

MINUTES OF COMMITTEE OF ADJUSTMENT

The meeting (Virtual) of 2023, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday April 12, 2023.

PRESENT

Michelle McCarthy-Chair
Frank Mazzotta-Vice Chair
Lynn Barkey
Ken May
Ted Shepherd
Kyle Rainbow, Director of Development Services
AJ Singh, Planning Technician-Secretary/Treasurer

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.

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 Lynn Barkey, seconded by Frank Mazzotta, that the minutes of March 15, 2022 hearing be approved as presented.

A25/2022- Rayaz and Hasena Kalaam, Part of Block 42, Part of Lots 505 and 506, Plan 30, 2 Second Street

Rayaz Kalaam was present as the applicant and owners of the property.

- Michelle McCarthy summarized the variances.
- Rayaz Kalaam explained that the plans had been revised since the first submission, the pool had been removed and the house depth had been decreased. The planning justification report was prepared as requested.
- Lynn Barkey asked if the building lot was a result of severance for the property at north. He also expressed that the requested variances are not excessive in nature.

- Rayaz Kalaam responded by confirming that building lot was a result of a Consent.
- Frank Mazzotta stated that there are mature trees adjacent to the property towards the south of the subject property and asked if there is any grading work proposed at 1.8 m offset from the property line to the building towards the south. Further to this, he suggested the applicant hire an arborist or a professional to salvage the mature trees.
- Rayaz Kalaam agreed to the suggestion of hiring a professional and confirmed that precautionary steps will be taken to not to disturb the mature trees.
- Gail Sanderson asked if neighbors had objection to the grading plan.
- Rayaz Kalaam responded by saying that he spoke to the neighbors and they have no issues with what is proposed.
- Michelle McCarthy explains that the grading can be addressed at the building permit stage.

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 Lynn Barkey, Seconded by Frank Mazzotta that Application A25/2022- Rayaz and Hasena Kalaam, PART OF BLOCK 42, PART OF LOTS 505 AND 506, PLAN 30, 2 Second Street, Relief from Section 4.9.2.c to recognize a front yard depth of 6.5m for a variance of 1.5m and Rear Yard Depth of 7.19 m for the variance of 2.81 m, Relief from Section 4.9.1.f to permit maximum lot coverage of 35% for a variance of 5%, **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 new 2-storey single family dwelling unit under the approval of Application A25/2022 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 one year of the final date of appeal of A25/2022.
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 approval of the variances shall apply only to the areas contemplated under Application A25/2022.

CARRIED

A2/2023 – Martina and Maurizio Bertato/2326559 Ontario Limited, PT LTS 456, 457, 458, BLK WW and PT Toronto St, Closed by Bylaw UX14743, PL H50065, PT 1, 40R10679, 16 Cemetery Road

Hailey Weatherbee was present as the applicant and representative of the owners of the property.

- Michelle McCarthy summarized the variances.
- Hailey Weatherbee summarized the proposal and explained that coverage with respect to neighboring properties will not be an issue. She also clarified that the property is on municipal serviced lands.
- Lynn Barkey inquired about the operation of the driveway as the grading is higher on the south side of the property in comparison to the north side.
- Hailey Weatherbee responded by saying the existing driveway will be used for the new house and entrance is located off Cemetery Road. From there, it will be required to jog horizontally across the front of the house to reach the left side, which is situated at a higher elevation. As a result, it will be required to climb and go through the portico share. To accommodate this arrangement, a grading plan would need to be organized. Due to the higher grading on the south side, grading plans will need to be organized.
- Michelle McCarthy asked if the trees would be maintained as the driveway location is not being changed. She expressed concerns about the building footprint and requested clarification regarding the area allocated to the portico in comparison with the rest of the building.

- She also asked if any consideration was given to the Town Secondary Plan Policies with respect to the character of the neighborhood.
- Hailey Weatherbee confirmed that trees will be maintained. The portico does not have living space above it and the lot coverage is 30.2% without portico.
- Asli Gocer (neighbor) inquired about the existing 3 mature trees as well as the proposed drawings.
- Michelle McCarthy stated that trees on private property are not under the town protection and material related to the application can be viewed at townhall. She asked if neighbors were consulted.
- Hailey Weatherbee responded, stating that the concerns raised by the neighbors to the rear have been addressed.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application as proposed, and approval and associated fee will be required. She expressed concerns and suggested that the application be tabled until the proposal is discussed with their neighbor and the town receives a planning rationale that addresses the specific policies of the town's secondary plan regarding how the proposal fits with the character of the neighborhood.

Written Comments

Report from Development Services – See File

LSRCA – Fee File

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

DECISION

Moved by Michelle McCarthy, Seconded by Lynn Barkey that Application A2/2023 – Martina and Maurizio Bertato/2326559 Ontario Limited, PT LTS 456, 457, 458, BLK WW and PT Toronto St, Closed by Bylaw UX14743, PL H50065, PT 1, 40R10679, 16 Cemetery Road, Relief from Section 4.9.1.f to permit maximum lot coverage of 36.08% for a variance of 6.08%, Relief from Section 5.1.d varied to permit maximum lot coverage of 11.08% for a variance of 6.08%, and to permit maximum height of 6.4m for a variance of 1.4m, **BE DEFFERED** for the following reasons:

1. The application must provide evidence of how it aligns with the policies outlined in the town's Secondary Plan.
 - a. The development must align with the established character of the neighborhood.
 - b. The proposed increase in coverage must align with the overall compatibility with the surrounding context.

CARRIED

A3/2023- Edmund and Christine Chien PT LTS 26 & 27, CON 3, Parts 1 & 2, Plan 40R25967; T/W D451681; 350 O'Beirn Road

Edmund Chien was present as the applicant and owners of the property.

- Michelle McCarthy summarized the variances.
- Edmund Chien explained the history and timeline of the application.
- Lynn Barkey inquired why the fee was not collected for the application.
- Mr. Rainbow clarified that an exception was made to the fee by-law in consultation with the council, and that the fee was collected in consideration of the agreement the applicant entered into for the use of the unopened right of way.
- Ted Shepherd asked if the buildings on the property were built before the current By-law was passed. He also inquired if the applicant is concerned about emergency services and emergency vehicle access.
- Edmund Chien responded by stating that originally the frontage was on the third concession instead of the fourth concession. The original lot was then severed into three parcels, and the driveway was constructed in order to facilitate the sale of the property. Mr. Chien also confirmed that the driveway is being maintained, and that there is a large pond located adjacent to the property
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application as proposed and the permit and fee have been received.

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 Ken May, Seconded by Lynn Barkey that Application A3/2023- Edmund and Christine Chien PT LTS 26 & 27, CON 3, Parts 1 & 2, Plan 40R25967; T/W D451681; 350 O'Beirn Road, Relief from Section 5.7 to permit the construction of a 2-storey addition to 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 Zoning By-law is being maintained.**
- 4. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The proposed 2-storey addition to a single-family detached dwelling under the approval of Application A3/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. That the applicant receive approval from Durham Region Public Health.
3. The owner/applicant shall obtain a building permit application within one year of the final date of appeal of A3/2023.
4. 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.
5. The approval of the variances shall apply only to the areas contemplated under Application A3/2023.

A4/2023 – Jennifer Vissers and Mark Imrie PT LTS 63 & 64, BLK 10 PL 83 As In D447958 44 Dominion Street

Mark Imrie and was present as the representative and owner of the property.

- Michelle McCarthy summarized the variances.
- Mark Imrie explained the application and the intent to replace back addition in the future.

- Michelle McCarthy asked if the proposal represents a phase development and if the applicant is aware of the conditions in the staff report.
- Mark Imrie confirmed that the proposal is a phased development, and he is aware of the conditions and will apply for another minor variance in the second phase.
- Ted Shepherd asked about the feasibility of the in-law suite with full services under the Township's current by-laws.
- Kyle Rainbow explained the Town's two-unit house policies. He informed that, as of November 2023, Bill 23 which has overturned the policies that previously restricted three units, and henceforth, up to three units on Municipal Services are permitted within the Township.
- Lynn Barkey asked if there is enough room to park a car on the driveway.
- Mark Imrie responded by saying that they have a 23 feet space between the sidewalk and garage which would accommodate car parking.
- Michelle McCarthy inquired about the tree that existed at the location of the proposed driveway.
- Mark Imrie responded by saying that the tree was dead oak and was removed in 2022.
- Michelle McCarthy expressed her concerns regarding the compatibility of the proposed development with the character of the surrounding neighborhood. he noted that no justification had been provided to support the significant increase in lot coverage, and she inquired as to whether the applicant had taken into account the relevant policies of the Town's Secondary Plan.
- Hailey Weatherbee responded and said that the proposed development will house two families and the increase in lot coverage is to support family growth. She also said that without the deck the proposed development would be around 32.6%.
- Ted Shepherd asked if the proposed lot coverage (47%) is acceptable in a residential neighborhood and inquired if the application can be approved as a phased development.
- Kyle Rainbow explained that the lot coverage of about 50% is norm in townhouse development and increased lot coverage has been approved in the Minor Variance applications in the past.
- Ken May stated that entire application package, rather than just the phased development, should be considered when evaluating the proposal's

impact on the neighborhood and servicing. He suggested that the determining factor should not be the percentage of the proposal, but rather how it affects the neighborhood and other relevant factors.

- Michelle McCarthy inquired whether the neighboring properties were notified of the proposed development and applicant's preference for dealing with the application approval.
- Mark Imrie responded by saying that he has spoken to the neighbors, and they have no issues with what is proposed and confirmed that he would like the decision on full application including the future development.

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 Ken, Seconded by Ted Shepherd that Application A4/2023 – Jennifer Vissers and Mark Imrie PT LTS 63 & 64, BLK 10 PL 83 As In D447958 44 Dominion Street, Relief from Section 4.9.2.c to recognize 0.8m existing front yard and to permit an addition at 3.85m from the Front Lot Line, and to permit a Rear Yard Depth of 6.04m for a variance of 3.96 m, Relief from Section 4.9.2.f to permit maximum lot coverage of 46.8% for a variance of 16.8%, **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 addition to the existing house, a deck in the rear yard, and a 2-storey garage with an In-law Suite on the 2nd floor under the approval of Application A4/2023 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 one year of the final date of appeal of A4/2023.

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 approval of the variances shall apply only to the areas contemplated under Application A4/2023.

CARRIED

Other business

- **Kyle Rainbow stated recommendation of the Town's Clerk department, which indicated that the Council Chambers at Town Hall would be available for in-person meetings and support staff would be available during virtual meetings to assist with technical difficulties.**
- **Michelle McCarthy expressed her concerns regarding potential confusion for residents if meetings were held in both virtual and in-person formats. She stated that she was open to either format, but advocated for consistency.**
- **Frank Mazzotta agrees one format should be chosen and at he could do in-person meetings but acknowledged that virtual meetings may be the better option.**
- **Ted Sheppard stated his preference for in-person meetings,**
- **Lynn Barkey indicated that while in-person meetings may be slightly less efficient, he was capable of participating in either format.**
- **Anthony Woodruff (Alternate Committee Member) also indicated his willingness to participate in either format.**
- **Michelle McCarthy stated the decision that virtual meetings will be held for the time being, with the possibility of revisiting the decision in the future.**

ADJOURNMENT

The meeting adjourned at 8:00 pm

Michelle McCarthy

Aj Singh

Aj Singh, Planning Technician/
Secretary Treasurer