

## 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 May 10, 2023.

### PRESENT

Michelle McCarthy-Chair  
Frank Mazzotta-Vice Chair  
Lynn Barkey  
Ted Shepherd  
Ed Chillman  
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 April 12, 2023 hearing be approved as presented.

**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**

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

- Michelle McCarthy summarized the application.
- Hailey Weatherbee informed the committee that the neighbors were informed about the project and concerns were addressed in a PDF document with precedents justifying the larger garage for a second dwelling. She also indicated that the removal of mature trees was addressed through a basic landscape plan.

- Michelle McCarthy inquired about landscaped pergola and why it was considered in the coverage calculation.
- Hailey Weatherbee clarified that the landscaped pergola area has a roof and planned for phase two of the project, would not be considered as living or heated space, clarifying its purpose and distinction.
- Lynn Barkey asked if any of the precedents shown in the pdf were similar to a rebuild or if they were from newer developments in the area. He also inquired about the coverage.
- Hailey Weatherbee responded that most of the precedents were from newer developments and were gathered from minor variances. She also confirmed that the total coverage is 36.8% and 29.8% without the portico.
- Mr. Gerson and Ms. Gosser, the neighbors, expressed concern about not receiving any documents from Hailey Weatherby and about the size of the four-car garage and the mature trees on the property.
- Hailey Weatherbee responded and said that the four-car garage is located at the rear of the property, and the trees in question are situated outside of the subject property.
- Gail Sanderson expressed concerns about grading and the size of the lot.
- Hailey Weatherbee clarified that the proposal is based on a site survey and adheres to guidelines, ensuring that everything fits within the boundaries.
- Michelle McCarthy stated that there were no new comments from Lake Simcoe Region Conservation Authority (LSRCA) as they had already reviewed and provided comments on the previous application.

## **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 Lynn Barkey, Seconded by Ted Shepherd that Application A2/2023- 2326559 ONTARIO LIMITED (Bertato), Part of Lots 456 to 458, BLK WW, Plan H50065; 16 Cemetery Road, Relief from Section 5.1.d to permit to permit maximum lot coverage of

36.08% for a variance of 6.08%, and Relief from Section 5.1.d 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 APPROVED** 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 and a detached garage under the approval of Application A2/2023 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 A2/2023.
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 A2/2023.

**CARRIED**

**A5/2023- Frederick Flood and Maria Flood; PART LOT 54, BLOCK 9, PLAN 83, PART 1, PLAN 40R-31520; 67 First Avenue**

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Frederick Flood was present as the applicant and owner of the property.

- Michelle McCarthy summarized the application.
- Frederick Flood explained the garage proposal.
- Lynn Barkey acknowledged that building the garage would likely provide increased privacy for some neighbours and inquired if the ongoing construction was solely for renovating the existing house. He also asked about the reduced side yard and questioned whether the tree near the southeast property corner would be affected by the construction of the garage.

- Frederick Flood explained that the ongoing construction involved a new build home after a lot was severed from the corner house, necessitating the demolition of an existing garage. He mentioned that the purchased house complied with bylaw regulations for setbacks, except for the garage's proximity in the rear yard to the shared lot line. Fred confirmed that the garage's location was carefully selected to avoid any impact on a nearby tree.
- Jill Sheedy, the neighbor, raised concerns about the oversized garage, particularly regarding her view, privacy, and the size relative to neighboring properties.
- Frederick Flood responded and said that the buildings didn't cover the entire lot and the house size complied with limits.
- Frank Mazzotta inquired about the possibility of implementing buffer planting to screen a portion of the garage, asking if the applicant would be open to considering such an option.
- Frederick Flood clarified that they increased the setback from the rear lot to 1.5 meters. He expressed willingness to address the issue by planting trees and sharing the cost with the neighbors, aiming to soften the hardscape.
- Michelle McCarthy stated that the Fire Department provided comments that they have no issues with the application. She also mentioned that letters of support were received from neighboring property owners.

## 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 Ted Shepherd, Seconded by Ed Chillman that Application A5/2023- Frederick Flood and Maria Flood, PART LOT 54, BLOCK 9, PLAN 83, PART 1, PLAN 40R-31520; 67 First Avenue, Relief from Section 4.9.2.c to recognize 2.99m side yard, Relief from Section 4.9.2.f. to permit maximum lot coverage of 34.03% for a variance of 4.03%, and Relief from Section 5.1.d to permit maximum lot coverage of all accessory buildings of 10.83% for a variance of 5.83%, **BE APPROVED** 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 detached garage in the rear yard under the approval of Application A5/2023 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 A5/2023.
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 A5/2023.

### **A6/2023 – Andrew Pennington and Elizabeth Pennington; LOT 39, PLAN 40M2080; 4 Brownscombe Crescent**

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Abby Steele was present as the applicant and the representative of the owners of the property.

- Michelle McCarthy summarized the variances.
- Abby explained the application and the intent to replace back addition in the future.
- Ted Shepherd inquired if the application was discussed with the neighbors and if there were any comments, whether positive or negative, from them.
- Abby responded and said that she was unsure if the owners had discussed the matter with the neighbors.
- Lynn Barkey asked if the proposed sunroom would have a similar footprint to the existing deck, in terms of its distance from the rear lot line, and expressed concerns about the resulting rear yard.
- Abby confirmed that the proposed sunroom would be located in the same area as the existing deck.
- Mihai Stanescu, a resident at 38 Brownscombe Crescent, expressed concerns about privacy, specifically regarding his pool and the visibility from the proposed sunroom. He also inquired about the foundation requirements for the sunroom and new deck.

- Abby clarified that the proposed sunroom and deck will be supported by helical piles, requiring minimal foundation work. She also said that she cannot make decisions regarding planting and will discuss the matter with the owners.
- Mihai Stanescu also expressed concern about the property being put up for resale and the potential for future changes from a new owner, questioning whether the committee should take that into account when considering the zoning adjustments.
- Michelle McCarthy clarified that the decision on a minor variance application is tied to the property and not a specific landowner.
- Michelle McCarthy stated that the Fire Department and Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application.

## 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 Ted Shepherd, Seconded by Ed Chillman that Application A6/2023- Andrew Pennington and Elizabeth Pennington, LOT 39, PLAN 40M2080; 4 Brownscombe Crescent, Relief from Section 4.9.4.26 a. vi. to permit a Rear Yard Depth of 4.43m for a variance of 3.57 m, and Relief from Section 4.9.4.26 a. viii. to recognize 40.5% existing lot coverage and to permit an addition of 5.79%, **BE APPROVED** 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 sunroom and a deck in the rear yard under the approval of Application A6/2023 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 A6/2023.
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 A6/2023.

**CARRIED**

**A7/2023 – Marina D'andrea; PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 10 & 11, 40R31475; 9 Ballinger Way**

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Abby Steele was present as the applicant and the representative of the owners of the property.

- Michelle McCarthy summarized the variances.
- Abby explained the application of putting a deck in the rear yard of the house.
- Lynn Barkey inquired about the reduced rear yard setback. He also expressed the need for clarification on the compatibility of the deck with neighboring decks.
- Abby answered Lynn's question about the reduced rear yard setback and compatibility with neighboring properties.
- Ted Shepherd inquired if the rear of the property is a soccer field.
- Michelle McCarthy answered Ted's inquiry.
- Michelle McCarthy stated that the Fire Department and Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application.
- Gail Sanderson inquired about different setbacks in the neighborhood.
- Michelle McCarthy answered Gail's inquiry.
- Paul Pittana expressed appreciation for the committee's approval of the minor variance for their deck construction but disagreed with the interpretation of different standards for the C6 zone based on housing type. He highlighted that all bungalow loft townhomes have a minimum rear yard setback of 9.5 meters, while

other dwelling homes in the subdivision have a setback of 6.0 meters, questioning the fairness of the distinction and seeking advice on applying for relief of payment for the minor variance fee.

- Kyle Rainbow suggested that Paul Pittana should reach out Debbie Leroux, the Director of Legislative Services, to discuss the process of appealing the fee for the minor variance application.

## 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 Ted Shepherd, Seconded by Michelle McCarthy that Application A7/2023- Marina D'andrea, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 10 & 11, 40R31475; 9 Ballinger Way, Relief from Section 4.17B v. to permit a Rear Yard Depth of 6.28 m for a variance of 3.22 m, **BE APPROVED** 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 raised deck under the approval of Application A7/2023 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 A7/2023.
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 raised deck contemplated under Application A7/2023.



## CARRIED

### **A8/2023 – Karolina Sullivan; PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 14 & 15, 40R31475; 13 Ballinger Way**

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Karolina Sullivan and was present as the representative and owner of the property.

- Karolina explained the application proposal.
- Lynn Barkey confirmed the house unit address with Karolina.
- Karolina mentioned that she also received letters of support from her neighbors.
- Michelle McCarthy stated that the Fire Department and Lake Simcoe Region Conservation Authority (LSRCA) provided comments that they have no issues with the application.
- Michelle McCarthy asked the applicant if she reviewed the staff report and the conditions in the report.
- Karolina responded to Michelle’s question.
- Michelle asked for the motion on the application.

### **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 Lynn Barkey that Application A8/2023-Karolina Sullivan, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 14 & 15, 40R31475; 13 Ballinger Way, Relief from Section 4.17B v. to permit a Rear Yard Depth of 7.0 m for a variance of 2.5 m, **BE APPROVED** 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 proposed raised deck under the approval of Application A8/2023 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 A8/2023.
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 raised deck contemplated under Application A8/2023.

**CARRIED**

**Other business**

**ADJOURNMENT**

The meeting adjourned at 9:00 pm

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Michelle McCarthy

*Aj Singh*

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Aj Singh, Planning Technician/  
Secretary Treasurer