

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B6/23
Related Application(s): N/A
Owner(s): Richard Struth
Meeting Date: April 28th, 2023
Prepared by: Owen Curnew, Planning Technician

PROPERTY INFORMATION:

Municipal Address	227 Margaret Street
Legal Description	LT 135 S/S QUEEN ST PL 160A ; ESSA
Roll No.	432101001002200
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application **A6/23** based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid up-to-date.
2. That the proper Building Permit(s) be obtained.
3. That the applicant provide staff with a lot grading and drainage plan to the satisfaction of the Township and at no cost to the Township.

PROPOSAL:





DATE OF SITE INSPECTION

April 3rd, 2023

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 17 of Essa Township’s Zoning By-law 2003-50 which regulates the minimum front yard setback for dwellings (7.5m). The applicant is proposing to build an addition on their existing dwelling that will reduce their front yard setback to 3.8m.

SURROUNDING LANDS:

North	The neighbouring property 142 Queen Street consists of a primary dwelling, accessory structures, and other residential features.
East	The neighbouring property 233 Margaret Street consists of a primary dwelling, accessory structures, and other residential features.
South	The Southern end of the property abuts Margaret Street.
West	The neighbouring property 227 Margaret Street consists of a primary dwelling, accessory structures, and other residential features.

BACKGROUND:

The subject property is zoned Residential, Low Density, Detached (R1) and has an area of .076 hectares (~0.2 acres). The property is legally described as LT 135 S/S QUEEN ST PL 160A ; ESSA and is municipally known as 227 Margaret Street.

The subject property is zoned Residential, Low Density, Detached (R1), Section 8.2 permits the

construction of an accessory building in Residential (R1) zones.

The surrounding lands contain single family dwellings, accessory structures, and other residential features.

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 states the Permitted Uses within Residential Designations:

“The predominant use of those lands designated as Residential shall be for single detached, semi-detached and duplex dwellings. Development within this designation is intended to maintain the low-density residential character of the settlement areas with the provision for medium density development such as townhouses and low-rise apartment buildings being located in accordance with the policies of this Plan and being serviced with full municipal services. Home occupation, neighbourhood commercial uses, and open space uses may also be permitted.”

The existing single-detached dwelling is a permitted use within the Residential designation, and the proposed Minor Variance would not alter nor change the use of the dwelling.

Thus, the Minor Variance is generally consistent with the intent and purpose of the Township 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 9.2 states the permitted uses within the Residential, Low Density, Detached (R1) zone. The proposed development is an addition to an existing single-detached dwelling and would not change the use of the dwelling.

Section 17 regulates the minimum front yard setback of dwellings in the Residential, Low Density, Detached (R1) zones at 7.5m from the front yard lot line.

The proposed Minor Variance would allow for this setback to be reduced to 3.8m. The relief is nominally small, allowing for a 3.7m reduction in the minimum setback. It is important to note that the adjacent properties to the West and East are both non-compliant as they encroach the minimum setback outlined in Essa Township's Zoning By-law 2003-50. The Minor Variance would allow for the proposed addition that is almost perfectly in-line with the existing dwellings on the abutting properties to the East and West. It can therefore be said that the proposed addition would not look out of place nor create an aesthetic or practical deficiency that is uncharacteristic to the existing neighbourhood.

Thus, the Minor Variance is generally consistent with 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 Minor Variance is to allow for an addition to the existing single-detached dwelling to be constructed.

The Minor Variance would not change the use of the building nor the land itself. There would be little to no impact on neighbours, and the proposed addition would not be uncharacteristic of the neighbourhood since the setback would be consistent with the abutting properties.

Thus, the Minor Variance is desirable for the use of the land.

Test 4.

Is the requested variance minor in nature? Yes

The variance is minor nature as it is only seeking relief from one section of Essa Township's Zoning By-law 2003-50.

The Minor Variance is also a nominally moderate reduction in the minimum setback for single-detached dwellings to the front lot line at 3.7m. As well, the existing dwelling on the neighbouring properties to the West and East have a similar encroachment that is allowable because of their non-compliant status. Additionally, the reduced setback would not be uncharacteristic of the neighbourhood due to these existing encroachments of the abutting properties.

Thus, the Minor Variance can be considered minor in nature.

PUBLIC COMMENTS:

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
Planning Technician
Township of Essa