

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A7/24
Related Application(s): Permit No. 2024-0096
Owner(s): Daniel Duarte
Meeting Date: May 31, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

Municipal Address	64 Bank Street
Legal Description	PLAN 51M1129 LOT 54
Roll No.	432101001005484
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached with Special Provision (R1-22)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A7/24 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid and up to date.
2. That the applicant satisfies concerns from the NVCA.
3. That any and all external costs associated with this application are borne by the applicant.

DATE OF SITE INSPECTION

May 14th, 2024

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 17e) of Essa Township's Zoning By-law 2003-50 which regulates the minimum exterior side yard setback for a pool at 4.0-metres. The applicant is proposing to construct a below-grade pool that would have an exterior side yard setback of 1.5-metres, 2.5-metres less than the minimum.

SURROUNDING LANDS:

North	The northern portion of the property abuts Wood Crescent, the opposite side of the street contains single-family dwellings.
East	The eastern portion of the property fronts Bank Street, the opposite side of the street contains single-family dwellings.
South	The southern portion of the property abuts 62 bank street, which consists of a single-family dwelling.
West	The western portion of the property abuts 9 Wood Crescent, which consists of a single-family dwelling.

BACKGROUND:

The subject property is municipally known as 64 Bank Street. The property is zoned Residential, Low Density, Detached with Special Provisions (R1-22) as per Essa Township's Zoning By-law 2003-50.).

The applicant has submitted a minor variance and building permit application concurrently to facilitate the installation of an in-ground pool that would be 1.5-metres way from the exterior (corner) lot line.

The property previously obtained a minor variance (File No. A11/20) for a reduction to the minimum exterior side yard setback for the front porch to be located 3.56-metres from the exterior lot line.

COMMENTS:

Test 1.

Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes

Essa Townships Official Plan:

Section 8.2 of the Official Plan stipulates that the predominant use of lands designated as Residential shall be used for single detached, semi-detached, and duplex dwellings and development within this designation should maintain the low-density character of the settlement area.

The Minor Variance would not change the permitted uses within the subject lands or neighbouring properties. Thus, maintaining the low-density character of the neighbourhood and settlement area.

Therefore, the Minor Variance generally maintains the intent and purpose of the Township's Official Plan.

Test 2.

Does the minor variance maintain the general intent and purpose of the By-law? Yes

Essa Township Zoning By-law (2003-50):

Section 14 of Essa Township's Zoning By-law stipulates that accessory buildings or structures that are subsidiary to residential uses listed within Section 14 (i.e. a single-family detached welling) may exist within any residential zone. An in-ground pool is considered an accessory structure subsidiary to the primary dwelling.

The Minor Variance would not change the permitted uses within the subject lands or neighbouring properties.

Thus, the Minor Variance would generally maintain the intent and purpose of Essa Township's Zoning By-law (2003-50).

Test 3.

Is the minor variance desirable for the appropriate development or use of the land, building or structure? Yes

The applicant is proposing to construct an in-ground pool within the backyard of the property. The property has a fence around the backyard and side yard, obscuring vision from neighbouring properties and the street. The Minor Variance would allow the applicant to exceed the minimum exterior side yard setback of 4.0-metres by 2.5-metres; the applicant is proposing a setback of 1.5-metres.

The minimum interior side yard setback for a pool located within an interior lot as per Section 17e) is 1.5-metres. The applicant is requesting that we apply the same provision

for the interior side yard lot line to the exterior lot line. Given that the Zoning By-law deems 1.5-metres an acceptable distance for pools to be located between property lines, staff believes it would be an acceptable variation to given that a fence will enclose and obscure vision to the pool, the setback will have no visual or practical impacts on the subject lands or neighbouring properties.

The property is located within the Nottawasaga Valley Conservation Authority's regulated area. The applicant will be required to provide an NVCA Permit or clearance letter stating a permit is not required, prior to Zoning Approval to assure appropriate development. Staff recommends that this be included as a condition of approval for the Minor Variance.

Therefore, the Minor Variance should be considered appropriate use of the land and building.

Test 4.

Is the requested variance minor in nature? Yes

The applicant is proposing to construct an in-ground pool within the backyard of the property. The property has a fence around the backyard and side yard, obscuring vision from neighbouring properties and the street. The Minor Variance would allow the applicant to exceed the minimum exterior side yard setback of 4.0-metres by 2.5-metres; the applicant is proposing a setback of 1.5-metres.

The reduction itself is numerically minimal and is in-line with the minimum interior side yard setback for pools of 1.5-metres. The reduction of the setbacks would not result in changes to the permit uses, would not result in negative impacts on the subject lands or neighbours, and would still be required to conform with all relevant provisions of the Ontario Building Code and the Zoning By-law.

Thus, the Minor Variance should be considered 'minor' in nature.

PUBLIC COMMENTS:

No comments were provided at the time of the report.

CONCLUSION:

For the above reasons, Staff recommends **APPROVAL** of this application.

Staff advises that:

The applicant be **GRANTED** the minor variance with conditions.

Respectfully submitted,



Owen Curnew
Development Planner
Township of Essa