

MINUTES OF COMMITTEE OF ADJUSTMENT

The 6th meeting (Virtual) of 2021, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday July 21, 2021.

PRESENT

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

ABSENT

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 and none were declared.

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 Cathie Proulx, that the minutes of June 16, 2021 hearing be approved as presented.

A3/2021- Chi-Shuan Liu-Kevin Wilson (Agent) Part Lot 35 Concession 6, (Uxbridge) 647 D Ravenshoe Dr

Chi-Shuan Liu was present as the owner of the property. Kevin Wilson was present as the agent of the application and explained he felt the proposal was consistent with the Zoning By-law.

The owner had no concerns with the conditions of approval should the application be approved.

Collin Frances from 647 C Ravenshoe Dr was present in the audience. He had no objections and was concerned about the removal of trees. The only tree cutting would take place around the proposed dwelling. The forest would remain between the two lots.

Frank Mazzotta asked to confirm the ownership of the laneway and whether it would be paved. The laneway would be privately owned by Liu and the surface would not be paved for the moment.

Written Comments

Report from Fire Department –See File

Report from Development Services – See File

The Council of the Township of Uxbridge provided no comments (Summer Break)

DECISION

Moved by Frank Mazzotta, Seconded by Cathie Proulx that Application A3/2021 by Chi-Shuan Liu, Part lot 35 Concession 6(Uxbridge) 647 D Ravenshoe Rd, Relief from Section 5.7 to permit the construction of a dwelling 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 owner/applicant shall submit a grading plan prior to the issuance of a building permit.
2. The owner/applicant obtain approval from the Lake Simcoe Region Conservation Authority for the new construction.
3. The owner/applicant shall obtain approval from the Region of Durham Health Department for the private services.
4. The approval of the variance shall apply only to the Section 5.7 of Zoning By-law 81-19 as amended.

CARRIED

**A4/2021- Graham Banks & Janet Hemming-Amy Emm(Agent) Plan 83 Blk 000
Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 30 Main St S**

Janet Hemming was present as the owner of the property. Amy Emm was present as the agent of the application and explained the development by sharing her screen outlining the four tests. Her education and experience were briefly described. Three variances have been removed since the application in February. She described the variances as follows;

1. Front Yard Depth

There is a range of setbacks in the community and the proposed 1.7 m setback is in the middle range of the examples and therefore appropriate.

2. Lot Frontage

The lot frontage is an existing condition and this variance is only recognizing the existing lot.

3. Interior Side Yard Width

The proposed 1.2 m setback exists within the community and is an established lotting pattern. The purpose of an interior side yard setback is to provide access and 1.2 m provides this.

4&5. Coverage of all Buildings & Coverage of all Accessory Buildings & Structures

There are only a few examples of large accessory structures in the community. However, the structure would be in the rear yard and therefore no street impact.

Anne & David Phillips from 36 Main St S were present in the audience. They had questions about the easement and its inclusion in the lot coverage. They were assured the easement was not part of the coverage calculation. They were also concerned the owner did not work with them about some of their concerns. They wanted to remind the owner the parking spaces shown in the interior of the lot could not be located on their property. There were concerns about the steps inside of the garage because it implied the accessory building would be used for habitation. The owner did not have intention to rent out space.

Sally Cousand from 33 Bascom St was present in the audience. Her property is located behind the subject lands. She was concerned about the size and how it would impact her use of the back yard. There is also a tree that would be impacted because the branches overhang into the area of the proposed accessory structure.

Steve and Lorna Weddell from 38 Main St S were present in the audience. Their property is located directly south of the subject lands. They have sent a letter of objection and felt the lot is too small and the garage is 60 % larger than permitted by the by-law.

Rick Flotner from 31 Bascom Street was present in the audience. He signed the approval agreement because changes were made to the windows and the height. Coverage and drainage were still a concern for him.

The planner addressed the concerns below;

1. The easement has not been included in the lot coverage calculation.
2. The grading plan would be part of the building permit process.
3. Parking would only occur on the subject lands otherwise it would be considered trespassing.
4. The height of the garage complies with the by-law and therefore a right. It is not part of the variance application.
5. There is a change to view but it is properly located on the property since it meets the minimum 1.2 m setback stated in the zoning by-law.
6. There is no intention to rent out the space in the garage.

Unfortunately, the R2 zone does not reflect the diversity of the downtown core or heritage area. New development is often in need of an application to the Committee of Adjustment. Given the nature of the small lot the development appears to meet the character of the surrounding community and the four tests.

Gerri-Lynn expressed concern with the size of the garage and coverage on the entire lot.

Other members expressed similar concerns.

Written Comments

Report from Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge provided no comments (Summer Break)

DECISION

Moved by Cathie Proulx, Seconded by Rob Miller that Application A4/2021 by Graham Banks & Janet Hemming-Amy Emm (Agent) Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 30 Main St S, (1) Relief from Section 4.10.1.b. to permit a minimum lot frontage of 13.7 m for a variance of 1.3 m,(2) Relief from Section 4.10.2.c.i to permit a minimum front yard depth of 1.7 m for a variance of 6.3 m,

(3) Relief from Section 4.10.2.1.c.iii to permit an interior side yard width of 1.2 m for a variance of 2.8 m(4) Relief from Section 4.10.2.f to permit a maximum lot coverage of all buildings of 48.0 % for a variance of 18.0 %, (5) Relief from Section 5.1.d to permit a maximum lot coverage of all accessory buildings and structures of 15.5 % for a variance of 10.5 %, **BE APPROVED for variances 1,2,3** 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 dwelling and accessory building under the approval of Application A4/2021 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 A4/2021.
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 dwelling and accessory building contemplated under Application A4/2021.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

DECISION

Moved by Cathie Proulx, Seconded by Rob Miller that Application A4/2021 by Graham Banks & Janet Hemming-Amy Emm (Agent) Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5 (Uxbridge), 30 Main St S, (1) Relief from Section 4.10.1.b. to permit a minimum lot frontage of 13.7 m for a variance of 1.3 m,(2) Relief from Section 4.10.2.c.i to permit a minimum front yard depth of 1.7 m for a variance of 6.3 m, (3) Relief from Section 4.10.2.1.c.iii to permit an interior side yard width of 1.2 m for a variance of 2.8 m(4) Relief from Section 4.10.2.f to permit a maximum lot coverage of all buildings of 48.0 % for a variance of 18.0 %, (5) Relief from Section 5.1.d to permit a maximum lot coverage of all accessory buildings and structures of 15.5 % for a variance of 10.5 %, **BE DENIED for variances 4 & 5** 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

A26/2021- Jennifer Rizzi, Plan 40M2638 Part Blk 8 40R30305 Part 58(Uxbridge), 4 Gord Matthews Way

Jennifer Rizzi was present as the owner of the property. She explained her Townhouse had a walkout basement and she wanted to build a deck to enjoy her space.

The owner had no concerns with the conditions of approval should the application be approved.

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

Written Comments

Report from Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge provided no comments (Summer Break)

DECISION

Moved by Cathie Proulx, Seconded by Gerri-Lynn O'Connor that Application A26/2021 by Jennifer Rizzi, Plan 40M2638 Part Blk 8 40R30305 Part 58(Uxbridge), 4 Gord Matthews Way, Relief from Section 5.1.k to permit a maximum projection into the required yard of 4.9 m for a variance of 2.4 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 A26/2021 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 A26/2021.
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 A26/2021.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

**A27/2021- Howard & Nathalie Emer, Lot 34 Plan M-1183(Uxbridge),
5 Silver Springs Cres**

Howard and Nathalie Emer were present as the owners of the property. They have lived on the subject property for 25 years and wanted to construct a detached garage next to the garage attached to the dwelling. The structure will not be seen from the street or neighbours. It will be used to store his classic car and to conduct his various hobbies.

The owners had no concerns with the conditions of approval should the application be approved.

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

Written Comments

Report from Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge provided no comments (Summer Break)

DECISION

Moved by Cathie Proulx, Seconded by Gerri-Lynn O'Connor that Application A27/2021 by Howard & Nathalie Emer, Lot 34 Plan M-1183(Uxbridge), 5 Silver Springs Cres, Relief from Section 5.1.b to permit the proposed structure to be located closer to the street line than the main or principle building on the lot, Relief from Section 5.1.d to

permit a total gross floor area of all accessory buildings and structures on a lot of 104.1 m² for a variance of 38.1 m², **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 A27/2021 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 A27/2021.
3. The owner/applicant shall satisfy the conditions of the Lake Simcoe Region Conservation Authority.
4. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the appeal period established under the Planning Act.
5. The approval of the variance shall apply only to the accessory building contemplated under Application A27/2021.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

ADJOURNMENT

The meeting adjourned at 9:00

Joanna Fast
Chair

Emilia Gruyters-Secretary
Treasurer