

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 8th meeting (Virtual) of 2022, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday November 16, 2022.

### PRESENT

Joanna Fast-Chair

Michelle McCarthy-Vice Chair

Cathie Proulx

Frank Mazzotta

Kyle Rainbow, Director of Development Services – Acting Secretary/Treasurer

Elizabeth Howson, Macaulay Shiomi Howson Ltd.

Paul Kitchen, Macaulay Shiomi Howson Ltd.

### ABSENT

Gerri Lynn O'Connor

### 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 Cathie Proulx, seconded by Michelle McCarthy, that the minutes of October 19, 2022 hearing be approved as presented.

### **A24/2022-Glenn & Deborah Gradeen, Lot 11 Plan 54 (Uxbridge), 4060 Front Street**

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Glenn and Deborah Gradeen were present as the applicants and owners of the property.

- The Chair summarized the variances.
- Mr. Gradeen explained that he would like to extend the existing detached garage back and that the width of the building and height of the building will remain the same. He says that the addition to the detached garage will not be visible from the street.

- The Chair explained the conditions of approval set out in the Planning Report and the Applicant acknowledged that he understands and has no issues with the conditions.

## **Written Comments**

Report from Development Services – See File

The Council of the Township of Uxbridge provided the following comments:  
No comments provided.

## **DECISION**

Moved by Michelle McCarthy, Seconded by Cathy Proulx that Application A24/2022 by Glenn & Deborah Gradeen, Lot 11 Plan 54 (Uxbridge), 4060 Front Street, Relief from Section 5.1.d, 4.8.2.c.i, 4.8.2.f.iv, and 4.8.2.c.ii. The variances permit an accessory building gross floor area of 82.0m<sup>2</sup> for a variance 22.0m<sup>2</sup>, a minimum interior side yard setback of 0.4m for a variance of 2.6m, a minimum front yard setback of 3.8m for a variance of 6.2m, and a minimum setback from a Township Road centreline of 13.8m for a variance of 6.2m, **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 proposed accessory structure addition under the approval of Application A24/2022 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 for the addition to the accessory structure within one year of the final date of appeal of A24/2022.
3. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the of the appeal period established under the Planning Act.
4. The accessory structure shall not be used for human habitation, commercial or industrial uses.

**CARRIED**

**A25/2022— Rayaz & Hasena Kalaam, Plan 30 Pt Blk 42 Pt Lots 505, 506, 40R-31107 (Uxbridge), 2 Second Street**

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Rayaz and Hasena Kalaam were present as the applicants and owners of the property.

- The Chair summarized the variances.
- Mr. Kalaam explained that he is requesting the variance to build a house to accommodate his family and father.
- Mr. Kalaam explained that he has asked the architect to revise the proposed plans to accommodate the Uxbridge Zoning By-law's front yard setback requirements and only request a variance for the rear yard setback.
- Gail Sanderson (7909 Durham Road 30) asked if this was a lot that was severed a few years ago and was contested by the neighbours.
- Elizabeth Howson explained that the lot created by a severance application created an undersized lot and that there were concerns that an appropriate house could be built. As such, Site Plan Control was required as a condition of approval for the severance application. A 1.5 storey house was submitted with the severance application that demonstrated that an appropriate house could be built.
- Mr. Kalaam explained that he did not hear back from the Township if his proposal would be accepted.
- The Chair recommended that the Applicant request a deferral to address the concerns raised in the Planning Report because he did not receive the Planning Report with enough time to review and respond.
- Kyle Rainbow and Elizabeth Howson recommended submitting a Site Plan Application which will allow for the zoning issues to better addressed and mitigate any negative impacts on the surrounding. Ms. Howson explained that the property is subject to Site Plan Control regardless.
- Michelle McCarthy recommended considering any other accessory buildings, including any that may be related to the swimming pool, when calculating lot coverage so that further variances are not required.

**Written Comments**

Report from Development Services – See File

The Council of the Township of Uxbridge provided the following comments:  
No comments provided.

## **DECISION**

Moved by Frank Mazzotta Seconded by Cathie that Application A24/2022 by Rayaz and Hasena Kalaam, Plan 30 Pt Blk 42 Pt Lots 505, 506, 40R-31107 (Uxbridge), 2 Second Street, Relief from Section 4.9.c.i, 4.9.c.iv, and 4.9.f to permit a minimum front yard setback of 6.33m for a variance of 1.67m, a minimum rear yard setback of 7.19m for a variance of 2.81m, and a maximum lot coverage of 35% for a variance of 5 percentage points, **BE DEFERRED** for the following reasons:

- 1. To revise the proposed plan to address the issues raised in the Planning Report.**

**CARRIED**

### **A26/2022- Leslie & Heather Goldberg, Part of Lot 553 and 554, Block 44 Plan 30 (Uxbridge), 37 North Street**

Leslie and Heather Goldberg were present as the applicants and owners of the property.

- The Chair summarized the variances.
- Mr. Goldberg explained that the front door of the house faces Fourth Street meaning that the rear yard acts as the side yard for the house based on how the house is oriented.
- Ms. Jack (39 North St) objected to the application stating that the application misrepresents the facts in that this is the result of the rear yard being severed. She stated that this proposal with the severance will result in the loss of mature trees and loss of privacy in her back yard. She also had concerns with the septic system that is on the property. Ms. Jack said that she has received 18 signatures in support of her objection to the application.
- Mr. Goldberg explained that the septic system has been disconnected and that the severance is no longer a point of contention.
- Michelle McCarthy requested clarification on the process for the severance and does not remember a variance application for the severed lot.
- Kyle Rainbow explained that the severed lot meets zoning currently but will likely require a variance when an application to build a house is submitted.
- Kyle Rainbow explained that the building permit for the addition was received prior to the severance and was zoning compliant at that time. As a result of the severance a variance is now required as a condition of the severance.

- Elizabeth Howson explained that the vacant severed lot is subject to Site Plan Control.
- Michelle McCarthy asked for confirmation from Ms. Jack that she was provided notice of the previous severance application and that she participated. Ms. Jack confirmed that she was notified and participated in that process as well.
- Michelle McCarthy asked if the requested setbacks in this application are similar to others that result from similar severances. Ms. Howson confirmed that the requested relief is similar or less than other applications resulting from rear yard severances in the neighbourhood.

## Written Comments

Report from Development Services – See File

Sarah Jack (39 North Street) et al.:

Provided a letter with 13 other signatures of neighbours expressing general objection to the application and the fact that the additions on the property were built prior to receiving any variances.

The Council of the Township of Uxbridge provided the following comments:  
No comments provided.

## DECISION

Moved by Michelle McCarthy, Seconded by Cathy Proulx that Application A26/2022 by Leslie & Heather Goldberg, Part of Lot 553 and 554, Block 44 Plan 30 (Uxbridge), 37 North Street, Relief from Section 4.9.c.iv. The variance permits a minimum rear yard setback of 4.7m for a variance of 5.3m, **BE APPROVED** as applied for the following reasons:

- 5. The application is minor in nature.**
- 6. The development of the land is appropriate and desirable.**
- 7. The intent of the Zoning By-law is being maintained.**
- 8. The intent of the Official Plan is being maintained.**

## Conditional Upon:

1. The single detached house shall be in substantial conformity with the design & location of the plans submitted with Application A26/2022.
2. The owner / applicant shall satisfy all conditions of the variance no later than one year from the end of the appeal period established under the Planning Act.

3. The approval of the variance shall apply only to the single detached dwelling contemplated under Application A26/2022.

**CARRIED**

## **ADJOURNMENT**

The meeting adjourned at 8:00 pm

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Joanna Fast  
Chair

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Kyle Rainbow, Director of  
Development Services – Acting  
Secretary Treasurer