

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 July 19, 2023.

PRESENT

Michelle McCarthy-Chair
Anthony Woodruff
Frank Mazzotta
Ted Shepherd
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 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 Ted Shepherd, seconded by Frank Mazzotta, that the minutes of the June 14, 2023 hearing be approved as presented.

A14/2023 – Frank Turco, PCL 4-1 SEC 40M1589; LT 4 PL 40M1589, 45 Mill Run Gate

Frank Turco was present as an applicant and owner of the property. Sean Hume was present as an applicant and representative of the owner of the property.

- Michelle McCarthy summarized the application.
- Frank Turco and Sean Hume explained the minor variance proposal.
- Ted Shepherd asked if the applicant had discussed the Minor Variance proposal with his neighbours.
- Sean Hume replied stating that some consultation with neighbours had been undertaken.

- Frank Mazzotta posed a question to the applicants regarding the ownership of the trees near or on the property line.
- Frank Turco responded stating that the trees are situated on the property line and belong to the neighbour located to the south and would not need to be removed.
- Michelle McCarthy posed a question to Township Staff concerning the conditions indicated on the staff report pertaining to the demolition of existing accessory structures.
- AJ Singh responded indicating that Sean Hume agreed to demolish the structures to make way for the proposed.
- Michelle McCarthy stated that Durham Region Health provided no comment with respect to the proposed application.
- Sean Hume and Frank Turco indicated that they have no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Durham Region Health – See File

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

DECISION

Moved by Anthony Woodruff, Seconded by Ted Shepherd that Application A14/2023- Franco Turco, PCL 4-1 SEC 40M1589; LT 4 PL 40M1589; 45 Mill Run Gate, Relief from Section 5.1.b. to permit an accessory building closer to the street line than the principal or main building on the lot, Relief from Section 5.1.d to permit maximum lot coverage of 61.3 sqm for a variance of 1.3 sqm, and Relief from Section 5.1.h. to permit the Interior Side Yard setback of 0.6m for a variance of 0.6m, **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 detached garage in the front yard under the approval of Application A14/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall demonstrate that the existing Accessory Structures have been demolished prior to this approval being final, or shall enter into an Development Agreement which includes a requirement to demolish the Accessory Structure following final inspection of the proposed Accessory Structure.
3. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A14/2023.
4. 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.
5. The approval of the variances shall apply only to the areas contemplated under Application A14/2023.

CARRIED

A15/2023 - Hannah & Norm Bischof, PT LT 42 BLK H PL 83 AS IN D415019, 29 Maple Street

Abby Steele was present as the representative of the owner of the property. Tanner was present as the agent of the owner.

- Michelle McCarthy summarized the application.
- Abby Steele explained the Minor Variance proposal concerning the reduction of Front Yard Setback, Interior Yard setback and Lot Frontage requirements.
- Frank Mazzotta commented on the need to prune trees near the proposed building in order to facilitate construction.
- Ted Shepherd posed a question to the applicant regarding the consultation with adjacent neighbours with respect to the proposal.
- Tanner responded in saying he discussed the proposal with adjacent property owners and tenants.

- Michelle McCarthy asked members of the public if there was any comment regarding the proposed variance.
- John Hatchwell, a neighbour of the property, stated he had no interaction with the applicant regarding the proposed variance and was concerned with the impact on privacy, trees, runoff and public services imposed by the proposed building.
- Michelle McCarthy reaffirmed to John Hatchwell that the setback of the proposed building is more than the current building leaving more side yard space than what currently exists.
- Tanner addressed the question posed by John Hatchwell stating that a topographical survey indicates that runoff will be directed towards the rear of the property. He also indicated that there will be no privacy issues for the neighbour John Hatchwell as no units will face his property.
- Kyle Rainbow addressed the questions regarding sewer allocation and grading issues. Kyle indicated that site plan approval will identify any issue pertaining to grading and sewer.
- Mike McCullough the neighbour and property owner to the east of the proposal raised concern with the drainage of the proposal and the impacts onto their property.
- Michelle McCarthy advised the applicant and the neighbour Mike McCullough that the site plan process has no statutory public consultation requirement though, it is in the best interest of the applicants to advise neighbours of any proposal.
- Tanner commented with respect to the concerns of Mike McCullough, stating that he will try and mitigate the flow of water.
- Gail Sanderson inquired about the accessibility of the units and their doorways.
- Tanner responded, stating that there are accessible units in the proposed building and wheelchair parking spots will be available.
- Gail Sanderson inquired about the parking requirement.
- Abby Steele informed Gail Sanderson that the parking requirements are in compliance.
- Laura Hatchwell asked for clarification with respect to the proposed parking lot to understand whether or not it is in compliance with the current zoning.

- Anthony Woodruff posed a question to staff regarding the certainty that the building orientation will not infringe upon the privacy of the neighbour to the West and that the architectural drawings will remain the same as that in the proposal.
- Michelle McCarthy indicated that the variance speaks to the orientation of the building on the lot rather than the interior of the building.
- Kyle Rainbow responded stating that changes can be expected to the detailed drawings of the building so long as they are insubstantial and as a result have no bearing on the reason committee approved a variance. Kyle suggested that an amendment to the conditions be brought forth to ensure that the orientation of the corridor remain the same as presented to the committee.
- Frank Mazzotta brought forth a motion to amend condition 1 to include the location of the interior hallway to any future permit application.
- Abby Steele and Tanner indicated that they have no objection to the conditions as indicated by the staff report.

Written Comments

Report from Development Services – See File

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

DECISION

Moved by Frank Mazzotta, Seconded by Anthony Woodruff that Application A15/2023- Hannah and Norm Bischof, PT LT 16, CON 5; 29 Maple Street, Relief from Section 4.11.2.4 b. to permit Minimum Lot Frontage of 20.12m for a variance of 9.88 m, Relief from Section 4.11.2.4 c. to permit Front Yard Depth of 9.15 m for a variance of 0.85 m, and to permit Interior Side Yard Width of 3.69 m for a variance of 1.31m, **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 3-Storey Apartment Building under the approval of Application A15/2023 shall be in substantial conformity with the design, location of the plans and location of the hallway in the drawings submitted with the application.
2. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A15/2023.
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 A15/2023.

CARRIED

A16/2023 – Brandon and Rebecca Bryans, PT MARY ST, PL 83 CLOSED BY TU7842 AS IN D229661, 149 Victoria Drive

Steve Ritchie was present as the agent on behalf of the owner.

- Michelle McCarthy summarized the variances.
- Steve Ritchie explained the purpose of the application.
- Michelle McCarthy posed a question to the agent regarding the current deck that exist on the property.
- Steve Ritchie responded, indicating the changes in the setbacks proposed in the variance.
- Steve Ritchie indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

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

DECISION

Moved by Frank Mazzotta, Seconded by Ted Shepherd that Application A16/2023-Brandon Bryans and Rebecca Bryans, PT MARY ST, PL 83 CLOSED BY TU7842 AS IN D229661; 149 Victoria Drive, Relief from Section 4.9.2 c. i. to permit a Front Yard Depth of 3.04 m for a variance of 4.96 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 Porch in the front yard under the approval of Application A16/2023 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 A16/2023.
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 A16/2023.

CARRIED

**A17/2023 – Gerald & Angelica Fostaty; PART BLOCK 6, PLAN 40M2669
DESIGNATED AS PARTS 22 & 23, 40R31475, 21 Ballinger Way**

Gerald and Angelica Fostaty were present as the owners of the property. Abby Steele was present as the authorized agent for the owners of the property.

- Michelle McCarthy summarized the variances.
- Abby Steele explained the purpose of the variance for the proposed deck at the rear of the home.
- Ted Shepherd posed a question regarding the approval for setback reductions for similar applications on Ballinger Way.

- Michelle McCarthy stated that the LSRCA provided no comment with respect to the proposed application. A letter of support was received from a neighboring property owner.
- Abby Steele indicated that she has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

LSRCA – See File

Letter of Support – See File

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

DECISION

Moved by Anthony Woodruff, Seconded by Frank Mazzotta that Application A17/2023- Gerald Fostaty and Angelica Fostaty, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 22 & 23, 40R31475; 21 Ballinger Way, Relief from Section 4.17B v. to permit a Rear Yard Depth of 6.18 m for a variance of 3.32 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 under the approval of Application A17/2023 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 A17/2023.

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 A17/2023.

CARRIED

A18/2023 – Rino & Janice Montanari, PT LT 16, CON 5, UXBRIDGE AS IN D464236, 512 Regional Road 21 (Goodwood Road)

Rino Montanari was present as the applicant and the owner of the property.

- Michelle McCarthy summarized the variances.
- Rino Montanari explained the application and the intent to increase the lot coverage permitted as well as the allowed height.
- Michelle McCarthy posed a question in relation to building access as well as the height of the building.
- Rino Montanari indicated how we wishes to use the building.
- Michelle McCarthy stated that the Health Department provided comments that they have objections with the application.
- Rino Montanari 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

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

DECISION

Moved by Frank Mazzotta, Seconded by Ted Shepherd that Application A18/2023- Rino Montanari and Janice Montanari, PT LT 16, CON 5; 512 Regional Rd 21, Relief from Section 5.1.d to permit maximum lot coverage of 223 sqm for a variance of

163sqm, and to permit maximum height of 6 m for a variance of 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 Accessory Structure in the rear yard under the approval of Application A18/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall demonstrate that the existing Accessory Structure has been demolished prior to this approval being final, or shall enter into a Development Agreement which includes a requirement to demolish the Accessory Structure following final inspection of the proposed Accessory Structure.
3. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A18/2023.
4. 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.
5. The approval of the variances shall apply only to the areas contemplated under Application A18/2023.

CARRIED

Other business

Absentee Member Resolution - 2023-01

- Michelle McCarthy indicated that the Township procedural bylaw for the Committee of Adjustment by resolution must waive attendance requirements for members after 2 consecutive absences if reasonable and compassionate circumstances exist. Michelle brought forth a motion to approve the resolution as presented.

- Frank Mazzotta motioned to approve the resolution as presented and Michelle McCarthy seconded the motion of approval.

DECISION

Moved by Frank Mazzotta, Seconded by Michelle McCarthy that Absentee Member Resolution - 2023-01, **BE APPROVED.**

ADJOURNMENT

The meeting adjourned at 8:00 pm

Michelle McCarthy

Aj Singh

Aj Singh, Planning Technician/
Secretary Treasurer