

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

Application: A9/23  
 Related Application(s): N/A  
 Owner(s): Mike Carter  
 Meeting Date: May 26<sup>th</sup>, 2023  
 Prepared by: Owen Curnew, Planning Technician

**PROPERTY INFORMATION:**

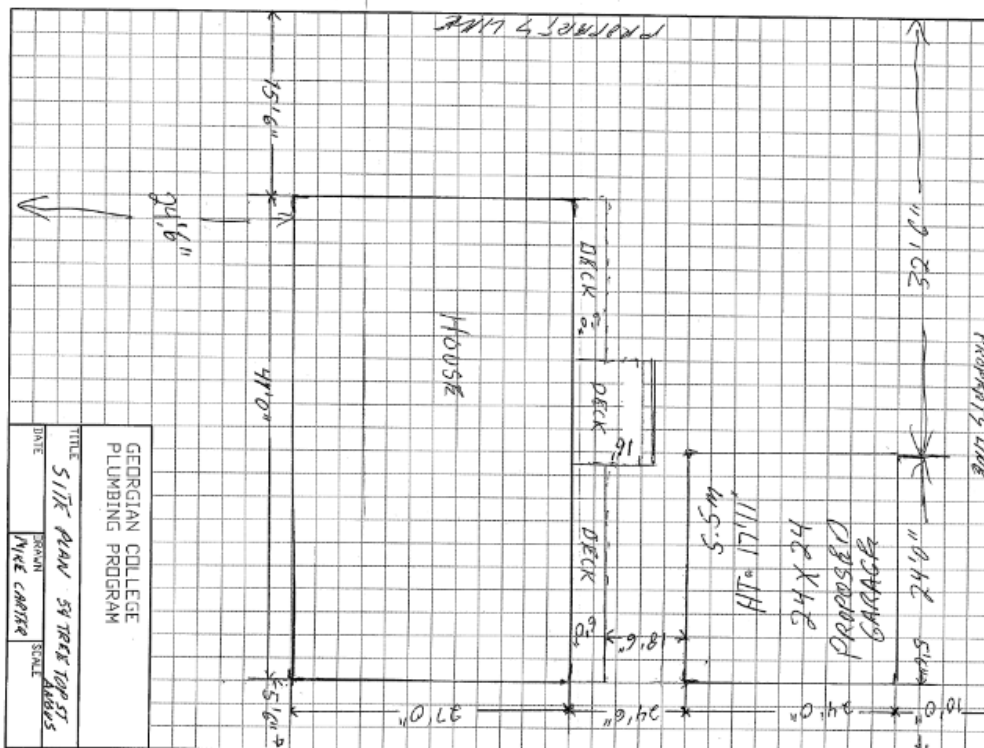
<b>Municipal Address</b>	58 Tree Top Street
<b>Legal Description</b>	PCL 57-1 SEC M173; LT 57 PL M173 ESSA TWP ; ESSA
<b>Roll No.</b>	432101000102325
<b>Official Plan</b>	Residential
<b>Zoning By-law</b>	Residential, Low Density, Detached (R1)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application A9/23 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid up to date.
2. That the proper Building Permit(s) be obtained.

**PROPOSAL:**



**DATE OF SITE INSPECTION**

**May 17<sup>th</sup>, 2023**

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 8.1d of Essa Township’s Zoning By-law 2003-50, which regulates the maximum height of a detached accessory building at 4.5 meters. The applicant is proposing a building with a height of 5.5 meters.

**SURROUNDING LANDS:**

<b>North</b>	The property to the North is municipally known as 60 Tree Top Street, it consists of a single-detached dwelling and accessory structures. There is a fence separating the two properties at the side of the houses.
<b>East</b>	The property to the East is municipally known as 71 Roth Street, it consists of a single-detached dwelling and accessory structures. There is a fence separating the two properties at the rear of the houses.
<b>South</b>	The property to the South is municipally known as 56 Tree Top Street, it consists of a single-detached dwelling and accessory structures. There is a fence separating the two properties at the side of the houses.
<b>West</b>	The property abuts Tree Top Street, and on the Western portion of the Street there are several properties that consist of single-detached dwellings and accessory buildings.

**BACKGROUND:**

The subject property is zoned ‘Low Density, Residential, Detached (R1)’ and has an area of 0.07 hectares (~0.17 acres). The property is legally described as PCL 57-1 SEC M173; LT 57 PL M173 ESSA TWP ; ESSA, municipally known as 58 Tree Top Street.

Section 14 permits the construction of an accessory building in ‘Low Density, Residential, Detached (R1)’ zones.

The surrounding properties consist of single-detached dwellings and accessory buildings, it is an urban neighborhood with continuous residential characteristics.

**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 Essa Township's Official Plan outlines the permitted uses in lands designated Residential:

"The predominant use of those lands designated as Residential shall be for single detached, semi-detached and duplex dwellings. Development within this designation is intended to maintain the low density residential character of the settlement areas with the provision for medium density development such as townhouses and low-rise apartment buildings being located in accordance with the policies of this Plan and being serviced with full municipal services. Home occupation, neighbourhood commercial uses, and open space uses may also be permitted."

The construction of the accessory building would have no impact on the low density residential character within the neighbourhood or within the settlement area as it does not increase the number of habitable units, or impact the residential use of the subject and neighbouring properties.

**Thus, the Minor Variance is generally consistent with Essa Township's Official Plan.**

Test 2.

**Does the minor variance maintain the general intent and purpose of the By-law? Yes**

Section 14 of Essa Township's Zoning By-law 2003-50 outlines the Permitted Uses in lands zoned Residential, Low Density, Detached (R1):

"Accessory buildings or structures subsidiary to any of the above uses"

The applicant is proposing to construct an accessory building (i.e., a garage) that exceeds the maximum height restriction of 4.5 meters outlined in Section 8.1d of Essa Township's ZBL. The applicant is proposing an accessory building with a height of 5.5 meters. Given that the relief from this requirement would not change the use of the building, lot or neighbouring properties, the residential character of the community and settlement would not be impacted.

**Thus, the Minor Variance is generally consistent with 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 for the construction of an accessory building (i.e., a garage) that is a permitted use within the Residential, Low Density, Detached (R1) zone. Given that the use of a building is permitted within the zone, and that the relief would not change the use of the subject or neighbouring properties, it can be considered permissible and appropriate for the subject and surrounding lands.

The structure itself is common within the larger settlement area as it is subsidiary and complimentary to the residential characteristic of the neighbourhood and settlement area in large; it is a common and continuous feature that would not be abnormal or out of place within the community.

**Thus, the Minor Variance is desirable for the subject and surrounding lands, as well as desirable for the structure itself.**

#### Test 4.

##### **Is the requested variance minor in nature? Yes**

The Minor Variance is asking for relief from Section 8.1d which regulates the maximum height of a detached accessory building at 4.5 meters. The applicant is proposing an accessory building with a height of 5.5 meters (a 1 meter increase in height). This is nominally insignificant as the increase would have no impact on the residential character of the property neighbourhood practically or aesthetically. There are several buildings in the area that are taller, suggesting that having a building above 4.5 meters within this neighbourhood is a common and continuous feature within the residential area.

The use of the building, lot, and neighbouring properties would not change; the practical and aesthetic impact on the residential character of the neighbourhood would not change; and, there are other buildings within the neighbourhood that are taller than 4.5 meters.

**For the reasons listed above, the Minor Variance can be considered minor in nature.**

#### **PUBLIC COMMENTS:**

#### **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,

Owen Curnew  
Planning Technician  
Township of Essa