

## 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 November 15, 2023.

### PRESENT

Frank Mazzotta-Chair  
Ken May  
Ted Shepherd  
Lynn Barkey  
Anthony Woodruff  
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, none were identified.**

Frank Mazzotta – 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 Lynn Barkey, seconded by Ted Shepherd, that the minutes of the September 20<sup>th</sup>, 2023 hearing be approved as presented.

### **A30/2023 – SUMMIT TRANSMISSION LIMITED, PART LOT 24 CONCESSION 2 UXBRIDGE AS IN D313313, 5760 CONCESSION 3**

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Keith and Lisa Milson were present as the applicants of the variances on the property. Victoria Lemieux was present as the agent and representative of the owners of the property.

- Frank Mazzotta summarized the application.
- Keith Milson explained the minor variance proposal, identifying the ownership and history of the property. Keith Milson explained the intent of the variance and the previous lot line adjustment with conditional approval from the Region of Durham Land Division Committee.
- Lynn Barkey posed a question to the applicant regarding the size of the retained and adjusted lands.

- Keith Milson confirmed the lot area and configuration of the new lot.
- Diane Titus of 267 Wees Road, a neighbour of the property, indicated the presence of regulated lands and a creek on the property. Diane Titus asked the applicant their intended use of the property.
- Keith Milson replied stating that the intention is not to construct a dwelling on regulated lands.
- Diane Titus asked the applicant the location of the proposed driveway for the future dwelling.
- Keith Milson indicated that the intended access into the property is via an existing driveway to the north of the existing dwelling.
- Victoria Lemieux explained the proposal and the changes in the lot line with reference to a site plan submitted to the committee by the agent. Victoria Lemieux identified that the location of the future dwelling would be in close proximity to the existing dwelling on the retained lot.
- Diane Titus indicated that the treed, previously landlocked parcel to the rear of the property is home to significant wildlife.
- Anthony Woodruff asked staff to clarify the regulations imposed on the property.
- Kyle Rainbow indicated based on the Township Zoning Bylaw the required setbacks of a future proposed dwelling. Kyle Rainbow indicated through the protections imposed by the LSRCA any construction would require a permit from the LSRCA if it occurs in the regulated lands.
- Tom Beck of 19 Bristol Sands Crescent indicated that he did not receive notice from the Durham Region Land Division Committee and requested that the application be deferred due to the lack of adequate notice from the Region.
- Frank Mazzotta asked staff if appropriate notice was given to adjacent residents regarding the minor variance application.
- Kyle Rainbow stated that Tom Beck of 19 Bristol Sands Crescent indicated in his comments that he received notice from the Township with regards to this variance however staff cannot comment on the notice given by the Region Land Division Committee.
- Frank Mazzotta and Lynn Barkey indicated that the application presented now is different than that presented to the Land Division Committee. And, that the matters are unrelated.

- Tom Beck stated that the Township council approved the land division.
- Kyle Rainbow clarified that the Township does not yet process land division applications. The Township only acts as the approval body for Township staff comments, submitted as part of the application to the Region Land Division Committee.
- Diane Titus questioned the intended use of the parcel following approval from the committee.
- Frank Mazzotta indicated that the Committee makes a decision on the relief requested as part of the application. Frank Mazzotta indicated that the committee does not make decisions on any assumptions.
- Kyle Rainbow indicated that there are processes in place to ensure that the use of the property is compliant with the legal permitted uses of the zone.
- Frank Mazzotta stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application however the LSRCA imposed an additional condition that the owner is required to pay a plan review fee. The Uxbridge Fire Department indicated no objection to the proposed application.

## **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 Ted Shepherd that Application A30/2023- Summit Transmission Limited, PT LT 24 CON 2 UXBRIDGE AS IN D313313, Relief from Section 4.4.2 b. to permit minimum lot area of 2.4 hectares for a variance of 37.6 hectares and to permit minimum lot frontage of 115.5 m for a variance of 84.5 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 A30/2023 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 A30/2023.

**CARRIED**

**A31/2023 - LISA MILSON, PART LOT 24 CONCESSION 2 UXBRIDGE AS IN CO126410, MUNICIPAL ADDRESS NOT YET ESTABLISHED**

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Keith and Lisa Milson were present as the applicants. Lisa Milson was present as the owner of the property. Victoria Lemieux was present as the agent and representative of the owner of the property. This application is in relation to the previous application A30/2023.

- Frank Mazzotta summarized the variances.
- Keith Milson indicated the intention of the variance.
- Frank Mazzotta stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application. However, the LSRCA imposed an additional condition that the owner is required to pay the plan review fee. The Uxbridge Fire Department indicated no objection to the proposed application.
- Keith Milson indicated that he will satisfy the outstanding payment owed to the LSRCA.
- Victoria Milson indicated on behalf of the applicant 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

Uxbridge Fire Department – See File

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

## **DECISION**

Moved by Lynn Barkey, Seconded by Anthony Woodruff that Application A31/2023- Lisa Milson, PT LT 24 CON 2 UXBRIDGE AS IN CO126410, Relief from Section 4.4.2 b. to permit minimum lot area of 17.6 hectares for a variance of 22.4 hectares and to permit minimum lot frontage of 87.9 m for a variance of 112.1 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 A31/2023 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 A31/2023.

**CARRIED**

### **A32/2023 – CHI HANG LUU AND THUY BAO TRINH, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 34 & 35, 40R31475, 27 ALLINSON LANE**

The applicant was not present during the scheduled hearing. The Committee decided to table the application if questions were posed that would require a response from the applicant. The Committee made the decision to approve the variance prior to the arrival of the owner and applicant. Thuy Bao Trinh arrived following the decision of the

Committee to provide comments on the application as the applicant and owner of the property.

- Frank Mazzotta summarized the variances.
- Lynn Barkey posed a question to staff regarding the location of the property in relation to the Town urban area.
- Kyle Rainbow responded indicating that the property is within the Town urban boundary.
- Lynn Barkey inquired about the status of the application and if the deck is currently under construction.
- Ted Shepherd and Anthony Woodruff stated that the application appears to be in keeping with similar proposals nearby the property.
- Frank Mazzotta 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.
- Thuy Bao Trinh discussed the intent of the proposal.
- Frank Mazzotta indicated that the Minor Variance posting must remain at the front of the property for 20 days following approval.

### **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 Anthony Woodruff, Seconded by Ken May that Application A32/2023- Chi Hang Luu and Thuy Bao Trinh, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 34 & 35, 40R31475, Relief from Section 4.17B.v to permit a Rear Yard Depth of 4.2 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 A32/2023 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 A32/2023.
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 A32/2023.

**CARRIED**

**A33/2023 – KYLE EDEN AND KIMBERLY EDEN, PART E 1/2 LOT 2 CONCESSION  
3 SCOTT, PART 1,40R8402, 8300 CONCESSION 4**

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Abby Steele was present as the agent and representative of the owner of the property.  
Kyle Eden was present as the applicant and owner of the property.

- Michelle McCarthy summarized the variances.
- Abby Steele summarizes the intent of the variance proposed.
- Lynn Barkey asked the applicant if the hedgerow to the south of the property will remain following the construction of the proposed addition.
- Kyle Eden stated that the hedgerow will remain.
- Frank Mazzotta stated that the Uxbridge Fire Department has no objection with regards to the application. Lake Simcoe Region Conservation Authority stated that the property is outside of the regulated area and will not require approval.
- Abby Steele on behalf of the applicant indicated no objection to the conditions prescribed by the staff report.

## Written Comments

Report from Development Services – See File

Lake Simcoe Region Conservation Authority – See File

Uxbridge Fire Department – 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 A33/2023- Kyle Eden and Kimberly Eden, PART E 1/2 LOT 2 CONCESSION 3 SCOTT, PART 1, 40R8402, Relief from Section 5.1.d to permit maximum lot coverage of 269.2 sqm for a variance of 109.2 sqm, 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 storage to the existing barn in the rear yard under the approval of Application A33/2023 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 A33/2023.
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 A33/2023.

**CARRIED**

**A34/2023 – JAMES MUMBY AND IRENE MUMBY, LOT 21, PLAN 40M2600  
SUBJECT TO AN EASEMENT IN GROSS OVER LOTS 1 TO 29, INCLUSIVE,**



**BLOCKS 36 AND 37, PLAN 40M2600 UNTIL 2037/09/07 AS IN DR1637407  
SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1937077, 30 NEWTON REED  
CRESCENT**

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James Mumby was present as the applicant and owner of the property.

- Frank Mazzotta summarized the application.
- James Mumby summarized the history of the application, stating that a permit was issued for construction by Township Staff prior to requiring a variance. James Mumby summarized the relief being asked for as part of the application.
- Lynn Barkey commented on the application, stating no objection with regard to the application for relief.
- Gail Sanderson of 7909 Durham Rd 30 posed a question to the applicant regarding the location of the application.
- James Mumby responded, indicating the location of the property.
- Frank Mazzotta stated that the Uxbridge Fire Department has no objection with regards to the application. Toronto Region Conservation Authority indicated no objection with regards to the application.
- Ken May asked staff if condition 2 on the list of conditions indicated by staff applies exclusively to the garage application.
- James Mumby indicated no objection to the conditions prescribed by the staff report.
- Gail Sanderson asked the committee and applicant about the history of the application and the intent of the variance.
- James Mumby responded in stating the proposal and nature of the variance.

**Written Comments**

Report from Development Services – See File

Uxbridge Fire Department – See File

Toronto 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 Ted Shepherd that Application A34/2023- James Mumby and Irene Mumby, LOT 21, PLAN 40M2600 SUBJECT TO AN EASEMENT IN GROSS OVER LOTS 1 TO 29, INCLUSIVE, BLOCKS 36 AND 37, PLAN 40M2600 UNTIL 2037/09/07 AS IN DR1637407 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1937077, 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 and Relief from Section 5.1.d to permit maximum lot coverage of 68 sqm for a variance of 8 sqm, and to permit maximum height of 5.9 m for a variance of 0.9 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 detached garage in the front yard under the approval of Application A34/2023 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 A34/2023.
3. The owner/applicant shall satisfy all Toronto Region Conservation Authority (TRCA) requirements.
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 A34/2023.

**CARRIED**

## Other business

### In Person Meetings

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- Ted Shepherd inquired about the potential to offer in person or hybrid meetings for the Committee of Adjustment.
- Kyle Rainbow indicated that other Township Committees hold meetings in hybrid format. The Township has the necessary items to facilitate a hybrid meeting.
- Ken May stated that he has no issue with conducting meetings via hybrid format.
- Lynn Barkey indicated that he has no objection to offering hybrid meetings.
- Frank Mazzotta tabled the discussion to offer in person or hybrid meetings until the December 13<sup>th</sup>, 2023 Committee of Adjustment meeting.

## ADJOURNMENT

The meeting adjourned at 8:24 pm

*Frank Mazzotta*

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Frank Mazzotta

*Aj Singh*

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Aj Singh, Planning Technician/  
Secretary Treasurer