

MINUTES OF COMMITTEE OF ADJUSTMENT

The meeting (Virtual) of 2025, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday January 15th, 2025.

PRESENT

Debbie Leroux – Deputy CAO/Director of Legislative Services/Clerk

Frank Mazzotta – Chair

Lynn Barkey – Vice Chair

Ted Shepherd

Anthony Woodruff

Cody Morrison, Chief Planning Official

CALL TO ORDER

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

ELECTION OF CHAIRPERSON

The election of Chairperson for the Committee of Adjustment was conducted by Debbie Leroux - Deputy CAO/Director of Legislative Services/Clerk.

Moved by Ted Shepherd seconded by Lynn Barkey, to open nominations for the position of Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

Debbie Leroux called for nominations three times for the position of Chair of the Committee of Adjustment.

Lynn Barkey nominated Frank Mazzotta for the position of Chair of the Committee of Adjustment.

Debbie Leroux closed nominations for Chair of the Committee of Adjustment.

Moved by Lynn Barkey seconded by Anthony Woodruff, to close nominations for the position of Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

Frank Mazzotta accepted the nomination to be appointed as Chair of the Committee of Adjustment.

Moved by Anthony Woodruff seconded by Lynn Barkey, to appoint Frank Mazzotta to the position of Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

ELECTION OF VICE CHAIRPERSON

The election of Vice Chairperson for the Committee of Adjustment was conducted by Debbie Leroux - Deputy CAO/Director of Legislative Services/Clerk.

Moved by Anthony Woodruff seconded by Lynn Barkey, to open nominations for the position of Vice Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

Debbie Leroux called for nominations three times for the position of Vice Chair of the Committee of Adjustment.

Anthony Woodruff nominated Lynn Barkey for the position of Vice Chair of the Committee of Adjustment.

Debbie Leroux closed nominations for Vice Chair of the Committee of Adjustment.

Moved by Frank Mazzotta seconded by Ted Shepherd, to close nominations for the position of Vice Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

Lynn Barkey accepted the nomination to be appointed as Vice Chair of the Committee of Adjustment.

Moved by Frank Mazzotta seconded by Anthony Woodruff, to appoint Lynn Barkey to the position of Vice Chair of the Committee of Adjustment for the remainder of the 2022-2026 term of Council.

CARRIED

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

Frank Mazzotta – 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 Lynn Barkey, that the minutes of the December 11th, 2024, hearing be approved as presented.

A29/2024 – GORDON & HELEN ACORN - LOT 3, PLAN 40M2485 SUBJECT TO AN EASEMENT IN GROSS AS IN DR1140724 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 TOWNSHIP OF UXBRIDGE, 55 STONESTHROW CRESCENT

Gordon Acorn was present as the applicant and property owner

- Frank Mazzotta introduced the application and explained the nature of the proposal, and that the proposal was previously tabled by the Committee.
- Mr. Mazzotta asked the Committee for a motion to lift the application from the table prior to consideration by the Committee.

Moved by Lynn Barkey seconded by Ted Shepherd, to remove the application A29/2024 for 55 Stonestrow Crescent from the table.

CARRIED

A29/2024 – GORDON & HELEN ACORN - LOT 3, PLAN 40M2485 SUBJECT TO AN EASEMENT IN GROSS AS IN DR1140724 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 TOWNSHIP OF UXBRIDGE, 55 STONESTHROW CRESCENT

Gordon Acorn was present as the applicant and property owner

- Gordon Acorn provided context to the application, indicating the intent of the proposal. Mr. Acorn also provided a history of the application and stated that a permit was received from the Regional Health Department for a proposed septic system design.
- Anthony Woodruff posed a question to staff regarding the variances being requested
- Cody Morrison responded, stating that the variance being requested is the reduction in the permitted Gross Floor Area of accessory buildings on the lot from 60 square meters to 89 square meters.

- Mr. Mazzotta indicated that additional correspondence was received from the Uxbridge Fire Department with no concerns with the proposed variance. Mr. Mazzotta further noted that comment was received from the Toronto Region Conservation Authority with no concerns with the proposed variance. Mr. Mazzotta also indicated that revised comments were received from the Health Department with no concerns as an approval was granted for a revised septic design.
- Mr. Acorn indicated that he has not reviewed the conditions imposed.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Toronto Region Conservation Authority – See File

Region of Durham Health Department – See File

DECISION

Moved by Lynn Barkey, Seconded by Anthony Woodruff that Application A29/2024 – **GORDON & HELEN ACORN, LOT 3, PLAN 40M2485 SUBJECT TO AN EASEMENT IN GROSS AS IN DR1140724 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 SUBJECT TO AN EASEMENT FOR ENTRY AS IN DR1207445 TOWNSHIP OF UXBRIDGE, 55 STONESTHROW CRESCENT**. Relief from *Section 5.1(d)*, to permit the maximum Gross Floor Area of all accessory buildings in the Hamlet Residential (HR) to not exceed 89 square metres 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. Approval of Application A29/2024 for the proposed accessory building shall apply solely to the property subject to the application and shall be in substantial

conformity with the design & location as indicated on the applicant's submitted plans, refer to Exhibit #1.

2. The owner/applicant shall obtain a building permit within two years of the final date of appeal of A29/2024.

CARRIED

A43/2024 – ROBERTO LEDERRI - LOT 23, PLAN 40M2127, S/T EASE AS IN DR129707; S/T RIGHT FOR 5 YRS FROM 2003/10/14 AS IN DR217930 TOWNSHIP OF UXBRIDGE, 43 Deer Ridge Road

Roberto Lederri was present as the applicant and owner of the property.

- Frank Mazzotta introduced the application and summarized the relief requested.
- Roberto Lederri provided further information pertaining to the building. Mr. Lederri indicated that the use of the building will provide further amenity space on the lot. Mr. Lederri also stated that the building is situated on the lot in a manner which does not impact other features of the same lot.
- Lynn Barkey posed a question to staff as to how the building was constructed and the deficient provision of the by-law not considered at the time of the building permit.
- Cody Morrison responded that he is unaware of the background of the building permit application and that a zoning review is conducted when a building application is submitted. Mr. Morrison indicated that he would have to consult with the Chief Building Official to determine the history of the building permit submission.
- Mr. Barkey posed a question to staff regarding the Zoning By-law and updates to the by-law which reflect the variances received.
- Mr. Morrison stated that staff consider the Zoning By-law a living document. Mr. Morrison stated that staff keep track of variances and that going forth in reviewing the by-law, changes will be made to reflect the comments received.
- Mr. Mazzotta indicated that comments from the Uxbridge Fire Department were received with no objection to the proposed variance. The Regional Health Department had no objection to the variances noted. Mr. Mazzotta stated that Metrolinx provided comments with conditions regarding the proposed variance.
- Mr. Lederri indicated that he is aware of the comments from Metrolinx.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Regional Health Department – See File

Metrolinx – See File

DECISION

Moved by Anthony Woodruff, Seconded by Lynn Barkey that Application A43/2024 – **ROBERTO LEDERRI - LOT 23, PLAN 40M2127, S/T EASE AS IN DR129707; S/T RIGHT FOR 5 YRS FROM 2003/10/14 AS IN DR217930 TOWNSHIP OF UXBRIDGE, 43 Deer Ridge Road**. Relief from **Section 5.1(d)** to permit the total gross floor area of all accessory buildings and structures on a lot to not exceed **79.2 square metres**. 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. Approval of Application A43/2024 for the proposed accessory building shall apply solely to the property subject to the application and shall be in substantial conformity with the design & location as indicated on the applicant's submitted plans, refer to Exhibit #2.
2. The owner/applicant shall obtain a building permit within one year of the final date of appeal of A43/2024.

CARRIED

A44/2024 – DARREN MCELLIGOTT & ROXANE LOLOS - LT 583, BLK 49 PL 30; PT LT 584, BLK 49 PL 30 AS IN D182030 ; UXBRIDGE, 14 JONATHAN STREET

Darren McElligott was present as the applicant and owner of the property. Danielle Bilodeau was present as the agent representing the owners of the property.

- Frank Mazzotta introduced the application and summarized the relief requested.
- Danielle Bilodeau summarized the variances requested. Ms. Bilodeau stated that the building extends beyond the envelope established by the existing dwelling and, as a result, requires relief to permit a building closer to the street centerline than the principle dwelling. Ms. Bilodeau also stated that the applicants are requesting that the building be situated closer to the exterior lot line than permitted in order to maintain the existing trees on the lot. Ms. Bilodeau further indicated that the owners wish to remove the existing shed on the property.
- Lynn Barkey posed a question to applicant regarding the existing hedge situated to the rear yard of the property
- Ms. Bilodeau replied that the existing hedge belongs to the neighbouring property and that given the situation of the building relative to the hedge, there should not be an issue maintaining the hedge.
- Mr. Barkey asked if the applicant has engaged with the property owners to the north regarding the building's location.
- Darren McElligott stated that himself and the neighbouring property owners maintain the hedge. Mr. McElligott stated that given the location of the proposed building, there will be a gap between the structure and the hedge.
- Frank Mazzotta posed a question to the applicant regarding provisions made for tree protection.
- Ms. Bilodeau indicated that no provisions have been made from a building and construction perspective for the protection of the street trees. However, the building and approved driveway have been situated in a manner which does not impact the boulevard trees. Ms. Bilodeau also noted that the vegetation and trees are important to the owners and that they could erect tree protection to limit the impact on vegetation.
- Mr. Mazzotta posed a question if the smaller tree next to the existing larger tree will be removed as part of the construction.
- Mr. McElligott stated that the tree will be maintained as part of the proposed construction.

- Ms. Bolideau confirmed that it appears that there is sufficient space on the property to accommodate the proposed building and driveway and maintain the tree.
- Anthony Woodruff posed a question to staff regarding the possibility of imposing a condition that would ensure the protection and preservation of trees as a result of the proposed construction.
- Mr. Morrison indicated that the Committee has the ability to impose conditions that are related to the requested variances. Mr. Morrison indicated that it is his opinion that as the relief requested is seeking a reduce frontage to the municipal boulevard, it would be in the Committees purview to impose a condition related to tree protection. Mr. Morrison further added that should the Committee look to staff for a high-level recommendation as to the wording of a condition, such a condition be worded that the owner or applicant provide a tree preservation plan to the satisfaction of Township Staff prior to the issuance of a building permit.
- Mr. McElligott added that the location of the garage on the lot is not intended to disrupt the trees and vegetation on the lot.
- Mr. Mazzotta indicated that he understands and appreciates the consideration of Mr. McElligott. Mr. Mazzotta indicated that a neighbouring resident brought forth a letter which speaks to tree protection.
- Mr. Mazzotta noted that comment was received from the Uxbridge Fire Department with no concerns about the proposed variances. Mr. Mazzotta indicated that the Lake Simcoe Region Conservation Authority provided comments with no objection to the proposed variances. Mr. Mazzotta further noted that comment was received from the Durham Region Health Department with no concerns about the proposed variances. Mr. Mazzotta read a letter provided by a neighbouring resident concerning the variances proposed. Mr. Mazzotta asked staff to recommend the wording of a fourth condition.
- Mr. Morrison noted that the applicant has obtained a permit from the Public Works Department for a road connection to Sixth Street. Mr. Morrison added that in conversation with the Director of Public Works, the staff member who conducted the inspection for the installation of the driveway connection did consider the trees situated within the municipal boulevard would not be impacted. Mr. Morrison stated that the recommended condition could be that the owner or applicant provide a tree preservation plan to the satisfaction of Township staff prior to the issuance of a building permit.
- Ms. Bilodeau posed a question to staff regarding the condition of entering into an agreement with the Township concerning the demolition of the existing accessory building on the lot.

- Mr. Morrison stated that the Chief Building Official would be the pertinent staff member to communicate with regarding a demolition agreement.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority – See File

Region of Durham Health Department – See File

Letter from Local Resident – See File

DECISION

Moved by Lynn Barkey, Seconded by Anthony Woodruff that Application A44/2024 – **DARREN MCELLIGOTT & ROXANE LOLOS - LT 583, BLK 49 PL 30; PT LT 584, BLK 49 PL 30 AS IN D182030 ; UXBRIDGE, 14 JONATHAN STREET**. Relief from **Section 4.9.2(c)(ii)** to permit a minimum exterior side yard depth of **6.0 metres**. Relief from **Section 4.9.2(g)(iv)** to permit a minimum setback from the street centreline of a Township Road of **15.62 metres**. Relief from **Section 5.1(b)** to permit a detached accessory building to be located closer to the street line than the principal building on the lot. 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. Approval of Application A44/2024 for the proposed accessory building shall apply solely to the property subject to the application and shall be in substantial conformity with the design & location as indicated on the applicant's submitted plans, refer to exhibit #2.
2. The owner/applicant shall obtain a building permit within one year of the final date of appeal of A44/2024.

3. The owner/applicant shall demonstrate that the existing accessory structure has been demolished, prior to the issuance of a building permit, or shall enter into an Agreement, to the satisfaction of the Township, which includes a requirement to demolish the accessory structure following final inspection of the proposed accessory structure.

4. The owner/applicant provide a tree preservation plan to the satisfaction of Township staff prior to the issuance of a building permit.

CARRIED

Other business

NONE

ADJOURNMENT

The meeting adjourned at 7:50 pm

Frank Mazzotta

Frank Mazzotta, Chair

Marc Anthony Miller

Marc Anthony Miller, Planning Technician