

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 September 18th, 2024.

PRESENT

Michelle McCarthy – Chairperson
Frank Mazzotta
Lynn Barkey
Ken May
Ted Shepherd
Marc Anthony Miller, Planning Technician – Secretary/Treasurer
Michael Klose, Chief Building Official

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 Lynn Barkey seconded by Frank Mazzotta, that the minutes of the August 14th, 2024, hearing be approved as presented.

A31/2024 – DANIEL & MARGARET ANN BOND, PART LOT 28 CON 6 UXBRIDGE & PART LOT 32 PLAN 40M1707, PART 1 40R29790 TOWNSHIP OF UXBRIDGE; UXBRIDGE, 28 CEMETERY ROAD

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

- Michelle McCarthy introduced and summarized the application.
- Abby Steele presented the application indicating the reason for the relief being sought. Ms. Steele indicated that the owner acquired a parcel of land to extend the front yard of the property in order to facilitate access to the proposed detached garage.

- Ms. McCarthy posed a question to staff regarding the ownership of the newly acquired part by the property owner.
- Ms. Steele indicated that the owner has a survey of the property and that they have purchased the additional parcel.
- Ken May asked the applicant if there was a consent applicant filed in order to purchase the property.
- Ms. Steele indicated that the applicant is now the owner of both properties and that such a transaction occurred using the correct process.
- Ms. McCarthy stated that the issue of the newly acquired parcel pertains to access to the proposed garage and not to the relief sought.
- Marc Anthony Miller indicated that the newly created parcel was not subject to a consent application as it is a separate parcel.
- Lynn Barkey commented that he understands the reason behind requesting the additional relief. Mr. Barkey asked staff a question regarding the grading on the site following the construction of the proposed accessory building.
- Michael Klose responded that as part of the submission for building permit, the appropriate grading plans will be asked to be submitted by the applicant.
- Frank Mazzotta posed a question to the applicant regarding tree removal on the property as a result of the proposed variance.
- Ms. Steele responded that there may be some tree removal however, the owner is open to planting new trees and conducting landscaping on the property.
- Ms. McCarthy asked if any members of the public were present to speak to the application.
- Ms. McCarthy noted that comment was received from the Uxbridge Fire Department with no objection to the application.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

DECISION

Moved by Lynn Barkey, Seconded by Frank Mazzotta that Application A31/2024 – DANIEL & MARGARET ANN BOND. - PART LOT 28 CON 6 UXBRIDGE & PART LOT 32 PLAN 40M1707, PART 1 40R29790 TOWNSHIP OF UXBRIDGE, 28 Cemetery Road. Relief from Section 4.9.2(c)(iv) of By-law 81-19, being the rear yard depth requirement of 10 meters to allow for a rear yard depth of 6 meters; to provide relief from Section 4.9.2(f) of By-law 81-19, being the maximum lot coverage of all buildings of 30% to permit a lot coverage of 36.7%; to provide relief from section 5.1(d) of By-law 81-19, being the lot coverage requirement of 5% for accessory buildings to permit a lot coverage of accessory buildings of 6.9%. 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 building addition to the existing dwelling and the detached garage as contemplated under the approval of Application A31/2024 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall demonstrate that the existing Accessory Structure has been demolished prior to this approval being final, or shall enter into an Development Agreement which includes a requirement to demolish the Accessory Structure following final inspection of the proposed Accessory Structure.
3. The owner/applicant shall obtain an entrance permit for the proposed driveway access to the proposed accessory building.
4. The owner/applicant shall obtain separate building permits for the proposed accessory building and proposed sunroom within one year of the final date of appeal of A31/2024.
5. 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.
6. The approval of the variances shall apply only to the areas contemplated under Application A31/2024.

A33/2024 – CHIE MIZUTANI, PT LT 2 PL H50063 PT 2, 40R5124 ; UXBRIDGE, 271 Main Street North

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

- Michelle McCarthy presented the application, indicating the relief requested.
- Hailey Weatherbee provided context to the applicant and detailed that the applicant is seeking to add livable area below the existing garage.
- Ms. McCarthy was unclear regarding the relief being sought considering that the building was already built.
- Frank Mazzotta posed a question to staff regarding the application and the requirement to seek relief to permit the addition of livable space below the existing garage.
- Michael Klose responded, indicating that the garage currently meets the yard requirements for garage or accessory uses. Mr. Klose indicated that the proposed livable area below the garage will require a further reduction to the setback requirements per the regulations of the zone.
- Lynn Barkey posed a question to staff regarding the relief being requested.
- Mr. Klose stated that the setback requirements for livable area is greater than the setback requirement for the garage use.
- Mr. Barkey stated that upon visiting the property, no notice signs were visibly posted.
- Ms. Weatherbee indicated that pictures were sent to staff of the signs posted.
- Ken May posed a question to the applicant regarding the intended use of the livable space below the garage.
- Hailey Weatherbee indicated that the intent of the owner may be to utilize the livable area as a secondary suite.
- Mr. May posed a question to staff regarding the applicability of development charges for a secondary unit.

- Mr. Klose clarified that development charges would not be applicable for a secondary unit. Mr. Klose further indicated that secondary dwelling units are subject to inspection and building code requirements.
- Ms. McCarthy posed a question to staff regarding the section of the zoning by-law which renders the current setbacks under the requirement for the addition of living space
- Marc Anthony Miller provided the Committee with the section of the bylaw which states the setback requirements for garages or other accessory uses.
- Ms. McCarthy asked if any members of the public were present to speak to the application.
- Ms. McCarthy noted that comment was received from the Durham Region Health Department and the Uxbridge Fire Department indicating no objection to the application.
- Ms. Weatherbee indicated that she read the staff report and had no questions regarding the conditions as outlined in the report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

DECISION

Moved by Ted Shepherd, Seconded by Lynn Barkey that Application A33/2024 – **CHIE MIZUTANI. - PT LT 2 PL H50063 PT 2, 40R5124 ; UXBRIDGE, 271 Main Street North.** Relief from Section 4.8.2(c)(iii) of By-law 81-19, being the interior side yard width requirement of 3m in the Hamlet Residential (HR) zone to permit an interior side yard width of 1.4 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 dwelling unit under the approval of Application A33/2024 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall register with the Township in accordance with By-law 99-107 as a Two Unit Dwelling.
3. The owner/applicant shall obtain a building permit within two years of the final date of appeal of A33/2024.
4. The owner/applicant shall satisfy all conditions of the variance no later than one years from the end of the of the appeal period established under the Planning Act.
5. The approval of the variances shall apply only to the areas contemplated under Application A33/2024.

CARRIED

A34/2024– Jamie Leonard & Cindy Wilson, PT LT 16 CON 2 UXBRIDGE AS IN D124772 EXCEPT PT 3, 40R7104 TOWNSHIP OF UXBRIDGE, 299 Regional Highway 47

Carly Murphy and Aimee Powell were present as the applicants and agents representing the owners of the property. Cindy Wilson and Jaimie Leonard were present as the owners of the property.

- Michelle McCarthy summarized the application and the permission being requested as part of the application.
- Carly Murphy presented the application to Committee through a detailed presentation. Ms. Murphy detailed the permission being requested and the history of the use of the property. Ms. Murphy also indicated that the additional dwelling unit will be contained within the existing building and no exterior alterations are proposed.
- Ms. McCarthy asked if any members of the public were present to speak to the application.
- Ms. McCarthy noted that comment was received from the Uxbridge Fire Department with no objection to the application.
- Ms. McCarthy also stated that comment was received from the Durham Region Health Department indicating that they require an updated site plan

depicting the location of the private septic system and well in order to provide further comment on the application.

- Ms. McCarthy also stated that a letter of support was provided by neighbouring property owners with no objection to the proposed variance.
- Ms. Murphy indicated that she read the staff report and had no questions regarding the conditions as outlined in the report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

Region of Durham Health Department – See File

Letter from Residents – See File

DECISION

Moved by Lynn Barkey, Seconded by Frank Mazzotta that Application A34/2024 – **Jamie Leonard & Cindy Wilson. - PT LT 16 CON 2 UXBRIDGE AS IN D124772 EXCEPT PT 3, 40R7104 TOWNSHIP OF UXBRIDGE, 299 Regional Highway 47.**

Relief from Section 4.14.1(a) of By-law 81-19, being the maximum of one (1) residential unit permitted as a residential permitted use within a portion of a non-residential building to permit a maximum of two (2) residential units permitted as a residential permitted use within a portion of a non-residential building; to provide relief from Section 4.14.2(a) of By-law 81-19, being the maximum of one (1) dwelling units in a portion of a non-residential building permitted in the C1 Zone to permit two (2) residential units in a portion of a non-residential building permitted in the C1 Zone. 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 Dwelling Unit under the approval of Application A34/2024 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall receive confirmation from the Region of Durham Health Department that the private sewage system and well on the property can support the proposed second dwelling unit as applied for under Application A34/2024.
3. The owner/applicant shall register with the Township in accordance with By-law 99-107 as a Two Unit Dwelling.
4. The owner/applicant shall obtain a building permit within two years of the final date of appeal of A34/2024.
5. The owner/applicant shall satisfy all conditions of the variance no later than two years from the end of the of the appeal period established under the Planning Act.
6. The approval of the variances shall apply only to the areas contemplated under Application A34/2024.

CARRIED

**A35/2024 – WILLIAM & BONITA WILKINSON, PT BLK 78 PL 83 AS IN D3570
TOWNSHIP OF UXBRIDGE, 112 FRANKLIN STREET**

Dana Evans was present as the agent and applicant representing the owners of the property.

- Michelle McCarthy summarized the application.
- Dana Evans stated the intent of the variance requested, indicating that the proposed detached garage will result in an increase in lot coverage.
- Ms. McCarthy indicated that comments received from the Uxbridge Fire Department had no objection to the proposed variance.
- Ms. McCarthy asked if any members of the public were present to speak to the application.
- Ms. Evans stated that she read the staff report and had no questions regarding the conditions as outlined in the report.

Written Comments

Report from Development Services – See File

Uxbridge Fire Department – See File

DECISION

Moved by Frank Mazzotta, Seconded by Ken May that Application A35/2024 – **WILLIAM & BONITA WILKINSON. - PT BLK 78 PL 83 AS IN D3570 TOWNSHIP OF UXBRIDGE, 112 FRANKLIN STREET.** Relief from Section 5.1(d) of By-law 81-19, being the lot coverage requirement of 5% of all accessory buildings on the lot to permit a lot coverage of 7%. 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 Structure in the rear yard under the approval of Application A35/2024 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 A35/2024.
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 A35/2024.

CARRIED

A36/2024 – Brent & Kimberly Lunn, PT LT 26, CON 7 UXBRIDGE PT 1, 40R7433 ; UXBRIDGE . SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1, 2, 3, 4 & 5, PLAN 40R26078 AS IN DR1219952, 6179 Concession 7

Brent Lunn was present as the owner of the property.

- Brent Lunn summarized the application indicating that the intent of the consent application which requires the relief for lot area is to convey 25 acres to the abutting neighbour and retain 58 acres. Mr. Lunn stated that the resultant conveyance follows a donation to the township for lands to be used as a trail.
- Ms. McCarthy posed a question to the applicant regarding the intended use of the parcel identified as “Part 3” on the provided reference plan.
- Mr. Lunn stated that “Part 3” identified on the provided reference plan is a parcel created by way of a natural severance following the donation of land to the Township for the trail.
- Ms. McCarthy posed a question to staff regarding the creation of a land locked parcel as part of the donation.
- Marc Anthony Miller indicated that the application filed as LD06/2024 with the Township for the conveyance of land to a neighbouring property has rendered the retained land less than the required lot area of the rural zone. Mr. Miller indicated that the natural severance which resulted in the creation of “Part 3” on the provided reference plan was not subject to this consent application. Mr. Miller indicated that, with regard to “Part 3”, it was the Townships understanding that this parcel was to be sold to a neighboring property.
- Mr. Lunn indicated that it is his intention in future to sell the “Part 3” parcel to the neighbouring property to the north.
- Ms. McCarthy sought clarification from Mr. Lunn regarding the land which separates “Part 3” from the neighbouring property.
- Mr. Lunn indicated that the “Part 3” is separated by a parcel which is to be transferred to him in order to allow for the sale of the landlocked piece.
- Frank Mazzotta posed a question to Mr. Lunn regarding access to the parcel identified as “Part 3”.
- Mr. Lunn indicated that the means of accessing the parcel identified as “Part 3” would be by crossing the Township owned “Part 2”.
- Ms. McCarthy posed a question to staff regarding the lot area of the conveyed land.
- Mr. Miller indicated that the conveyed land and benefiting land will meet the requirement of the Zoning By-law for lot area.
- Lynn Barkey posed a question to staff regarding the lot area requirement of the land designated as “Part 3”,

- Ms. McCarthy stated that the lands designated as “Part 3” is not what is being contemplated in this application.
- Ken May stated that the variances submitted to the Committee are to permit relief from the minimum lot area requirement.
- Ms. McCarthy asked if any members of the public were present to speak to the application.
- Ms. McCarthy indicated that comments were received from the Uxbridge Fire Department and the Health Department with no objection to the proposed variance.
- Ms. McCarthy indicated that further comments were received from the Lake Simcoe Conservation Authority with no objection to the proposed variance.
- Mr. Lunn indicated that he read the staff report and had no questions regarding the conditions as outlined in the report.

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 Ken May, Seconded by Lynn Barkey that Application A36/2024 – **Brent & Kimberly Lunn. - PT LT 26, CON 7 UXBRIDGE PT 1, 40R7433 ; UXBRIDGE . SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1, 2, 3, 4 & 5, PLAN 40R26078 AS IN DR1219952, 6179 Concession 7.** Relief from Section 4.4.2(a) of By-law 81-19, being the minimum lot area requirement of 40ha in the Rural (RU) Zone to permit a lot area of 23ha. 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 A36/2024 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 A36/2024.

CARRIED

Other business

NONE

ADJOURNMENT

The meeting adjourned at 8:15 pm

Michelle McCarthy

Michelle McCarthy, Chair

Marc Anthony Miller

Marc Anthony Miller, Planning Technician