

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A14/24  
**Related Application(s):** N/A  
**Owner(s):** Donna Dean  
**Meeting Date:** November 29<sup>th</sup>, 2024  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

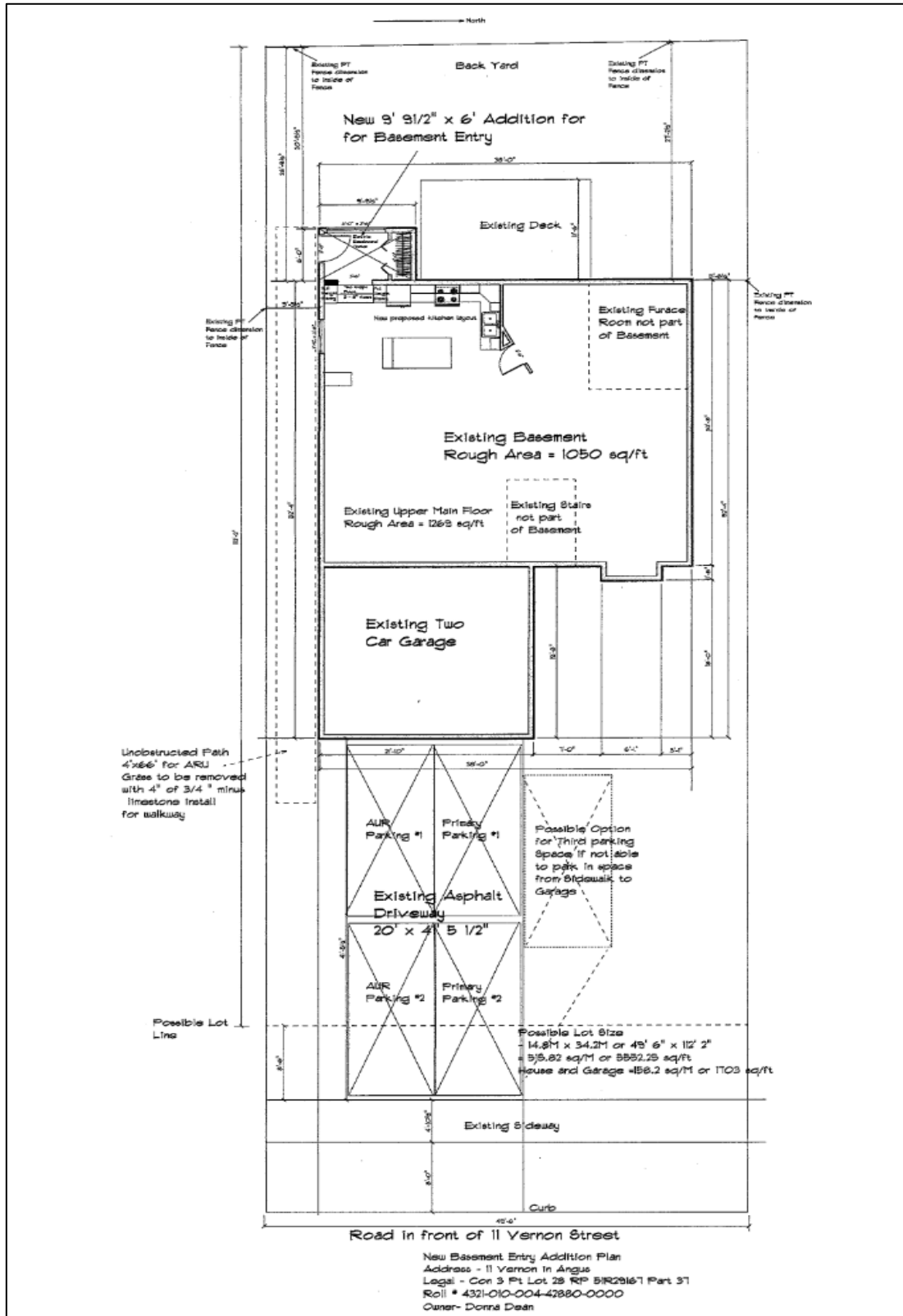
<b>Municipal Address</b>	11 Vernon Street
<b>Legal Description</b>	CON 3 PT LOT 28 RP 51R29167;PART 37
<b>Roll No.</b>	432101000442880
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached with Special Provisions (R1-19)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application A14/24 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid and up to date.
2. That any and all external costs associated with this application are borne by the applicant.
3. That the proper Building Permit(s) be obtained.
4. The applicant commit to providing all materials required to ensure that the addition will maintain adequate drainage and shall be to the satisfaction of the Township's Engineering and Building Department Staff.

**PROPOSAL:**



**DATE OF SITE INSPECTION**

November 14<sup>th</sup>, 2024.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 9.4.19 of Essa Township’s Zoning By-law 2003-50 which stipulates the minimum rear yard setback for a single-family detached dwelling is 7.0m and Section 17 which regulates the maximum lot coverage at 35%. The applicant is proposing to construct a basement entrance for an ARU that will have a proposed setback of 6.3m. Additionally, the applicant is proposing a driveway extension and walkway that will result in a lot coverage of approximately 39%.

**SURROUNDING LANDS:**

<b>North</b>	The property abuts the property municipally known as 13 Vernon Street to the North, which is comprised of a single-family dwelling and accessory buildings/structures.
<b>East</b>	The property abuts Vernon Street to the East.
<b>South</b>	The property abuts the property municipally known as 9 Vernon Street to the South, which is comprised of a single-family dwelling and accessory buildings/structures.
<b>West</b>	The property abuts the property municipally known as 25 Mancini Drive to the West, which is comprised of a single-family dwelling and accessory buildings/structures.

**BACKGROUND:**

The subject property is municipally known as 11 Vernon Street. The property is zoned Residential, Low Density, Detached with Special Provisions (R1-19) as per Schedule “B” of Essa Township’s Zoning By-law 2003-50.

The applicant will be submitting a Building Permit for the creation of an Additional Residential Units (ARU) in relation to this proposal and would be required to complete all components of the building permitting process upon approval of the minor variance application.

**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 Township's Official Plan permits residential uses and accessory uses to residential buildings.

Given that ARUs are not regulated within the Official Plan, the existing use is permitted, and the approval of the variance would not impact the Low Density Character of the neighbourhood, the variance should be considered in-keeping with the Official Plan.

**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 (2003-50) states that ARUs are permitted uses in all residential zones.

Considering that the variance does not look to intensify the lot beyond what is already allowed in terms of the number of units and is seeking exceptions that should be viewed as numerically and practically minimal to allow the applicant to meet all the relevant standards for ARUs in terms of safe access and to gain sufficient parking, the approval of the variance should be considered good planning.

**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 Minor Variance would allow the applicant two (2) forms of relief:

1. Relief from Section 9.4.19 which regulates the minimum rear yard setback for a primary dwelling in lands zoned R1 at 7.0-metres: the applicant is requesting a rear yard setback of 6.3-metres. Please note, that a basement entrance and the protruding walkout/wall is considered an addition to the primary residence, not an accessory

building/structure.

2. Relief from Section 17 which regulates the maximum lot coverage for lands zoned R1 at 35%: the applicant is requesting a lot coverage of 39% to allow for the walkway and driveway extension that would allow them to meet the safe access requirement and parking requirement, respectively.

The proposed variances would have no impact on the permitted uses, intensify the lot beyond what is currently allowed in terms of residential units, and would not result in negative impacts to neighbouring properties. Given that the variances would help the applicant meet safe access requirements and minimum parking standards for ARUs, the reduction in the rear yard setback and relief from maximum lot coverage should be considered appropriate and good planning.

**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 Minor Variance proposes a 0.7-metre reduction to the minimum rear yard setback and a 4% increase to the maximum allowable lot coverage on lands zoned R1. In both instances, the proposed relief is numerically and practically insignificant. As stated previously, it is staffs' opinion that variances that allow for relief from provisions in order to meet safe access requirements and parking should be generally supported in most instances; particularly in instances (such as this proposal) where the proposed variances do not result in setbacks that are inconsistent or without precedent in other residential zones. Several residential zones in the Township have a smaller rear yard setback and maximum allowable lot coverage (45% in some instances).

Furthermore, there are no perceivable negative impacts to the neighbouring properties, nor would the variances result in a lot that is not in-keeping with the low-density residential character of the neighbourhood.

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

#### **ADDITIONAL COMMENTS:**

A provided the following comments:

"I have two concerns and my first concern is what will happen with the added water runoff from the property following the additions? The area already sees extensive amounts of water especially during the spring thaw. My second concern is where does the line get drawn regarding property woners getting granted exemptions? If this one gets an exemption, what's going to stop

others from doing the same thing and then my first concern regarding water runoff becomes even more pertinent. I have a drainage ditch beside my home and I don't want to find it overwhelmed with water causing my home to flood. As it stands, the ditch is filled with fallen brush and yard waste dumped in there by other area residents."

**In response to the resident's comments above, staff would like to emphasize the importance of drainage considerations during the Building Permit process. The Building Department actively requires materials and documentation to prove and justify that the works will not cause any negative impacts on neighbouring properties.**

**Planning staff appreciates the concern from the neighbour and recommends the following condition: the applicant commit to providing all materials required to ensure that the addition will maintain adequate drainage and shall be to the satisfaction of the Township's Engineering and Building Department Staff.**

No other comments were received by an Agency, Department, or neighbour at the time of this 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