

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A4-25
Related Application(s): N/A
Owner(s): Mackenzie Robson
Meeting Date: April 25th, 2025
Prepared by: Anmol Burmy, Planning and Development Coordinator

PROPERTY INFORMATION:

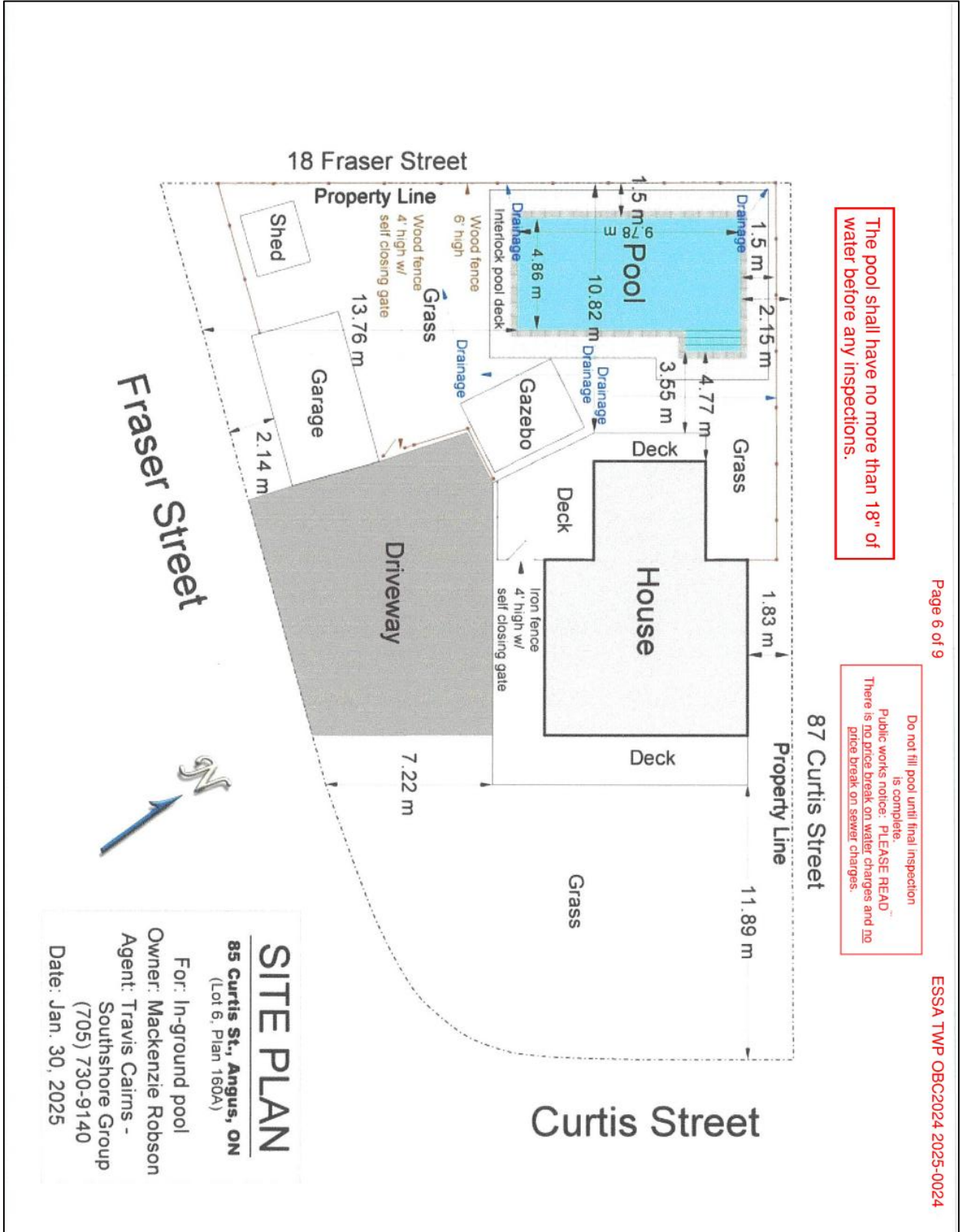
Municipal Address	85 Curtis Street
Legal Description	PLAN 160A LOT 6 PT LOT 5 W; CURTIS ST RP 51R38005 PART 2
Roll No.	432101001009302
Official Plan	Commercial
Zoning By-law	Core Commercial (C2) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A4/25 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.
4. That a fence be built enclosing the rear yard.

PROPOSAL:



The pool shall have no more than 18" of water before any inspections.

Do not fill pool until final inspection is complete.
 Public works notice: PLEASE READ
 There is no price break on water charges and no price break on sewer charges.

SITE PLAN
85 Curtis St., Angus, ON
 (Lot 6, Plan 160A)
 For: In-ground pool
 Owner: Mackenzie Robson
 Agent: Travis Cairns -
 Southshore Group
 (705) 730-9140
 Date: Jan. 30, 2025

DATE OF SITE INSPECTION

April 1st, 2025

REASON FOR THE APPLICATION:

The applicant is requesting relief from the following sections of the Zoning By-Law 2003-50:

1. Section 4.21 (b) which regulates that a pool must be located at the same distance an accessory building is to be located from a property line for the applicable zone as per 4.36.2 (b) which stipulates that a 3.0m landscape buffer shall be provided between lots with conflicting residential and non-residential uses. The applicant is proposing a 1.5-metre setback from the lot line, and;
2. The applicant will also require a minor variance to allow a swimming pool to be permitted as an accessory structure on a property zoned Core Commercial (C2).

SURROUNDING LANDS:

North	The northern portion of the property abuts 87 Curtis Street, which consists of a single-family dwelling.
East	The eastern portion of the property fronts Curtis Street.
South	The southern portion of the property abuts Fraser Street.
West	The western portion of the property abuts a vacant lot which is zoned Core Commercial (C2).

BACKGROUND:

The subject property is municipally known as 85 Curtis Street. The property is zoned Core Commercial (C2) as per Essa Township’s Zoning By-law 2003-50. The township is treating this property as a Residential Low Density, detached (R1) as the redesignation and rezoning will be done in the future for this property. Since the property that abuts the rear lot line is zoned Core Commercial (C2) and vacant at the moment, the property requires a minor variance.

The property includes a Single-Family Dwelling, Gazebo, and Detached Garage, all constructed in 1922. As these structures predate the township's current zoning by-law 2003-50, the property is grandfathered under a legal non-conforming use, permitting the residential use of the property. Although a pool would not be considered a legal non-conforming for this property, since the township is treating the property as a R1 zoned property, the pool would be an accessory structure to the residential use.

While a condition to redesignate/rezone the property was considered for this Staff Report, it should be noted that an Official Plan Update is currently underway at the Township, with a mandatory Zoning By-law update to follow. Since the majority of Fraser Street and Curtis Street

are currently designated Commercial or Institutional and zoned Core Commercial (C2) or Institutional, Staff believe that it is best to review the designation and zoning more comprehensively through the Official Plan Update/Zoning By-law Update. Any required redesignation/rezoning will be captured during those processes.

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 Commercial meaning the predominate use of the land shall be for buying and selling of goods and services or business offices.

The Minor Variance would change the permitted uses within the subject lands but since this property benefits from a legal non-conforming use and has always been used as a residential property along with the neighbouring properties it is maintaining the 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 20 of Essa Township's Zoning By-law stipulates the permitted uses on a property zoned Core Commercial (C2) which does not include residential uses or accessory uses to residential uses.

The Minor Variance would change the permitted uses within the subject lands but will not disrupt the character of the neighbourhood as this property and neighbouring properties benefit from a legal non-conforming use which allows for residential uses to be permitted on the property and on neighbouring properties. An in-ground pool is considered an accessory structure subsidiary to the primary dwelling.

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 will be required to have 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 rear yard setback of 3.0-metres by 1.5-metres (the applicant is proposing a setback of 1.5-metres).

The minimum rear yard setback for a pool located on this lot would be as per Section 4.36.2 (b) which states that where abutting lots have conflicting residential and non-residential zoning along a lot line a buffer strip of 3.0 m must be provided. As the property's primary use is residential, this provision will be applied due to the property's rear yard abutting land zoned Core Commercial (C2).

The applicant is requesting that the distance between the pool and the rear lot line be 1.5 m instead of 3.0 m. Considering that the Zoning By-law 2003-50 allows a minimum distance of 1.5 meters between pools and property lines as per Section 14 (e), staff believes this variation is acceptable. With a fence enclosing the pool and providing visual screening, the reduced setback will have no significant impact, either visually or practically, on the subject property or neighboring lands.

The property is located within the Nottawasaga Valley Conservation Authority's regulated area. The applicant has already obtained an NVCA Permit.

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 will have 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 rear yard setback of 3.0-metres by 1.5-metres (the applicant is proposing a setback of 1.5-metres).

The reduction itself is numerically minimal and is in-line with the minimum rear yard setback for pools of 1.5-metres. The reduction of the setbacks would not result in changes to the permitted 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.

ADDITIONAL 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,

A handwritten signature in black ink, appearing to read 'Anmol Burmy', with a stylized flourish at the end.

Anmol Burmy
Planning and Development Coordinator
Township of Essa