

MINUTES OF COMMITTEE OF ADJUSTMENT

The meeting (Virtual) of 2023, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday August 16, 2023.

PRESENT

Michelle McCarthy-Chair
Ed Chillman
Frank Mazzotta
Ken May
Kyle Rainbow, Director of Development Services
AJ Singh, Planning Technician-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, Ed Chillman declared pecuniary interest in the A22/2023 (36 Howard Williams Court) application as this was a neighbour. Ed Chillman agreed not to make a decision on the A22/2023 (36 Howard Williams Court) application.

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 Frank Mazzotta, seconded by Ed Chillman, that the minutes of the July 19, 2023 hearing be approved as presented.

A19/2023 – Clayton Huntley and Quincy Huntley, PCL CON. 6-29-2; SEC UXBRIDGE; PT LT 29, CON 6, Vacant Parcel

Tony Wang was present as the agent and the representative of the owners of the property.

- The Committee made the decision to hear the A19/2023 and A20/2023 applications simultaneously as the applications are in relation to each other.
- Michelle McCarthy summarized the application.

- Tony Wang explained the minor variance proposal stating that the applicant has gained conditional approval through the Durham Region Land Division Committee, approval was granted by the LSRCA.
- Frank Mazzotta asked if the applicant had completed the requested NHE as part of the lot line adjustment application.
- Tony Wang replied stating that the NHE was completed and submitted to the Durham Region Land Division Committee to grant conditional approval.
- Frank Mazzotta asked Township Staff if they are in receipt of documented approval by the LSRCA.
- Tony Wang replied stating that the applicant has received an entrance permit which was part of a package containing a natural heritage permit.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application. The Uxbridge Fire Department indicated no objection to the proposed application. Durham Region Health had provided comments on the lot line adjustment application and will not be providing comments with regards to this application.
- Michelle McCarthy asked Township Staff the rationale for not including a condition that is seen on similar applications where it would be necessary to obtain a building permit within one year of the variance approval.
- Kyle Rainbow replied, identifying that the applied variance is not to built form but rather to a standard lot and as such the construction of the home within a year is not relevant to the variance for the lot size.
- Tony Wang indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Durham Region Health – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

The Council of the Township of Uxbridge provided the following comments:
No comments provided.

DECISION

Moved by Ken May, Seconded by Ed Chillman that Application A19/2023- Clayton Huntley and Quincy Huntley, PCL CON. 6-29-2; SEC UXBRIDGE; PT LT 29, CON 6, Relief from Section 4.4.2 b. to permit minimum lot frontage of 30 m for a variance of 170m, **BE APPROVED** 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional upon:

1. The proposed minimum lot frontage under the approval of Application A19/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
3. The approval of the variances shall apply only to the areas contemplated under Application A19/2023.

CARRIED

A20/2023 - Christopher and Laura Huntley, PT LT 29 CON 6, UXBRIDGE, AS IN D423749, 6749 Concession 6

Tony Wang was present as the agent and the representative of the owners of the property.

- The Committee made the decision to hear the A19/2023 and A20/2023 applications simultaneously as the applications are in relation to each other. The minutes from the A20/2023 application are shared with the A19/2023 application.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application. The Uxbridge Fire Department indicated no objection to the proposed application. Durham Region Health had provided comments on the lot line adjustment application and will not be providing comment with regards to this application.

- Tony Wang indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Durham Region Health – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

The Council of the Township of Uxbridge provided the following comments:
No comments provided.

DECISION

Moved by Ken May, Seconded by Ed Chillman that Application A20/2023-Christopher Huntley and Laura Huntley, PT LT 29 CON 6, UXBRIDGE, AS IN D423749, Relief from Section 4.4.2 b. to permit minimum lot frontage of 85.2 m for a variance of 114.8 m, BE APPROVED 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The proposed minimum lot frontage under the approval of Application A20/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
3. The approval of the variances shall apply only to the areas contemplated under Application A20/2023.

CARRIED

**A21/2023 – Cindy Lee Mills, PT E 1/2 LT 5, CON 2 SCOTT PT 1, 40R7374, 269
Sandford Road**

Tony Wang was present as the agent and the representative of the owners of the property.

- Michelle McCarthy summarized the variances.
- Tony Wang summarized the application identifying the nature of the proposal and further that conditional approval was granted by the Durham Region Land Division Committee.
- Key May inquired about the existence of buildings on the identified Parts 1 & 4.
- Tony Wang responded by stating that there are no existing buildings on Part 1 however there is an existing building on Part 4 which is located to the southeast corner of the adjusted parcels.
- Ken May inquired about the decision to locate the required frontage to the left side of the parcel rather than to the right side of the parcel.
- Tony Wang responded that due to the encroachment on the subject parcels, road access could only be granted from the location identified in the submitted drawings.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application and that a permit has been previously issued. The Uxbridge Fire Department indicated no objection to the proposed application. Durham Region Health had provided comments on the lot line adjustment application and will not be providing comment with regards to this application.
- Tony Wang indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Durham Region Health – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

The Council of the Township of Uxbridge provided the following comments:
No comments provided.

DECISION

Moved by Frank Mazzotta, Seconded by Ken May that Application A21/2023- Cindy Lee Mills, PT E 1/2 LT 5, CON 2 SCOTT PT 1, 40R7374, 269 Sandford Road, Relief from Section 4.4.2 b. to permit minimum lot frontage of 160 m for a variance of 40 m, **BE APPROVED** 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The proposed minimum lot frontage under the approval of Application A21/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
3. The approval of the variances shall apply only to the areas contemplated under Application A21/2023.

CARRIED

A22/2023 – Marcia McCoy, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 17 ON REFERENCE PLAN 40R31521, 36 Howard Williams Court

Dustin Winfield was present as the authorized agent for the owners of the property.

- Michelle McCarthy summarized the variances.
- Dustin Winfield explained the purpose of the variance for the proposed deck at the rear of the home.
- Ken May asked Dustin Winfield if approval is necessary from the condo corporation with the construction of the deck.

- Ed Chillman responded stating that the property is classified as a common elements condominium with POTL where shared rights exist over the elements owned by the condominium corporation, this does not apply to any exterior alterations such as a deck.
- Michelle McCarthy stated that the LSRCA provided no comment with respect to the proposed application. The Uxbridge Fire Department has no objection with regards to the application.
- Dustin Winfield indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

LSRCA – See File

Uxbridge Fire Department – See File

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

No comments provided

DECISION

Moved by Frank Mazzotta, Seconded by Ken May that Application A22/2023- Marcia Mccoy PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 17 ON REFERENCE PLAN 40R31521, 36 Howard Williams Court, Relief from Section 4.11.4.24 viii. to permit a Rear Yard Depth of 2.46 m, **BE APPROVED** 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The proposed raised deck in the rear yard under the approval of Application A22/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.

2. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A22/2023.
3. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
4. The approval of the variances shall apply only to the areas contemplated under Application A22/2023.

CARRIED

A23/2023 – Xiao Wen Wu, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 28 & 29, 40R31475, 27 Ballinger Way

Xiao Wen Wu was present as the applicant and the owner of the property.

- Michelle McCarthy summarized the variances.
- Dustin Winfield explained the purpose of the variance for the proposed deck at the rear of the home.
- Ed Chillman asked the applicant if the proposal is similar to that of 31 Ballinger Way.
- Xiao Wen Wu confirmed that the proposal is for a deck smaller than that of the neighbour at 31 Ballinger Way although similar in construction.
- Michelle McCarthy stated that the LSRCA provided no comment with respect to the proposed application. The Uxbridge Fire Department has no objection with regards to the application.
- Xiao Wen Wu indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

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

No comments provided.

DECISION

Moved by Ken May, Seconded by Ed Chillman that Application A23/2023- Xiao Wen Wu, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 28 & 29, 40R31475, 27 Ballinger Way, Relief from Section 4.17B v. to permit a Rear Yard Depth of 6.4 m for a variance of 3.1 m, **BE APPROVED** for the following reasons:

- 5. **The application is minor in nature.**
- 6. **The development of the land is appropriate and desirable.**
- 7. **The intent of the Zoning By-law is being maintained.**
- 8. **The intent of the Official Plan is being maintained.**

Conditional Upon:

- 1. The proposed raised deck under the approval of Application A23/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
- 2. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A23/2023.
- 3. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
- 4. The approval of the variances shall apply only to the raised deck contemplated under Application A23/2023.

CARRIED

Other business

None

ADJOURNMENT

The meeting adjourned at 8:00 pm

Aj Singh

Michelle McCarthy

Aj Singh, Planning Technician/
Secretary Treasurer