

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 2nd meeting (Virtual) of 2021, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday February 17, 2021.

### PRESENT

Joanna Fast-Chair  
Gerri Lynn O'Connor  
Michelle McCarthy  
Cathie Proulx  
Frank Mazzotta  
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. Michelle McCarthy declared a pecuniary interest to Application A2/2021 because she is an acquaintance of the family.**

Joanna Fast – 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 Frank Mazzotta, that the minutes of January 20, 2021 hearing be approved as presented.

### **A2/2021- Stephen & Julie Foster, Lot 24 Plan 40M 1707(Uxbridge) 29 Campbell Dr**

Julie and Stephen Foster were present as the owners of the property. They are residents of Uxbridge for 29 years and recently their daughter and her family have moved in with them. They would like to construct an addition which includes a living suite so they can be cared for by their family. The unit consists of 3 rooms; a bedroom, kitchen and bathroom. The unit is accessible through the main dwelling. The neighbour closest to the addition has no objections.

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

The owner had no concerns with the conditions of approval.

## Written Comments

Report from Fire Department –See File

Report from the Lake Simcoe Region Conservation Authority – See File

Report from Development Services – See File

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

Moved by Councillor Popp

Seconded by Councillor Snooks

THAT Report DS-06/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A2/2021, 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 owner/applicant shall submit a grading and drainage plan prior to the issuance of a building permit.
2. The construction of addition under the approval of Application A2/2021 shall be in substantial conformity with the design & location of the plans submitted with the application.
3. The owner/applicant obtain approval from the Lake Simcoe Region Conservation Authority.
4. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A2/2021.
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 interior side yard width contemplated under Application A2/2021.
7. The owner/applicant shall complete an application to register the property as a Two Unit Dwelling.

8. The elevation drawings be reviewed by Council prior to approval.

**CARRIED**

**DECISION**

Moved by Frank Mazzotta, Seconded by Cathie Proulx that Application A2/2021 by Stephen & Julie Foster, Lot 24 Plan 40M 1707(Uxbridge) 29 Campbell Dr, Relief from Section 4.9.2.c.iii to permit a minimum interior side yard width of 0.72 m for a variance of 0.48 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 owner/applicant shall submit a grading and drainage plan prior to the issuance of a building permit.
2. The construction of addition under the approval of Application A2/2021 shall be in substantial conformity with the design & location of the plans submitted with the application.
3. The owner/applicant obtain approval from the Lake Simcoe Region Conservation Authority.
4. The owner/applicant shall obtain a building permit application within 1 year of the final date of appeal of A2/2021.
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 interior side yard width contemplated under Application A2/2021.
7. The owner/applicant shall complete an application to register the property as a Two Unit Dwelling.
8. The elevation drawings be reviewed by Council prior to approval.

**A4/2021- Graham Banks & Janet Hemming, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5(Uxbridge) 30 Main Street South**

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Graham Banks was present as the owner of the property. He has lived in Toronto but has been an active member of Uxbridge and he gave examples. The development is their retirement property. He hired an architect and based on the 2016 committee of adjustment decision designed a home which meets the appropriate intensification goals of the Province. Mr. Banks presented drawings which showed a smaller dwelling than the proposal in the 2016 Committee of Adjustment decision. The dwelling is approximately 2100 square feet (sq.ft) consisting of 1131 sq.ft. on the first floor and 1000 sq.f.t on the second. Much of the loss of useable space is due to the porch and deck shown on the plans. This design was discussed with the Mayor, Township Planning Consultant, Ward Councillor and Staff in the Development Services Department of Uxbridge. Positive responses were given by them. He has spoken to the neighbors and although mute the responses were not negative.

Mr. Banks shared a Neighborhood property analysis (see file submission).

Gerri-Lynn O'Connor asked if the architect was aware of the zoning requirements of the Township's zoning by-law 81-19. Mr. Banks discussed his proposal with Uxbridge Planning Consultant and was advised he could use the 2016 Committee of Adjustment decision as a guide.

Michelle McCarthy asked if it was a registered lot. All the conditions of the LD were met.

The owner did not have any concerns with the conditions of approval.

Richard Flotner from 31 Bascom St was present in the audience. His property abuts the rear yard of the subject lands. Mr. Flotner was concerned about the lot coverage of the development and how it would affect the drainage of the abutting properties. He has a vegetable garden abutting the rear shared lot line and was concerned the height of the garage may impact the sunlight. He wanted further information about the trees that would be removed and the elevation view of the garage facing his lot.

Mr. Banks has hired Ralph Grander to complete a grading plan. A shed dormer with six windows would be provided but he was flexible to make changes. The only trees on the property was one at the front of the lot.

Ann and David Philip from 26 Main St S were present in the audience. Mr. & Mrs. Philip own the shared driveway and were concerned about possible parking on the driveway. They were also concerned about the density of the development and lack of landscaping. Mr. Banks explained parking would be provided on the subject parcel

toward the rear of the lot and the subject parcel would have 30 % landscaping as required by the zoning by-law.

Lorna and Stephen Waddell from 38 Main St S were present in the audience. Mr. Waddell felt the setback to the front lot line was too small. He agreed the adjacent homes were heritage but they have also been there for a long time. The development was too much for the lot and the 2016 decision should have no bearing on the lot because it is a different time.

Mr. Banks felt the front yard setback is appropriate since the homes in the area are similar.

Sally Cousland from 33 Bascom St was present in the audience. Her outdoor living space was in the rear yard of her property. The proposed garage was 3 times the size and twice the height permitted by the by-law. She has trees on her property and was concerned about the impact of the construction. She asked if the loft would be inhabited and if there would be windows.

Mr. Banks stated there would not be any windows on the south side and he does not plan on establishing a secondary suite on the upper floor. The second floor would be used for storage only.

Amanda Cooney from 37 Bascom St was present in the audience. She was concerned about the garage and asked if the windows were necessary since the second floor would be used for storage. The height of the garage could block out the sun on her lot.

Mr. Banks stated the height was 0.8 m greater than the permitted height in the by-law. He was willing to come up with another solution.

Ms. O'Connor expressed concern about the number of variances.

The committee recommended tabling the application and the fee be waived.

### **Written Comments**

Report from Fire Department – See File

Report from Development Services – See File

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

**Moved by** Councillor Popp

**Seconded by** Councillor Beach

THAT Report DS-08/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A4/2021, 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 the dwelling and accessory building under the approval of Application A4/2021 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 A4/2021.
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 dwelling and accessory building contemplated under Application A4/2021.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

### **DECISION**

Moved by Gerri Lynn O'Connor, Seconded by Michelle McCarthy that Application A4/2021 by Graham Banks & Janet Hemming, Plan 83 Blk 000 Part lot 1, 2, 19, 40R-16666 Part 5(Uxbridge) 30 Main Street South, Relief from Section 4.10.1.b. to permit a minimum lot frontage of 13.7 m for a variance of 1.3 m, Relief from Section 4.10.2.c.i to permit a minimum front yard depth of 1.7 m for a variance of 6.3 m, Relief from Section 4.10.2.1.c.iii to permit an interior side yard width of 1.2 m for a variance of 2.8 m, Relief from Section 4.10.2.f to permit a maximum lot coverage of all buildings of 48.0 % for a variance of 18.0 %, Relief from Section 5.1.d to permit a maximum lot coverage of all buildings and structures of 15.5 % for a variance of 5.5 % and to permit a building height of 5.8 m for a variance of 0.8 m, **BE TABLED UP TO A YEAR TO ADDRESS THE NUMBER OF VARIANCES, COVERAGE, DENSITY AND TREE PROTECTION.**

**CARRIED**

### **ADJOURNMENT**

The meeting adjourned at 8:15

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Joanna Fast  
Chair

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Emilia Gruyters-Secretary  
Treasurer

