

MINUTES OF COMMITTEE OF ADJUSTMENT

The 1st meeting (Virtual) of 2022, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday March 16, 2022.

PRESENT

Joanna Fast-Chair
Michelle McCarthy-Vice Chair
Gerri Lynn O'Connor
Sally Morgan
Frank Mazzotta
Kyle Rainbow-Director of Development Services
Emilia Gruyters-Secretary Treasurer

ABSENT

Cathie Proulx

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 Gerri-Lynn O'Connor, Seconded by Michelle McCarthy, that the minutes of December 15, 2021, hearing be approved as presented.

A1/2022- Brad Shortt & Beverley Northeast– Pt Lots 1-4 Pt BLK A Plan 54 (Uxbridge) 287 Regional Highway 47

Brad Shortt and Beverley Northeast were present as owners of the property.

Joanna Fast summarized the variances.

The Chair began by stating the size of accessory buildings provided in the application does not reflect the total gross floor area (TGFA) on the lot. The actual TGFA is 101.2 m² and not 86.7 m².

Mr. Shortt stated he didn't obtain a building permit because of the pandemic. Once the office was open, he spoke to Brian Pigozzo, CBO and applied for the building permit.

The chair stated after the members site visits and consultation with Uxbridge senior staff the existing stone and brown building is greater than 11.0 m² as listed in the application.

In addition, Gerri-Lynn O'Connor was concerned not all the buildings were listed in the application. During her site visit, she discovered a treehouse and greenhouse.

A treehouse is not part of the TGFA and the greenhouse is temporary.

Gail Sanderson from 7909 Durham Rd 30 was present in the audience. She wanted to just listen to the discussions about the application.

Michelle McCarthy asked if the completion date of the survey was available and if further work was needed to complete the structure. The structure required an exterior finish and the survey was completed 3 weeks ago.

Gerri-Lynn wasn't sure she received the updated survey. The survey was included in the package sent to the members. She made a motion the application be tabled until professional drawings were submitted. After further discussion by the members, she later withdrew her motion.

Emilia Gruyters stated the size of the existing stone and brick building was not accurate. The TGFA for the lot includes all accessory buildings and not just the recently constructed building.

Joanna recommended the size of the buildings be verified to avoid a future committee of adjustment hearing.

Frank Mazzotta stated it would be beneficial to have surveyor provide the size of the buildings, provide a date and signature on the plan.

Written Comments

Report from Fire Department –See File

Report from Development Services – See File

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

Report DS-07/22 of Emilia Gruyters Planning Technician, Secretary Treasurer
Committee of Adjustment

re Committee of Adjustment Application No. A1/2022, Relief from Lot Coverage & Height-Pt Lots 1-4 BLK A Plan 54-287 Regional Highway 47-Brad Shortt & Beverley Northeast

Moved by: Mayor Barton

THAT Report DS-07/22 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A1/2022, 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 structure under the approval of Application A1/2022 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 A1/2022.
3. 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.
4. The approval of the variance shall apply only to the accessory structure contemplated under application A1/2022.
5. The accessory building shall not be used for human habitation, commercial or industrial uses.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant;

AND THAT the Committee of Adjustment be forwarded the video recording of this discussion of this matter for consideration of the concerns raised.

Carried

DECISION

Moved by Frank Mazzotta Seconded by Sally Morgan that Application A1/2022 by Brad Shortt & Beverley Northeast, Pt Lots 1-4 Pt BLK A Plan 54 (Uxbridge), 287 Regional Highway 47, Relief from Section 5.1.d to permit a a total gross floor area of all accessory buildings and structures on a lot of 86.7 m² for a variance of 26.7 m² ,**BE TABLED TO CONFIRM THE SIZE OF THE ACESSORY STRUCTURES ON THE LOT.**

CARRIED

A2/2022— Bennett Paul Ciceri-David Peach(Agent), Part Lot 7 Concession 7 (Uxbridge) 720 Chalk Lake Rd

David Peach was present as the agent for the application. Ben was present as the owner of the property.

The Chair summarized the variances.

John Fisher from 1720 Concession 7 was present in the audience. He was concerned about construction damages impacting his trail business which is to commence in the spring. Specifically, concerns about damage to the existing laneway and blocked access due to the arrival of construction materials.

David Peach explained he has built on private and public roads and to mitigate disruption he has unloaded arrivals on the property.

Mr. Peach had no concerns with the recommendations should the application be approved.

Joanna asked if there is a current easement for the driveway.

Ben Ciceri read from the agreement related to the current easement stating the easement was not to be interrupted by anyone.

Michelle asked if they met with the neighbours.

Mr. Peach has assured the neighbours their trail business will not be interrupted.

Frank Mazzotta stated he hadn't realized the neighbours adjacent to this property were John and Lee Fisher. He declared a conflict of interest because Lee Fisher sits on a committee with him.

Joanna advised the member to mute his microphone and no longer participate in the discussions.

The agent did not have concerns with the recommendations should the application be approved.

The members discussed adding further conditions from CLOCA to the recommendations specifically about registering the easement and scoped study.

Written Comments

Report from Fire Department –See File

Report from Development Services – See File

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

Report DS-08/22 of Emilia Gruyters Planning Technician, Secretary Treasurer
Committee of Adjustment

re Committee of Adjustment Application No. A2/2022, Relief from Frontage on an
Improved Road-Pt Lots 7 Concession 7-720 Chalk Lake Road
Moved by: Mayor Barton

THAT Report DS-08/22 of Emilia Gruyters, Planning Technician be
received for information;

AND THAT prior to the Committee of Adjustment making a decision
with respect to Application A2/2022, 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 structure under the approval of Application A2/2022 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 A2/2022.
3. The owner/applicant shall obtain approval from Central Lake Ontario Conservation Authority.

4. The owner/applicant shall obtain approval from the Region of Durham Health Department.
5. 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.
6. The approval of the variance shall apply only to the dwelling contemplated under application A2/2022.
7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

Carried

DECISION

Moved by Gerri-Lynn Seconded by Sally Morgan that Application A2/2022 by Bennett Paul Ciceri-David Peach (Agent), Part Lot 7 Concession 7 (Uxbridge) 720 Chalk Lake Rd, Relief from Section 5.7 to permit the construction of a single-family dwelling 223.0 m² in size on a lot which does not have frontage upon 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The structure under the approval of Application A2/2022 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 A2/2022.
3. The owner/applicant shall obtain approval from Central Lake Ontario Conservation Authority.
4. The owner/applicant shall obtain approval from the Region of Durham Health Department.

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 dwelling contemplated under Application A2/2022.
7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.
8. The owner shall demonstrate that free and clear access to this property is available through a registered easement across the adjacent lands.
9. The owner shall demonstrate through the completion of a scoped Environmental Impact Study that the proposed development and site alteration will not have a negative impact on the ecological function of the significant woodland and will not adversely impact the ecological integrity of the ORMCP Plan Area.

CARRIED

A3/2022— Peter Hardie, Natasha Haride, Julian Hardie, Mark Hardie-Shane Gregory (Agent), Part Lot 35 Concession 6 40R-12974 Part 2(Uxbridge) 647 B Ravenshoe Rd

The agent requested a deferral for this application.

DECISION

Moved by Michelle McCarthy Seconded by Frank Mazzotta that Application A3/2022 Peter Hardie, Natasha Hardie, Julian Hardie, Mark Hardie-Shane Gregory (Agent), Part Lot 35 Concession 6 40R-12974 Part 2(Uxbridge) 647 B Ravenshoe Rd, Relief from Section 5.7 to permit the construction of a single-family dwelling 315.8 m² in size on a lot which does not have frontage upon an improved public road **BE TABLED UNTIL THE NEXT AVAILABLE HEARING.**

CARRIED

A4/2022— Lloyd & Nellie Weiler-Nour Elgendy (Agent), Lot 2 Plan 40M-1483, (Uxbridge) 95 Munro Cres

Nour was present as the agent for the application.

Joanna Fast summarized the variances.

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

The agent did not have concerns with the recommendations should the application be approved.

Written Comments

Report from Fire Department –See File

Report from Development Services – See File

The Council of the Township of Uxbridge provided the following comments

THAT Report DS-10/22 of Emilia Gruyters, Planning Technician be received for information;

re Committee of Adjustment Application No. A4/2022, Relief from maximum lot coverage, Rear Yard Depth, Accessory Structure Rear Yard-Lot 2 Plan 40M-1483-95 Munro Cres-Lloyd & Nellie Weiler-Nour Elgendy (Agent)

Moved by: Councillor Popp

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A4/2022, 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 structure under the approval of Application A4/2022 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 A4/2022.
3. 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.
4. The approval of the variance shall apply only to the sunroom addition contemplated under application A4/2022.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant;

DECISION

Moved by Frank Mazzotta Seconded by Sally Morgan that Application A4/2022 by Lloyd & Nellie Weiler-Nour Elgendy (Agent), Lot 2 Plan 40M-1483, 95 Munro Cres, Relief from Section 4.9.2.F to permit a maximum lot coverage of 32.8 % for a variance of 2.8 %, Relief from Section 4.9.4.4.a to permit a minimum rear yard setback of 5.8 m for a variance of 2.2 m, Relief from Section 5.1.h.ii to recognize a rear yard setback of 1.0 m for a variance of 0.2 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The structure under the approval of Application A4/2022 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 A4/2022.
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 sunroom contemplated under Application A4/2022.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

ADJOURNMENT

The meeting adjourned at 8:30 pm

Joanna Fast
Chair

Emilia Gruyters-Secretary
Treasurer