

## MINUTES OF COMMITTEE OF ADJUSTMENT

The meeting (Virtual) of 2024, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday May 15<sup>th</sup>, 2024.

### PRESENT

Lynn Barkey – Presiding Member

Anthony Woodruff

Ken May

Ted Shepherd

Kyle Rainbow, Director of Development Services - acting Secretary/Treasurer

Marc Anthony Miller, Planning Technician

### CALL TO ORDER

The meeting was called to order at 7:00 pm.

**The Chair and Vice Chair were not present and gave notice of their absence to the Secretary Treasurer. The attending members of the Committee appointed a Presiding Member to act as Chair of the Meeting pursuant to Section 7.1.3 of the Rules of Procedure.**

Lynn Barkey was appointed as Presiding Member of the Committee of Adjustment.

**The Chairperson asked if any of the members had a pecuniary interest in tonight's applications, none were identified.**

Lynn Barkey – 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 Ken May, that the minutes of the May 15<sup>th</sup>, 2024 hearing be approved as presented.

### **A13/2024 – Joanne Brienza, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 7 ON REFERENCE PLAN 40R31521, 16 Howard Williams Court**

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Alberto Ferreira was present as the agent and representative of the owners of the property. **Joanne Brienza** was present as the owners of the property.

- Lynn Barkey summarized the application.

- Alberto Ferreira presented the application, stating the intent and purpose of the variance requested. Mr. Ferreira indicated that similar variances have been applied for and approved by the Committee. Mr. Ferreira also indicated that the home previously contained a builder installed deck which was removed.
- Ted Shepherd posed a question to the applicant regarding the encroachment of the deck steps.
- Mr. Ferreira indicated that in conversation with Township staff at the time of application, staff indicated no issue with the encroachment of the steps.
- Lynn Barkey commented that at the time of the property inspection, he noted that the builder installed deck was removed.
- Mr. Barkey noted that comment was received from the Lake Simcoe Region Conservation Authority indicating that the property was outside of the regulated area.
- The applicant indicated that they have read the staff report and the conditions as outlined in the report.

### **Written Comments**

Lake Simcoe Region Conservation Authority – See File

Report from Development Services – See File

### **DECISION**

Moved by Ted Shepherd, Seconded by Anthony Woodruff that Application A13/2024 - Joanne Brienza PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 7 ON REFERENCE PLAN 40R31521, 16 Howard Williams Court, Relief from Section **4.11.4.24(viii)** a minimum rear yard depth of **4.03m** for a variance of **1.67m**, 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 A13/2024 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 A13/2024.
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 A13/2024.

**CARRIED**

**A15/2024 – Jonathan Luciano, PT E 1/2 LT 28 CON 6 UXBRIDGE, AS IN D56104;  
Part 2 on 40R32515, 39 Cemetery Road**

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George Pralijak and Miaoyi Xue were present as the agents and representatives of the owners of the property.

- Lynn Barkey summarized the application.
- George Pralijak presented the application, summarizing the variance being requested. Mr. Pralijak indicated that the proposed lot frontage exceeds the frontages of similar lots on Cemetery Road and that the relief being requested is to satisfy a condition of a land division decision.
- Denise and Dave Boudreau of 43 Cemetery Road posed a question to the Committee regarding the purpose of the variance being requested.
- Lynn Barkey responded that the Regional Land Division approval body was responsible for the Land Division application. The Committee of Adjustment is hearing a Variance which is a required condition of clearance from the Land Division Committee.
- Mr. Boudreau responded that he is concerned with the security of his well water .
- Kyle Rainbow indicated that the Committee is hearing the Variance as presented. Furthermore, concerns over the construction impacts and process of construction of the proposed building can be relayed to the Chief Building Official as part of the building permit process.

- Lynn Barkey posed a question to Kyle Rainbow regarding the site servicing.
- Kyle Rainbow stated that there are municipal services available to this section of Cemetery Road.
- The applicant indicated that they have read the staff report and the conditions as outlined in the report.

### **Written Comments**

Report from Development Services – See File

**DECISION:** Moved by Anthony Woodruff, Seconded by Ted Shepherd that Application A15/2024 - Jonathan Luciano, PT E 1/2 LT 28 CON 6 UXBRIDGE, AS IN D56104; Part 2 on 40R32515, 39 Cemetery Rd, Relief from Section 4.9.2.b(i) a minimum lot frontage of 15.24m for a variance of 1.76m, 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 lot frontage under the approval of Application A15/2024 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 A15/2024.

**CARRIED**

**A16/2024 – Jonathan Luciano, PT E 1/2 LT 28 CON 6 UXBRIDGE, AS IN D56104;  
Part 1 on 40R32515, 41 Cemetery Road**

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George Pralijak and Miaoyi Xue were present as the agents and representatives of the owners of the property.

- The matter to this application was heard in conjunction with the previous application A15/2024
- The applicant indicated that they have read the staff report and understand the conditions as outlined in the report.

**Written Comments**

Report from Development Services – See File

**DECISION:** Moved by Ted Shepherd, Seconded by Anthony Woodruff that Application A16/2024 - Jonathan Luciano, PT E 1/2 LT 28 CON 6 UXBRIDGE, AS IN D56104; Part 1 on 40R32515, 41 Cemetery Rd, Relief from Section 4.9.2.b(i) a minimum lot frontage of 15.24m for a variance of 1.76m, 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 lot frontage under the approval of Application A16/2024 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 A16/2024.

**CARRIED**

**A17/2024 – John Bennett And Heather Wood-Bennett, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 19 ON REFERENCE PLAN 40R31521, 40 Howard Williams Court**

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Dustin Winfeild was present as the agent and representative of the owners of the property. John Bennett And Heather Wood-Bennett were present as the owners of the property.

- Lynn Barkey summarized the application.
- Dustin Winfeild presented the application, summarizing the variance and relief being requested. Mr. Winfeild indicated that other properties in the vicinity requested variances for similar relief.
- Mr. Barkey noted that comment was received from the Lake Simcoe Region Conservation Authority indicating that the property was outside of the regulated area.
- The applicant indicated that they have read the staff report and the conditions as outlined in the report.

### **Written Comments**

Report from Development Services – See File

Lake Simcoe Region Conservation Authority – See File

**DECISION:** Moved by Ted Shepherd, Seconded by Ken May that Application A17/2024 - **John Bennett And Heather Wood-Bennett, PART OF BLOCK 1, PLAN 40M2703 DESIGNATED AS PART 19 ON REFERENCE PLAN 40R31521**, 40 Howard Williams Court, Relief from Section 4.11.4.24(viii) a minimum rear yard depth of 2.47m for a variance of 3.23m, 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 A17/2024 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 A17/2024.
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 A17/2024.

**CARRIED**

**Other business**

**Appointment of a Secretary-Treasurer**

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Kyle Rainbow informed the Committee that as indicated in section 44(8) of the Planning Act, the committee shall appoint a secretary-treasurer.

**DECISION:** Moved by Ted Shepherd, Seconded by Ken May that Mr. Marc Anthony Miller be appointed as Secretary-Treasurer of the Committee of Adjustment.

**ADJOURNMENT**

The meeting adjourned at 7:45 pm

*Lynn Barkey*

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Lynn Barkey

*Marc Anthony Miller*

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Marc Anthony Miller, Planning  
Technician