

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A2/25
Related Application(s): N/A
Owner(s): Muhammad Hassan
Meeting Date: March 28th, 2025
Prepared by: Anmol Burmy, Planning and Development Coordinator

PROPERTY INFORMATION:

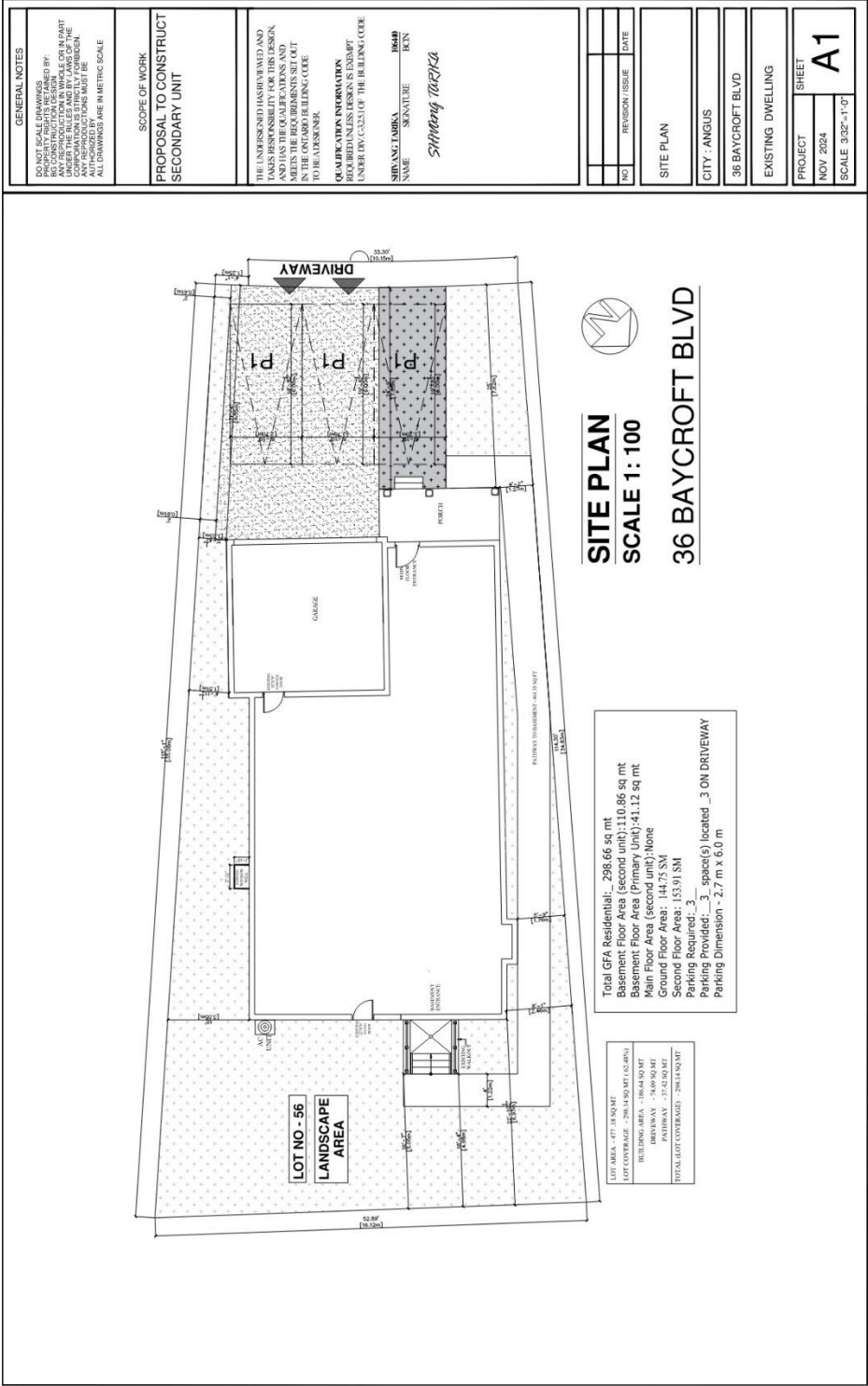
Municipal Address	36 Baycroft Boulevard
Legal Description	PLAN 51M1220 LOT 56
Roll No.	432101000803557
Official Plan	Residential
Zoning By-law	Residential Low Density, Detached – Special Exception 40 (R1-40)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A2-25 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid and up to date.
2. That any and all external costs associated with this application are borne by the applicant.
3. That the proper Building Permit(s) be obtained.
4. That the applicant provides a drainage plan to the satisfaction of the Township.

Proposal:



DATE OF SITE INSPECTION

March 5th, 2025

REASON FOR THE APPLICATION:

The applicant is seeking relief from Subsection 9.4.40 of Zoning By-law 2003-50 which regulates the minimum lot coverage at 40% of a property zoned R1-40. The applicant has requested an increase in lot coverage to 62.48%. The applicant is seeking to bring the property into compliance through a Minor Variance.

As per O.Reg 462/24, a parcel of urban land on which an ARU is located is allowed to exceed all lot coverage requirements (i.e. 40% maximum lot coverage) up to 45% of the total lot area. As such, the applicant is technically seeking relief from a 45% lot coverage requirement (the Township Zoning By-law has not been updated to reflect this change but has been slated for a future housekeeping by-law).

SURROUNDING LANDS:

North	The property 38 Baycroft Blvd which is a vacant lot at the moment.
East	The property fronts onto Baycroft Blvd.
South	The property abuts 34 Baycroft Blvd which is comprised of a Single-Family Dwelling
West	The property abuts Bear Creek which is comprised of woodland and located on Environmental Protection lands.

BACKGROUND:

The subject property, municipally known as 36 Baycroft Boulevard and is zoned Residential Low Density, Detached – Special Exception 40 (R1-40) Zone in the Essa Zoning By-law (2003-50). The property is located within the Briarwood – Woodland Creek Development Subdivision.

The applicant is seeking relief from Subsection 9.4.40 of Zoning By-law 2003-50 which regulates the minimum lot coverage at 40% of a property zoned R1-40. For all intents and purposes, the applicant is seeking relief from a 45% lot coverage requirement (as per O.REG 462/24), not a 40% lot coverage requirement, contrary to what is stipulated in Section 9.4.40.

During the building permit review process, the Township identified a non-compliance issue with the design as the owner would like to add an Additional Residential unit (ARU) to the single-family dwelling. Due to the additional parking space required, the revised design exceeds the minimum lot coverage provision for the property. In accordance with Zoning By-law 2003-50, the Township advised that the property owner must apply for a minor variance. This variance is necessary to permit the increase of the minimum lot coverage from 45%, which is the standard requirement

under the by-law, to 62.48%.

The proposed variance would bring the lot coverage into conformance with Zoning By-law 2003-50 and would resolve the non-compliance issue.

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 8.1 states that Angus, Thornton and Baxter are to be the main growth centres for the Township's future growth.

Section 8.2 outlines permitted uses in lands designated Residential, stating that this designation shall be for single detached, semi-detached and duplex dwellings.

The Variance would not expand beyond the residential uses permitted as an ARU is a permitted use under residential uses.

Therefore, the 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 Zoning By-law? Yes

Essa Township Zoning By-law (2003-50):

Section 14 of Essa Township's Zoning By-law 2003-50 outlines permitted uses in lands zoned Residential, Low Density, Detached (R1) Zone. Specifically, the table of permitted uses in residential zones identifies Additional Residential Units (ARUs) as a permitted use for the R1 zone.

The applicant is seeking relief from Subsection 9.4.40 of Zoning By-law 2003-50 which regulates the minimum lot coverage at (45%) of a property zoned R1-40. The applicant would like to add an ARU to his existing single-family dwelling and is following the provisions for additional parking (minimum of 1) which is causing his lot coverage to exceed from 45% to 62.48%. The applicant is hoping to bring the lot coverage into compliance through a Minor Variance.

The intent and purpose of the above-mentioned section is to preserve minimal impact on the neighbourhood, stormwater management and the environment. If the applicant can demonstrate, through a drainage plan submitted during the building permit process, that the increased coverage of non-permeable surfaces will not significantly impact stormwater runoff or cause drainage issues, then the variance may be supported.

Planning staff recommends the following condition: the applicant provide a drainage plan to the satisfaction of the Township.

Thus, the 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

Relief from Subsection 9.4.40 of Zoning By-law 2003-50 which regulates the minimum lot coverage for properties located within the R1-40 zone at 45% to 62.48% would allow the applicant to provide adequate parking for an ARU.

Staff has reviewed the proposal and has determined that the ARU would be in-keeping with all other requirements of the Zoning By-law (e.g., maximum gross floor area, parking requirements, etc.). The variance should be considered appropriate with the conditions mentioned above, as it would not impact the existing use of the land, building, or structure.

Therefore, the variance should be considered appropriate use of the land and building.

Test 4.

Is the requested variance minor in nature? Yes

The Minor Variance would allow the applicant relief from Subsection 9.4.40 of Zoning By-law 2003-50 which regulates the minimum lot coverage at 45% of a property zoned R1-40. The change results in no practical impact on the subject property, municipal roads, or neighbouring properties.

It is staffs' opinion that variances that allow for relief from provisions in order to meet parking requirements should be generally supported in most instances. Particularly in instances (such as this proposal) where the proposed variances do not result in setbacks that are inconsistent with the residential zone and are considered minor conditional on the drainage not being affected.

Furthermore, the ARU would conform to all other provisions of the Zoning By-law (2003-50) and contribute to addressing the shortage of rental options within the Township and Ontario in large with no perceivable impacts to the neighbouring properties. It would result in a lot that is in-keeping with the low-density residential character of the neighbourhood.

Thus, the variance should be considered 'minor' in nature.

ADDITIONAL COMMENTS:

No other comments were received during the circulation of the application.

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,



Anmol Burmy
Planning Department
Township of Essa