

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 August 14th, 2024.

PRESENT

Frank Mazzotta – Chairperson

Lynn Barkey

Ted Shepherd

Ed Chillman

Marc Anthony Miller, Planning Technician – Secretary/Treasurer

Haley Dickson, Senior Planning Technician

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.

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 Lynn Barkey seconded by Ed Chillman, that the minutes of the July 17th, 2024, hearing be approved as presented.

A26/2024 – Robert & Annette DeAcetis, PT LTS 16 & 17, CON 6, UXBRIDGE AS IN CO239327 ; UXBRIDGE, 640 Goodwood Road

Tony Wang was present as the applicant and representative of the owners of the property. Robert DeAcetis was present as the owner of the property.

- Frank Mazzotta summarized the application.
- Tony Wang presented the application, describing the relief being requested. Mr. Wang stated the application history of the property, indicating that the property was subject to a Land Division Application under file LD01/2024.
- Lynn Barkey commented that following a site visit, the proposal seeks to create a lot with road frontage which did not previously have road frontage. Mr.

Barkey indicated that to his knowledge, the purpose of the new parcel is to create a dwelling for a family member.

- Mr. Wang clarified that the intent of the new lot is to build a dwelling.
- Frank Mazzotta posed a question to the agent regarding the indicated proposed driveway on the provided site plan.
- Mr. Wang clarified that the current proposal is to create a new private driveway entrance for each of the parcels.
- Mr. Mazzotta asked if any members of the public were present to speak to the application.
- Mr. Mazzotta noted that comment was received from the Uxbridge Fire Department with no objection to the application.
- Mr. Mazzotta also noted that comment was received from the Lake Simcoe Region Conservation Authority indicating that the proposal is outside of the regulated area and that they will not be providing comments on the application.
- Mr. Mazzotta also noted that comment was received from the Durham Region Health Department with no objection to the application.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

Lake Simcoe Region Conservation Authority - See File

DECISION

Moved by Lynn Barkey, Seconded by Ted Shepherd that Application A26/2024 – **Robert & Annette DeAcetis - PT LTS 16 & 17, CON 6, UXBRIDGE AS IN CO239327 ; UXBRIDGE, 640 Goodwood Road**. Relief from **Section 4.4.2(a)** being the minimum lot area requirement of 40ha in the Rural (RU) Zone to permit minimum lot area of 4.07 ha; Relief from **Section 4.4.2(b)** being the minimum lot frontage requirement of 200 m to permit minimum lot frontage of 54.85 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 minimum lot frontage and lot area under the approval of Application A26/2024 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 A26/2024.

CARRIED

**A27/2024 – Annette DeAcetis, PT LT 17, CON 6, UXBRIDGE AS IN CO239329 ;
UXBRIDGE**

Tony Wang was present as the agent and representative of the owners of the property. Annette DeAcetis was present as the applicant.

- The matter to this application was heard in conjunction with the previous application A26/2024.
- Tony Wang presented the application, indicating the relief requested.
- Mr. Mazzotta asked if any members of the public were present to speak to the application.
- Mr. Mazzotta noted that comment was received from the Uxbridge Fire Department with no objection to the application.
- Mr. Mazzotta also noted that comment was received from the Lake Simcoe Region Conservation Authority indicating that the proposal is outside of the regulated area and that they will not be providing comments on the application.
- Mr. Mazzotta also noted that comment was received from the Durham Region Health Department with no objection to the application.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

Lake Simcoe Region Conservation Authority - See File

DECISION

Moved by Lynn Barkey, Seconded by Ed Chillman that Application A27/2024 – Annette DeAcetis - PT LT 17, CON 6, UXBRIDGE AS IN CO239329 ; UXBRIDGE. Relief from Section 4.4.2(a) being the minimum lot area requirement of 40ha in the Rural (RU) Zone to permit minimum lot area of 4.87 ha; Relief from Section 4.4.2(b) being the minimum lot frontage requirement of 200 m to permit minimum lot frontage of 54.84 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 minimum lot frontage and lot area under the approval of Application A27/2024 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 A27/2024.

CARRIED

Motion to Change the Order of Hearing

Moved by Lynn Barkey, Seconded by Ed Chillman that the order of applications as outlined in the Agenda for the August 14th, 2024 Committee of Adjustment Meeting be changed to the following:

- 4.1 A26/2024 ROBERT & ANNETTE DEACETIS
PT LTS 16 & 17, CON 6, UXBRIDGE AS IN CO239327 ;
UXBRIDGE
640 GOODWOOD ROAD
TOWNSHIP OF UXBRIDGE
- 4.2 A27/2024 ANNETTE DEACETIS
PT LT 17, CON 6, UXBRIDGE AS IN CO239329 ;
UXBRIDGE
640 REGIONAL ROAD 21
TOWNSHIP OF UXBRIDGE
- 4.3 A28/2024 SREMOS DEVELOPMENTS INC.
PT LT 179, BLK X, PL 83; PT LT 200, BLK Z, PL 83; PT
VICTORIA ST, PL 83 (CLOSED BY UNREGISTERED
BYLAW # 14) AS IN D299421(SECONDLY); PT ELM ST, PL
83 (CLOSED BY BYLAW D191025) PT 1, 40R8418 ;
TOWNSHIP OF UXBRIDGE
14 VICTORIA STREET NORTH
TOWNSHIP OF UXBRIDGE
- 4.4 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
TOWNSHIP OF UXBRIDGE
- 4.5 A30/2024 YONG XIANG SONG
PT LT 16, CON 5, UXBRIDGE AS IN CO239397 ;
UXBRIDGE
4189 BROCK ROAD
TOWNSHIP OF UXBRIDGE

CARRIED

A28/2024– SREMOS DEVELOPMENTS INC., PT LT 179, BLK X, PL 83; PT LT 200, BLK Z, PL 83; PT VICTORIA ST, PL 83 (CLOSED BY UNREGISTERED BYLAW # 14) AS IN D299421(SECONDLY); PT ELM ST, PL 83 (CLOSED BY BYLAW D191025) PT 1, 40R8418 ; TOWNSHIP OF UXBRIDGE, 14 VICTORIA STREET NORTH

John Somers was present as the applicant and owner of the property. Joanne Richter and Rob Garrard were present as the operators of the brewery.

- Frank Mazzotta summarized the application and the permission being requested as part of the application.
- John Somers presented the application, detailing the permission being requested and the history of the brewery operation on the property.
- Joanne Richter introduced the current brewery operation and detailed the intent of the proposed cooking facilities and building addition. Ms. Richter detailed that the current seasonal cooking facilities located in a temporary structure is not operational all year. Ms. Richter indicated that the proposed cooking facilities is intended to bolster the existing tasting room.
- Mr. Somers presented the proposal further, describing the intent of the cooking facilities. Mr. Somers outlined that proposal is not anticipated to increase the occupancy of the building on the property. Mr. Somers also stated that the parking requirement intended to increase as a result of the expansion.
- Lynn Barkey posed a question to the applicant with regard to accessing the proposed addition and the noise impact of the cooking facilities on neighbouring properties.
- Mr. Somers indicated that the existing temporary structure would continue to be operational seasonally. Mr. Somers stated that the proposed building addition will contain an access point to the interior of the existing building and further access to the exterior.
- Ms. Richter indicated that the proposed enclosed kitchen will not increase the noise from the property.
- Don Kennedy of 155 King Street West Uxbridge raised concerns about the increase in traffic surrounding the property as a result of the growth of the business. Mr. Kennedy read the letter provided to the Committee dated August 8th, 2024.
- Mr. Somers responded to the concerns of Mr. Kennedy, stating that he will cooperate with the Township regarding the traffic concerns on King Street. Mr. Somers stated that the proposal is not anticipated to increase traffic on King Street.

- Ms. Richter stated that the intent of the proposal is not to become a restaurant or bar. Ms. Richter stated that the intent of the proposal is to enhance the experience in the existing tasting room.
- Mr. Garrard indicated that the proposal will not increase the capacity of the building.
- Tina Peyregatt of 126 King Street West was present to speak to the application. Ms. Peyregatt raised concerns regarding an increase in traffic as a result of the proposal.
- Mr. Barkey posed a question to staff regarding a contact within the Township for concerns regarding road traffic.
- Marc Anthony Miller responded stating that the Township Public Works Department would answer questions pertaining to road traffic.
- Mr. Mazzotta noted that comment was received from the Uxbridge Fire Department with no objection to the application.
- Mr. Mazzotta also noted that comment was received from the Lake Simcoe Region Conservation Authority indicating no objection to the proposed application. Mr. Mazzotta indicated that the LSRCA indicated as part of the received comments that the payment of review fees was outstanding.
- Mr. Somers stated that the payment sent to the LSRCA was deposited.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Lake Simcoe Region Conservation Authority - See File

Letter from Resident – See File

Letter from Resident – See File

DECISION

Moved by Ed Chillman, Seconded by Lynn Barkey that Application A28/2024 – SREMOS DEVELOPMENTS INC. - PT LT 179, BLK X, PL 83; PT LT 200, BLK Z, PL

83; PT VICTORIA ST, PL 83 (CLOSED BY UNREGISTERED BYLAW # 14) AS IN D299421(SECONDLY); PT ELM ST, PL 83 (CLOSED BY BYLAW D191025) PT 1, 40R8418 ; TOWNSHIP OF UXBRIDGE, 14 Victoria Street North. Permission to expand the legal non-conforming use with the addition of accessory cooking facilities to serve food in the existing tasting room; Permission to add a 46.4 m² addition to the existing building related to the legal non-conforming use. BE APPROVED for the following reasons:

- (i) **The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed**

AND THAT

- (ii) **The use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee.**

Conditional upon:

1. The applicant/owner enter into an amending site plan agreement with the Township of Uxbridge.
2. The owner/applicant shall obtain a building permit for the proposed development within two years of the final date of appeal of A28/2024.

3. The approval of the variances shall apply to the subject lands in their entirety.
4. The building shall remain in general conformity to the plans submitted to the Committee
5. That the Owner obtain a permit from the LSRCA prior to any development or site alteration on the site
6. That the Applicant/Owner provide the required fee payment for Minor Variance of \$536, as per the LSRCA Fee Schedule.
7. The owner / applicant shall satisfy all conditions of this approval no later than two years from the end of the of the appeal period established under the Planning Act.

CARRIED

Attendance Regarding Members

Ted Shepherd left the August 14th, 2024 Committee of Adjustment Meeting due to connection issues. Mr. Shepherd indicated that he would not be able to re-connect.

The chair resumed the meeting with the following members in attendance:

PRESENT

Frank Mazzotta – Chairperson
Lynn Barkey
Ed Chillman

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 owner of the property.

- Frank Mazzotta summarized the application.
- Mr. Acorn presented the application. Mr. Acorn indicated that due to conflicts reading the placement of a proposed septic system, he requests that the application be tabled.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

Toronto Region Conservation Authority - See File

DECISION

Moved by Lynn Barkey, Seconded by Ed Chillman 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**. Relief from **Section 5.1(d) being the** requirement of 60sqm gross floor area of all accessory buildings in the (HR) zone to permit the maximum gross floor area of all accessory buildings in the HR zone of 89 square meters. BE TABLED for the following reasons:

- **The applicant shall provide additional information as requested by the Durham Region Health Department related to the septic system.**

CARRIED

A30/2024 – YONG XIANG SONG, PT LT 16, CON 5, UXBRIDGE AS IN CO239397 ; UXBRIDGE, 4189 Brock Road

Kathryn Reyes Vicente was present as the agent and representative of the owners of the property. Yong Xiang Song was present as the owner of the property.

- Frank Mazzotta summarized the application.
- Yong Xiang Song presented the application. Mr. Song indicated the proposed location and the intended use of the accessory building.
- Lynn Barkey posed a question to the applicant with regard to the size of the property.
- Mr. Song stated that the property is 5 acres in area.
- Mr. Mazzotta posed a question to the applicant regarding the intended use of the accessory building.

- Mr. Song stated that the building is intended to store a recreational vehicle and an excavator for use on the property, Mr. Song stated that the proposed building will not be used as storage for equipment related to a business.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

Lake Simcoe Region Conservation Authority - See File

DECISION

Moved by Ed Chillman, Seconded by Lynn Barkey that Application A30/2024 – **Yong Xiang Song - PT LT 16, CON 5, UXBRIDGE AS IN CO239397 ; UXBRIDGE**. Relief from **Section 5.1(d)(ii)** being the requirement of 200 square meters gross floor area of all accessory buildings in the (RU) zone where the lot is between 2 and 8 hectares to permit the maximum gross floor area of all accessory buildings in the RU zone of 631.73 square meters. 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 accessory building in the rear yard under the approval of Application A30/2024 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 within one year of the final date of appeal of A30/2024.
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 A30/2024.
5. The accessory building is intended solely for ancillary purposes such as storage, garage, and shall not be converted into habitable living space.

CARRIED

Other business

NONE

ADJOURNMENT

The meeting adjourned at 8:00 pm

Frank Mazzotta

Frank Mazzotta, Deputy Chair

Marc Anthony Miller

Marc Anthony Miller, Planning
Technician