

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A8/24  
**Related Application(s):** Permit No. 2024-0135/0136  
**Owner(s):** Frank Jarry  
**Meeting Date:** June 28<sup>th</sup>, 2024  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

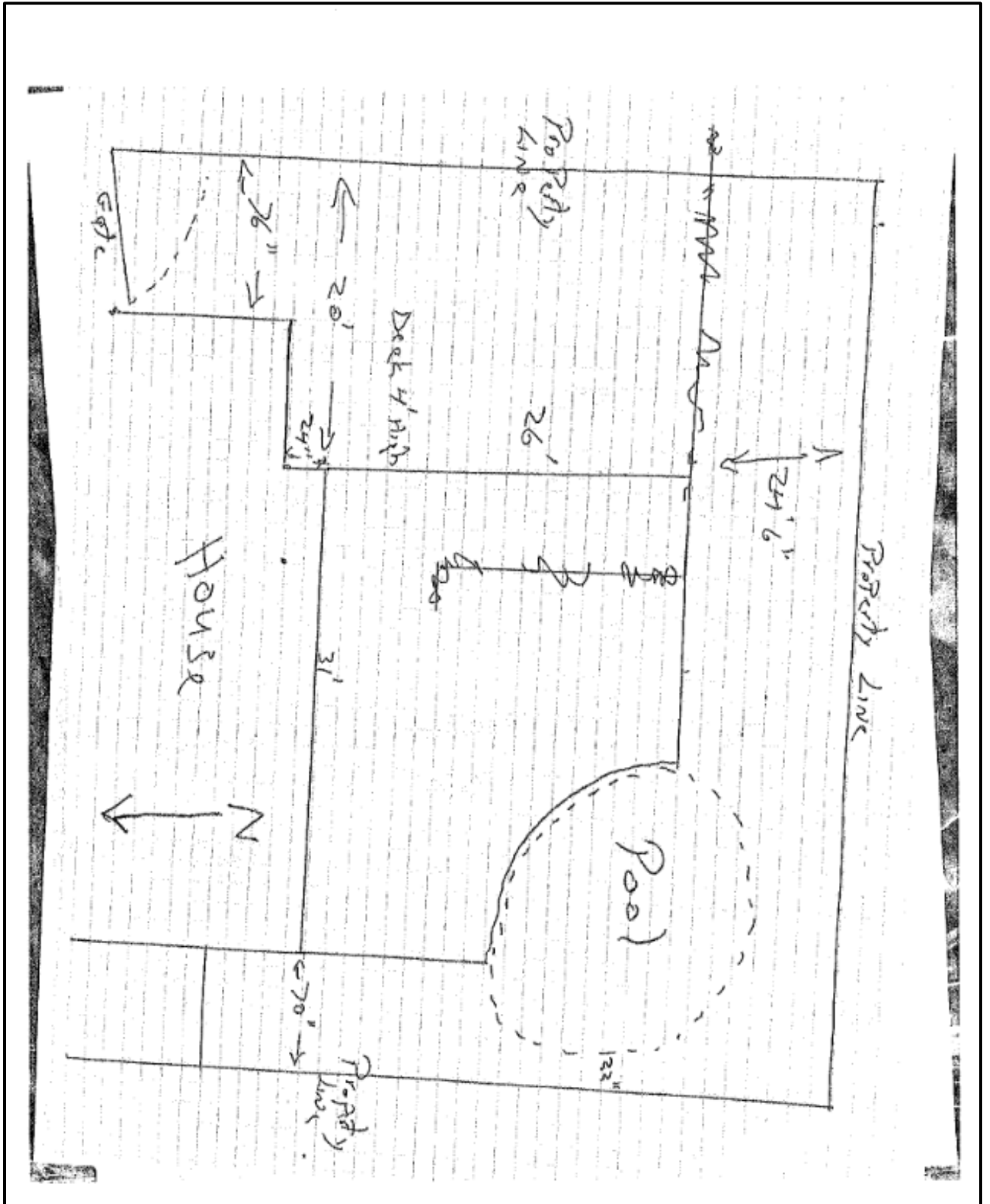
<b>Municipal Address</b>	46 Darren Drive
<b>Legal Description</b>	PLAN M429 LOT 95
<b>Roll No.</b>	432101000451030
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached (R1)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application **A8/24** 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.

PROPOSAL:



**DATE OF SITE INSPECTION**

June 18<sup>th</sup>, 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 interior side yard setback for a pool at 1.5-metres. The applicant is proposing to construct an above-ground pool that would have an interior side yard setback of 0.5-metres, 1.0-metres less than the minimum.

**SURROUNDING LANDS:**

<b>North</b>	The northern portion of the property fronts Darren Drive, the opposite side of the street contains single-family dwellings.
<b>East</b>	The eastern portion of the property abuts 44 Darren Drive, which consists of a single-family dwelling and accessory buildings/structures.
<b>South</b>	The southern portion of the property abuts 69 Cecil Street, which consists of a single-family dwelling and accessory buildings/structures.
<b>West</b>	The western portion of the property abuts 48 Darren Drive, which consists of a single-family dwelling and accessory buildings/structures.

**BACKGROUND:**

The subject property is municipally known as 46 Darren Drive. The property is zoned Residential, Low Density, Detached (R1) as per Essa Township's Zoning By-law 2003-50.

The applicant has submitted a minor variance, and two (2) building permit applications for the above-ground pool and surrounding deck which already exist. The property owner installed the pool and deck prior to receiving building permits and is trying to remedy this error. Currently, the pool is located too close to the interior side yard lot line that abuts 48 Darren Drive. The Minor Variance is required before the permit (Permit No. 2024-0135) for the above-ground pool can be approved.

**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 dwelling) 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 above-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 interior side yard setback of 1.5-metres by 1.0-metres; the applicant is proposing a setback of 0.5-metres.

Staff has discussed the proposal with the Building Department and the Engineering Coordinator who have confirmed that they would not have an issue with the proposed reduction to the interior side yard setback, as it would not preclude safety standards or

Ontario Building Code (OBC) standards from being met.

**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 above-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 interior side yard setback of 1.5-metres by 1.0-metres; the applicant is proposing a setback of 0.5-metres.

The reduction itself is numerically insignificant. 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