



# REPORT

## Development Services - Planning

**TO:** Mayor and Members of Council

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

**DATE:** August 8, 2022

**REPORT:** DS-42/22

**FILE NO.** A20/2022 Committee of Adjustment Application

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**SUBJECT:** Relief from Minimum Yard Dimensions, Lot Coverage, Interior Yard Lot Line Setback– Lot 12 Plan 446 -137 New St-Donna Shewfelt-Hailey Weatherbee (Agent)

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### **BACKGROUND:**

The subject lands are in Lot 12 Plan 446 (137 New St) in the Township of Uxbridge. The subject parcel is 687.9 m<sup>2</sup> in size and supports a dwelling, two (2) sheds and carport. The owner wishes to demolish the existing shed renovate the dwelling and construct an accessory building 88.3 m<sup>2</sup> in size. As a result of the renovation, a variance is required for the front yard depth of 6.5 m. A variance is required for the interior side lot line setback of 0.7 m. A variance is required for the total lot coverage of all accessory buildings and structure of 13.4 %. The surrounding parcels are residential.

### **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 residential use 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 use conforms to the intent of the Zoning By-law.

## **DISCUSSION:**

The owners are seeking permission to reduce the front yard depth from 8.0 m to 6.5 m. The existing front yard setback does not comply with the requirements of the zoning by-law and records from Municipal Property Assessment Corporation (MPAC) indicate the dwelling was constructed in 1948. Further approval is required for the total lot coverage of all accessory buildings and structures of 13.4 % whereas Zoning By-law 81-19 as amended allows a maximum of 5.0 %. The owner indicates the accessory building will be used to store a truck and golf equipment. The owner is also seeking permission to reduce the interior side lot line setback from 1.2 m to 0.7m. Presently the existing accessory building encroaches onto the adjacent property.

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 development could be considered minor in nature since the location of the structure is no longer encroaching onto the adjacent property and the height requirement has been met.

### **Desirable for the appropriate development or use of the land**

The application represents desirable and appropriate development of the lands since it will provide needed storage.

### **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-42/22 be received for information;

AND THAT prior to the Committee of Adjustment making a decision with respect to Application A20/2022, 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 proposed accessory structure and front porch under the approval of Application A20/2022 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 A20/2022.
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 variances shall apply only to the accessory structure and front porch contemplated under Application A20/2022.
5. The accessory structure shall not be used for human habitation, commercial or industrial uses.

Respectfully Submitted by:



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Emilia Gruyters  
Planning Technician  
Secretary Treasurer  
Committee of Adjustment