



# COMMITTEE OF ADJUSTMENT AGENDA

For the Corporation of the Town of Española

Committee of Adjustment Meeting

To Be Held On

**Wednesday, May 8, 2024**  
**Council Chambers**  
**Municipal Building**

100 Tudhope Street

5:45 pm

1. Minor Variance Application A-01/24

# STAFF REPORT

**Department: Planning Services**

**Date: April 22, 2024**

**Item: A01/24 Minor Variance**

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**Recommendation:** Be it resolved that: Minor Variance Application A-01/24 be approved with the following conditions:

1. All other applicable bylaws and legislation be adhered to.

**Background:** Minor variances are tools provided to owners of land under s. 45 of the *Planning Act* that represent a recognition that the strict application of zoning by-laws may be overly prescriptive in certain instances and that in those cases, it may be appropriate to permit small adjustments and modifications that do not require a rezoning process.

The Committee of Adjustment, by virtue of Bylaw 820/88, has been delegated authority to deliberate on minor variances as outlined in the *Planning Act* and is required to consider four key factors when evaluating minor variance applications. These four key factors are conjunctive, meaning that all four parts must be satisfied in order for approval to be granted. The four tests are as follows:

- 1) The variance is minor;
- 2) The variance is desirable for the appropriate development or use of the land, building or structure;
- 3) The variance maintains the general intent and purpose of the Zoning By-law;
- 4) The variance maintains the general intent and purpose of the Official Plan

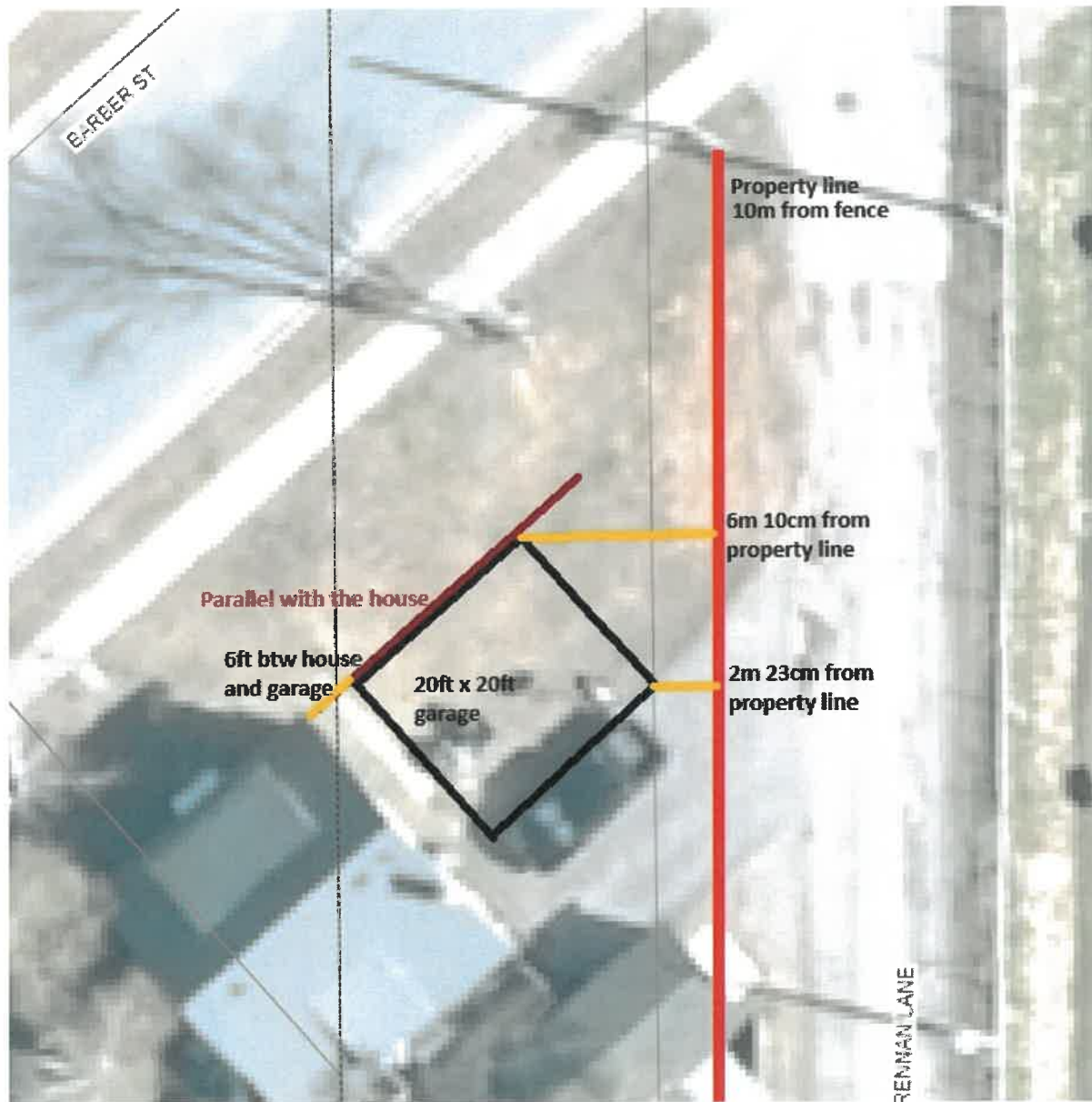
Minor Variance Application A-01/24 requests the following relief from the Zoning Bylaw:

Erection of accessory structure within the minimum exterior side yard with setbacks identified in site sketch. Construction of accessory structures in minimum exterior side yard are not typically permitted according to Section 3.1 (b).

Public Notice of the Application was provided pursuant to the requirements of the Planning Act and O.Reg. 200/96. Any written submissions are either included with the agenda package or have been circulated to the Committee if submitted after the deadline.

Written submissions that are not part of the agenda package will be referred to verbally at the Committee Meeting.

Subject lands:





**Analysis:** The minor variance under consideration with application A-01/24 is recommended for approval according to the below analysis for each test.

- 1) The variance is minor:** The intent of the zoning bylaw with respect to accessory structures in exterior side yards is to maintain greenery and cleanliness in yards visible from roadways. The proposed garage will not adversely impact the appearance of the area and will not take up the entire side yard. The garage will be parallel with the front of the house and not encroach into the front yard.
- 2) The variance is desirable for the appropriate development or use of the land.** The owner would like to build a 20ft x 20 ft garage in the exterior side yard as this is the only area on the property where the garage will fit.
- 3) The variances maintain the general intent and purpose of the Zoning By-law;** while this exception does contradict provisions surrounding accessory structures in exterior side yards, it is a small variation of the Bylaw requirements.
- 4) The variance maintains the general intent and purpose of the Official Plan** in that the OP permits for accessory structures of this nature where appropriate.

Further to the above staff perspectives on the four part test, these variances do not oppose any policies or provisions of the Provincial Policy Statement, the Growth Plan for Northern Ontario or the Planning Act.

**Existing Policy:** By-law 3022/21, the Zoning Bylaw, By-law 820/88, a By-law to Establish a Committee of Adjustment, *Planning Act*

**Strategic Goal:** Excellence in Government

**Financial Commitment:** N/A

**Budgeted:** N/A

**Implementation:** Upon Committee Approval

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**Prepared By:** Traci Denault-Roque

**Department Manager:**



Approval of Recommendation: Yes  No



APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

DATE RECEIVED: \_\_\_\_\_ APPLICATION NO: \_\_\_\_\_

The undersigned hereby applies to the Committee of Adjustment for the CORPORATION OF THE TOWN OF ESPAÑOLA, under Section 45 (2)(a) of the Planning Act, for relief, as described in this application, from Bylaw No. \_\_\_\_\_.

1. Name of Owner Cori + Landon Duplessis
Municipal Address 298 Barber St. Espanola ON P5E 1B3
P.O. Box No Telephone No. 705-561-9497

2. Name of owner's authorized agent of solicitor (if any)
Municipal Address
P.O. Box No Telephone No.

Please specify to whom all communications should be sent:

Owner Solicitor Agent

3. Nature and extent of relief applied for:
Moving location of garage to North East corner of front yard. The proposed location of the garage will not meet Municipal Bylaws for minimum distance away from Town property line.

4. Why is it not possible to comply with the provisions of the bylaw?
The shape of the property (pie shaped lot), the location and age of the house on the lot, and the location of the laneway beside the house would not allow 100% compliance with the proposed garage size.

5. Legal Description of Subject Land: Town: Espanola

Roll # 5226000 00206000.0000

Lot: 335 Concession: 5 Lot 8 Lot Plan: M-77 Part(s):

6. Dimensions of Land Affected: 9PC 19696
Frontage: 116 FT Avg. Depth: 100 FT Area: 8650 FT

7. Particulars of buildings and structures on or proposed for the subject land:  
(specify: ground floor area, gross floor area, number of stories, etc.)

EXISTING: House: ground floor area = 600sqft  
gross floor area = 900sqft, number of stories = 1.5

PROPOSED: Garage: ground floor area = 400sqft  
number of stories = 1

8. Particulars of buildings and structures on or proposed for the subject land:  
(Specify distance from side, rear and front lot lines)

EXISTING: House front = 6.54m House side (East) = 4.54m  
House side (West) = 7.35m House rear = 28.4m

PROPOSED: Garage front = 6.54m Garage side (East) = 11.5m  
Garage rear = 15.5m Garage West = 28.35

9. Date of acquisition of subject land:

December 2012

10. Date of construction of all buildings and structures on subject land:

1911

11. Existing uses of the subject property:

Residential

12. Existing uses of abutting properties:

East side - Larcway then School - Sacred Heart /  
All other properties are residential La Renaissance

13. Length of time the existing uses of the subject property have continued:

14. Municipal services available (check appropriate space or spaces):

Water	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Sanitary Sewers	<input checked="" type="checkbox"/>	Connected	<input checked="" type="checkbox"/>
Storm Sewers	<input checked="" type="checkbox"/>		

15. Present Official Plan provisions applying to the land:

Residential designation



16. Present Zoning Bylaw provisions applying to the land:

R1, First Density (residential)

17. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly

18. Is the subject property the subject of a current application for consent under Section 52 of the Planning Act, 1983?

Yes

No

Dated at the \_\_\_\_\_ of \_\_\_\_\_, this 30 day of

April, 2024

  
(Signature of Owner)

(Signature of Applicant or authorized Agent)  
if Applicable

(Signature of Commissioner)  
if Applicable