

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 5th meeting (Virtual) of 2020, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday July 15, 2020.

### PRESENT

Michelle McCarthy-Chair  
Gerri Lynn O'Connor  
Frank Mazzotta  
Cathie Proulx  
Joanna Fast  
Emilia Gruyters-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 and none were declared.

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 Gerri Lynn O'Connor, Seconded by Joanna Fast, that the minutes of May 20, 2020 hearing be revised to reflect a virtual meeting and be approved.

### **A6/2020- Domenico Martino, Plan 83 BLK 000 Part Lot 4, 54 Main St S**

Domenico Martino was present as the owner of the property. He explained the variances were similar to the May 20<sup>th</sup> meeting although changes were made to address the committee's concerns about safety, parking and the site triangle.

The members and owner discussed the variance for the rear yard setback determining the dimension was taken from the deck and not the building. The zoning by-law stipulates since the deck is 1.8 m above grade the rear yard setback is measured from the deck.

Patricia Lacombe from 48 Main Street was present. She stated the sewer line from their property travelled across the rear of 54 Main St. She wanted the committee to be aware of this before any development occurred. The owner was advised to contact the Region of Durham to determine the exact location.

Elizabeth Williams from 9 Planks Lane was present. She was concerned about the lack of parking spaces provided on the lot. She stated many property owners have two vehicles and she wondered where the second vehicle would be located especially if it was a large truck.

Hailey Weatherbee from 224 Reach Street was present for another application to be heard later in the meeting. She provided an example from 110 Planks Lane where an unknown septic line was discovered and limited the development on the lot. She emphasized the need to confirm the location of the sewer line.

The owner was aware of its location and stated it was virtually just inside the rear lot line of 54 Main St.

Michelle McCarthy explained if its location is unknown, another application to the Committee of Adjustment may be necessary. She also asked the owner to define a communal driveway and how it would function once the individual lots were created. She asked staff about the required width of a driveway. The zoning by-law stipulates the maximum width is 3m.

The owner suggested he add interlock paving to increase the area and create an extended driveway space.

Michelle stated she could not support the development because it did not meet the 4 tests specifically how it was minor.

There were further discussions by the members and although they supported development on the lot there were concerns about its density, parking, location of the existing sewer line and the communal driveway.

Joanna Fast suggested a site plan control application be obtained prior to the decision by the Committee of Adjustment. Staff revealed the application was circulated to the commenting agencies involved in site plan control. Our planning consultant also concluded it was the right approach.

### **Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

No Comments from Council

**DECISION**

Moved by Cathie Proulx, Seconded by Gerri-Lynn O'Connor that application A6/2020 by Domenico Martino Plan 83 BLK 000 Part Lot 4 (Uxbridge), 54 Main St S, Relief from Section 4.11.2.3.c.i to permit a front yard depth of 5.6 m for a variance of 2.4 m, Relief from Section 4.11.2.3.c.ii to permit an exterior side yard width of 1.8 m for a variance of 6.2 m, Relief from Section 4.11.2.3.c.iv to permit a rear yard depth of 7.0 m for a variance of 3 m, Relief from Section 4.11.2.3.g.iv to permit a minimum setback from street centerline of a Township Road of 15.6 m (Main St) and 11.8 m (Popular Rd) for a variance of 2.4 m and 6.2 m, Relief from Section 4.11.2.3.f to permit a maximum lot coverage of 41.0 % for a variance of 11.0 %, Relief from Section 4.11.2.3.j to permit a building height of 10.4 m for a variance of 0.4 m, Relief from Section 5.15.g.iv to permit 3 parking spaces for a variance of 3 spaces(1 for each dwelling), Relief from Section 5.20 to permit part of the dwelling to be located in the sight triangle, **BE TABLED UNTIL THE DEVELOPMENT IS SUBSTANTIALLY REVIEWED THROUGH A SITE PLAN APPLICATION PRIOR TO A RE-SUBMISSION TO THE COMMITTEE OF ADJUSTMENT.**

**CARRIED**

**A12/2020- Evendale Developments Limited-David Sud, Part Lot 31 Concession 7 40M-2669 Lot 6(Uxbridge), 25 Low Blvd**

David Sud was present as the owner of the property. He stated he applied for a zoning amendment and requested a reduction in the exterior side yard width but it was inadvertently left out.

Gerri Lynn stated the request made by the owner is consistent with the existing dwellings on Low Blvd.

Ted Myers from 14 Low Blvd was present. He supported the application.

**Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

**Moved by Councillor Garrod  
Seconded by Councillor Beach**

THAT Report DS-25/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A12/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The dwelling constructed under the approval of Application A12/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The approval of the variance shall apply only to the variances contemplated under Application A12/2020.

#### **DECISION**

Moved by Joanna Fast, Seconded by Cathie Proulx that application A12/2020 by Evendale Developments Limited-David Sud, Part Lot 31 Concession 7 40M-2669 Lot 6(Uxbridge), 25 Low Blvd, Relief from Section 4.10.4.8.a.iii to permit an exterior side yard width to the dwelling of 4.0 m for a variance of 1.7 m and to the porch of 3.6 m for a variance of 2.1 m, **BE APPROVED** as applied 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 By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

#### **Conditional Upon:**

1. The dwelling constructed under the approval of Application A12/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The approval of the variance shall apply only to the variances contemplated under Application A12/2020.

**CARRIED**

#### **A13/2020- William & Patricia Leask-Kathleen Wasylenky (Agent) Part Lot 20 Concession 6 (Uxbridge), Leaskdale Rd**

Kathleen Wasylenky was present as the agent of the application. The application is subject to a LD decision which required the parcel to comply with the zoning by-law.

The Rural parcel was deficient in lot size prior to the LD application. The land is to be donated to the Lucy Montgomery Society located adjacent to the subject parcel.

There was no one in the virtual audience to speak to the application.

### **Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

**Moved by** Councillor Beach

**Seconded by** Councillor Highet

THAT Report DS-26/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT it is recommended that prior to the Committee of Adjustment making a decision with respect to Application A13/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following condition should be established:

1. In the event that the other conditions of approval of the related consent application (LD 112/2019) are not satisfied, the decision of the Committee of Adjustment for the lots shall be deemed null and void.

### **DECISION**

Moved by Frank Mazzotta, Seconded by Cathie Proulx that application A13/2020 by William & Patricia Leask-Kathleen Wasylenky (Agent), Part Lot 20 Concession 6 (Uxbridge), Leaskdale Rd, Relief from Section 4.4.3.ai to permit a minimum lot area of 18.0 ha for a variance of 22.0 ha, **BE APPROVED** as applied 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 By-law is being maintained.
4. The intent of the Official Plan is being maintained.

**Conditional Upon:**

In the event that the other conditions of approval of the related consent application (LD 112/2019) are not satisfied, the decision of the Committee of Adjustment for the lots shall be deemed null and void.

**CARRIED**

**A14/2020- Martin & Megan Lewis-Hailey Weatherbee (Agent), Lot 5 Plan 40M2127 (Uxbridge), 10 Deer Ridge Rd**

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Hailey Weatherbee was present as the agent for the application. Martin Lewis was present as the owner. The agent explained the dwelling is occupied by a family of 4 and the existing garage will be converted into living space and a new garage is needed along with living space above.

Gerri Lynn stated parts of the application have not been answered. Hailey verbally completed the omitted information. Emilia Gruyters added the information to the application.

The neighbours had not been consulted by the owners.

Gerri Lynn asked about whether there would be access to the rear yard after the garage was built.

Martin Lewis explained the doors proposed on the garage would allow the access.

Jason Brown from 8 Deer Ridge Rd was present. He was in support of the application.

**Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

**Moved by** Councillor Beach

**Seconded by** Councillor Highet

THAT Report DS-27/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A14/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies;

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The approval of the variance should apply only to the addition contemplated under Application A14/2020.
2. The structure proposed is to be built in substantial conformity to the plans submitted with Application A14/2020.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A14/2020.
4. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. That the owner/application ensure that roof run off drainage measures are sufficient.
6. That the owner/applicant ensure that swale drainage be adequate.
7. That the owner/application ensure that a sufficient lot grading plan be provided.

#### **DECISION**

Moved by Cathie Proulx, Seconded by Joanna Fast that application A14/2020 by Martin & Megan Lewis-Hailey Weatherbee (Agent), Lot 5 Plan 40M2127 (Uxbridge), 10 Deer Ridge Rd, Relief from Section 4.8.2.c.iii to permit a minimum interior side yard width of 0.37 m for a variance of 2.63 m, **BE APPROVED** as applied 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 By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

**Conditional upon:**

1. The approval of the variance should apply only to the addition contemplated under Application A14/2020.
2. The structure proposed is to be built in substantial conformity to the plans submitted with Application A14/2020.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A14/2020.
4. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. That the owner/application ensure that roof run off drainage measures are sufficient.
6. That the owner/applicant ensure that swale drainage be adequate.
7. That the owner/application ensure that a sufficient lot grading plan be provided.

**A15/2020- Colin Forestal/Organ Robyn-Paul Guest/Betz Pools Ltd.(Agent), DVLC P  
208 Level 1 Unit 16, 14 Country Club Cres**

Paul Guest was present as the agent for the application. The owners were asking permission to increase the total gross floor area of all accessory building or structure from 60 m<sup>2</sup> to 79.2 m<sup>2</sup>. The height variance is not required.

Letters of support and opposition were read (See File).

There was no one in the virtual audience to speak to this application.

**Written Comments**

Region of Durham Planning Department - See File

Fire Department – See File

Report from Development Services – See File

The Council of the Township of Uxbridge made the following comments:

**Moved by Councillor Beach**

**Seconded by Councillor Snooks**



THAT Report DS-28/20 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A15/2020, they should be satisfied that the proposed variance meets Township objectives and consider any appropriate comments from the neighbours and agencies.

AND THAT should the Committee of Adjustment deem the proposal minor in nature and appropriate for the lands as well as maintaining the general intent and purpose of the Official Plan and Zoning By-law, the following conditions should be established:

1. The approval of the variance should apply only to the cabana contemplated under Application A15/2020.
2. The structure proposed is to be built in substantial conformity to the plans submitted with Application A15/2020.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A15/2020.
4. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
5. That the owner/applicant ensure compliance with the Condominium Board's requirements.

#### **DECISION**

Moved by Joanna Fast, Seconded by Cathie Proulx that application A15/2020 by Colin Forestal/Organ Robyn, Paul Guest/Betz Pools Ltd.(Agent) DVLCPC 208 Level 1 Unit 16 (Uxbridge), 14 Country Club Cres, Relief from Section 5.1.d to permit a total gross floor area of all accessory buildings and structures on a lot of 79.2 m<sup>2</sup> for a variance of 19.2 m<sup>2</sup>, **BE APPROVED** as applied 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 By-law is being maintained.**
4. **The intent of the Official Plan is being maintained.**

#### **Conditional upon:**

1. The approval of the variance should apply only to the cabana contemplated under Application A15/2020.

2. The structure proposed is to be built in substantial conformity to the plans submitted with Application A15/2020.
3. The owner obtain a building permit within 1 year of the final date of appeal of Application A15/2020.
4. The building shall not be used for commercial, industrial or human habitation.
5. The owner / applicant shall satisfy all conditions of the variance no later than 1 year from the end of the of the appeal period established under the Planning Act.
6. That the owner/applicant ensure compliance with the Condominium Board's requirements.

**CARRIED**

## **ADJOURNMENT**

The meeting adjourned at 9:30 pm

*Michelle McCarthy*

*Emilia Gruyters*

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Michelle McCarthy-Chair

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Emilia Gruyters  
Secretary Treasurer