

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 1st meeting (Virtual) of 2021, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday January 20, 2021.

### PRESENT

Joanna Fast-Chair  
Gerri Lynn O'Connor  
Sally Morgan  
Rob Miller  
Frank Mazzotta  
Emilia Gruyters-Secretary Treasurer

### ABSENT

Cathie Proulx  
Michelle McCarthy

### 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. Rob Miller declared a pecuniary interest to Application A23/2020 because he is Chairman of the Gouldville Citizens Association and lives at 17 Joseph St which abuts the development.**

Joanna Fast – 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 Frank Mazzotta, Seconded by Gerri Lynn O'Connor, that the minutes of October 21, 2020 hearing be approved as presented.

Moved by Gerri Lynn O'Connor, Seconded by Frank Mazzotta that the minutes of November 18, 2020 hearing be approved as presented.

**A1/2021- Melanie Baynham, Part Lot 61 Block 9 Plan 83 (Uxbridge), 98 Second Ave**

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Melanie Baynham was present as the owner of the property. She stated her property was irregular in shape and she decided to obtain a severance approval to add land to 100 and 102 Second Avenue. As a result of the LD process the garage on 98 Second

Ave exceeds the maximum lot coverage of all accessory buildings and structures on the lot.

There was no one in the audience to speak to the application.

The owner had no concerns with the conditions of approval.

**Written Comments**

Report from Development Services – See File

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

**Moved by Councillor Garrod**

THAT Report DS-04/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A1/2021, 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:

In the event that the other conditions of approval of the related consent applications (LD 079/2020 & LD 080/2020) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

**CARRIED**

**DECISION**

Moved by Gerri Lynn O'Connor, Seconded by Sally Morgan that Application A1/2021 by Melanie Baynham, Part Lot 61 Block 9 Plan 83 (Uxbridge), 98 Second Ave, Relief from Section 5.1.d to permit a total lot coverage of all accessory buildings and structures of 7.1 % (50 m<sup>2</sup>) for a variance of 2.1 % (14.7 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:**

In the event that the other conditions of approval of the related consent applications (LD 079/2020 & LD 080/2020) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

**CARRIED**

**A23/2020 - 2373521 Ontario Corporation (LKS Homes Inc.)-KLM Planning Partners Inc.-Ryan Mino Leahan, Plan 83 BTN BLKS BBB & CCC Lots 5 and 488 ½ BLK BBB Lots 484 to 487 ½ BLK FFF Lots 525 to 527 BLK FFF Lots 528, 529 Pt Lot 527 Pt Orchard St. BLK, 62 Mill St**

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Ryan Mino was present as the Planner for the application. Ken Sherwood was present as the owner of the property.

Mr. Mino presented the site location map and explained the heritage building will be relocated to the north west corner of the property with one access from Mill St. The Zoning By-law Amendment application proposed 39 townhomes along with the heritage building and this has been revised to construct semi-detached and single family homes. Elevation drawings and cross-sections were presented to the committee. He further explained how the development met the four tests.

**Written Comments**

Report from Development Services – See File

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

**Moved by** Councillor Popp

**Seconded by** Councillor Hight

THAT the Council of the Township of Uxbridge receive Report DS-02/21 of Elizabeth Howson, Macaulay Shiomi Howson for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A23/2020, 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 Bylaw, the following conditions should be established:

1. The owner / applicant shall satisfy all conditions established with respect to the Holding Residential Second Density Exception No. 30 ((H) R2-30) Zone for the removal of the Holding Zone which shall reflect through the approval of the site plan the location of a single detached dwelling of 6.25 metres in height and a cottage type or similar roofline on the lot immediately to the south of the relocated heritage house (Lot #2).

2. The approval of the variance shall apply only to the variances recommended in Report 02/2021 namely that the maximum building height shall be 9.18 metres for a single-detached dwelling, with the exception of the lot immediately to the south of the relocated heritage house (Lot #2) which shall have a maximum height of 6.25 metres.

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

### **CARRIED**

Frank Mazzotta asked about the height of the heritage house in relation to the new dwellings. The new construction would be 9.1 m.

Sally Morgan asked if landscaping could obscure the view and what that would look like. The existing perimeter of trees would remain and the heritage dwelling would block the view of the new development.

Joanna Fast asked if the grading had been finalized to avoid further C of A applications. Mr. Mino stated the site plan process was ongoing with the Township but felt the grading was complete.

Elizabeth Howson was present as the Township's planner and explained the intent of the development was to prominently visualize the heritage dwelling from the streetscape.

A further question was asked by the committee regarding the evaluation based on 9.1 m and 6.25 m building height. Ms. Howson stated the maximum height is 9.1 m and many of the dwellings are below this height. The Heritage Planner wanted to ensure prominence of the heritage building on the site.

Rob Miller, chair of the Gouldville Citizens Association read a letter of concerns and requests (See file).

Doug Moffat from 35 Mill St was present in the audience. He felt there were many changes made by the developer including the quick sale of the property after the Tribunal Hearing. There would be difficulty moving the heritage building and he felt the Township was being played and the development is not minor or appropriate.

Gail Sanderson from 7909 Durham Regional Rd 30 was present in the audience. She asked about the bungalow and why it should be greater than 9.18 m. Mr. Mino

explained the 10 m request was to reflect the existing standard of height in the R1 and R2 zones. He further stated the development would comply with the recommendations made by the planner to restrict the height to 9.1 m and 6.2 m.

Gerri Lynn O'Conner asked if the trees would be planted only in the front yard. The plantings would be protected around the perimeter and new trees would also be planted.

Ms. Howson stated through the site plan process the landscaping would be further reviewed.

Submissions made by Douglas Duckworth, Ethan Zone and Margaret Hescok were read by the Chair (See file).

### **DECISION**

Moved by Gerri Lynn O'Connor, Seconded by Sally Morgan that Application A23/2020 by 2373521 Ontario Corporation (LKS Homes Inc.)-KLM Planning Partners Inc.-Ryan Mino Leahan, Plan 83 BTN BLKS BBB & CCC Lots 5 and 488 ½ BLK BBB Lots 484 to 487 ½ BLK FFF Lots 525 to 527 BLK FFF Lots 528, 529 Pt Lot 527 Pt Orchard St. BLK, 62 Mill St, Relief from Section 4.10.4.30 b.xiii to permit a maximum building height of 10 m for a single detached dwelling, **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 owner / applicant shall satisfy all conditions established with respect to the Holding Residential Second Density Exception No. 30 ((H) R2-30) Zone for the removal of the Holding Zone which shall reflect through the approval of the site plan the location of a single detached dwelling of 6.25 metres in height and a cottage type or similar roofline on the lot immediately to the south of the relocated heritage house (Lot #2).
2. The approval of the variance shall apply only to the variances recommended in Report 02/2021 namely that the maximum building height shall be 9.18 metres for a single-detached dwelling, with the exception of the lot immediately to the south of the relocated heritage house (Lot #2) which shall have a maximum height of 6.25 metres.
3. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

### **ADJOURNMENT**

The meeting adjourned at 8:15

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Joanna Fast  
Chair

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Emilia Gruyters-Secretary  
Treasurer