

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A10/24
Related Application(s): PAC07-24
Owner(s): Mark Kurolap
Meeting Date: August 30th, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

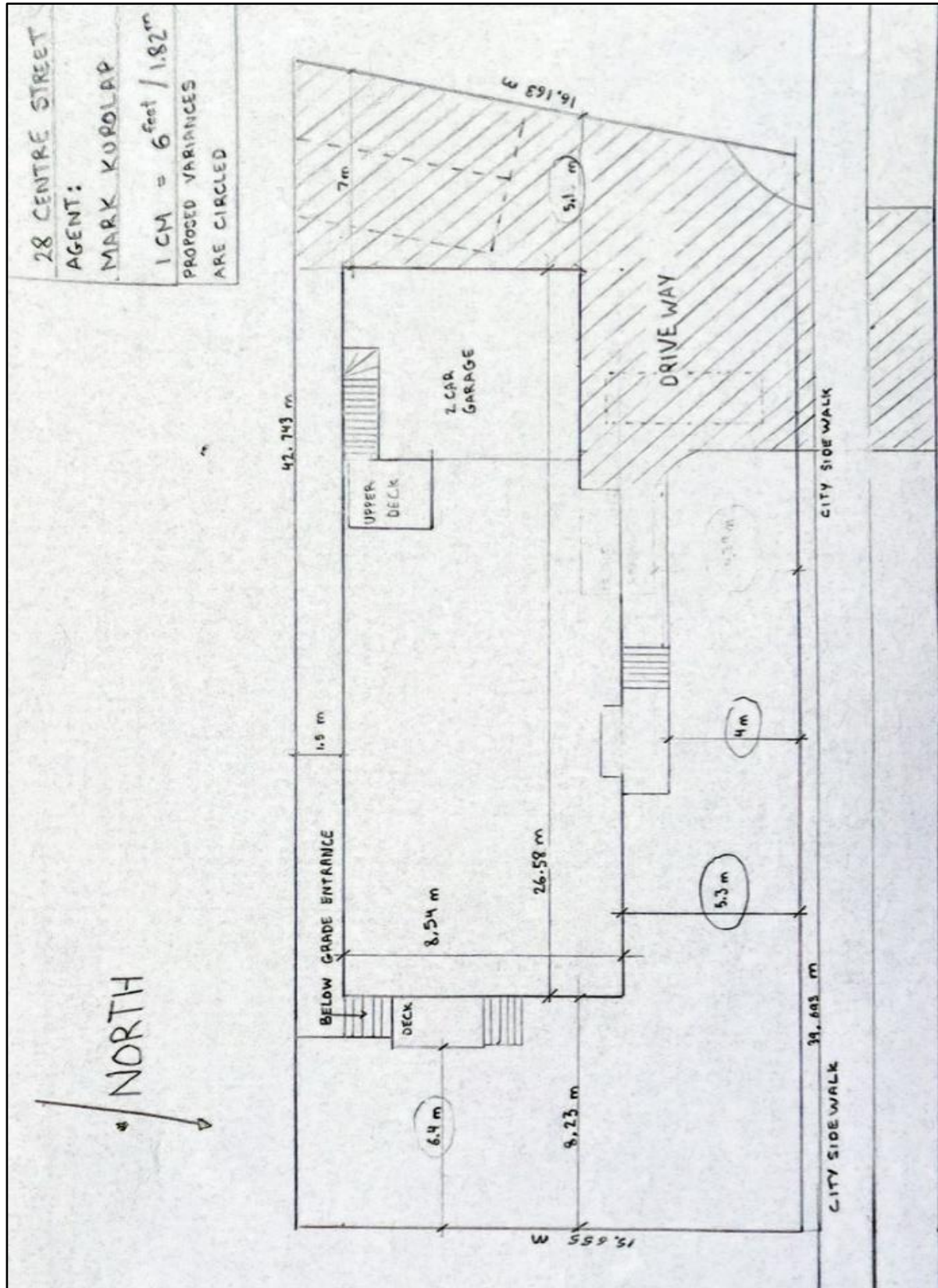
Municipal Address	28 Centre Street
Legal Description	ESSA PT RD ALLOW RP 51R8834
Roll No.	4321-010-010-08600
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application **A10/24** 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. The applicant is required to apply for a Road Entrance Permit prior to occupancy being granted for the proposed Single-Family Dwelling.
4. The applicant provides staff with an updated site plan showing the 1.5m buffer between the paved parking area and the neighbouring lot line (22 Centre Street).

PROPOSAL:



DATE OF SITE INSPECTION

August 16th, 2024.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 17 of Essa Township’s Zoning By-law for a reduced front yard setback, rear yard setback, and exterior side yard setback. The applicant is proposing to construct a new house on an existing vacant corner lot.

SURROUNDING LANDS:

North	The property abuts Centre Street to the north.
East	The eastern portion of the lots abuts Vernon Street.
South	The subject property abuts 93 Sydenham Street and 133 Vernon Street to the South. Both properties contain single family dwellings.
West	The western portion of the abuts 22 Centre Street which contains a single-family dwelling.

BACKGROUND:

The subject property is municipally known as 28 Centre Street. The property is Residential, Low Density, Detached (R1) as per Schedule “B” of Essa Township’s Zoning By-law 2003-50. The applicant submitted a Pre-consultation Application (File No. PAC07-24) for the collection of comments prior to the submission of the Minor Variance and Building Permit applications.

The applicant intends to construct a new single-family dwelling, and two (2) Additional Residential Units (ARUs).

The Pre-consultation determined that the applicant is seeking more than three (3) forms of relief from ZBL 2003-50; thus, the variance is considered a *Complex Minor Variance*.

The applicant has applied for three (3) forms of relief:

1. Section 17, the minimum front yard setback for lands zoned R1 is 9m. The applicant has proposed a 6.4m setback.
2. Section 17, the minimum exterior yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 4.0m setback.
3. Section 17, the minimum rear yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 5.1m setback.

Additionally, the Pre-consultation determined that a Road Entrance Permit would need to be applied for through the Public Works Department, as well as four (4) parking spaces would need to be provided to accommodate for all of the units, as per the parking standards in Section 4.28.4 and Section 4.38 of Essa Township's Zoning By-law. No other comments were provided.

Staff recommends the following condition: the applicant is required to apply for a Road Entrance Permit prior to occupancy being granted for the proposed Single-Family Dwelling.

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 7.2 of the Township's Official Plan permits residential uses and accessory uses to residential buildings.

A single-family dwelling is considered a primary residential use.

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 outlines the permitted uses in lands zoned Residential, Low Density, Detached (R1): both a single-family detached dwelling and two (2) ARUs are permitted on lands zoned R1.

The following forms of relief are being requested:

1. Section 17, the minimum front yard setback for lands zoned R1 is 9m. The applicant has proposed a 6.4m setback.
2. Section 17, the minimum exterior yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 4.0m setback.

3. Section 17, the minimum rear yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 5.1m setback.

The applicant has proposed a continuous driveway feature which appears to abut the neighbouring lot line. As per Section 4.28.5o), the parking or storage of any motor vehicle may not take place within 1.5m of any boundary of any residential zone. Staff would ask that the concept plan be revised at the time of building permit to reduce the width of the paved parking area to accommodate for the above-mentioned buffer between the parking area and lot line.

Staff recommends the following condition of approval: the applicant provides staff with an updated site plan showing the 1.5m buffer between the paved parking area and the neighbouring lot line (22 Centre Street).

Given that relief from the minimum setbacks would not result in intensification of the lot which is beyond what is currently allowable in ZBL 2003-50, and has no perceivable impacts on neighbouring properties, staff believes the variance to generally maintain the intent and purpose of Essa Township's Zoning By-law 2003-50, and 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 is requesting three (3) forms of relief. The relief request does not aim to intensify the lot beyond what is currently allowable for lands zoned Residential, Low Density, Detached (R1), nor does appear to produce any impact on neighbouring properties.

Township Planning Staff would like to again reference that the buffer between the proposed paved parking surface on 28 Centre Street and the shared lot line with 22 Centre Street to the West, is not sufficient, and will need to be revised during the building permit stage. Regardless of if the applicant pursues the ARUs or not, the siting of the house and minimum parking requirement of two (2) parking spaces for the single-family dwelling will still be possible with the paved parking surface reduction.

It should be noted that the single-family dwelling will require a one (1) permit, and each Additional Residential Unit (ARU) will require their own permits. Thus, even if the paved

parking surface reduction does not accommodate for the proposed ARUs at the time of the approval of the Minor Variance, the Building Permit stage would still allow staff to regulate whether or not an ARU is permitted on the property.

Therefore, all concerns regarding sufficient parking for the ARUs with the paved parking surface reduction can be deferred to the time of the Building Permit application, allowing staff to support the current proposal and consider the approval of the variance 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 following forms of relief are being requested:

1. Section 17, the minimum front yard setback for lands zoned R1 is 9m. The applicant has proposed a 6.4m setback.

As per Section 17e) the minimum exterior side yard may be reduced to a minimum of 6.0 m provided that for every 0.3 m the exterior side yard is reduced below the minimum, the minimum front yard shall be increased correspondingly by 0.3 m, or at a 1:1 ratio.

The applicant is unable to meet the appropriate increase; however, in most circumstances the standard front yard setback for lands zoned Residential, Low Density, Detached (R1) is 7.5-metre. Given that the applicant is asking for relief that would effectively reduce the front yard setback to 1.1-metres less than the standard within the applicable zone, the variance should be considered minor in nature.

2. Section 17, the minimum exterior yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 4.0m setback.

As per Section 17, the minimum exterior side yard may be reduced to a minimum of 6.0 m provided that for every 0.3 m the exterior side yard is reduced below the minimum, the minimum front yard shall be increased correspondingly by 0.3 m, or at a 1:1 ratio.

Given the awkward dimension of the lot, the suitable building envelope is significantly smaller than most residential lots. The applicant is looking to develop attainable and affordable housing utilizing and existing vacant lot to its full potential. Additionally, considering that the relief would allow the applicant to

create much needed housing by minimally reducing the setbacks, the variance should be considered minor in nature.

3. Section 17, the minimum rear yard setback for lands zoned R1 is 6.0m. The applicant has proposed a 5.1m setback.

The applicant is proposing a 0.9m reduction to the rear yard setback. As stated, the awkward orientation of the lot does not provide a suitable building envelope to maximize the potential of the vacant lot to contribute to affordable and attainable housing. The reduction of the setback by a meager 0.9m is perceivably insignificant in the overall goal of creating more housing and rentable units. Therefore, the variance should be considered minor in nature.

Thus, given the above-mentioned considerations the Variance should be considered 'minor' in nature.

AGENCY & DEPARTMENT COMMENTS:

The NVCA provided comments stating that they had no concerns with the proposed Minor Variance.

PUBLIC COMMENTS:

The following comment was received by the resident of 95 Latimer Avenue:

“My family and I live at 95 Latimer Ave, in the community behind the Variance Application No. A10-24. We are EXTREMELY AGAINST the application that has been submitted for a Minor Variance application on the lands known legally as ESSA PT RD ALLOW RP 51R8834; PART 1, municipally known 28 Centre Street. The subject property is zoned Residential, Low Density, Detached (R1). The applicant is seeking relief from Section 17 of Essa Township’s Zoning By-law for a reduced front yard setback, rear yard setback, and exterior side yard setback. The applicant is proposing to construct a new house on an existing vacant corner lot. You don't understand how dangerous this will be to the community as we have to enter off of Center street on to Stringer. Having a drive way in that location will cause many accidents and issues with snow removal and school buses coming and leaving our community. Please deny this application. We don't want the added dangers.”

The comments provided by the resident identified the potential impact the development would have on Stringer and Centre Street. The proposed house is located over 1.2km away from Stringer Street and perceivably has not impact on the traffic in and out of the San Diego Homes subdivision. Additionally, any new Road Entrance within the Township is required to apply for a Road Entrance Permit; the applicant was provided comments in the pre-consultation which identified the proposed access off Vernon Street would not be acceptable, and the only access that would be considered would be the one-off Centre Street. Staff believes that the pre-consultation and revised site plan provided by the applicant has addressed the

concerns of staff and would not result in any hazards. As stated, the applicant is still required to apply for a Road Entrance Permit.

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