

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:

**A19/2022- Kevin & Suzanne Donnelly
Plan 83 Block 55 Lot F 40R29445 Pt 2
17 First Ave
Township of Uxbridge
Our File No: 5-2-093-90**

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.b.i - Minimum Yard Dimensions

Minimum Lot Frontage

With public piped water & sanitary
sewage system 17 metres

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

1. Relief from Section 4.9.2.b.i to permit a minimum lot frontage of 12.8 m for a variance of 4.2 m.



Emilia Gruyters
Secretary-Treasurer
Committee of Adjustment
EG

Copy: File

Application A19/2022

The subject parcel is 774.0 m² in size and zoned Residential First Density (R1). Land Division Application LD 032/2016 approved the severance of one (1) additional lot. Committee of Adjustment Application A23/2016 approved the minimum lot frontage of 12.8 m but the conditions of approval have since expired. The property supports a detached garage which will be demolished.

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

Minimum Lot Frontage

With public piped water & sanitary sewage system 17 metres

Therefore, if the applicant is to conform to Zoning By-law 81-19, as amended, Section 4.9.2.b.i needs to be varied to permit a minimum lot frontage of 12.8 m for a variance of 4.2 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)
A19/22	June 22/22	\$775.00	S.b	

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

- Specify (x) the type of application being submitted:
Minor Variance ☒ Application for permission under Section 45(2) ☐
- Date of Application Submission: June 2022
- Name of Owner(s): Kevin John Donnelly & Suzanne Michelle Donnelly
Address: 17 First Avenue, Uxbridge
Postal Code: L9P 1M4 Email: kdonnelly@flexmaster.com
Tel No.: (905) 999-0227 Fax No:
- 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:
- 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.		
2.		
3.		
4.		

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

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

LTS E & F, BLK 55 PL 83 ; Designated as PT 2 PL 40R29445, all in the Township of Uxbridge, Region of Durham.

(b) Municipal Address (Street and Number):

17 First Avenue, Uxbridge

(c) Property Roll Number: 1829-050-002-09390-0000

(d) Frontage 12.8 m Depth 60.4 m Area 774 ha ^{m²}

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

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

9. Existing land use:

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

Single Family Residential Lot

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

☐ Yes ☒ No

If yes (Also include this on attached sketch):

You must 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			

(c) If known:

Date the subject land was acquired by the current owner July 24, 2018

Date of construction of existing buildings/structures _____

Length of time the existing uses of the subject land have continued More than 130 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):

NO current drawings
SINGLE FAMILY RESIDENCE PROPOSED

Type of Building / Structure	Setbacks(metric)			Height (metric)	Dimensions or Floor Area (metric)
	Front Lot Line	Rear Lot Line	Side Lot Line		
Single Family Residential	SEE REGISTERED DEVELOPMENT				
			AGREEMENT ATTACHED AS		
			APPENDIX "E"		

- (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.b.i minimum lot frontage requirement is
17m. The proposed application is for a lot frontage of
12.8m for a variance of 4.2m - See Appendix "D" Attached.

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

The new lot line was located to accommodate the
existing division on the retaining lot. As a result, a 12.8m
lot frontage is proposed - 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 ☒

SEE APPENDIX "D"

(INSTRUMENT #DR1585731)

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?
It 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

A Commissioner, etc.

Registered Owner(s) or Agent

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

A19/2022 17 First Ave



Legend

- Ownership Parcel
- Assessments Parcel

Notes



1: 1,000



50.8

50.8 Meters

25.40

0

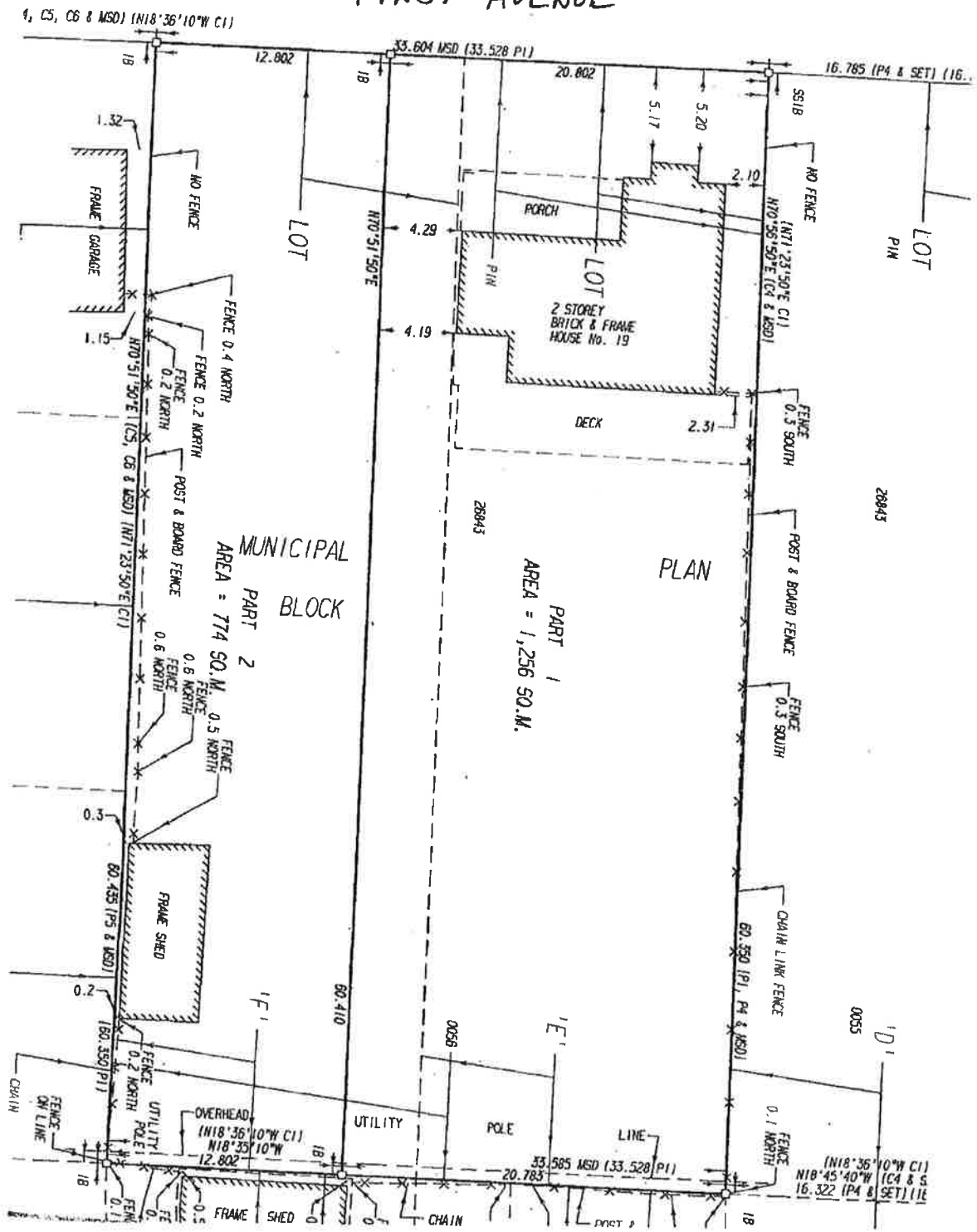
NAD_1983_UTM_Zone_17N
Created By: Township of Uxbridge

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

© Township of Uxbridge

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.

APPENDIX E

Minor Variance Application

Registered Development Agreement DR1585731 Attached

Properties

PIN 26843 - 0056 LT
Description LTS E & F, BLK 55 PL 83 ; UXBRIDGE
Address 18 FIRST AV
UXBRIDGE

Consideration

Consideration \$0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE
Address for Service 51 Toronto Street South
Uxbridge, ON
L9P 1T1

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE by, Gerri Lynn O'Connor, Mayor and Debbie Leroux, Clerk.

Statements

This notice is pursuant to Section 74 of the Land Titles Act.

The land registrar is authorized to delete the notice on the consent of the following party(ies) THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

Schedule: See Schedules

Signed By

Sandra Lee Mathews 605 Rossland East Box 623 acting for Signed 2017 04 19
Whitby Applicant(s)
L1N 6A3

Tel 905-668-7711

Fax 9056684752

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

REGION OF DURHAM LEGAL DEPARTMENT 605 Rossland East Box 623 2017 04 19
Whitby
L1N 6A3

Tel 905-668-7711

Fax 9056684752

Fees/Taxes/Payment

Statutory Registration Fee \$63.35
Total Paid \$63.35

File Number

Applicant Client File Number : UXB-1-17

DEVELOPMENT AGREEMENT

THIS AGREEMENT made this 3rd day of April

BETWEEN:

NANCY ELIZABETH HOOD ST. JOHN
(hereinafter called the "Developer")

OF THE FIRST PART;

- and -

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE,

(hereinafter called the "Township")

OF THE SECOND PART;

WHEREAS the Developer is the registered owner of the lands more particularly described in Schedule "A" attached hereto (hereinafter referred to as the "Developer's Lands");

AND WHEREAS the Developer has applied to the appropriate governmental authorities and agencies for approval of several consents to convey the lands with respect to the Lands pursuant to the provisions of the **Planning Act**, as amended, a proposed copy of the said plan being attached hereto as Schedule "B" (hereinafter referred to as the "Draft Plan");

AND WHEREAS the Developer warrants and represents that the Mortgagees are the only encumbrancers to the Developer's Lands;

AND WHEREAS the Developer proposes to sever the Developer's Lands of Lot 31 Concession 7, with the retained lot being Part 1, 40R-29445 (hereinafter referred to as the "Retained Lot") and Part 2, 40R-29445 (hereinafter referred to as "Severed Lot") being one (1) additional lot and wishes to satisfy certain conditions of the severance approval imposed by the Durham Land Division Committee in its decision LD 032/2016 (hereinafter called the "Land Division Application").

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants herein contained and other good and valuable consideration, the parties hereto hereby covenant, promise and agree with each other as follows:

1. The Developer and Mortgagee hereby acknowledge that this Agreement constitutes a first lien upon the Developer's Lands (not subject to any other liens and encumbrances) as security for any obligation of the Developer pursuant to this Agreement. The said lien shall be enforceable upon a judgment or order of any court and all or any part of the Developer's Lands may be realized as security for such lien in the same manner as if the Township was enforcing its rights as a mortgagee under a mortgage. The Mortgagee hereby agrees that in the event that it obtains or transfers the equity of redemption in the Developer's Lands pursuant to the Mortgagee's Mortgage, the title thereto shall be subject to the terms hereof in the same manner as if the Mortgagee had executed this Agreement as the Developer.
2. **Lot Creation Requirements**
 - 2.1 The parties hereto hereby acknowledge and agree that the Developer has received approval from the Durham Land Division Committee to create one additional lot from the Developer's Lands and that the lot is described on Schedule "A" attached hereto and that the lot shall be considered "Lot" for the purposes of this Agreement.
 - 2.2 The consents referred to in section 2.1 above result in the creation of one (1) additional Lot.
 - 2.3 The consent applications referred to in section 2.1 was submitted and approved as No. LD 032/2016 (hereinafter called the "Land Division Application").

2.4 The Developer agrees to satisfy the following conditions, to the satisfaction of the Township:

- 2.4.1 THAT the owner/applicant satisfy the Township of Uxbridge financially and/or otherwise, including, but not limited to, the payment of cash in lieu of parkland in accordance with the provisions of the Planning Act and any costs incurred by the Township during the review and approval of these lots;
- 2.4.2 AND THAT the owner/applicant ensure that the lot area and lot frontage and the setbacks of the buildings on the severed and retained parcels satisfy the requirements of the Township of Uxbridge Zoning By-law 81-19, as amended and that the applicant shall provide the Township with confirmation signed by an OLS that the lot area and lot frontage and setbacks of the buildings on the severed and retained parcels conform with the Township of Uxbridge Zoning By-law 81-19, as amended;
- 2.4.3 That the design and elevations of the dwelling are approved by Council prior to the issuance of a building permit;
- 2.4.4 Measures for protection and maintenance of appropriate trees within the boundaries of the severed lot prior to the issuance of a building permit;
- 2.4.5 That both the severed and retained lot be serviced by municipal water and sewers and the existing services (either well and/or septic, if applicable, servicing the existing dwelling) are removed and remediated to the satisfaction of the Regional Health Unit and Township, if applicable.
- 2.4.6 That the applicant implement the noise abatement measures recommended by the Noise Impact Study by D.G. Biddle & Associates Limited for the subject lands as attached in Schedule "B".
- 2.4.7 Individual drainage and grading plan shall be prepared and submitted by the applicant for approval of the severed and retained lot at the time of the Building Permit Application.
- 2.4.8 That the owner/applicant register on title a restrictive covenant that the severed lot is not to be built upon until such proposed development has received site plan approval from the Township in accordance with Section 41 of the Planning Act with architectural control, including the approval by the Township of plans showing the location of all buildings and structures, as well as drawings including plan, elevations and cross section views.

- 3. The Applicants for the Building Permit for severed lot shall pay a Development Charge for the new dwelling unit to be constructed, at the time of the issuance of a building permit for the lot. The amount of the Development Charge payable shall be the Development Charge for the dwelling in effect at the time of the issuance of a building permit for such dwelling. The Development Charge for residential development has been set pursuant to the Development Charges By-law for the Township of Uxbridge as amended from time to time and any applicable development charges by the Region or any other agencies. The Development Charges By-law provides for an indexing of the Development Charge annually on July 1 of each year, and that the Development Charge payable for this Plan shall be indexed to the date of the issuance of the permit and that the amount payable at the time of issuance of the

building permit may increase.

4. (1) The Developer acknowledges and agrees that the Township has elected to accept a cash-in-lieu of parkland payment, in satisfaction of the parkland dedication requirements of the **Planning Act**, R.S.O. 1990, c. P.13 and By-law No. 2000-071 of the Township for the additional lot.

(a) The Developer agrees to a cash-in-lieu of parkland payment for the severed lot prior to the issuance of the Building Permit Application.
5. Subject to the restrictions on assignment hereof by the Developer, this Agreement shall enure to the benefit of and be binding upon the respective successors and assigns of each of the parties hereto. If a party hereto is a person, this Agreement shall further be binding upon the respective heirs, executors, legal representatives and administrators of such person. "Successors and assigns" shall include any successor in title to the Developer as if such successor in title had entered into this Agreement in the place and stead of the Developer, and in the event of more than one successor in title to the Developer, or successors in title to part of the Lands, all of such parties collectively shall be deemed to be the Developer pursuant to the terms of this Agreement. For greater certainty, it is intended that the obligations of the Developer shall also be binding upon all of the successors in title to the Developer of the Lands save and except any Lands conveyed to the Township, but no conveyance to any successor in title shall relieve the Developer of its obligations pursuant to this Agreement.
6. The Owner hereby consents to the registration of this Agreement on title to the severed lot Part 2, 40R 29445 and shall upon the execution of this Agreement pay the sum of \$500.00 to the Township for said registration.
7. The Encumbrancers hereby acknowledge that they are aware of all of the terms, covenants and conditions contained in this Agreement and agree to be bound by such terms, covenants and conditions in the event that they, or any one of them, should obtain control, possession or equitable ownership of the Lands.
8. This Agreement may be simultaneously executed in several counterparts each of which when so executed shall be deemed to be an original and such counterparts together shall constitute but one and the same instrument.
9. This Agreement shall enure to the benefit of and are binding upon the parties hereto and their respective heirs, successors, administrators, personal representatives and permitted assigns.

IN WITNESS WHEREOF the parties hereto have affixed their corporate seals, duly attested by the hands of their proper signing officers in that respect.

SIGNED, SEALED AND DELIVERED

**Authorized to be executed
by By-law No. 2017-053 passed
on the April 10 , 2017**

E. Grayson
Witness

**THE CORPORATION OF THE
TOWNSHIP OF UXBRIDGE**

GERRI LYNN O'CONNOR
MAYOR

DEBBIE LEROUX
CLERK

OWNER

NANCY ELIZABETH HOOD ST.
JOHN

**CANADIAN IMPERIAL BANK OF
COMMERCE**

Per:

Name: BRAD ORR

Title: *MANAGER*

I have authority to bind the Bank

SIGNATURE GUARANTEED



48 Brock St. W.
Uxbridge Ontario

AUTH. NO.
009.14

FOR CIBC

SCHEDULE A

(Legal Description of Land)

All and Singular that certain parcel or tract of land and premises situated, lying and being in the Township of Uxbridge, in the Regional Municipality of Durham and being composed of:

Part of PIN 26843-0056 (LT)

Lots E & F Block 55 Plan 83, 19 First Avenue, Township of Uxbridge

Schedule "B"

RECOMMENDATIONS

Outdoor Amenity Area Measures

Based on the anticipated noise levels above, the severed lots can anticipate noise levels in outdoor amenity areas (rear yard) below 55dBA. Based on Outdoor amenity area noise levels, no warning clauses are required on title.

Ventilation Requirements

Anticipated noise levels for the proposed dwelling units were calculated at both the first and second floor exterior walls to determine the ventilation requirements. Based on the anticipated noise levels tabulated above, the residential unit does not need to be constructed with forced air heating system and duct sizing to allow for installation of central air conditioning.

Building Components

The Ministry of the Environment recommends the use of the AIF (Acoustic Insulation Factor) method for determining building components required. As the daytime and, nighttime noise levels are below 65 and 60 dBA, respectively, all lots may be constructed using standard Ontario Building Code materials and techniques.

CONCLUSIONS

With the implementation of standard Ontario Building Code construction materials, indoor and outdoor noise levels are within the Ministry of the Environment Guidelines.

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

**Committee of Adjustment
Phone: (905)852-9181
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.**

Take Notice that the following application:

**A23/2016- Nancy St John
Plan 83 Block 55 Lot E Lot f (Uxbridge)
17 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.

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

- 1. Section 4.9.2.b.i – Minimum Lot Frontage Requirement**

**With Public Piped Water & Sanitary
Sewage System 17 metres**

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

- 1. Relief from Section 4.9.2.b.i to permit a minimum lot frontage of 12.8 m for a variance of 4.2 m.**

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

Application A23/2016

The subject parcel is 774.0 m² in size and zoned Residential First Density (R1). The property supports a detached garage which will be demolished.

The owner has received conditional approval through the Region of Durham Land Division Committee, LD 032/2016 to create two lots. The severed lot requires a minor variance for the lot frontage of 12.8 m .

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

Minimum Lot Frontage

With public piped water & sanitary sewage system 17 metres

Therefore, if the applicant is to conform to Zoning By-law 81-19, as amended, Section 4.9.2.b.i needs to be varied to permit a minimum lot frontage of 12.8 m for a variance of 4.2 m.

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
17 First Ave
Township of Uxbridge

PURPOSE OF APPLICATION:
Relief from Section 4.9.2.b.i to permit a minimum lot frontage of 12.8 m for a variance of 4.2 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 Ed Chillman, Seconded by Brock Clark that application by Nancy St John, Plan 83 Block 55 Lot E F (Uxbridge) 19 First Avenue, Relief from Section 4.9.2.b.i to permit a minimum lot frontage of 12.8 m for a variance of 4.2 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: (See attached conditions)

Reasons for the 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 A23/2016

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.

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.

Committee of Adjustment Application A23/2016

Reasons for Approval:

Based on the report from Development Services and comments from the audience, there are many different sizes and shapes of lots and the fact that Town Council retains control of the overall design on the property, I feel this works well as an infill lot.

The application meets the Provincial Policy Statement for infill and intensification. The Region of Durham Land Division Committee has conditionally approved the land severance application.

4, C5, C6 & MSD) (N18'36'10"W C1)

