

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 9th meeting (Virtual) of 2020, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday November 18, 2020.

### PRESENT

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

### ABSENT

Cathie Proulx

### CALL TO ORDER

**The meeting was called to order at 7:00 pm. The Rob Miller stated he had a perceived conflict of interest with Application A26/2020.**

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.**

The minutes were not available.

### **A25/2020- Stephen Kellachan Pt Lot 22 Concession 3 40R12461 Part 1(Uxbridge) 12329 Regional Rd 39**

Stephen Kellachan was present as the owner of the property. He stated his parents are unable to walk stairs and therefore a side addition would alleviate that concern.

Michelle McCarthy expressed concern about the grading and drainage along the property line. The builder would be submitting drainage plans for the building permit.

There was no one 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:

THAT Report DS-49/20 of Emilia Gruyters, Planning Technician, be received for information;

THAT Report DS-56/20 of Emilia Gruyters, Planning Technician regarding Committee of Adjustment Application A25-2020 - Relief from Minimum Yard Dimensions- Part Lot 22 Concession 3, 40R-12461 Part 1- 12329 Regional Rd 39- Stephen Kellachan be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A25/2020, 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 construction of addition under the approval of Application A25/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner/ applicant obtain approval from the Region of Durham Health Department.
3. The owner/applicant submit a grading plan prior to the issuance of a building permit.
4. The owner/applicant submit a survey prior to the issuance of a building permit.
5. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A25/2020.
6. 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.
7. The owner/applicant submit an application to the Township Development Services Department to register the dwelling as a two unit house in the Township's Public Registry.
8. The approval of the variance shall apply only to the addition contemplated under Application A25/2020.

**Carried**

## **DECISION**

Moved by Frank Mazzotta, Seconded by Gerri Lynn O'Connor that application A25/2020 by Stephen Kellachan Pt Lot 22 Concession 3 40R12461 Part 1(Uxbridge) 12329 Regional Rd 39, Relief from Section 4.4.2.c.iii to permit an interior side yard width of 1.5 m for a variance of 4.5 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.**

**CARRIED**

### **A26/2020- Edmund & Christine Chien Part Lot 26 & 27 Concession 3 40R25967 Parts 1 & 2 (Uxbridge) 350 O'Biern Road**

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Edmund and Christine Chien were present as the owners of the property.

Joanna Fast asked the owners if they were aware of the conditions of the Lake Simcoe Region Conservation Authority (LSRCA). The owner agreed to comply with the conditions of LSRCA provided he receives approval from the members tonight. He must spend \$10,000 for the architectural drawings and the request made by LSRCA will not make a difference to whether the variance is approved.

Michelle McCarthy stated the LSRCA may request a new location for the dwelling. Condition #1 of the Development Services Report and Council's recommendation should be removed and condition 2 and 6 be extended to 18 months.

### **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:

THAT Report DS-50/20 of Emilia Gruyters, Planning Technician be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A26/2020, 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 construction of addition under the approval of Application A26/2020 shall be in substantial conformity with the design & location of the plans submitted with the application.
2. The owner applicant obtain approval from the Region of Durham Health Department.
3. The owner/applicant submit a grading plan prior to the issuance of a building permit.
4. The owner/applicant submit a survey prior to the issuance of a building permit.
5. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A25/2020.
6. 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.
7. The owner/applicant submit an application to the Township Development Services Department to register the dwelling as a two unit house in the Township's Public Registry.
8. The approval of the variance shall apply only to the addition contemplated under Application A25/2020.

## **CARRIED**

## **DECISION**

Moved by Joanna Fast, Seconded by Frank Mazzotta that application A26/2020 by Edmund & Christine Chien Part Lot 26 & 27 Concession 3 40R25967 Parts 1 & 2 (Uxbridge) 350 O'Biern Road, Relief from Section 5.7 to permit the construction of a 2-storey dwelling 280.0 m<sup>2</sup> in size on a lot which does not have frontage on an improved public road, **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 owner applicant obtain approval from the Region of Durham Health Department.
2. The owner/applicant obtain approval from the Lake Simcoe Region Conservation Authority.
3. The owner/applicant shall obtain a building permit application within 18 months of the final date of appeal of A26/2020.
4. The owner / applicant shall satisfy all conditions of the variance no later than 18 months 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 contemplated under Application A26/2020.

**CARRIED**

**ADJOURNMENT**

The meeting adjourned at 8:00 pm

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Michelle McCarthy-Chair

Joanna Fast-Vice Chair

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Emilia Gruyters  
Secretary Treasurer