

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A3/24  
**Related Application(s):** N/A  
**Owner(s):** Puran Lall  
**Meeting Date:** March 22, 2024  
**Prepared by:** Oliver Ward, Policy Planner

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**PROPERTY INFORMATION:**

<b>Municipal Address</b>	5 Dunn Court, Angus
<b>Legal Description</b>	PLAN 1330 PT LOT 24 RP;51R24882 PART 1
<b>Roll No.</b>	432101000444748
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached (R1-22) Zone

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application 3/24 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.



**DATE OF SITE INSPECTION**

March 12, 2024.

**REASON FOR THE APPLICATION:**

The Minor Variance is seeking relief from Section 17 of Essa Township’s Zoning By-law (2003-50) which regulates the minimum exterior side yard for residential properties. 5 Dunn Court is zoned Residential, Low Density, Detached (R1-22) Zone, which requires a minimum exterior side yard setback of 4.5 meters. The reduced side-yard would support a Building Permit application seeking to permit the creation of an exterior entrance to the basement of the existing dwelling.

**SURROUNDING LANDS:**

<b>North</b>	The property abuts other low-density residential properties to the north across Mount Crescent.
<b>East</b>	The property abuts other low-density residential uses to the east along the southern side of Mount Crescent.
<b>South</b>	The property abuts other low-density residential uses to the south along Dunn Court.
<b>West</b>	The property abuts other low-density residential properties to the west across Dunn Court.

**BACKGROUND:**

The subject property, municipally known as 5 Dunn Court, Angus, is zoned Residential, Low Density, Detached (R1-22) Zone as per Essa Township’s Zoning By-law 2003-50. The proposal would comprise the creation of a new entrance to the basement of the existing residential dwelling.

The applicant has submitted a building permit application in relation to the proposed lot.

**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 17 of the Essa Zoning By-law (2003-50) describes how the minimum exterior side yard setback for a property zoned Residential, Low Density, Detached (R1) Zone shall be no less than 7.5m. Properties zoned R1-22 Zone, however, must only conform to a Minimum Exterior Side Yard setback of 4.5m.

The proposal would allow the applicant to exceed the minimum lot area restrictions outlined in Section 9.4.22 by providing a setback of approximately 3.55m. This represents a deviation of about 21% less than the minimum exterior side yard requirement. The setback exception applied for in this application represents a minor change to the zone's setback, but in all other standards does not represent any deviance.

**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 exterior side yard setback restriction for the residential R1 Zone and allow for a new entrance to the basement of

the house to be created. The uses on the lot would be consistent with the current active and permitted uses on the lot and its neighbouring lots. Furthermore, the proposed development would take place behind an existing yard fence which wraps around the exterior and rear sides of the property, making the proposed addition generally not visible from the adjacent properties at ground level.

**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 minor deviation from the exterior side yard setback of 4.5m but will have little visible impact to the community, therefore proposing no significant impact on neighbours. Additionally, no other variances to the Zoning By-law (2003-50) are required and the permitted uses are not proposed to be expanded beyond the current permitted uses of the lot.

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

**PUBLIC COMMENTS:**

N/A

**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