

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 September 20, 2023.

PRESENT

Michelle McCarthy-Chair
Frank Mazzotta
Ken May
Ted Shepherd
Lynn Barkey
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, none were identified.

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 Ted Shepherd, seconded by Frank Mazzotta, that the minutes of the August 16, 2023 hearing be approved as presented.

A24/2023 – TONIA LYONS, SHANE LYONS, AND STEFANA VICARI, PART BLOCK 9 PLAN 40M2638 PARTS 95 & 96 40R30305, 2 HARRY THORNTON LANE

Bruce Wood was present as the agent and the representative of the owners of the property.

- Michelle McCarthy summarized the application.
- Bruce Wood explained the minor variance proposal stating that the proposal is similar to adjacent applications and approvals of decks and as such will render the subject property more consistent with adjacent properties.
- Lynn Barkey commented that the request is in keeping with those of the neighbours and that property rear yard depth is shallower than adjacent properties given the encroachment of Township land.

- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application. The Uxbridge Fire Department indicated no objection to the proposed application.
- Bruce Wood indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

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

DECISION

Moved by Lynn Barkey, Seconded by Frank Mozzotta that Application A24/2023- Tonia Lynos, Shane Lyons, and Stefana Vicari, PART BLOCK 9 PLAN 40M2638 PARTS 95 & 96 40R30305, Relief from Section 4.11.4.22 ix. to permit a Rear Yard Depth of 4.15 m for a variance of 2.85 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 in the rear yard under the approval of Application A24/2023 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 A24/2023.
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 A24/2023.

CARRIED

A25/2023 - 2487638 ONTARIO INC., LOT 37, PLAN 40M2336, 44 ANDERSON BOULEVARD

Nolan Bentley was present as the agent and the representative of the owner of the property. Mack was present as the owner of the property.

- Michelle McCarthy summarized the variances.
- Nolan Bentley explained that the variances are to enhance the circulation within the site and improve the visibility of the site from the road. Nolan Bentley identified that the proposed variances are in keeping with the neighbourhood as parking is similarly located abutting the street.
- Lynn Barkey asked the agent if 24 Anderson Boulevard, the parcel adjacent to the site will be subject to expansion and if any change will be made to the adjacent property.
- Nolan Bentley indicated that no change will be made to 24 Anderson as part of this application.
- Ken May and Michelle McCarthy indicated that the notice sign was not visible following the inspection of the property. Ken May presented photos to the committee.
- Mack Indicated that the images as provided to the committee and Township staff are those which he received.
- Michelle McCarthy stated that the item of the notice sign will be discussed amongst the committee at the end of the meeting. Michelle McCarthy asked the agent and owner if there is any future intention of merging the properties on title.
- Nolan Bentley stated that they intend to keep the parcels separate and not merge on title.
- Michelle McCarthy posed a question to staff regarding the language used in the staff report concerning the suggestion of an amending site plan agreement over a site plan agreement.
- Nolan Bentley clarified that there is a site plan agreement registered for the adjacent property at 24 Anderson Boulevard. There is plan to submit a new site plan application to the property subject to these variances.

- Kyle Rainbow responded indicating that the property would be subject to an amending site plan agreement if it is part of the current site plan agreement registered on 24 Anderson Boulevard. And a new site plan agreement be registered on the property subject to these variances.
- Lynn Barkey asked staff if, in the case of a sale of one of the properties, the site plan agreements would consider the properties as separate.
- Kyle Rainbow stated that there can be stipulations within site plan agreements related to the operations of each property if ownership changes.
- Frank Mazzotta asked a question to the agent regarding the discrepancy in the fire route location between the submitted drawings A1.1A and A1.0 as supplied to the committee.
- Nolan Bentley indicated that the fire route location in drawing A1.0 is the accurate representation of the fire route location.
- The Uxbridge Fire Department indicated no objection to the proposed variance. Durham Region Health had provided comments on the variances and indicated that separate approval for the private sewer system would be required.
- The committee was comfortable with the language as stated in the staff report and did not comment on the posting of the notice sign.
- Nolan Bentley indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Durham Region Health – See File

Uxbridge Fire Department – See File

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

DECISION

Moved by Ted Shepherd, Seconded by Frank Mozzotta that Application A25/2023-2487638 Ontario Inc., LOT 37, PLAN 40M2336, Relief from Section 4.18.3, 4.18.6, 4.18.9.38.1 a) iii., and 5.15.e.iii of By-law 81-19, to permit the outside storage in the

front yard occupying 32% of the lot area, parking within 3m of street line and in the exterior side yard, and reduced landscaped area of 16%, 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 variances under the approval of Application A25/2023 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 A25/2023.
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 owner/ applicant enters into an amending site plan agreement with the Township of Uxbridge.
5. The approval of the variances shall apply only to the areas contemplated under Application A25/2023.

CARRIED

A26/2023 – WONG LI-LAI HA & WONG KONG YIU, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 147 & 148, 40R31475, 31 ALAN WILLIAMS TRAIL

Sydney Chan was present as the agent on behalf of the applicant and owners of the property. The chair and members of the committee heard this application last as the agent on behalf of the owners was not present during the time of the hearing per the structure of the agenda.

- Michelle McCarthy summarized the variances.
- Sydney Chan described the reasons for the variance is to permit the construction of a deck. Sydney Chan indicated that similar decks were constructed on surrounding properties following the approval of the committee.

- Michelle McCarthy requested clarification as to the reason the variance is being requested.
- Sydney Chan indicated that since a permit application was submitted, Township staff identified the need for a Minor Variance.
- Lynn Barkey requested clarification from Kyle Rainbow regarding the setback requirements of the proposed variance.
- Kyle Rainbow indicated that the Zoning Bylaw indicates varied rear yard setback requirements depending on the housing typology within the C6 zone.
- Michelle McCarthy stated that the Lake Simcoe Region Conservation Authority indicated no objection to the proposed application. The Uxbridge Fire Department indicated no objection to the proposed application.
- Sydney Chan indicated that he has not read the conditions of the staff report.
- Michelle McCarthy read the conditions to Sydney Chan.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

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

DECISION

Moved by Ted Shepherd, Seconded by Frank Mozzotta that Application A26/2023-Wong Li-Lai Ha & Wong Kong Yiu, PART BLOCK 6, PLAN 40M2669 DESIGNATED AS PARTS 147 & 148, 40R31475, Relief from Section 4.17B.v to permit a Rear Yard Depth of 3.66 m for a variance of 2.34 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 in the rear yard under the approval of Application A26/2023 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 A26/2023.
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 A26/2023.

CARRIED

A27/2023 – DAN EVANS AND CARLEAN EVANS, LOT 281, BLOCK “FF”, REG PLAN 83, 210 BROCK STREET W

Dan Evans was present as the applicant and owner of the property.

- The Committee made the decision to hear the A27/2023 and A28/2023 applications simultaneously as the applications are in relation to each other.
- Michelle McCarthy summarized the variances.
- Dan Evans explained the application and requested variances. Dan Evans informed the committee of other examples with similar approved variances.
- Michelle McCarthy asked the applicant about the access to the retained and severed parcels.
- Dan Evans answered stating that the severed lot driveway will abut the retained lot driveway.
- Michelle McCarthy informed the applicant that any future variance for a dwelling on the severed lot would be subject to its own approval.
- Dan Evans stated that as part of the Land Division application to the Region, a depiction of a building on the severed lot was created which would comply with the policies of the Zoning Bylaw.

- Lynn Barkey posed a question of the lot frontages of the retained and severed lands.
- Kyle Rainbow responded stating that the retained lot would front on Brock Street due to the nature of the Zoning Bylaw. The Zoning Bylaw stipulates that the shorter of the two exterior lot lines on a corner lot is considered to be the front yard.
- Lynn Barkey posed a question to the applicant regarding the trees on the severed lot.
- Dan Evans responded stating that keeping or removing the trees will be subject to the decision of staff at the building permit stage.
- Michelle McCarthy stated that the Uxbridge Fire Department has no objection with regards to the application.
- Dan Evans indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

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

DECISION

Moved by Lynn Barkey, Seconded by Ken May that Application A27/2023- Dan Evans and Carlean Evans, Lot 281, Block “FF”, Reg Plan 83, 210 Brock Street W, Relief from section 4.9.2.c.iv to permit minimum rear yard depth of 3.20 m for a variance of 6.80 m and Relief from section 4.9.2.a.i to permit minimum lot area requirement of 506.97 m² for a variance of 43.03 m², **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 minimum rear yard depth and minimum lot area under the approval of Application A27/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. 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.
3. The approval of the variances shall apply only to the areas contemplated under Application A27/2023.

CARRIED

A28/2023 – DAN EVANS AND CARLEAN EVANS, Part Lot 281, Part Block “FF”, Reg Plan 83 Part 2 on 40R To Be Determined, NOT ESTABLISHED

Dan Evans was present as the applicant and the owner of the property.

- The Committee made the decision to hear the A27/2023 and A28/2023 applications simultaneously as the applications are in relation to each other.
- Michelle McCarthy stated that the Uxbridge Fire Department has no objection with regards to the application.
- Dan Evans indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

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

DECISION

Moved by Lynn Barkey, Seconded by Frank Mozzotta that Application A28/2023- Dan Evans and Carlean Evans Part Lot 281, Part Block “FF”, Reg Plan 83 Part 2 on 40R To

Be Determined, Vacant, Relief from section 4.9.2.a.i to permit minimum lot area requirement of 507.6 m² for a variance of 42.4 m², **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 minimum lot area requirement under the approval of Application A28/2023 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. 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.
3. The approval of the variances shall apply only to the areas contemplated under Application A28/2023.

CARRIED

A29/2023 – WOODEN STICKS GOLF INC., PT LT 27 CON 6, PT 5 ON 40R17204 EXCEPT PTS 11 & 12 ON 40R20447; T/W PT LT 27 CON 6, PT 1 ON 40R16344 AS IN LT753990; T/W PT LTS 27 & 28 CON 6, PTS 2, 3, 4, 5 & 6 ON 40R16344 AS IN D470216, 40 ELGIN PARK DRIVE

Greg Seemann was present as the agent and representative of the owner of the property.

- Michelle McCarthy summarized the variances.
- Greg Seemann explained the purpose of the variance for the proposed cabin expansion. Greg Seemann explained the timeline of the proposal and application. Greg Seemann also explained that the existing water and sewer infrastructure is in place to facilitate the construction of the new cabins.
- Michelle McCarthy asked the agent if tree removal and regrading is necessary to facilitate the site preparation of the additional cabins.

- Greg Seemann confirmed that site preparation has yet to be undertaken and tree removal will be necessary.
- Lynn Barkey asked the agent to identify the location of a water servicing building on the Site Plan provided to the committee by the agent.
- Greg Seemann identified the location of the water connection building on the Site Plan provided to the committee by the agent. Greg Seemann also indicated the location and existing capacity of the septic system.
- Gail Sanderson of 7909 Durham Rd 30 L0G 1M0 posed a question to the agent about configuration of the rooms within the proposal. Gail Sanderson asked the agent about the reasons for the current variances while the property also has an application to construct a hotel.
- Greg Seemann clarified the bedroom configuration amongst the proposed cabins. Greg Seemann indicated that the cabins are for seasonal use and will be constructed sooner than the hotel.
- Michelle McCarthy stated that the LSRCA provided no comment with respect to the proposed application and indicated that the property is outside of the LSRCA regulated area. The Uxbridge Fire Department has no objection with regards to the application. Durham Region Health Department has no comments as the private sewage system is regulated by the ministry of the Environment Conservation and Parks.
- Greg Seemann indicated that he has no objection to the conditions prescribed by the staff report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

Durham Region Health Department - 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 A29/2023- Wooden Sticks Golf Inc PT LT 27 CON 6, PT 5 ON 40R17204 EXCEPT PTS 11 & 12 ON 40R20447; T/W PT LT 27 CON 6, PT 1 ON 40R16344 AS IN LT753990; T/W PT LTS 27 & 28 CON 6, PTS 2, 3, 4, 5 & 6 ON 40R16344 AS IN D470216, Relief from Section 4.3.5.11 d. permit a maximum of ten (10) guest cabins for a variance of 4 cabins, **BE APPROVED** for the following reasons:

- 9. The application is minor in nature.**
- 10. The development of the land is appropriate and desirable.**
- 11. The intent of the Zoning By-law is being maintained.**
- 12. The intent of the Official Plan is being maintained.**

Conditional Upon:

1. The proposed variance under the approval of Application A29/2023 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 A29/2023.
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 owner/ applicant enters into an amending site plan agreement with the Township of Uxbridge.
5. Prior to the issuance of the building permit for the new construction, the owner/applicant satisfy the requirements of the Ministry of the Environment, Conservation and Parks (MECP) with respect to A29/2023.
6. The approval of the variances shall apply only to the four cabins contemplated under Application A29/2023.

CARRIED

Other business

Gail Sanderson- Resident of 7909 Durham Rd 30 LOG 1M0

- Gail inquired about the construction of decks without the necessary permits and sought information on how the township addresses such situations.

- Michelle McCarthy responded stating that a building permit is required to build in the Township of Uxbridge.
- Kyle Rainbow clarified that the building staff has a mechanism in place to halt construction without the necessary permit or variance. This is done by issuing a stop work order to the property owners.

ADJOURNMENT

The meeting adjourned at 8:27 pm

Michelle McCarthy

Aj Singh

Aj Singh, Planning Technician/
Secretary Treasurer