

**Township of Uxbridge
51 Toronto Street South
Uxbridge, Ontario
L9P 1T1**

**Committee of Adjustment
Phone: (905)852-9181, ext. 212
Fax: (905)852-9674**

**NOTICE OF PUBLIC HEARING
IN ACCORDANCE WITH
SECTIONS 44 AND 45 OF THE PLANNING ACT, R.S.O. 1990. C.P.13. and
ONTARIO REGULATION 149/20, SPECIAL RULES RELATING TO A DECLARED
EMERGENCY under THE PLANNING ACT**

Take Notice that the following application:

**A18/2022- Kevin & Suzanne Donnelly
Plan 83 Block 55 Lot E Lot F 40R29445 Pt 1
19 First Ave
Township of Uxbridge
Our File No: 5-2-094**

will be heard by the Township of Uxbridge Committee of Adjustment in an electronic format only in order to practice social distancing and help stop the spread of COVID-19. The Township Offices are not open to the public. The application will be considered on **Wednesday August 17, 2022 @ 7:00 p.m.** Please note the item may be delayed due to the Committee's consideration of preceding applications.

This is a Public Hearing in which you or your representative are entitled to participate, either in favour of, or opposed to this application. If participation is not practical, written comments will be accepted. Note: To all persons and agencies making written comments: If you find this application acceptable, please list any conditions you wish to be considered for inclusion in the approval. If you find this application unacceptable, please list reasons for your objection. If you know of any interested persons who have not received notice, please inform them.

Delegations to the Committee will proceed electronically or by telephone. **In the case of the applicant, you are hereby advised that you must participate electronically or by telephone in the meeting as a delegation, or be represented electronically or by telephone as a delegation, in order to present your application to the Committee.**

If you wish to appear as a delegation to address the Committee please contact the Secretary-Treasurer of the Committee, Ms. Emilia Gruyters via email at egruyters@uxbridge.ca, or by telephone or mail as noted above. In addition, if you do not want to address the Committee, but wish to monitor or have an opportunity to participate in the meeting, please contact the Secretary-Treasurer by email, telephone or mail.

The deadline to notify the Committee of your wish to appear as a delegation or participate in the meeting is **August 15th**. Delegates, or those wishing to monitor or participate in the meeting, will receive information and instructions on how to access the meeting electronically or by telephone. In addition, if you wish further information regarding this application please contact Ms. Gruyters or check the Township website at uxbridge.ca.

If a copy of the Committee's Decision is required, please make your request in writing to the Secretary-Treasurer of the Committee of Adjustment via email (egruyters@uxbridge.ca) or mail at the address above.

IN THE MATTER OF an application for variance from Zoning By-law Number 81-19, as amended, a Zoning By-law for the Township of Uxbridge.

**REQUIREMENTS OF
BY-LAW 81-19 EXISTING ZONING
RESIDENTIAL FIRST DENSITY (R1)**

1. Section 4.9.2.c.i- Minimum Yard Dimensions

Front Yard Depth 8 metres

**RELIEF APPLIED FOR
The applicant requests relief from the
provisions of:**

1. Relief from Section 4.9.2.c.i to recognize a front yard depth of 5.1 m for a variance of 2.9 m.



**Emilia Gruyters
Secretary-Treasurer
Committee of Adjustment
EG**

Copy: File

Application A18/2022

The subject parcel is 1256.0 m² in size and zoned Residential First Density (R1). The property supports a single-family dwelling built in the 1800's. Land Division Application LD 032/2016 approved the severance of one (1) additional lot. Committee of Adjustment Application A22/2016 approved the minimum front yard depth of 5.1 m but the conditions have since expired.

Section 4.9.2.c.i of By-law 81-19 states:

Minimum Yard Dimensions

Front Yard Depth 8 metres

Therefore, if the applicant is to conform to Zoning By-law 81-19, as amended, Section 4.9.2.c.i needs to be varied to recognize a front yard depth of 5.1 m for a variance of 2.9 m.



THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE
MINOR VARIANCE APPLICATION UNDER SECTION 45(1)
OR APPLICATION FOR PERMISSION
UNDER SECTION 45(2) OF THE PLANNING ACT

For Township Use Only				
Township File Number :	Date of Receipt:	Payment of Required Fees:	Completion Initial Evaluation:	Date Circulated (if Parts A, C and D deemed complete)
A18/22	June 22/22	\$57	SB	

PLEASE TYPE OR USE BLACK INK FOR REPRODUCTION PURPOSES. WHERE ADDITIONAL SPACE IS REQUIRED PLEASE ADD PAGES AT THE BACK OF THE APPLICATION IDENTIFIED BY THE SECTION NUMBER.

**PART A: INFORMATION TO BE PROVIDED UNDER SECTION 45 OF THE PLANNING ACT
IN ACCORDANCE WITH O. REG. 200/96 AMENDED O. REG. 432/96; O. REG. 508/98**

1. Specify (x) the type of application being submitted:

Minor Variance ☒ Application for permission under Section 45(2) ☐

2. Date of Application Submission: June 2022

3. Name of Owner(s): Kevin John Donnelly & Suzanne Michelle Donnelly

Address: 19 First Avenue, Uxbridge

Postal Code: L9P 1M4

Email: kdonnelly@flexmaster.com

Tel No.: (905) 999-0227

Fax No: _____

4. Name of Applicant: Kevin John Donnelly & Suzanne Michelle Donnelly

Address: 19 First Avenue, Uxbridge

Postal Code: L9P 1M4

Email: kdonnelly@flexmaster.com

Tel No.: (905) 999-0227

Fax No: _____

5. Name of Authorized Agent (if any): Wilson Cameron Law (Douglas Wilson)

Address: 22 Brock St E, Uxbridge ON

Postal Code: L9P 1P1

Email: dwilson@wilsoncameronlaw.com

Tel No.: (905) 852-3353 ext. 225

Fax No: (905) 852-5130

6. Please specify (x) to whom all communication should be sent:

Owner ☐

Applicant ☐

Agent ☒

7. Names and Addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject property (if known):

	Name	Address
1.	BANK OF MONTREAL	180 Kingston Rd East, Ajax, ON, L1Z 0C7
2.		
3.		
4.		

8. Description of land for which application is being made.

(a) Legal description (Lot, Concession, Registered Plan and/or Reference Plan):

LDTE & PT LT F BLK 55 PL 83 ; Designated as PT 1 40R29445, all in the Township of Uxbridge, Region of Durham.

(b) Municipal Address (Street and Number):

19 First Avenue

(c) Property Roll Number: 1829-050-002-09400-0000

(d) Frontage 20.8 m Depth 60 m Area 1,256 ha

(e) Are there any easements or restrictive covenants affecting the property?

Yes ☒ No ☐ If yes, describe the easement or covenant and its effect:

1254.5m²

9. Existing land use:

(a) What are the existing use(s) of the subject land?

Single Family Residential

(b) Are there any existing buildings on the subject lands?

☒ Yes ☐ No

If yes (Also include this on attached sketch):

Type of Building / Structure	Date Constructed	Setbacks (metric)				Height (metric)	Dimensions or Floor Area (metric)
		Front Lot Line	Rear Lot Line	Side Lot Line			
House	1880	5.17	10m	2m	4m	7.65m	220.18m

(c) If known:

Date the subject land was acquired by the current owner November 1st, 2018

Date of construction of existing buildings/structures House - 1880

Length of time the existing uses of the subject land have continued More than 136 years

10. Proposed Changes

- (a) The uses proposed for the subject lands

Single Family Residential

- (b) Are there any buildings or structures proposed to be built on the subject lands?

☐ Yes ☒ No

If yes (Also include this on attached sketch):

Type of Building / Structure	Setbacks(metric)			Height (metric)	Dimensions or Floor Area (metric)
	Front Lot Line	Rear Lot Line	Side Lot Line		

- (c) Current Zoning: R1

- (d) Explain what is proposed which makes the application necessary:

Minor Variance Application (A23-2016) granted relief to permit
current purpose and dimension subject to requirement that
a building permit is granted - See Appendix "D" Attached

- (e) Nature and extent of the relief requested from the Zoning By-law

Section 4.9.2.c.i front yard setback required is 8m and
the existing setback is 5.1m for a variance of 2.9m.
See Appendix "D" Attached.

- (f) Explain why it is not possible to comply with the provisions of the Zoning By-law:

This house has existed since 1880 and as a result of the
land severance, the house needs to be considered for a
minor variance application.
See Appendix "D" Attached.

(g) What is the current Official Plan designation(s) of the subject land:

Residential Area

11. Status of Other Planning Applications

(a) If known, whether the subject land is the subject of an application under the Planning Act for approval of a plan of subdivision or for a consent: Yes ☐ No ☒

If yes, file #: _____ status of application: _____
File #: _____ status of application: _____

(b) If known, whether the subject land has ever been the subject of an application under section 45 of the Planning Act: ☐ Yes No ☒

If yes, file #: _____ status of application: _____
File #: _____ status of application: _____

12. Servicing

Indicate which services are available or proposed:

Water Supply			Sewage Treatment			Storm Drainage		
	A	P		A	P		A	P
Municipal Water	<input checked="" type="checkbox"/>		Municipal Sewers	<input checked="" type="checkbox"/>		Storm Sewers	<input checked="" type="checkbox"/>	
Communal System			Communal System			Open Ditches		
Individual Well(s)			Septic Tank & Tile Field			Swales		
Other (describe)			Other (describe)			Other (describe)		

*A = Available; P = Proposed

13. Property Access

Is access provided by: Provincial Highway ☐ Regional Road ☐
Open Municipal Road ☒ Private Road ☐ Water ☐
Other ☐

If access to the subject land is by water only, describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road:

PART B: ADDITIONAL INFORMATION

Depending on the nature of the application, in order for the Committee of Adjustment to carry out an appropriate evaluation with respect to the tests under the Planning Act, additional information beyond that prescribed in Part A may be required.. The precise requirements for each application will be determined in discussions with Township staff prior to submission of the application, or you will be contacted once your application has been reviewed and additional information requested. To assist the Township in determining the exact information requirements the applicant is requested to provide the following information.

1. Does the site or adjacent lands include any significant trees or other natural features?

No. _____

2. Is the site adjacent to any significant source of noise or vibration (e.g. railway, major road, major industrial use)?

No. _____

3. Does the site include a building or structure designated under the Ontario Heritage Act?

No. _____

4. Are there any indications that the subject lands include any archaeological features?

No. _____

5. Are there any outstanding work orders on this property? Yes _____ No ☒

If yes, please explain _____

6. Is there an existing Site Plan Agreement for this property? Yes _____ No ☒

7. **Potentially Contaminated Land**

- 7.1 Has there been an industrial or commercial use of the site?

Yes _____

No ☒

Last Year of Use _____

- 7.2 Has there been filling on the site or subject land?

Yes _____

No ☒

Last Year of Use _____

- 7.3 Is there reason to believe that the site may have been contaminated by former uses on the site or adjacent sites? (i.e. gas stations, petroleum or other fuel stored on site or adjacent site)?

Yes _____

No ☒

Last Year of Use _____

If **YES**, then an environmental investigation including all former uses of the site, and if appropriate the adjacent site is required. The study must be prepared by a qualified consultant.

Report attached? Yes ☐

If **NO**, on what basis was this determined?

This house has been a residence since 1880.

8. **Drainage**

8.1 Have you consulted the Township Works Department regarding stormwater management?

Yes ☐

No ☒

8.2 Does a legal and adequate outlet for storm drainage exist?

Yes ☒

No ☐

Unknown ☐

9.3 Has the existing drainage on the subject land been altered?

Yes ☐

No ☒

Unknown ☐

**PART C: AFFIDAVITS REQUIRED AS PART OF THE INFORMATION TO BE PROVIDED UNDER
SECTION 45 OF THE PLANNING ACT IN ACCORDANCE WITH O. REG. 200/96
AMENDED O. REG. 432/96; O. REG. 508/98**

For the purposes of this application, the Owner/Applicant/Agent grants permission to the members of the Committee of Adjustment to enter said property for inspection purposes, and the owner will not be held responsible or liable if any accident or injury occurs.

14. CERTIFICATE - (to be signed by Owner, if Agent has been appointed)

As of the date of this application, I am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I concur with the submission of this application by Kevin John Donnelly & Suzanne Michelle Donnelly of Township of Uxbridge who I have appointed as my Agent.

Date: June 23 2022

Signed: _____

Signature(s) of Owner(s)

15. AFFIDAVIT

I, Kevin John Donnelly & Suzanne Michelle Donnelly of the Township of Uxbridge in the Region of Durham solemnly declare that all the above statements contained herein and in all exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "The Canada Evidence Act".

DECLARED BEFORE ME AT Township of Uxbridge

In the Region of Durham

day of June 23, 20 22

this _____

Registered Owner(s) or Agent

A Commissioner, etc.

DOUGLAS E. WILSON
Barrister, Solicitor & Notary
in and for the Province of Ontario

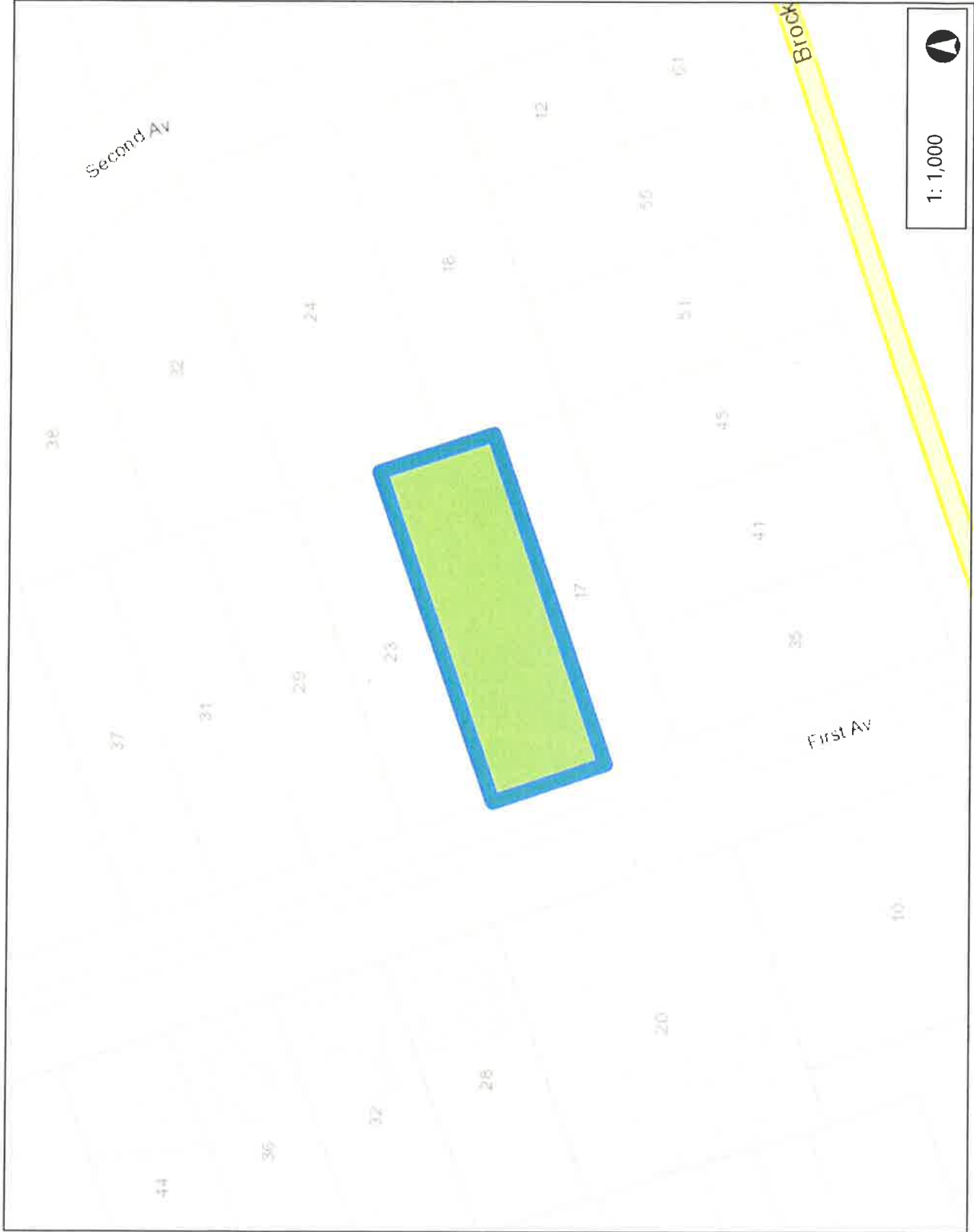
A18/2022-19 First Ave



Legend

- Ownership Parcel
- Assessments Parcel

Notes

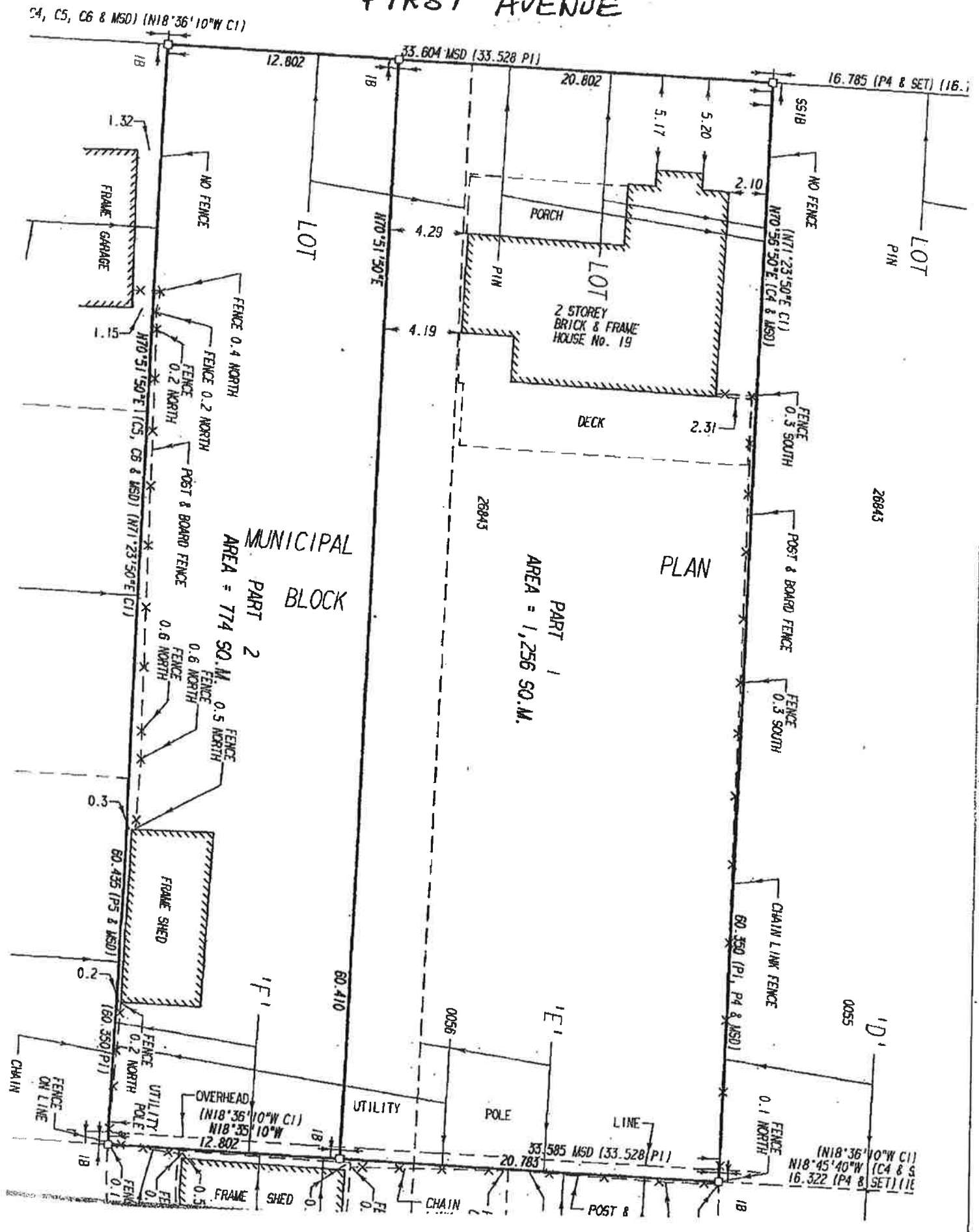


50.8 0 25.40 50.8 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

FIRST AVENUE



APPENDIX D

Minor Variance Application

A23-2016 granted relief to permit the current purposes and dimension subject to the conditions below:

In the event that the other conditions of approval of the related consent application (LD 032/2016) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

An agreement shall be entered into with the owner that addresses the requirements for lot creation for 17 First Avenue and to also address the requirements of the Township's Allocation Policy for the lot. This agreement is required to be registered.

The design and elevations of the new dwelling shall be approved by Council prior to the issuance of a building permit.

The applicant/owner shall provide a professional grading/site plan prior to the issuance of a building permit.

The costs of fulfilling the conditions shall be the responsibility of the owner/applicant.

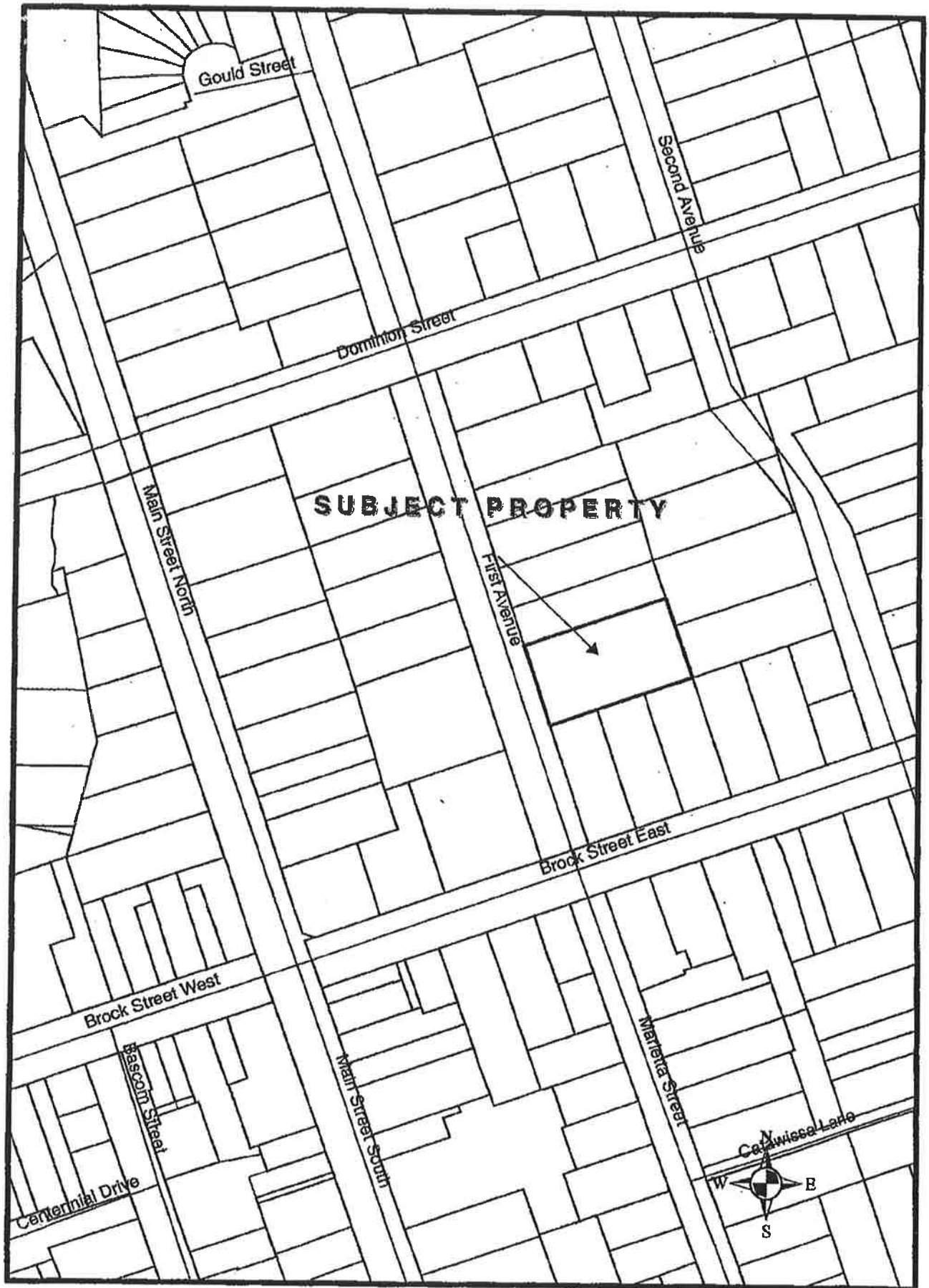
The applicant shall obtain a building permit for the dwelling within three (3) years of the final date of appeal of Application A23/2016.

The applicants completed their purchase to the subject property on July 24th, 2018. The final condition relating to the building permit could not be satisfied within the stated (3) three years and as a result, the decision is deemed to be null and void. All other conditions have been fulfilled and the Consent of the land Division Committee is final. As a result, the two lots are legally separated and will remain so in perpetuity as the Planning Act provides that once a lot has received a Consent and has been transferred, it will remain a separate lot.

When the condition of the Minor Variance, limited to three years, was not met, the Minor Variance was null and void, leaving both lots technically non-compliant with zoning and frustrating the original intent of creating the new lot.

Part B - ADDITIONAL INFORMATION

6. There is a Development Agreement registered as DR1585731 amended by DR1738285 which deletes reference to 19 First Avenue. This agreement is not specific to a building proposal as no application for a Building Permit was initiated before expiry of the minor variance.



Township of Uxbridge
51 Toronto Street South
Uxbridge, Ontario
L9P 1T1

Committee of Adjustment
Phone: (905)852-9181
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**NOTICE OF PUBLIC HEARING
IN ACCORDANCE WITH
SECTIONS 44 AND 45 OF THE PLANNING ACT, R.S.O. 1990. c.P.13.**

Take Notice that the following application:

**A22/2016- Nancy St John
Plan 83 Block 55 Lot E Lot f (Uxbridge)
19 First Ave
Township of Uxbridge
Our File No: 5-2-094**

will be heard by the Township of Uxbridge Committee of Adjustment in Council Chambers, Municipal Offices, 51 Toronto Street South, Uxbridge, Ontario, on **Wednesday October 19, 2016 @ 7:15 p.m.**

This is a Public Hearing at which you or your representative are entitled to attend, either in favour of, or opposed to this application. If attendance is not practical, written comments will be accepted. If you know of any interested persons who have not received notice, please inform them.

In the case of the applicant, you are hereby advised that you must be present in person or be represented in order to present your application to the Committee.

N.B. To all persons and agencies making written comment: - If you find this application acceptable, please list any conditions you wish to be considered for inclusion in the approval. If you find this application unacceptable, please list reasons for your objection.

If a copy of the Committee's Decision is required, please make your request in writing to the Secretary-Treasurer of the Committee of Adjustment.

IN THE MATTER OF an application for variance from Zoning By-law Number 81-19, as amended, a Zoning By-law for the Township of Uxbridge.

**REQUIREMENTS OF
BY-LAW 81-19 EXISTING ZONING
RESIDENTIAL FIRST DENSITY (R1)**

- 1. Section 4.9.2.c.i – Minimum Yard Dimensions**

Front Yard Depth 8 metres

**RELIEF APPLIED FOR
The applicant requests relief from the provisions of:**

- 1. Relief from Section 4.9.2.c.i to recognize a front yard depth of 5.1 m for a variance of 2.9 m.**

**Emilia Gruyters
Secretary-Treasurer
Committee of Adjustment
Copy: File**

Application A22/2016

The subject parcel is 1256 m² in size and zoned Residential First Density (R1). The property supports a single family dwelling.

The owner has received conditional approval through the Region of Durham Land Division Committee, LD 032/2016 to create two lots. The retained lot requires a variance to recognize the front yard setback of the existing dwelling of 5.1 m.

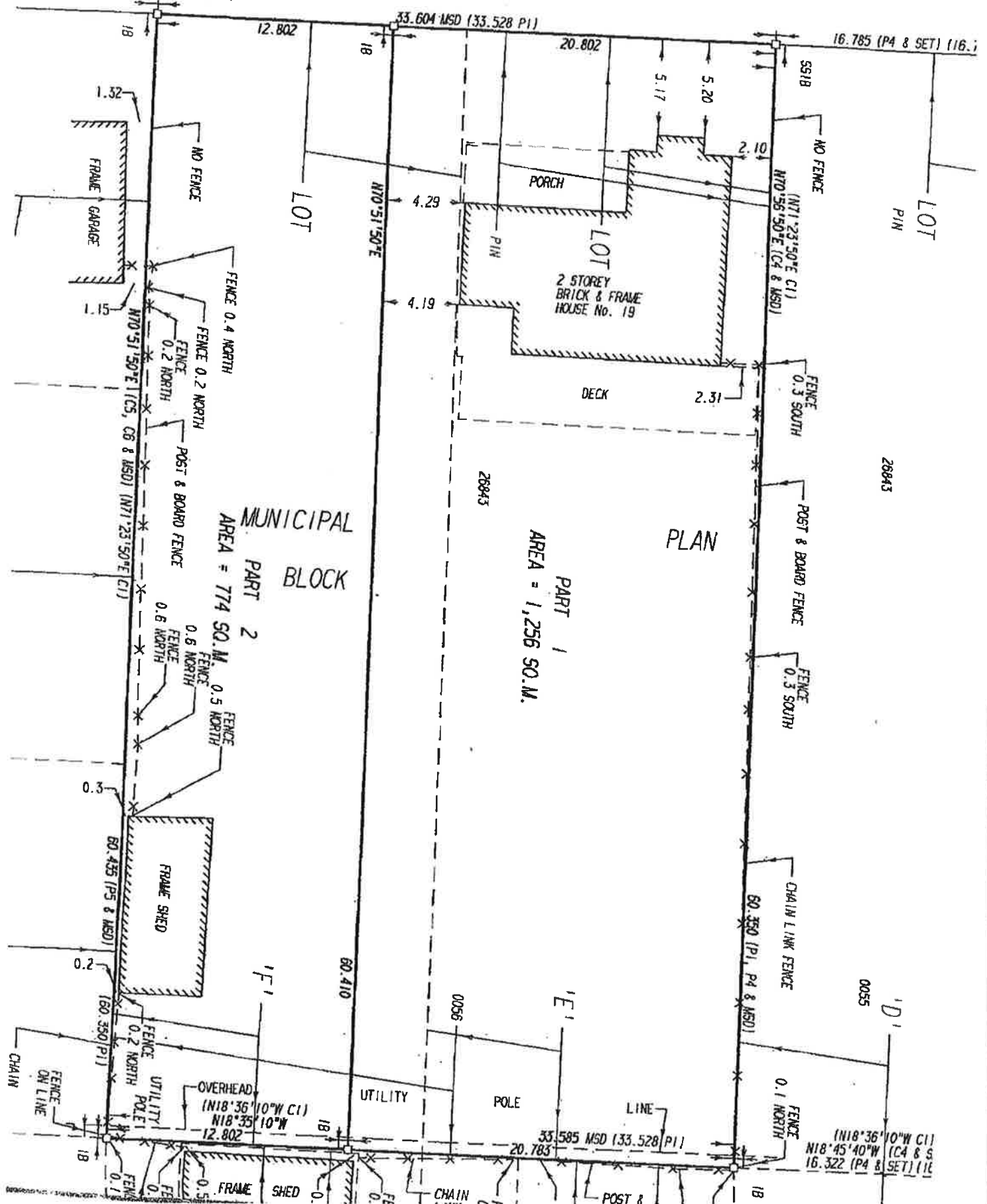
Section 4.9.2.c.i of By-law 81-19 states:

Minimum Yard Dimensions

Front Yard Depth 8 metres

Therefore, if the applicant is to conform to Zoning By-law 81-19, as amended, Section 4.9.2.c.i needs to be varied recognize a front yard setback of 5.1 m for a variance of 2.9 m.

24, C5, C6 & MSD1 (N18°36'10"W C1)



Notice - The last day for appealing this decision is November 8, 2016

DECISION OF THE COMMITTEE OF ADJUSTMENT
FOR THE TOWNSHIP OF UXBRIDGE
Planning Act, 1990, c.P.13.ss.45 (8)

APPLICANT: Nancy St John

LOCATION OF PROPERTY: Plan 83 Block 55 Lot E Lot F
19 First Ave
Township of Uxbridge

PURPOSE OF APPLICATION:
Relief from Section 4.9.2.c.i to recognize a front yard depth of 5.1 m for a variance of 2.9 m.

We the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, or in the case of a change in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, 1990, c. P.13.

Concur in the following decisions and reasons for decision made on the 19th day of October, 2016

DECISION: Moved by Brock Clark, Seconded by Ed Chillman that application by Nancy St John, Plan 83 Block 55 Lot E F (Uxbridge) 19 First Avenue, Relief from Section 4.9.2.c.i to recognize a front yard depth of 5.1 m for a variance of 2.9 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: (See attached conditions)

Reasons for Approval: (See attached reasons)

CERTIFICATION
Planning Act, 1990, c.P.13.ss.45 (10)

I, Emilia Gruyters, Secretary-Treasurer of the Township of Uxbridge Committee of Adjustment, certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

DATED THIS 20th DAY OF October 2016

Signature Secretary-Treasurer, Emilia Gruyters

Committee of Adjustment Application A22/2016

Conditional Upon:

In the event that the other conditions of approval of the related consent application (LD 032/2016) are not satisfied, the decision of the Committee of Adjustment for these applications shall be deemed null and void.

Committee of Adjustment Application A22/2016

Reasons for Approval:

The variance is in accordance with this area of the Township. This issue was not contested by the public.