

## 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 June 14, 2023.

### PRESENT

Michelle McCarthy-Chair

Anthony Woodruff

Ken May

Ted Shepherd

Ed Chillman

Kyle Rainbow, Director of Development Services

AJ Singh, Planning Technician-Secretary/Treasurer

Marc Anthony Miller, Summer Student Development Services

### 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 Anthony Woodruff, seconded Ed Chillman, that the minutes of May 10, 2023 hearing be approved as presented.

### **A10/2023 – Scott Collins and Mary McElrea, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 16 ON REFERENCE PLAN 40R31521, 34 Howard Williams Court**

Scott Collins and Mary McElrea were present as the applicants and owners and Dustin Winfield was present representative of the owners of the property.

- Michelle McCarthy summarized the application.
- Dustin Winfield explained the minor variance proposal.
- Ted Shepherd expressed support of the application stating that a neighbouring property has a similar deck to that of the proposal.

- Michelle McCarthy stated that the Fire Department and Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with 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

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

## DECISION

Moved by Ted Shepherd, Seconded by Anthony Woodruff that Application A13/2023-Scott Collins and Mary McElrea, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 16 ON REFERENCE PLAN 40R31521; 34 Howard Williams Court, Relief from Section **4.11.4.24 viii.** to permit a Rear Yard Depth of **5.0m** for a variance of **0.7m**, **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 A10/2023 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 A10/2023.
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 A10/2023.

**CARRIED**

**A11/2023- 2695867 Ontario Inc.; PART OF LOT 35, CONCESSION 6, DESCRIBED AS PART OF PART 5, PART OF PART 15, AND PART 27, ON 40R-23286 AND PARTS 2 AND 5, AND PART OF PARTS 4, AND 6 ON 40R- 31931: No Municipal Address Assigned**

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Stacey Williams was present as the representative of the owner of the property.

- Michelle McCarthy summarized the application.
- Stacey Williams explained the setback reduction and reduction of allowable lot area proposal.
- Anthony Woodruff inquired about a condition listed on staff report and required clarification with respect to future conditions on the consent application following the decision of the Committee.
- Stacey Williams explained that there will still exist conditions for the application of consent. She explained that a condition on the consent application is approval from the Committee of Adjustment and if granted, would approve the conditional application made for consent.
- Key May inquired regarding approval from Durham Health for a well and septic.
- Stacey Williams stated that Durham Health would not need to be consulted with regards to the application for Minor Variance only for the consent application.
- Michelle Charette, neighbour, inquired regarding the consent application and asked if the applicant wished to sever a parcel from existing lands which they own in order to fulfill the amalgamation.
- Stacey Williams explained the ownership of the retained and severed lots. She also mentioned that the owners wish to construct a single residential home on the severed lands.
- Michelle Charette expressed concerns regarding the construction of a residential home on the properties when amalgamated due to setbacks.
- Stacey Williams responded stating that the construction of a residential home would need to conform with setback requirements. She also responded to

concern regarding the construction of a residential home stating that such inquiry is not applicable as the current proposed Minor Variance satisfies the zoning performance standards for the construction of a home.

- Ted Shepherd asked about plans for the suggested home on the parcel.
- Stacey Williams responded stating that there are no plans for a home on the property, only suggestive plans outlined in the Site Servicing Report conducted for the consent application.
- Michelle McCarthy and Ken May asked the representative a question regarding ownership of a separate part of the lot.
- Stacey Williams responded outlining that those lands are part of conveyed lands for regional road widening.
- Patti and Anthony Lippolis, neighbour, expressed concern regarding the conveyance of land to the region for road widening as it will encumber on their driveway and road access.
- Stacey Williams stated that the township may convey a parcel of their land to Patti and Anthony Lippolis in order to retain access to their parcel and instructed them to communicate with the Township Clerk.
- Scott and Cheryll Ann McCrady, neighbour, stated their concern regarding the suggested residential home on the property, suggesting an alternate use of the land.
- Stacey Williams stated that the suggested use of land is in conformity with the zoning provisions.
- Michelle McCarthy clarified for all members of the committee and the public that the variance request presented in the file is the only variance being discussed.
- Patti and Anthony Lippolis, neighbour, posed a question regarding tree removal on the property.
- Michelle McCarthy responded stating that there is no provision needed in order for tree removal on the property.
- Michelle McCarthy stated that the Fire Department and Regional Health provided comments that they have no issues with the application. Lake Simcoe Region Conservation Authority (LSRCA) have no objection with the proposed minor variance and included a proposed condition requiring payment of the review fee.

- Michelle McCarthy asked Kyle Rainbow a question regarding the timeline posted on condition number three.
- Stacey Williams 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

Regional Health – See File

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

### **DECISION**

Moved by Anthony Woodruff, Seconded by Ed Chillman that Application A11/2023-2695867 Ontario Inc, PART OF LOT 35, CONCESSION 6, DESCRIBED AS PART OF PART 5, PART OF PART 15, AND PART 27, ON 40R-23286 AND PARTS 2 AND 5, AND PART OF PARTS 4, AND 6 ON 40R- 31931 Vacant, Relief from Section 4.8.2 a. of By-law 81-19, being the minimum Lot Area Requirement of 3,000 sqm in HR-20 zone. Relief from Section 4.8.4.20 i. a) of By-law 81-19, being the minimum Lot Frontage Requirement of 30m in HR-20 zone. **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 and minimum lot area under the approval of Application A11/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The variances approved under Application A11/2023 shall only be valid upon receiving conditional approval of the related Consent Application from the Region of Durham.

3. The owner / applicant shall satisfy all conditions of the variance application no later than three years from the end of the appeal period of A11/2023 established under the Planning Act.
4. The owner/applicant shall pay the required fee payment for Minor Variance/Consent (Minor – Planner Review Only) of \$536.00 to Lake Simcoe Region Conservation Authority LSRCA
5. The approval of the variances shall apply only to the areas contemplated under Application A11/2023.

**CARRIED**

**A12/2023 – Kevin Donnelly and Suzanne Donnelly; LT E & PT LT F BLK 55 PL 83 PT 1 40R29445; 19 First Avenue**

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Kevin Donnelly was present as the applicant and the owner of the property.

- Michelle McCarthy summarized the variances.
- Kevin Donnelly explained the application and the intent to reduce the side yard setback in order to construct a car port.
- Michelle McCarthy stated that the Fire Department provided comments that they have no issues with the application.
- Kevin Donnelly 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 Ken May, Seconded by Ted Shepherd that Application A12/2023- Kevin Donnelly and Suzanne Donnelly LT E & PT LT F BLK 55 PL 83 PT 1 40R29445; 19 First Avenue, relief from Section 4.9.2.c iii (b) to permit a reduced side yard width from 1.5m to 0.61m. **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 Porte Cochere (Carport) in the interior side yard under the approval of Application A12/2023 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 A12/2023.
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 A12/2023.

**CARRIED**

**A13/2023 – Nicholas Heron and Marie Raimundo; PT LT 34 CON 7 UXBRIDGE, PT 1, 40R5309; 7559 O’Neil Road**

Nickolas Semanyk was present as the applicant and the representative of the owners of the property.

- Michelle McCarthy summarized the variances.
- Nickolas Semanyk explained the application of extending the existing garage.
- Michelle McCarthy stated that the Fire Department and Region of Durham Health Department provided comments that they have no issues with the application.
- Nickolas Semanyk stated that he has no objection to the conditions prescribed by the staff report.
- Ted Shepherd posed a question to the representative asking about the construction which had already commenced prior to the decision by the committee.

- Key May proposed an additional condition, listed as condition 4, in light of the information presented by Ted Shepherd.

### **Written Comments**

Report from Development Services – See File

Region of Durham Health – See File

LSRCA – See File

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

### **DECISION**

Moved by Ken May, Seconded by Anthony Woodruff that Application A13/2023- Nicholas Heron and Marie Raimundo, PT LT 34 CON 7 UXBRIDGE, PT 1, 40R5309; 7559 O’Neil Road, Relief from Section 5.1.d to permit maximum lot coverage of 198.29 sqm for a variance of 38.29sqm, and to permit maximum height of 6.98m for a variance of 0.48m, **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 addition to the existing garage under the approval of Application A13/2023 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 A13/2023.
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. No further construction shall take place until the 20-day appeal period has expired.



5. The approval of the variances shall apply only to the areas contemplated under Application A13/2023.

**CARRIED**

**Other business**

**ADJOURNMENT**

The meeting adjourned at 8:00 pm

*Aj Singh*

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Michelle McCarthy

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Aj Singh, Planning Technician/  
Secretary Treasurer