



REPORT

Development Services - Building

TO: Mayor and Members of Council

FROM: Emilia Gruyters Planning Technician, Secretary Treasurer Committee of Adjustment

DATE: August 8, 2022

REPORT: DS-41/22 **FILE NO.** A18/2022 & A19/2022 Committee of Adjustment Applications

SUBJECT: Relief from Minimum Yard Dimensions – Lot E Pt Lot F Blk 55 Plan 83 40R29445 Pt 1(19 First Ave)- Lot F Blk 55 Plan 83 40R29445 Pt 2 (17 First Ave) -Kevin & Suzanne Donnelly

BACKGROUND:

The subject lands are located in Lot E Pt Lot F Blk 55 Plan 83 40R29445 Pt 1(19 First Ave) and in Lot F Blk 55 Plan 83 40R29445 Pt 2 (17 First Ave) in the Township of Uxbridge. The subject parcels are 1256.0 m² and 774.0 m² in size, respectively. The Region of Durham Land Division application LD 032/2016 created one additional lot and Committee of Adjustment (C of A) application A22/2016 approved the minimum front yard depth of 5.1 m for the parcel identified as 19 First Ave and C of A application A23/2016 supported a minimum lot frontage requirement of 12.8 m. Unfortunately, the C of A conditions of approval have expired. The applicant entered into a Development Agreement with the Township which outlined conditions for approval of the proposal. This agreement has been registered on title and is attached.

The surrounding parcels are Residential First Density zones.

Conformity with Official Plan

The lands are designated on Schedule A – Uxbridge Urban Areas as “Residential Area” in the Township of Uxbridge Official Plan and “Living Area” in the Region of Durham Official Plan. The application conforms to the intent of the Official Plan.

Compliance with Zoning By-law

The lands are zoned “Residential First Density (R1)” in Zoning By-law 81-19, as amended. The application conforms to the intent of the Zoning By-law.

DISCUSSION:

The owners are seeking permission to recognize the front yard depth of the retained lot of 5.1 m whereas the zoning by-law requires 8.0 m. The front yard depth of the existing dwelling did not comply prior to the consent application and is identified as legal non-conforming. The severed lot requires approval for the lot frontage of 12.8 m whereas the zoning by-law requires 17.0 m.

A minor variance is appropriate if it can meet the four-test established under the Planning Act. The following outlines an evaluation of the proposed variance in relation to the four tests:

Minor

The meaning of minor is a test based on the degree of potential impact on the adjacent properties. The retained lot is not anticipated to impact the community since the dwelling has existed since the 1800’s and although the severed lot does not comply with the minimum lot frontage requirements no other variances have been identified.

Desirable for the appropriate development or use of the land

The application represents desirable and appropriate development of the lands and is not anticipated to create any adverse impacts on the adjacent properties. The modifications to the property have been reviewed by the Region of Durham Land Division Committee and represent orderly development of the lands.

Reflects the general intent and purpose of the Official Plan

The application meets the intent of the Official Plan as the use is recognized and permitted within the designation.

Reflects the general intent and purpose of the Zoning By-law

The application meets the intent of the Zoning By-law as the use is recognized and permitted within the designation.

RECOMMENDATION

THAT Report DS-41/22 be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A18/2022 and A19/2022, 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 owners shall adhere to the conditions of the Development Agreement registered on title for 17 First Ave.

Respectfully Submitted by:

A handwritten signature in blue ink, appearing to read "E. Gruyters".

Emilia Gruyters
Planning Technician
Secretary Treasurer
Committee of Adjustment