnee-Dave Brunne (Agent), Lot 36 Plan 40M-1483(Uxbridge), 4 Linton Court

Michelle McCarthy explained the application was for the relief from section 4.9.2.f to permit a maximum lot coverage of all buildings of 32 % (206.6 m²) for a variance of 2% (12.9 m²). The agent, Dave Brunne, was present and stated her description was accurate for the development.

The chair requested the committee members thoughts on requesting a survey for the application. A decision was made a survey would not be necessary given the requested variance was not regarding setbacks.

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

Written Comments

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

THAT Report DS-41/20 of Emilia Gruyters, Planning Technician, Secretary-Treasurer of Committee of Adjustment, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A18/2020, they should be satisfied that the proposed variance meets 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 Bylaw, the following conditions should be established:

1. The accessory structure is not be used for industrial, commercial or human habitation.
2. The construction of the cabana under the approval of Application A18/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A18/2020.
4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the cabana contemplated under Application A18/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

DECISION

Moved by Joanna Fast, Seconded by Cathie Proulx that application A18/2020 by Paul Weekes & Jennifer Dauphnee-Dave Brunne(Agent), Lot 36 Plan 40M-1483(Uxbridge), 4 Linton Court, Relief from section 4.9.2.f to permit a maximum lot coverage of all buildings of 32% (206.6 m²) for a variance of 2% (12.9 m²), **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. The accessory structure is not be used for industrial, commercial or human habitation.
2. The construction of the cabana under the approval of Application A18/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A18/2020.
4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the cabana contemplated under Application A18/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

A19/2020- Dimitra Maniatis-Chris Lawrence (Agent) , DVLCP 208 Level 1 Unit 22, 2 Country Club Cres

Dimitra Maniatis was present as the owner of the property. Chris Lawrence was present as the agent for the application. The condominium corporation did not support the height or location of the proposed cabana. After further consultations, a revised drawing would be needed reflecting an exterior side yard width of 2.7 m and a height of 4.1 m. The size of the pool cabana has also been reduced to 60.2 m².

Joanna Fast asked if the condo corporation normally approves the drawings. The owner stated they do not.

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

Written Comments

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

THAT Report DS-42/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A19/2020, they should be satisfied that the proposed variances 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 Bylaw, the following conditions should be established:

1. The cabana shall not be used for commercial, industrial or human habitation.
2. The construction of the cabana under the approval of Application A19/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A19/2020.
4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the cabana contemplated under Application A19/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.

7. A letter from the condominium board shall be obtained to ensure there are no concerns with the construction of the cabana prior to the issuance of a building permit.

DECISION

Moved by Michelle McCarthy, Seconded by Cathie Proulx that application A19/2020 by Dimitra Maniatis-Chris Lawrence (Agent), DVLCP 208 Level 1 Unit 22(Uxbridge), 2 Country Club Cres, Relief from Section 4.8.4.38.a.ii to permit a minimum exterior side yard width of 2.7 m for a variance of 2.3 m and to recognize an existing exterior side yard width of 1.2 m for a variance of 3.8 m, Relief from Section 5.1.d to permit the total gross floor area of all accessory buildings and structures on a lot of 60.2 m² for a variance of 0.2 m², **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. The cabana shall not be used for commercial, industrial or human habitation.
2. The construction of the cabana under the approval of Application A19/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A19/2020.
4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the cabana contemplated under Application A19/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.
7. A letter from the condominium board shall be obtained to ensure there are no concerns with the construction of the cabana prior to the issuance of a building permit.

**A20/2020-Andrew Meister-Hailey Weatherbee (Agent) Lot 35 Concession 6,
322 Main Street N**

Hailey Weatherbee was present as the agent for the application. Hailey stated the owners wanted to maintain a functional back yard and wanted to locate the garage in the front yard. Based on the comments received from the Durham Region works department the future road widening will set the proposed garage 2.2 m from the proposed widening and 5.2 m from the existing front lot line.

Frank Mazzotta asked if the orientation of the garage would change. This would not be altered.

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

Written Comments

Region of Works Department-See File

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A20/2020, they should be satisfied that the proposed variances 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 Bylaw, the following conditions should be established:

1. The garage shall not be used for commercial, industrial or human habitation.
2. The construction of the garage under the approval of Application A20/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A20/2020.

4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the garage contemplated under Application A20/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

DECISION

Moved by Joanna Fast, Seconded by Frank Mazzota that application A20/2020 by Andrew Meister-Hailey Weatherbee (Agent) Lot 35 Concession 6, 322 Main Street N, Relief from Section 5.1 .b to permit an accessory structure to be located closer to the street line than the principal or main building on the lot, Relief from Section 5.1 .d to permit the total gross floor area of all accessory buildings and structures on a lot of 83.6 m² for a variance of 23.6 m² , **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. The garage shall not be used for commercial, industrial or human habitation.
2. The construction of the garage under the approval of Application A20/2020 shall be in substantial conformity with the design and location of the plans submitted with the application.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A20/2020.
4. The owner/applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the garage contemplated under Application A20/2020.
6. The cost of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

ADJOURNMENT

The meeting adjourned at 8:00 pm

Michelle McCarthy-Chair

Emilia Gruyters
Secretary Treasurer