

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A13/24
Related Application(s): N/A
Owner(s): Craven Compton
Meeting Date: January 31st, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

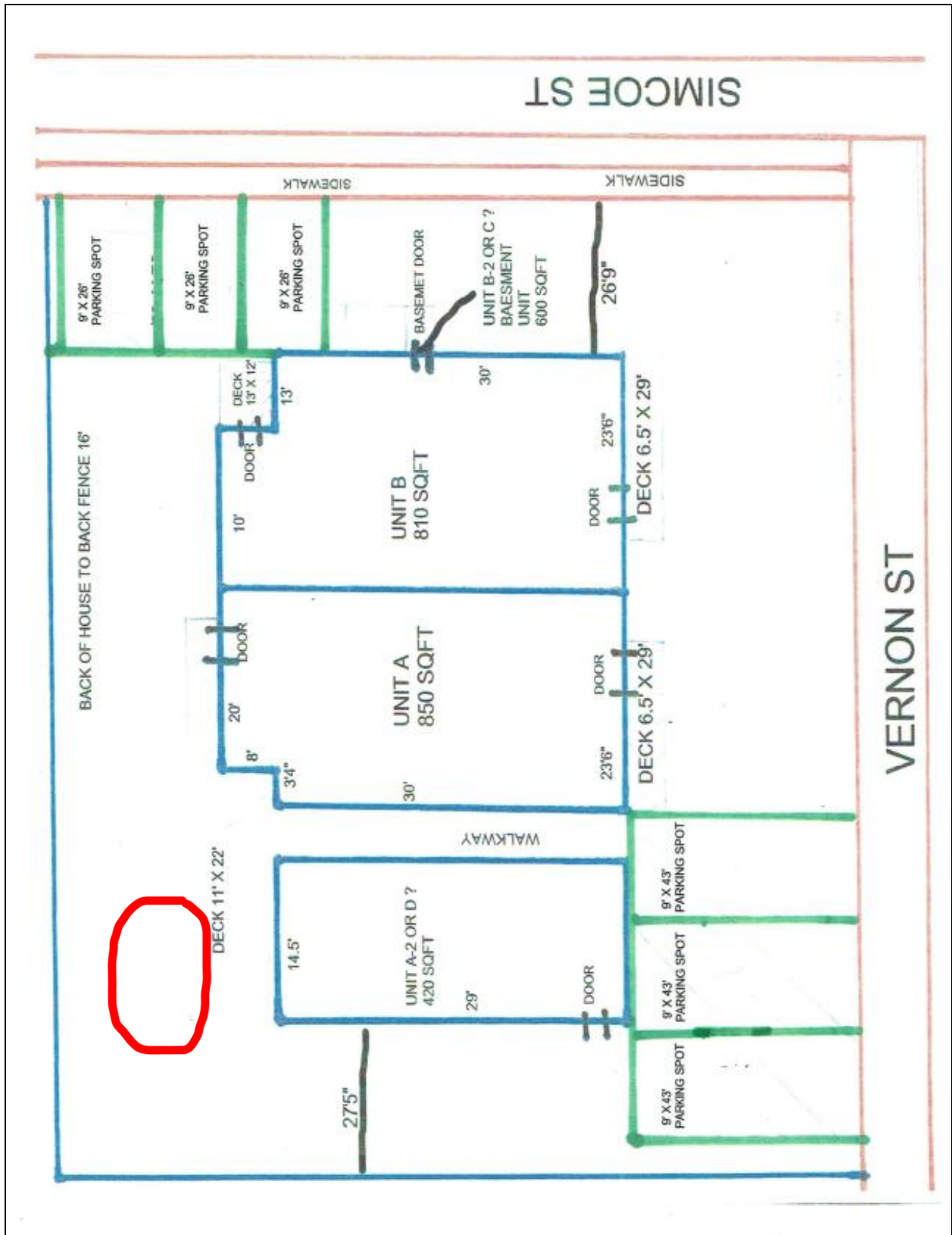
Municipal Address	100 Vernon Street, Angus
Legal Description	PLAN 160A PT LOT 77
Roll No.	432101001028100
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application **A13/24** 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.
3. That the proper Building Permit(s) be obtained.
4. That the applicant provide confirmation from the County of Simcoe that each unit can be given access to garbage/recycling/organics receptacles, and that the applicant subsequently provides the receptacles to each unit.

Original Proposal:



DATE OF SITE INSPECTION

January 14th, 2025

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 4.38.2a) of Essa Township’s Zoning By-law 2003-50 which stipulates that an entrance to an Additional Residential Unit (ARU) may only be located in the rear or side yard of a property. The applicant has an existing entrance to the ARU which is located in the front yard of the property. The application was previously heard at the November 29th, 2024, meeting of the Committee of Adjustment and was deferred to a future meeting.

SURROUNDING LANDS:

North	The property abuts Simcoe Street to the North.
East	The property abuts Vernon Street to the East.
South	The property abuts the properties known as 97 & 99 King Street to the South, both properties are comprised of single-family dwellings and detached accessory buildings/structures.
West	The property abuts the property known as 96 Simcoe Street to the West, which is comprised of a single-family dwelling and detached accessory buildings/structures.

BACKGROUND:

The subject property, municipally known as 100 Vernon Street, is zoned Residential, Low Density, Detached (R1) Zone in the Essa Zoning By-law (2003-50). The lot is comprised of a legally non-conforming semi-detached, and detached garage.

Please note, the Frontage of the property on a corner lot is determined by identifying the shortest lot line which abuts a street. In this instance, the frontage for the subject property would be Simcoe Street, being the shortest lot line.

The applicant will be submitting Building Permits for the creation of two (2) Additional Residential Units (ARUs) in relation to this proposal and would be required to complete all components of the building permitting process upon approval of the minor variance application.

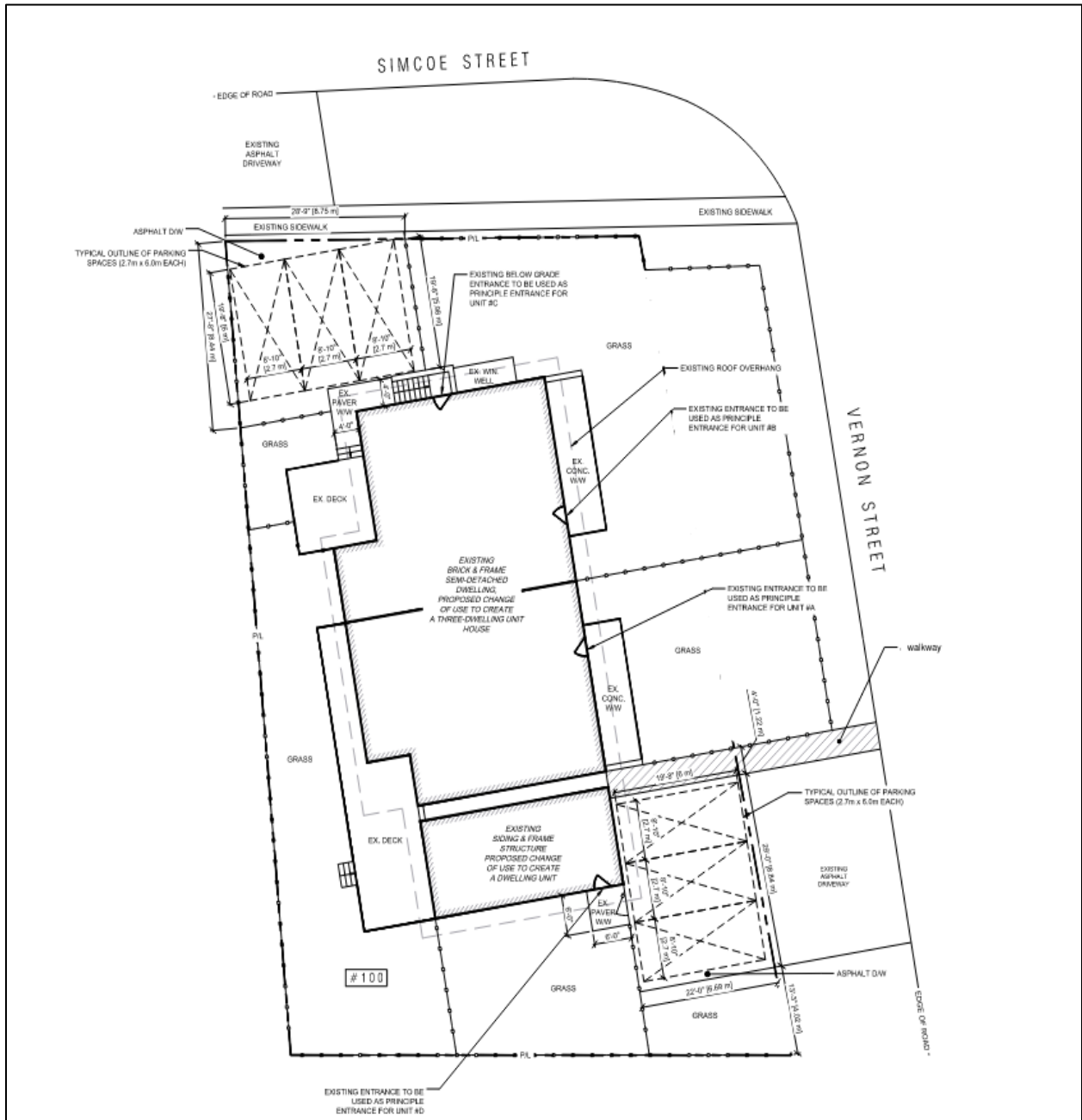
The application was heard by the Committee of Adjustment on November 29th, 2024, and was deferred to a future meeting so that applicant could provide revised site plan and provide the following information:

1. Demarcation of appropriate accesses to each unit
2. Dimensions of the parking spaces to ensure compliance with Zoning By-law 2003-50
3. Adequate site lines for entering and existing the parking spaces

4. Clear delineation of the fence in portion of the front yard which appears to be used as an amenity space for children to play.

The applicant has provided a revised site plan (see below) which appears to satisfy all concerns. Additionally, staff have conducted a site visit and received photo confirmation that the brush and site obstruction have been removed from the property. Staff feel comfortable providing a recommendation for APPROVAL.

Revised Site Plan



COMMENTS:

Test 1.

Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes

Essa Townships Official Plan:

The subject property is designated Residential and Settlement Area in Schedule “B” of the Township of Essa’s Official Plan.

Section 8.2 of the Township’s Official Plan states that the predominant use of lands designated Residential shall be for single detached, semi-detached, and duplex dwellings.

The proposed variance would not change the permitted uses of the lot.

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 By-law? Yes

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

Section 14 of Essa Township’s Zoning By-law states the permitted uses with all Residential Zones. In lands zoned Residential, Low Density, Detached (R1), up to two (2) ARUs are permitted on a lot that allows for a single-family dwelling or semi-detached.

The placement of the entrance would not result in any further intensification to the lot than is already permissible within the By-law, nor lead to any other exemptions that would compromise safety, impact the low-density character of the neighbourhood, or result in negative impacts on neighbours.

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

The Minor Variance would allow the applicant to place the entrance to the ARU listed as “B-2 or C” in the Site Plan in the front yard of the property. Given that the property has a legally non-conforming semi-detached, is a corner lot, and has an awkward orientation, there is limited space to place an entrance within the side and rear yards. Additionally, the presence of a second driveway on Simcoe Street has allowed the existing units to function separately and the proposed ARU entrance would not impact the site functionality in terms of access or parking.

Staff has reviewed the proposal and has determined that both ARUs 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, and 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 Section 4.38.2a) of Zoning By-law 2003-50. The site offers little to no other suitable options for the placement of an entrance for the ARU, and, as mentioned, the existence of the second driveway and multiple existing entrances make the primary and additional residential units look and function separately.

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.

Thus, the Variance should be considered ‘minor’ in nature.

ADDITIONAL COMMENTS:

Comments were received from a member of the public suggesting that the current number of available garbage/recycling/organics receptacles is insufficient for each unit on the property.

- 1. In response, staff is recommending that the following condition of approval: that the applicant provide confirmation from the County of Simcoe that each unit can be given access to garbage/recycling/organics receptacles, and that the applicant subsequently provides the receptacles to each unit.**

No other comments were received.

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 'Owen Curnew', with a long horizontal flourish extending to the right.

Owen Curnew
Planning Department
Township of Essa