

MINUTES OF COMMITTEE OF ADJUSTMENT

The 3rd meeting of 2020, the (Virtual) Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday May 20, 2020.

PRESENT

Michelle McCarthy-Chair
Gerri Lynn O'Connor
Frank Mazzotta
Cathie Proulx
Rob Miller
Emilia Gruyters-Secretary Treasurer

ABSENT

Joanna Fast

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 Frank Mozzotta, Seconded by Gerri Lynn O'Connor, that the minutes of February 19, 2020 hearing be approved, as presented.

A3/2020- Derek Morrow, Lot 6 PLAN 664 (Uxbridge), 8 Mustard St

Derek Morrow was present as the owner of the property. Raising the existing dwelling was part of LSRCA review and it was to avoid any future flooding.

Gerri Lynn asked if the owner needed all the sheds existing on the property. The owner informed the committee that shed 2 and 3 had been removed since the submission of his application to the committee of adjustment.

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:

No comments from Council

DECISION

Moved by Cathie Proulx, Seconded by Frank Mazzotta that Application A3/2020 by Derek Morrow, Lot 6 PLAN 664 (Uxbridge), 8 Mustard St, Relief from Section 5.4.d to permit an increase in building height of 2.4 m, to recognize the interior side yard width of shed #4 of 1.1 m for a variance of 0.1 m, to recognize the interior side yard width of shed #5 of 1.0 m for a variance of 0.2 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 restoration of the dwelling under the approval of Application A3/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/applicant shall satisfy the requirements of LSRCA.
3. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A3/2020.
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. The approval of the variance shall apply only to the dwelling and existing five accessory buildings contemplated under Application A3/2020.
6. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

A4/2020- Mall Jurman, Lot 35 Concession 6, 655 Ravenshoe Rd

Hailey was present as the agent and Mall Jurman was present as the owner of the property.

The agent explained the property is zoned Environmental Protection (EP) and the owners wanted to construct a single family dwelling and garage after the existing dwelling was demolished. They wish to re-build on the same foot print.

Gerri Lynn requested the owner explain the need for the excessive height and the use of the top floor of the garage. An extendable camper would be stored in the garage and storage is planned for the top floor.

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:

No comments from Council

DECISION

Moved by Frank Mazzotta, Seconded by Gerri Lynn O'Connor that Application A4/2020 by Mall Jurma, Lot 35 Concession 6, 655 Ravenshoe Rd, Relief from Section 5.1 .b to allow an accessory building or structure to be located closer to the street line than the main or principle building on the lot, Relief from Section 5.1 .d to permit a total gross floor area of 91.7 m² for a variance of 31 . 7 m² and to permit a building height of 7.0 m for a variance of 2.0 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 garage constructed under the approval of Application A4/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The storage building shall not be used for industrial, commercial or human habitation.
3. The owner/applicant shall satisfy the requirements of LSRCA.
4. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A4/2020.
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. The approval of the variance shall apply only to the garage contemplated under Application A4/2020.
7. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

A5/2020- Caroline Eracles-1220577 Ont Ltd-Derek Heyes (Agent), Plan 40M2638 Part Blk 9 40R30305 Parts 97 & 98, 4 Harry Thornton Lane

Caroline Eracles was present as the owner of the property. Derek Heyes was present as the agent. One of the neighbours wanting to attend the meeting was not present. The members felt the application should be tabled until the end of the meeting.

Moved by Gerri Lynn O'Connor Seconded by Cathie Proulx that Application A5/2020 be tabled until the end of the meeting. **CARRIED**

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

Domenic Martino was present as the owner of the property. He explained the property was presently occupied by a commercial use but the parcel is zoned Residential Multiple.

Emilia Gruyters informed the members the application would require a variance for the lot coverage requirement of 36 %.

Frank Mazzotta inquired about the exterior side yard and the need for snow storage during the winter months. He asked about the ownership of the cedar hedge and expressed concern about the driveways backing out into the cross walk area.

The owner stated the cedar hedge is part of 54 Main St and it will assist in the screening of the rear yards. He explained the present building is closer to the road than the new building. There should be no issues with the cross walk.

Gerri Lynn informed the members that typically these streets don't have snow storage. She agreed with the members concerns and wondered if the owner would consider 2 row dwellings.

Three townhouse dwellings made more financial sense to the owner.

Patrica and Maurice Lacombe from 48 Main St S were in attendance. They expressed concern about their sewer line running across the rear portion of the lot. The members recommended the owner contact the Region of Durham.

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-Domenico Martino, Plan 83 BLK 000 Part Lot 4, 54 Main St S, Relief from Section 4.11.2.3.c.i to permit a front yard depth of 7.9 m for a variance of 0.1 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.g.iv permits a minimum setback from street centerline of a Township Road of 17.9 m (Main St) and 11.8 m (Popular Rd) for a variance of 0.1 m and 6.2 m, Relief from Section 5.1.k to permit a deck projection of 3.5 m for a variance of 1.5 m, Relief from Section 4.11.2.3.c.i to permit a front yard depth of 7.9 m for a variance of 0.1 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.g.iv permits a minimum setback from street centerline of a Township Road of 17.9 m (Main St) and 11.8 m (Popular Rd) for a variance of 0.1 m and 6.2 m, Relief from Section 5.1.k to permit a deck projection of 3.5 m for a variance of 1.5 m, **BE TABLED UNTIL THE OWNER PROVIDES A REVISED PROPOSAL ADDRESSING SIZE, SCOPE AND SAFETY.**
CARRIED

A7/2020-Evendale Developments Limited-David Sud, Part 31 Concession 7 Plan H50061 Lot 102 Part Lots 103 to 115 Part Centre St Part York St 40R25324 Part 1 to 8 40R306232 Part 1, 2, 3, Brock St E

David Sud was present as the owner of the property. Bryce Jordan was present as the planner for the development. Bryce described the types of dwellings that would be constructed on the subject lands and stated a change to include semi-detached dwelling was being requested.

Michelle McCarthy inquired about the need for the variance and change in dwelling type. The change would improve marketability.

Liz Howson, the Townships' Planning Consultant explained during the public input process a suggestion was made to lower the density of units but at the time there was no interest by the developer. The market has shifted and there is now a need for this type of residence.

Members of the public scheduled to participate were not present. The committee members discussed tabling the application to provide an opportunity for the public to attend later in the evening.

Moved by Gerri Lynn, seconded by Cathie Proulx that application A7/2020 be tabled.
CARRIED

A5/2020- Caroline Eracles-1220577 Ont Ltd-Derek Heyes (Agent), Plan 40M2638 Part Blk 9 40R30305 Parts 97 & 98, 4 Harry Thornton Lane

Moved by Gerri Lynn O'Connor Seconded by Frank Mazzotta that Application A5/2020 be lifted from its tabled status.

CARRIED

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:

No comments from Council

DECISION

Moved by Gerri-Lynn O'Connor, Seconded by Frank Mazzotta that Application A5/2020 by Caroline Eracles-1220577 Ont Ltd-Derek Heyes (Agent) Plan 40M2638 Part Blk 9 40R30305 Parts 97 & 98 (Uxbridge), 4 Harry Thornton Lane, Relief from Section 5.1.k to permit a maximum projection into the required yard of 3.7 m for a variance of 1.2 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 deck constructed under the approval of Application A5/2020 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 1 year of the final date of appeal of A5/2020.
3. 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.
4. The approval of the variance shall apply only to the deck contemplated under Application A5/2020.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

A7/2020-Evendale Developments Limited-David Sud, Part 31 Concession 7 Plan H50061 Lot 102 Part Lots 103 to 115 Part Centre St Part York St 40R25324 Part 1 to 8 40R306232 Part 1, 2, 3, Brock St E

Moved by Gerri Lynn O'Connor Seconded by Rob Miller that Application A7/2020 be lifted from its tabled status.

CARRIED

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

DECISION

Moved by Gerri-Lynn O'Connor, Seconded by Frank Mazzotta that application A7/2020 by Evendale Developments Limited-David Sud, Part 31 Concession 7 Plan H50061 Lot 102 Part Lots 103 to 115 Part Centre St Part York St 40R25324 Part 1 to 8 40R306232 Part 1, 2, 3 (Uxbridge), Brock St E, Relief from Section 4.17B.b.i to allow 46 of the 82 units to be constructed as semi-detached dwellings, **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 dwellings constructed under the approval of Application A7/2020 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 reduction of units and to include 46 units as semi-detached dwellings contemplated under Application A7/2020.
3. The owner/developer re-submit the draft plan approval to the Region of Durham Planning Department
4. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

CARRIED

ADJOURNMENT

The meeting adjourned at 9:00 pm

Michelle McCarthy

Emilia Gruyters

Michelle McCarthy-Chair

Emilia Gruyters
Secretary Treasurer