

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 4th meeting (Virtual) of 2020, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday June 17, 2020.

### PRESENT

Michelle McCarthy-Chair  
Gerri Lynn O'Connor  
Frank Mazzotta  
Cathie Proulx  
Joanna Fast  
Emilia Gruyters-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 Gerri Lynn O'Connor, Seconded by Joanna Fast, that the minutes of May 20, 2020 hearing be revised to reflect a virtual meeting and be approved as presented.

### **A8/2020-Cheryl & Michael Walker, Part Lot 35 Concession 1 (Uxbridge) 7640 Concession Rd 2**

---

Cheryl and Michael Walker were present as the owners of the property. The owners explained they presently had a trailer stored off site and possessed a number of other vehicles they wished to store in the new building. They stated they were concerned about the comments received from LSRCA because it could restrict the location of the new building.

Gerri Lynn recommended LSRCA be contacted to conduct a site visit to confirm the location of the significant woodland feature.

Joyce Chan from 7600 Concession 2 was present and expressed concern regarding the accuracy of the site plan.

Cheryl stated the survey was obtained from the Township.  
The chair reminded everyone the focus of the meeting was on the variance presented.  
The concern about the survey should be resolved with a surveyor and the Township during the building permit process.

### **Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

Report DS-20/20 of Emilia Gruyters Planning Technician, Secretary Treasurer  
Committee of Adjustment

re Relief from Front Yard Depth, Relief from Street Centreline, Relief from Total Gross Floor Area, Part Lot 35 Concession 1, 7640 Concession Rd 2, Cheryl & Michael Walker - Application A8/2020

Moved by: Councillor Beach

THAT Report DS-20/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A8/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies.

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The construction of the accessory building under the approval of Application A8/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall satisfy the requirements of LSRCA.
3. The proposed structure shall not be used for industrial, commercial or human habitation.
4. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A8/2020.

5. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
6. The approval of the variance shall apply only to the accessory structure contemplated under Application A8/2020.
7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.  
**CARRIED**

**DECISION**

Moved by Frank Mazzotta, Seconded by Cathie Proulx that Application A8/2020 by Cheryl & Michael Walker, Part Lot 35 Concession 1 (Uxbridge) 7640 Concession Rd , Relief from Section 4.4.2.c.i to permit a minimum front yard depth of 8.5 m for a variance of 6.5 m, Relief from Section 4.4.2.g.iv to permit a minimum setback from street centreline of a Township Road of 18.5 m for a variance of 6.5 m, Relief from Section 5.1.d.ii to permit a total gross floor area of all accessory buildings and structures on a lot of 325.2 m<sup>2</sup> for a variance of 125.0 m<sup>2</sup>, **BE APPROVED** as applied 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 By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

**Conditional Upon:**

1. The construction of the accessory building under the approval of Application A8/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall satisfy the requirements of LSRCA.
3. The proposed structure shall not be used for industrial, commercial or human habitation.
4. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A8/2020.
5. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
6. The approval of the variance shall apply only to the accessory structure contemplated under Application A8/2020.

7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

**A9/2020- Andrew & Elizabeth Pennington, Plan 40M2638 Part Blk 6 40R30305  
Parts 1 & 2(Uxbridge), 47 Gord Matthews Way**

---

Andrew was present as the owner of the property. He explained the zoning by-law would only permit a 1 metre deck which would not be sufficient to provide proper space for a BBQ. The proposed deck would be as wide of the dwelling.

There was no one in the (virtual) audience to speak to the application.

**Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

Report DS-21/20 of Emilia Gruyters Planning Technician,  
Secretary Treasurer Committee of Adjustment

re Relief from Accessory Buildings, Structures and Uses,  
Plan 40M2638 Part Blk 6 40R30305 Parts 1 & 2, 47 Gord  
Matthews Way, Andrew & Elizabeth Pennington - Application  
A9/2020

Moved by: Mayor Barton  
THAT Report DS-21/20 of Emilia Gruyters, Planning  
Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a  
decision with respect to Application A9/2020, they should be  
satisfied that the proposed variance meets Township  
objectives and consider any appropriate comments from the  
neighbours and agencies.

AND THAT Should the Committee of Adjustment deem the  
proposal minor in nature and appropriate for the lands as  
well as maintaining the general intent and purpose of the  
Official Plan and Zoning By-law, the following conditions

should be established:

1. The construction of the deck under the approval of Application A9/2020 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 1 year of the final date of appeal of A9/2020.
3. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
4. The approval of the variance shall apply only to the deck contemplated under Application A9/2020.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

#### **DECISION**

Moved by Cathie Proulx, Seconded by Joanna Fast that Application A9/2020 by Andrew & Elizabeth Pennington, Plan 40M2638 Part Blk 6 40R30305 Parts 1 & 2(Uxbridge), 47 Gord Matthews Way, Relief from Section 5.1.k to permit a maximum projection into the required yard of 2.4 m for a variance of 1.4 m, **BE APPROVED** as applied 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 By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

#### **Conditional Upon:**

1. The construction of the deck under the approval of Application A9/2020 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 1 year of the final date of appeal of A9/2020.

3. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
4. The approval of the variance shall apply only to the deck contemplated under Application A9/2020.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

**A10/2020- Chris Risto & Whitney Pocza, Plan 40M2638 Part Blk 6 40R30305 Parts 7 & 8 (Uxbridge), 41 Gord Matthews Way**

---

Chris was present as the owner of the property. He stated the deck provided by the builder was not sufficient.

There was no one in the (virtual) audience to speak to the application.

**Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

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

Report DS-22/20 of Emilia Gruyters Planning Technician,  
Secretary Treasurer Committee of Adjustment

Relief from Accessory Buildings, Structures and Uses, Plan  
40M2638 Part Blk 6 40R30305 Parts 7 & 8, 41 Gord  
Matthews Way, Chris Risto & Whitney Pocza - Application  
A10/2020

**Moved by:** Councillor Beach  
THAT Report DS-22/20 of Emilia Gruyters, Planning  
Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A 10/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies.

AND THAT Should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The construction of the deck under the approval of Application A 10/2020 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 1 year of the final date of appeal of A10/2020.
3. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
4. The approval of the variance shall apply only to the deck contemplated under Application A 10/2020.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

#### **DECISION**

Moved by Joanna Fast, Seconded by Cathie Proulx that Application A10/2020 by Chris Risto & Whitney Pocza, Plan 40M2638 Part Blk 6 40R30305 Parts 7 & 8 (Uxbridge), 41 Gord Matthews Way, Relief from Section 5.1.k to permit a maximum projection into the required yard of 5.1 m for a variance of 4.1 m, **BE APPROVED** as applied 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 By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

#### **Conditional Upon:**

1. The construction of the deck under the approval of Application A10/2020 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 1 year of the final date of appeal of A10/2020.
3. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
4. The approval of the variance shall apply only to the deck contemplated under Application A10/2020.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

**A11/2020-Shane & Shelly Sinyard, Lot 8 Plan M1183, 21 Silver Spring Cres**

Shane was present as the owner of the property. He explained they were a family of five and there were many vehicles parked on the property. At the moment their travel trailer was stored off site. The new building would resemble the same style as the dwelling. He would not be running a mechanic shop from the property. He was an insurance broker and his wife worked at a hospital. On occasion they changed the oil on their own vehicles.

Anne Smith from 14 Silver Spring Cres was present. She asked why the application was already approved and had not received a lot of time to deal with the application. She complained there was a significant amount of noise generated from the family and she was concerned about property values.

The chair stated the application was not approved and the purpose of the meeting was to consider the application.

Janet McGhee from 23 Silver Springs Cres expressed concern about the accuracy of the site plan. The setback from the new garage is not greater than 5 m away. She was also concerned about the swale being altered. She was concerned about the height of the garage blocking out sunlight.

Lucas and Ashley Escott from 19 Silver Springs Cres were present. They expressed similar concerns as Janet McGhee. Water contamination and property values were also stated as concerns.

Michael Mandella from 25 Silver Springs Cres was present. He stated the style and size of the building was not appropriate for an estate residential community. He felt it was more of an industrial building and would affect their property values.

Emilia Gruyters stated the notices were sent out 10 days prior to the meeting and to the properties within 60 m of the subject lands. A sign was also posted 10 days prior to the meeting which is stipulated by the Planning Act.



The owner stated he did not know where the property line was. He measured the setback from the middle of the swale.

Further discussions about providing a survey with a grading plan was recommended. Elevation drawings to indicate the style of the garage was also requested. Tabling the application to provide this information was suggested.

### **Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:  
Report DS-23/20 of Emilia Gruyters Planning Technician,  
Secretary Treasurer Committee of Adjustment

re Relief from the General Provisions Accessory Buildings & Structures, Lot 8 Plan M1183, 21 Silver Spring Cres, Shane & Shelly Sinyard - A 11 /2020

**Moved by:** Mayor Barton  
THAT Report DS-23/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT the Committee of Adjustment be advised that Planning Committee is not in support of Application A 11 /2020 as it does not conform and is not in keeping with the design of the surrounding community.

### **DECISION**

Moved by Cathie Proulx, Seconded by Joanna Fast that Application A11/2020 by Shane & Shelly Sinyard, Lot 8 Plan M1183(Uxbridge), 21 Silver Spring Cres, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 106.3 m<sup>2</sup> for a variance of 46.3 m<sup>2</sup> and to permit a building height of 6.7 m for a variance of 1.7 m, **BE TABLED UNTIL THE OWNER PROVIDE A DETAILED SURVEY WITH SETBACKS AND GRADING PLAN ALONG WITH ELEVATION DRAWINGS OF THE BUILDING.**

**CARRIED**

**ADJOURNMENT**

The meeting adjourned at 9:00 pm

*Michelle McCarthy*

---

Michelle McCarthy-Chair

*Emilia Gruyters*

---

Emilia Gruyters  
Secretary Treasurer