

MINUTES OF COMMITTEE OF ADJUSTMENT

The 8th meeting (Virtual) of 2020, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday October 21, 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 stated she had a perceived conflict of interest with Application A21/2020.

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 Cathie Proulx, Seconded by Gerri Lynn O'Connor, that the minutes of September 16, 2020 hearing be approved as presented.

A21/2020-2590211 Ontario Inc.-Gavin Anton, Pt Blk 65 40M1694 40R15450 Part 2 40R15864 Part 1(Uxbridge), 2 Quaker Village Dr

Joanna Fast acted as vice-chair of the committee of adjustment(C of A) for this application.

Gavin Anton was present as the owner of the property and stated the U-haul was operating for approximately 1 year. He described the operation as not fully operational since the equipment was temporary and included on-line ordering and only two spaces were occupied by the equipment.

Gerri Lynn expressed concern the use did not meet the 4 tests since the C3-4 zoning is very specific about allowing a convenience store. She felt the C of A process was not appropriate.

The other members re-iterated the same concerns.

Matthew Reitzel from 11 Harman Court was present in the audience. He stated the use was not appropriate because it did not allow the parking lot to be accessible. There have been 7-8 U-haul trucks at times on the lot.

Gail Sanderson from 7909 Durham Regional Rd 30 was present in the audience. She questioned where the use would be permitted.

The owner stated he was advised to apply to the C of A by Township Staff.

Emilia Gruyters, Secretary Treasure to the C of A stated he was advised a use not permitted in the Zoning By-law should not be considered through the C of A.

Joanna Fast expressed concern about the proximately to the school and its inappropriate appearance from the road. She could not support the application.

Gillian Hooton's letter of objection was read.

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:

THAT Report DS-49/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A21/2020, 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 owner / applicant enter into an amending site plan agreement with the Township of Uxbridge.
2. The approval of the variance shall apply only to the U-Haul pick up and drop off business as contemplated in Application A21/2020.

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

DECISION

Moved by Cathie Proulx, Seconded by Gerri Lynn O'Connor that application A21/2020 by 2590211 Ontario Inc.-Gavin Anton, Pt Blk 65 40M1694 40R15450 Part 2 40R15864 Part 1(Uxbridge), 2 Quaker Village Dr, Relief from Section 4.15.6.3.a.i the Committee must decide if the U Haul pick up and drop off operation conforms with the use permitted in section 4.15.6.3.a.i of Zoning By-law 81-19, Relief from Section 5.15 to permit 8 parking spaces for a variance of 2 parking spaces. Relief from Section 5.15.i to permit 1 parking space for a variance of 1 parking space, **NOT BE APPROVED**, as applied for the following reasons:

1. **The application is NOT minor in nature.**
2. **The development of the land is NOT appropriate and desirable.**
3. **The intent of the By-law is NOT being maintained.**
4. **The intent of the Official Plan is NOT being maintained.**

CARRIED

A22/2020- Shawn & Lisa Merrick, Part Lot 1 Concession 2(Uxbridge), 286 Davis Dr

Michelle McCarthy Chair of the (C of A) resumed the meeting for this application.

Lisa and Shawn Merrick were present as owners of the property. Shawn explained the parcel was just purchased and he needed storage for farm equipment. The existing 5 buildings on the property are in poor condition and not appropriate for storage.

Rachel Borchuk from 286 Davis Dr. was present in the audience. She stated she was attending more for interest.

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:

THAT Report DS-50/20 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A22/2020, 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 A22/2020 shall be in substantial conformity with the design & location of the Plans submitted with the application.
2. The structure shall not be used for commercial, industrial or human habitation.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A22/2020.
4. 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.
5. The approval of the variance shall apply only to the accessory structure contemplated under Application A22/2020.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

DECISION

Moved by Gerri Lynn O'Connor, Seconded by Joanna Fast that application A22/2020 by Shawn & Lisa Merrick, Part Lot 1 Concession 2(Uxbridge), 286 Davis Drive, Relief from Section 5.1.d to permit the total gross floor area of 214.4 m² for a variance of 14.4 m², Relief from Section 5.7 to permit the construction of an accessory building 89.2 m² in size on a lot which does not have frontage on an improved public road, **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 A22/2020 shall be in substantial conformity with the design & location of the Plans submitted with the application.
2. The structure shall not be used for commercial, industrial or human habitation.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A22/2020.
4. 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.
5. The approval of the variance shall apply only to the accessory structure contemplated under Application A22/2020.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

A24/2020- Gord Mason, Blk 22 & 25 40M2322, Part Lot 33 Concession 6 40R28471 Part 9(Uxbridge), 108 Oakside Dr

Gord Mason was present as the owner of the property. He stated there was a miscommunication between the designer and the landscape architect. The owner always intended to construct a deck because a door was constructed and not a window. He wanted to complete the project because of covid and didn't want to wait because of covid related delays. He felt there was sufficient landscaping and would not be seen from any of the adjacent properties.

Cathie Proulx asked if there was anything in writing to show the miscommunication. She felt the owner is a builder and should have known a permit was needed.

The owner stated he could not finish the landscaping without adding the deck. He stated the deck is unfinished since there is no railing or skirt.

Joanna Fast stated there are other designs and perhaps the deck could be smaller in size.

The owner felt other designs would not be satisfactory.

Charles Bunn from 102 Oakside Drive was present in the audience. He stated the owner went ahead and built the deck and it should not be approved.

Neil Davies from 103 Oakside Drive was present in the audience. He stated the rest of the neighbourhood could do the same which sets a precedent. He is asking for forgiveness.

Andrei Stefan from 111 Oakside Drive was present in the audience. He expressed the same concerns.

Brian Pigozzo, the Township's Chief Building Official was present in the audience. He stated if the application is denied, he would issue an order to remove the deck. If the deck is not removed, charges will be laid.

Gail Sanderson from 7909 Durham Regional Road 30 was present in the audience. She was shocked the builder was in this situation and did not obtain a permit. She asked is the owner could put up a smaller deck.

The owner stated the landscape architect said I could get a permit because he was busy. The size of the deck is 10 x 14 ft which is not very big but he could reduce the size. He would have to contact the trades for availability.

Written Comments

Region of Works Department-See File

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:

THAT Report DS-51/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT Committee recommend that the Committee of Adjustment not support the request for the following reasons:

1. The deck encroaches on residents property to the east;
2. The deck has already been constructed prior to being granted a variance.

CARRIED

DECISION

Moved by Frank Mazzota, Seconded by Cathie Proulx that application A24/2020 by Gord Mason, Blk 22 & 25 40M2322, Part Lot 33 Concession 6 40R28471, Part 9 (Uxbridge), 108 Oakeside Drive, Relief from Section 5.1.k to permit a projection into the required rear yard a maximum distance of 3.6 m for a variance of 2.1 m, **NOT BE APPROVED** as applied for the following reasons:

- 1. The application is NOT minor in nature.**
- 2. The development of the land is NOT appropriate and desirable.**
- 3. The intent of the By-law is NOT being maintained.**
- 4. The intent of the Official Plan is NOT being maintained.**

CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm

Michelle McCarthy-Chair

Joanna Fast-Vice Chair

Emilia Gruyters
Secretary Treasurer