

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A1/24  
**Related Application(s):** N/A  
**Owner(s):** Steve O’Leary  
**Meeting Date:** March 22<sup>nd</sup>, 2024  
**Prepared by:** Oliver Ward, Policy Planner

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**PROPERTY INFORMATION:**

<b>Municipal Address</b>	13 Roth Street, Angus
<b>Legal Description</b>	PLAN 1330 PT LOT 24 RP;51R24882 PART 1
<b>Roll No.</b>	432101000419400
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Semi-Detached (R2-2) Zone

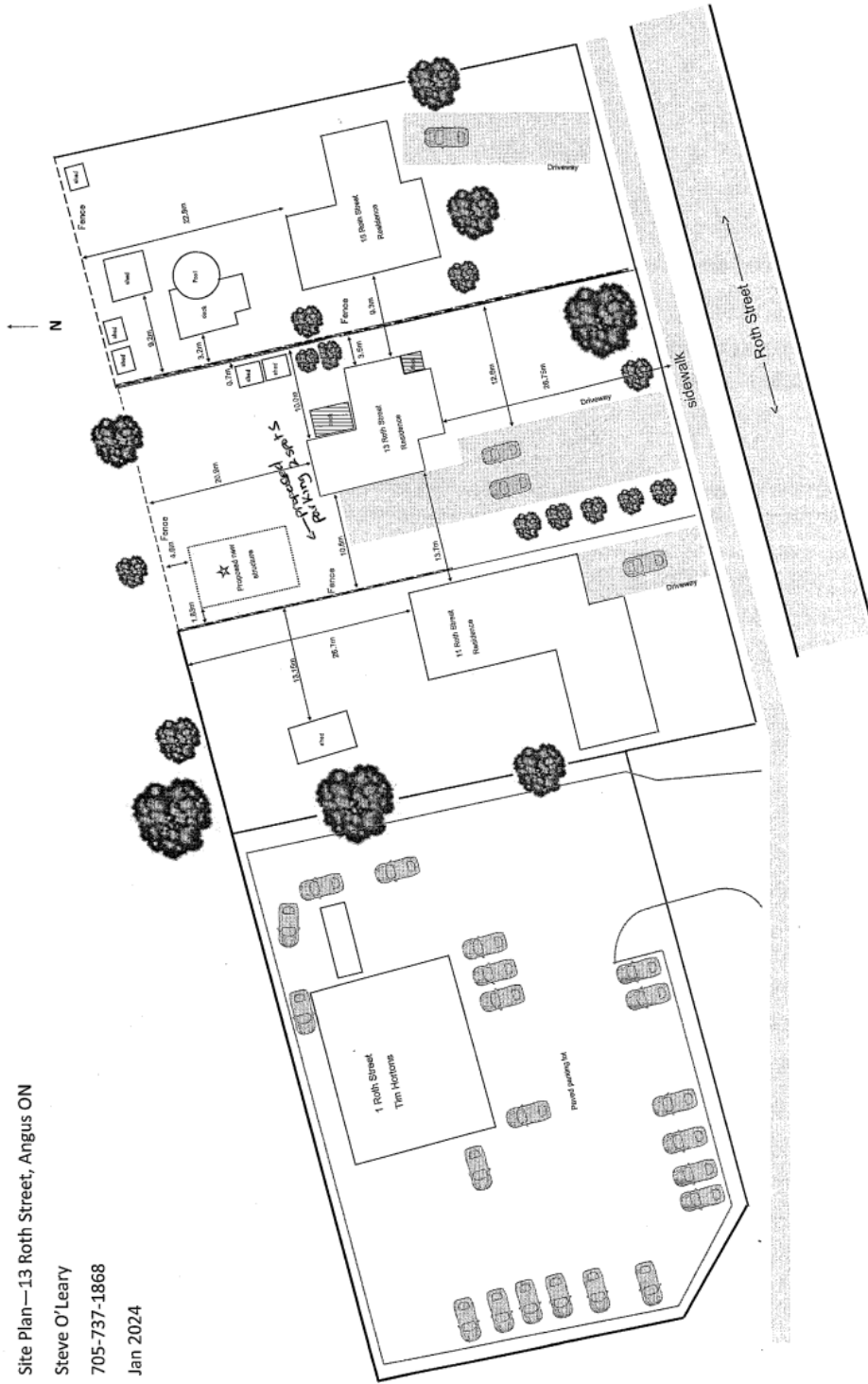
**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application 1/24 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. 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.
4. That any and all external costs associated with this application are borne by the applicant.

PROPOSAL:

Site Plan—13 Roth Street, Angus ON  
Steve O'Leary  
705-737-1868  
Jan 2024



**DATE OF SITE INSPECTION**

February 8, 2024.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 4.38.3b) of Essa Township’s Zoning By-law (2003-50) which regulates the maximum height of a structure in which an Additional Residential Unit (ARU) can exist at 4.5 meters. In addition, relief would be needed for the gross floor area of the Additional Residential Unit, being greater than 50% of the size of the primary dwelling. The application also seeks relief from Section 8.1 (d), which permits accessory buildings in Residential Zones less than 1.0 ha in size to be allowed a maximum height of 4.5 meters. The applicant is proposing to construct an ARU in the second story of a detached accessory building that will be 7.2 meters.

**SURROUNDING LANDS:**

<b>North</b>	The property abuts other low-density residential properties to the north.
<b>East</b>	The property abuts other low-density residential uses to the east along the northern side of Roth Street.
<b>South</b>	The property abuts other low-density residential uses to the south and is in close proximity to an elementary school and commercial land uses on the southern side of Roth Street.
<b>West</b>	The property abuts another low-density residential property and is in close proximity to commercial uses along Mill Street.

**BACKGROUND:**

The subject property is municipally known as 13 Roth Street, Angus. The property is zoned Residential, Low Density, Semi-Detached (R2-2) Zone as per Essa Township’s Zoning By-law 2003-50. The proposal would consist of the construction of an Additional Residential Unit in an external building accessory to the already existing duplex on the lot. The building would be located to the rear of the lot, behind the existing home.

The applicant has submitted a building permit application to construct a detached accessory building in the form of a garage with an apartment on the second floor, as outlined in this 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:**

It is the expectation of the Township of Essa Official Plan that single detached dwellings dominate the Township's housing market, with some higher density housing types to be developed in Angus on full urban services.

Section 8.2 of the Township's Official Plan permits lands designated as Residential to have single detached, semi-detached and duplex dwellings which maintain the low density character of the settlement areas. As such, uses, buildings, and structures normally incidental to residential uses such as detached garages and additional residential units are permitted.

The proposed structure includes an additional residential unit within the second floor of a large, detached garage. Both uses are permitted under the Residential policies of the Township 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 the Essa Zoning By-law (2003-50) states that accessory buildings as well as Additional Residential Unit(s) in accordance with the relevant policies of the Zoning By-law are permitted on lots zoned R2 Zone.

Section 4.38.3 b) restricts Additional Residential Units (ARUs) in detached accessory buildings to be no greater than 4.5 metres in height. The proposed building is 7.2 metres in height, and therefore a variance from this regulation will be required to permit this proposal.

Section 4.38.3 a) restricts ARUs to be the lessor of 102 square metres or 50% of the gross floor area of the principle dwelling unit. Township records suggest that the gross floor area of the primary residence on this lot is approximately 145m<sup>2</sup>, 50% of which is 72.5m<sup>2</sup>. Therefore, since 72.5m<sup>2</sup> is the lessor of 102m<sup>2</sup>, the maximum allowable size that an ARU may be on this lot is 72.5m<sup>2</sup>.

Further to the provisions of Section 4.38.3 a), the ARU portions of the proposed building,

which include the entrance and staircase on the first floor and the entirety of the second floor, measure approximately 84m<sup>2</sup>. It should be noted that this calculation does not include the balcony, which is an additional 12m<sup>2</sup>. Therefore, the ARU exceeds the gross floor area allowance for an ARU on this property. A variance from this regulation will be required to permit this proposal.

Section 8.1 (d) permits accessory buildings in Residential Zones to occupy no more than 93.0m<sup>2</sup> of floor area, nor exceed 4.5 m in height on any lot which is less than 1.0 ha in size. Based on the proposed drawings, the floor area, which represents lot coverage and includes both the building and its balcony, is approximately 84.28m<sup>2</sup>. Therefore, the proposed building conforms to the floor area provisions of Section 8.1 of the Zoning By-law but will require a variance from the height component of this regulation to be permitted.

Section 17 regulates all other components of accessory buildings within residential zones. The proposal successfully conforms to all of these regulations.

In summary, the proposal would see the applicant exceed the maximum height restrictions outlined in Section 4.38 and 8.1 (d) as well as the maximum gross floor area of an ARU. The lot is reasonably large enough to accommodate the proposal without impeding setbacks and the exceptions required do not represent significant changes to the zone's building regulations.

**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 to exceed the maximum height restriction of 4.5 metres for residential zones (Section 8.1d)) and 4.5 metres for ARUs (Section 4.38) to allow for a building that is 7.2 metres in total from base to midpoint, in addition to exceeding the maximum gross floor area for an ARU at 84m<sup>2</sup> instead of 72.5m<sup>2</sup>.

The building itself and its use are permissible on the lands, and the Minor Variance would not result in the use or area of the building being increased. The lot itself is heavily treed in the front but not in the area around the proposed building site. The lot is also relatively large for its zone, and as such, the building would not be out of place or uncharacteristically tall in the context of the surrounding lands.

**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 2.7-meter relief from the maximum building height of both an Additional Residential Unit (Section 4.38.3 b) and an accessory building in Residential Zones (Section 8.1 d). A variance will also be required for the maximum gross floor area of the ARU (Section 4.38.3 a), which will exceed 50% of the size of the primary dwelling but will not exceed the maximum lot coverage.

There would be no significant impact on neighbours nor the lot itself given that the variance would not impact setbacks or maximum lot coverage, nor result in the expansion of the uses permitted on the lot, making the application 'minor' in the opinion of Planning Staff.

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

**PUBLIC COMMENTS:**

Comment: There is a very mature tree that is missing from the back corner in the illustration of 11 Roth Street. The resident at 11 Roth Street (immediately west of the subject property) is concerned and would like reassurance that this proposed building will not negatively affect this tree's growth. Additionally, there is a garden next to the fence abutting 13 Roth Street that the resident at 11 Roth Street does not want negatively affected (i.e. sunlight, drainage, mold). Lastly, the resident asked if the burn permit retained by 11 Roth Street will be affected by the proximity of this proposed building.

Planning's Response: The proposed building provides a setback of 1.83 metres from 11 Roth Street, but is only required to provide 1 metre as per Section 17 of the Zoning By-law. Additionally, the building appears to be located no further south than the existing garden on 11 Roth Street, suggesting that sunlight should be minimally affected. It is the Planner's opinion that the proposed building should minimally affect the existing tree and garden on 11 Roth Street. The condition of a Recreation/Camp Fire burn permit are to maintain a 5 meter setback from any dwelling or structure, including fences. The proposed building is beyond the fence separating the two properties and measures greater than 5 meters from the existing fire pit.

**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,

Oliver Ward  
Planning Department  
Township of Essa