

MINUTES OF COMMITTEE OF ADJUSTMENT

The 1st meeting (Virtual) of 2023, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday March 15, 2023.

PRESENT

Michelle McCarthy-Chair

Frank Mazzotta-Vice Chair

Lynn Barkey

Ken May

Ted Shepherd

Kyle Rainbow, Director of Development Services – Acting Secretary/Treasurer

AJ Singh, Planning Technician

Paul Kitchen, Macaulay Shiomi Howson Ltd.

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 November 16, 2022 hearing be approved as presented.

A27/2022- Ashley and James Woodhams, PLAN 83 BLK R PT LOT 120, 41 King Street West

Ashley Woodhams was present as the applicants and owners of the property.

- Michelle McCarthy summarized the variances.
- Ashley Woodhams explained that the previous garage had been removed and they are now applying to re-build the garage in the same location. The intent is to use the second storey as an art studio and “man-cave”.
- Frank Mazzotta suggested that there may be some consideration for a condition preventing the second storey of the detached garage from being used as a habitable space.

- Lynn Barkey identifies some grading on the neighbouring property and asked to confirm that the neighbours were aware and had agreed to any grading.
- Ashley Woodhams responded by saying that she has spoken to the neighbours and they have no issues with what is proposed.
- Kyle Rainbow explains that the grading can be addressed at the building permit stage and that it does not impact the discussion on the height which is the subject of the minor variance application.

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 Lynn Barkey, Seconded by Ken May that Application A27/2022 by Ashley and James Woodhams, PLAN 83 BLK R PT LOT 120, 41 King Street West, Relief from Section 5.1.d. The variance permits an accessory building maximum building height of 7.5m for a variance of 2.5m, **BE APPROVED** subject to the following conditions:

- 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 accessory structure under the approval of Application A27/2022 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 A27/2022.**
- 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 accessory structure contemplated under Application A27/2022.

CARRIED

A28/2022- John and Nancy Courtney, PLAN 40M2669 PT BLK 6 RP; 40R31475 PARTS 32 & 33; 31 Ballinger Way

John and Nancy Courtney were present as the applicants and owners of the property.

- Michelle McCarthy summarized the variances.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application as proposed.
- Lynn Barkey noted that the LSRCA requested fees to be paid for their review
- John Courtney stated that LSRCA refunded payment because the application is no longer under their purview.
- Kyle Rainbow clarified that the permit fee was refunded because a permit with LSRCA is no longer necessary but that the planning application review fee for the LSRCA is still due.
- John Courtney says he has no issue with paying the LSRCA application review fees.

Written Comments

Report from Development Services – See File

LSRCA – Fee 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 A28/2022- John and Nancy Courtney, PLAN 40M2669 PT BLK 6 RP; 40R31475 PARTS 32 & 33; 31 Ballinger Way, Relief from Section 4.17B to permit a minimum rear yard setback of 9.5m for a variance of 2.5m, **BE APPROVED** subject to the following conditions:

1. The proposed raised deck under the approval of Application A28/2022 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 A28/2022.
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 A28/2022.
5. The owner / applicant shall pay required application review fees to the LSRCA*

*Added by Committee

CARRIED

A29/2022- Celina Sturk, Part of Lots 6 & 7, Concession 7 and Part of Lot 6, Concession 6 and Part of Road Allowance between Concession 6 & 7; 2180 Concession 7

John Owen was present as the representative of the applicants and owners of the property.

- Michelle McCarthy summarized the variances.
- John Owen stated that efforts were made to discuss the application with the neighbours. The neighbours that they were able to make contact with provided their support.
- John Owen stated that effort was made to make the addition fit in with the neighbourhood. Says they have letters of support from neighbouring property owners
- John Owen summarized how the proposal is minor in nature, is appropriate and desirable, and that the intent of the Zoning By-law and Official Plan are maintained.
- Lynn Barkey recognized that the proposal would be largely screened from the street by existing trees and asked if any trees will need to be removed.

- John Owen confirmed that a tree will need to be removed to build the proposed garage but that several trees will remain between the proposed garage and the road.

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 Ken May that Application A29/2022- Celina Sturk, Part of Lots 6 & 7, Concession 7 and Part of Lot 6, Concession 6 and Part of Road Allowance between Concession 6 & 7; 2180 Concession 7, Relief from Section 4.4.2. The variance permits a minimum front yard setback of 10.4m for a variance of 4.6m, **BE APPROVED** subject to the following conditions:

- 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 attached garage under the approval of Application A29/2022 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 A29/2022.
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 attached garage contemplated under Application A29/2022.

A1/2023 – Lambert Yake, Part Lot 6, Concession 1; 190 Webb Rd

John Owen was present as the representative of the applicant of the property.

- Michelle McCarthy summarized the variances.
- John Owen explained that in the applications to sever and rezone the minimum lot area of the retained lands was missed and is being addressed here through minor variance.
- Ted Shepherd asked to confirm the number of lots that resulted from the severance application.
- John Owen explained that there are 3 new residential lots that have been previously approved with conditions. One of the conditions of approval for the severance includes addressing any zoning issues.
- Lynn Barkey asked for clarification on which Conservation Authority the property is in the jurisdiction of. He also expressed that this application including the severance is good because it provides some new housing in the area.
- Michelle McCarthy clarified that the lands are in the Toronto Region Conservation Authority (TRCA) jurisdiction but not within the TRCA regulated area.
- Frank Mazzotta asked about how the severances conform with the Oak Ridges Moraine Plan (ORM) severance policies.
- John Owen responded explaining that the application is within a hamlet which permits severances.
- Michelle McCarthy reminds the Committee that they are responsible for evaluating the variance and not the severance.
- John Owen responded to the neighbour's written comments with regards to concerns about downstream impacts stating that there were multiple studies that were reviewed and confirmed there are no anticipated downstream impacts as a result of the severances.

Written Comments

Report from Development Services – See File

Toronto Region Conservation Authority – See File

2199 Concession 2 Written Comments – See File

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

DECISION

Moved by Ted, Seconded by Ken May that Application A1/2023 – Lambert Yake, Part Lot 6, Concession 1; 190 Webb Rd, Relief from Section 4.4.5.31. The variance permits a minimum lot area of 25.19ha for a variance of 0.81ha, **BE APPROVED** subject to the following conditions:

- 9. The application is minor in nature.**
- 10. The development of the land is appropriate and desirable.**
- 11. The intent of the Zoning By-law is being maintained.**
- 12. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The severance shall be in substantial conformity with the plans submitted with Application A1/2023.
2. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the appeal period established under the Planning Act.
3. The approval of the variance shall apply only to the single detached dwelling contemplated under Application A1/2023.

CARRIED

Other business

- **Ted Sheppard expressed preference to have in person meetings for future meetings**
- **Ken May agreed, expressing concerns that some people may not have the ability or technical skills to participate in virtual meetings.**
- **Frank Mazzotta states that he could do in person meetings but would like to make sure that it is capable of being hybrid meeting.**
- **Anthony Woodruff (Alternate Committee Member) agrees with concerns about access and that hybrid meetings would be the best option.**

- **Lynn Barkey stated that he is capable of doing either in-person or virtual meetings.**
- **Kyle Rainbow stated that there had been some technical issues with the hybrid system with regards to people attending virtually hearing. Hybrid meeting system is only viable in the Council chambers at this time. Kyle will check to see if Council chambers are available to be used or if another system is possible to be used in the board room that is used for Committee of Adjustment meetings.**
- **Michelle McCarthy requests that they table the issue of virtual/in-person meetings until the Township can confirm the ability to have a hybrid meeting for the Committee of Adjustment.**

ADJOURNMENT

The meeting adjourned at 8:00 pm

Michelle McCarthy
Chair

Kyle Rainbow, Director of
Development Services – Acting
Secretary Treasurer