

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A13/23  
**Related Application(s):** Permit 2023-0155  
**Owner(s):** Sandra Liechti  
**Meeting Date:** September 29<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

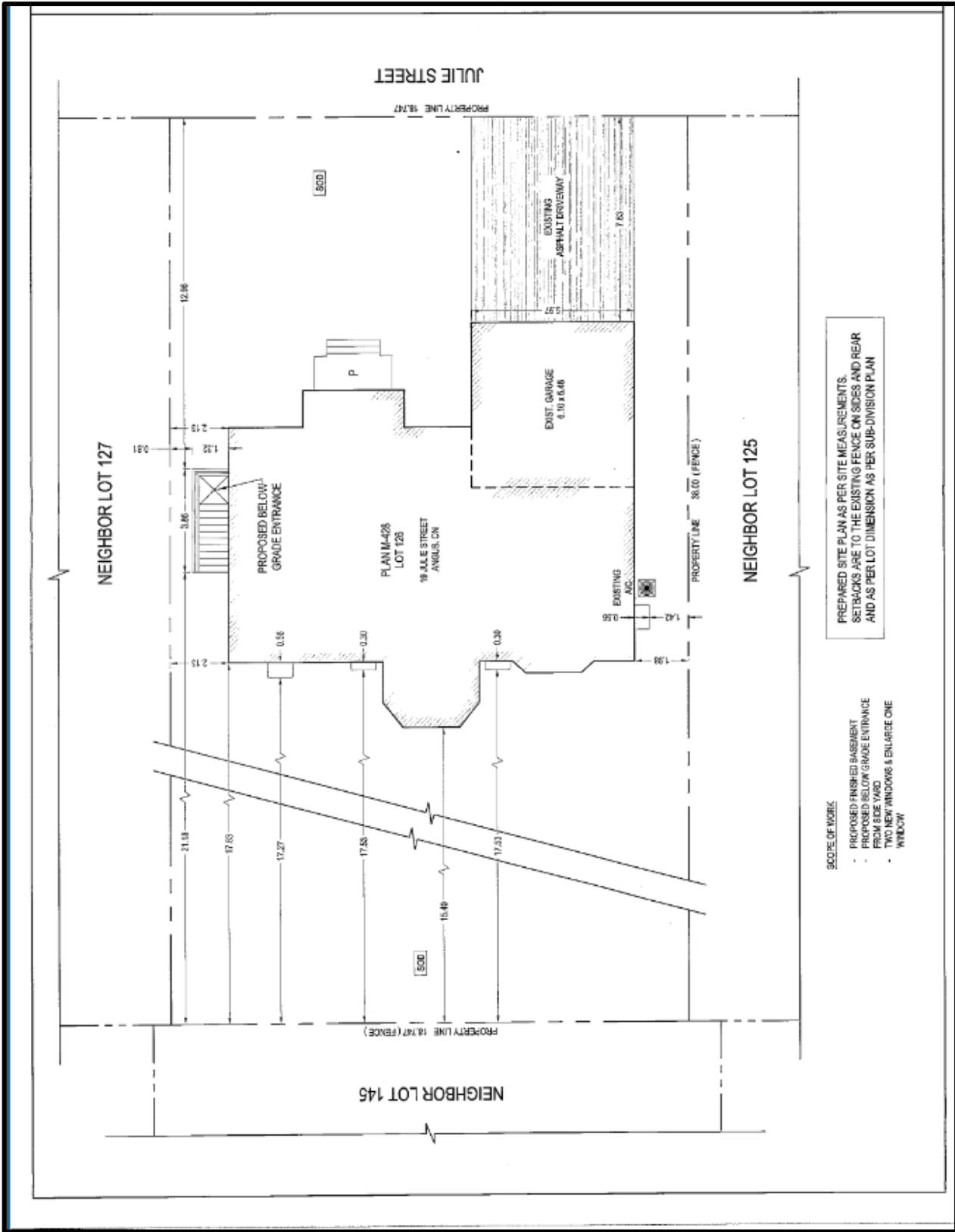
<b>Municipal Address</b>	19 Julie Street
<b>Legal Description</b>	PCL 126-1, SEC 51M428 ; LT 126, PL 51M428 ; ESSA
<b>Roll No.</b>	432101000450686
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached (R1)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application A13/23 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 signs a declaration ensuring that the in-law suite is not used as or converted into an Additional Residential Unit (ARU).
4. A Lot Grading and Drainage Plan be prepared by a professional engineer at no cost to the municipality to ensure that drainage will have no effect on neighbouring properties.

**PROPOSAL:**



PREPARED SITE PLAN AS PER SITE MEASUREMENTS.  
 SETBACKS ARE TO THE EXISTING FENCE ON SIDES AND REAR  
 AND AS PER LOT DIMENSION AS PER SUB-DIVISION PLAN

- SCOPE OF WORKS**
- PROPOSED FINISHED BASEMENT
  - PROPOSED BELOW GRADE ENTRANCE FROM SIDE YARD
  - TWO NEW WINDOWS & ENLARGE ONE WINDOW

**DATE OF SITE INSPECTION**

September 21<sup>st</sup>, 2023.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 17 of Essa Township’s Zoning By-law (2003-50) which sets the minimum side yard setback at 1.5 meters. The applicant is proposing to construct a below-grade entrance for an in-law suite that would have a setback of 0.81 meters.

The applicant intends to build an in-law suite for their parents, they want to provide them with an affordable and close to home option for living.

**SURROUNDING LANDS:**

<b>North</b>	The north end of the subject property abuts 19 Julie Street which consists of a single-family dwelling and accessory structures.
<b>East</b>	The property fronts Julie Street to the East, single family dwellings are present on the other side of Julie Street.
<b>South</b>	The south end of the subject property abuts 21 Julie Street which consists of a single-family dwelling and accessory structures.
<b>West</b>	The west end of the property is the rear yard which abuts 23 Edenbridge Drive which consists of a single-family dwelling and accessory structures.

**BACKGROUND:**

The subject property is municipally known as 19 Julie Street in Angus. The property is zoned Residential, Low Density, Detached (R1) as per Schedule “B” of Essa Township’s Zoning By-law (2003-50).

The applicant has an active building permit application (Permit 2023-0155) to construct a below-grade entrance to the basement. This entrance is intended to provide access to an proposed in-law suite for the applicant’s parents.

**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 Residential shall be used for single detached, semi-detached and duplex dwellings and development within this designation should maintain the low-density character of the settlement area.

In-law suites are not considered 'units' as they are connected to the main dwelling itself through shared and sometimes separate accesses.

Given that the Minor Variance would not result in the increase of units within an existing single-family dwelling, the development of a below-grade entrance - incidental to an in-law suite – should be considered an acceptable development.

**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 Zoning By-law stipulates that detached dwellings are permitted uses within the Residential, Low Density, Detached (R1) zone.

Given that the Minor Variance would not result in the creation of new units or change the occupancy type of this existing single-family dwelling, the below-grade entrance – incidental to an in-law suite – is a permitted use.

However, the Planning Department recognizes the potential for in-law suites to be easily converted or used as Additional Residential Units (ARUs). Thus, Staff requests that the applicant sign a declaration ensuring that the in-law suite is not used as or converted into an ARU.

Should the applicant wish to convert the in-law suite into an ARU in the future, all necessary permits will need to be obtained, and the conversion will be subject to the standard conditions for registering an ARU.

**Therefore, if all conditions are met, 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 proposes to construct an in-law suite that would not change the use of the building or structure.

The applicant is proposing to develop the below-grade entrance close to the swale between the subject property and the neighbouring property to the north. As such, the applicant will be required to submit a lot grading and drainage plan to ensure drainage will not be affected and will not impact the neighbouring lot.

**Therefore, if all conditions are met, 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 is requesting a reduction of the minimum side-yard setback of 1.5 meters. The applicant is proposing the below-grade entrance to have a setback of 0.81 meters. The variance would reduce the minimum side-yard setback by 0.69 meters. The Minor Variance should be considered minor in nature given that the reduction is nominally insignificant and would not change the use of the lot.

The requested lot grading and drainage plan would ensure no drainage issues occur because of the construction near the swale, ensuring no negative impacts to the neighbouring lot.

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

**PUBLIC COMMENTS:**

No comments received.

**AGENCY COMMENTS:**

*Nottawasaga Valley Conservation Authority:*

Please see attached.

**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