

## MINUTES OF COMMITTEE OF ADJUSTMENT

The 3rd meeting (Virtual) of 2021, the Committee of Adjustment for the Township of Uxbridge was held at 7:00 p.m. on Wednesday March 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.

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 Cathie Proulx, Seconded by Frank Mazzotta, that the minutes of February 17, 2021 hearing be approved as presented.

### **A5/2021- Bryan Mailey-Michelle Charrette(Agent), Part Lot 35 Concession 7 40R20309 Part 1(Uxbridge), 14949 Durham Rd 1**

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Bryan Mailey was present as the owner of the property. Michelle Charrette was present as the agent of the application. The owner stated they will provide a 2 m setback from the principle buildings instead of the 1.2 m.

Scott McCrady from 14295 Regional Rd 1 was present in the audience. He was in support of the application.

The owner had no concerns with the conditions of approval.

### 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:

Report DS-12/21 of Emilia Gruyters Planning Technician, Secretary Treasurer Committee of Adjustment

re Relief from Relation to Street, Relief from Exterior Extension- Part Lot 35 Concession 7 40R20309 Part 1 14949 Durham Rd 1 — Bryan Mailey-Michelle Charrette(Agent)

Moved by: Mayor Barton

THAT Report DS-12/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A5/2021, 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 accessory building under the approval of Application A5/2021 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 A5/2021.
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 accessory building contemplated under Application A5/2021.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

## **DECISION**

Moved by Michelle McCarthy, Seconded by Cathie Proulx that Application A5/2021 by Bryan Mailey-Michelle Charrette(Agent), Part Lot 35 Concession 7 40R20309 Part 1(Uxbridge), 14949 Durham Rd 1, Relief from Section 5.4.b to allow the exterior expansion of a use lawfully used for a purpose not permissible within the Zone in which it is located, **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 construction of the accessory building under the approval of Application A5/2021 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 A5/2021.
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 accessory building contemplated under Application A5/2021.
5. The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

**CARRIED**

**A6/2021- Devon Paget & Ryan York, Part Lot 25 Block 81 Plan 83(Part 1)(Uxbridge), 140 Reach St**

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**A7/2021- Trevor Lane, Amy Lance & Gary Lance, Part Lot 26 Block 81 Plan 83(Part 4)(Uxbridge), 142 Reach St**

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**A8/2021- Devon Paget & Ryan York, Part Lot 25 & 26 Block 81 Plan 83(Lot 1)(Uxbridge), 140 Reach St**

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**A9/2021- Trevor Lance, Amy Lance & Gary Lance, Part Lot 25 & 26 Block 81 Plan 83(Lot 2)(Uxbridge), 142 Reach St**

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Gord Mahoney was present as the applicant/planner for the applications. Concerns were expressed about condition #2 for A8/2021 and A9/2021. The lots comply with LD and condition #2 implies the variances would not be approved.

Gerri-Lynn O'Connor questioned the boulevard in front of the new lots on Hamilton St. Gord Mahoney stated through the site plan application process the entrance to the lots would be addressed.

Frank Mazzotta questioned the protection of the boulevard trees. The planner stated an updated arborist report would be submitted through the site plan application process.

Michelle McCarthy questioned the timing of the lapsed LD conditions and how realistic the submitted elevations drawings are. October 27, 2021 is the final date and the same elevation drawings have been submitted for the site plan application and are considered final.

The members discussed whether trees were shared by the property owners.

Christine and Bill Walsh from 47 Munro Cres were present in the audience. Their parcel is behind part 3 & 6 on the plan. They stated their deck and pool would be destroyed as a result of the development. They are requesting full financial compensation for the loss and they are asking the fence be replaced when the trees are removed at the developer's expense. The trees are shared and are butternut which are protected.

Gord Mahoney provided the arborist plan and stated one of the trees are a Manitoba Maple. Through the site plan approval process the trees can be replanted and fence replaced.

Christine Walsh wished to be privy to the arborist report. The Township would provide the report.

### **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:

Report DS-13/21 of Emilia Gruyters, Planning Technician, Secretary Treasurer  
Committee of Adjustment

re Relief from Minimum Yard Dimensions, Relief from  
Relation to Street, Relief from Minimum Lot Area, Relief from  
Minimum Lot Frontage— Part Lot 25 Block 81 Plan 83(Part 1)  
— 140 Reach St — Devon Paget & Ryan York - Part Lot 26  
Block 81 Plan 83(Part 4)-142 Reach Street- Trevor Lane,  
Amy Lance & Gary Lance

Moved by: Councillor Popp

THAT Report DS-13/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A6/2021 and A7/2021, 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. In the event that the other conditions of approval of the related consent application (LD144/2019-LD146/2019) are not satisfied, the decision of the Committee of Adjustment for these applications should be deemed null and void.

Report DS-14/21 of Emilia Gruyters, Planning Technician, Secretary Treasurer, Committee of Adjustment

re Relief from Minimum Yard Dimensions, — Part Lot 25 & 26 Block 81 Plan 83(Lot ) — 140 Reach St — Devon Paget & Ryan York - Part Lot 25 & 26 Block 81 Plan 83(Lot 2) -142 Reach Street- Trevor Lane, Amy Lance & Gary Lance

Moved by: Councillor Popp

THAT Report DS-14/21 of Emilia Gruyters, Planning Technician, be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A8/2021 and A9/2021 , 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 . An agreement should be entered into with the owner that addresses the requirements for lot creation and to also address the requirements of the Township's Allocation Policy for the lot and this agreement is required to be registered.
2. Prior to the framing stage of the construction of the dwellings, the owner's Ontario Land Surveyor shall submit a survey to the Township Building department verifying the front and rear yard depth as approved through the Committee of Adjustment.
3. The applicant/owner shall provide a professional grading/site plan prior to the issuance of a building permit.
4. The costs of fulfilling the conditions should be the responsibility of the owner/ applicant.

**CARRIED**

### **DECISION-A6/2021**

Moved by Frank Mazzotta, Seconded by Cathie Proulx that Application A6/2021 by Devon Paget & Ryan York, Part Lot 25 Block 81 Plan 83(Part 1)(Uxbridge), 140 Reach St, Relief from Section 4.9.2.c.ii to recognize an exterior side yard depth of 1.8 m for a variance of 6.2 m, Relief from Section 5.1.b to recognize the location of an accessory building or structure closer to the street line than the main or principal or main building on the lot, Relief from Section 5.1.d to recognize the total lot coverage of all accessory buildings and structures of 13.0 % for a variance of 8.0%, **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. In the event that the other conditions of approval of the related consent application (LD144/2019-LD146/2019) are not satisfied, the decision of the Committee of Adjustment for these applications should be deemed null and void.

### **DECISION-A7/2021**

Moved by Cathie Proulx, Seconded by Gerri-Lynn O'Connor that Application A7/2021 by Trevor Lane, Amy Lance & Gary Lance, Part Lot 26 Block 81 Plan 83(Part 4)(Uxbridge), 142 Reach St, Relief from Section 4.9.2.a.i to permit a minimum lot area of 497.0 m<sup>2</sup> for a variance of 53.0 m<sup>2</sup>, Relief from Section 4.9.2.b.i to recognize the minimum lot frontage of 15.1 m for a variance of 1.9 m, Relief from Section 4.9.2.c.iii to recognize an interior side yard width of 2.8 m for a variance of 1.2 m, Relief from Section 5.1.h.i to recognize an interior side yard of 0.50 m for a variance of 0.70 m, Relief from Section 5.1.h.ii to recognize the interior side yard depth of 0.38 m and the rear yard depth of 0.10 m for a variance of 0.82 m and 1.1 m respectively, **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. In the event that the other conditions of approval of the related consent application (LD144/2019-LD146/2019) are not satisfied, the decision of the Committee of Adjustment for these applications should be deemed null and void.

**CARRIED**

**DECISION-A8/2021**

Moved by Michelle McCarthy, Seconded by Cathie Proulx that Application A8/2021 by Devon Paget & Ryan York, Part Lot 25 & 26 Block 81 Plan 83(Lot 1)(Uxbridge), 140 Reach St, Relief from Section 4.9.2.c.i to permit a front yard depth of 6.0 m for a variance of 2.0 m, Relief from Section 4.9.2.c.iv to permit a rear yard depth of 9.8 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. An agreement shall be entered into with the owner that addresses the requirements for lot creation and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.
2. The applicant/owner shall obtain a site plan application prior to the issuance of a building permit.
3. The costs of fulfilling the conditions shall be the responsibility of the owner/ applicant.

**CARRIED**

**DECISION-A9/2021**

Moved by Michelle McCarthy, Seconded by Cathie Proulx that Application A9/2021 by Trevor Lance, Amy Lance & Gary Lance, Part Lot 25 & 26 Block 81 Plan 83(Lot 2)(Uxbridge), 142 Reach St Relief from Section 4.9.2.c.i to permit a front yard depth of

6.0 m for a variance of 2.0 m, Relief from Section 4.9.2.c.iv to permit a rear yard depth of 8.5 m for a variance of 1.5 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.**

**Conditional Upon:**

1. An agreement shall be entered into with the owner that addresses the requirements for lot creation and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.
2. The applicant/owner shall obtain a site plan application prior to the issuance of a building permit.
3. The costs of fulfilling the conditions shall be the responsibility of the owner/  
applicant

**CARRIED**

**ADJOURNMENT**

The meeting adjourned at 8:30

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Joanna Fast  
Chair

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Emilia Gruyters-Secretary  
Treasurer