

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A12/24
Related Application(s): N/A
Owner(s): Scott Jackson
Meeting Date: September 27, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

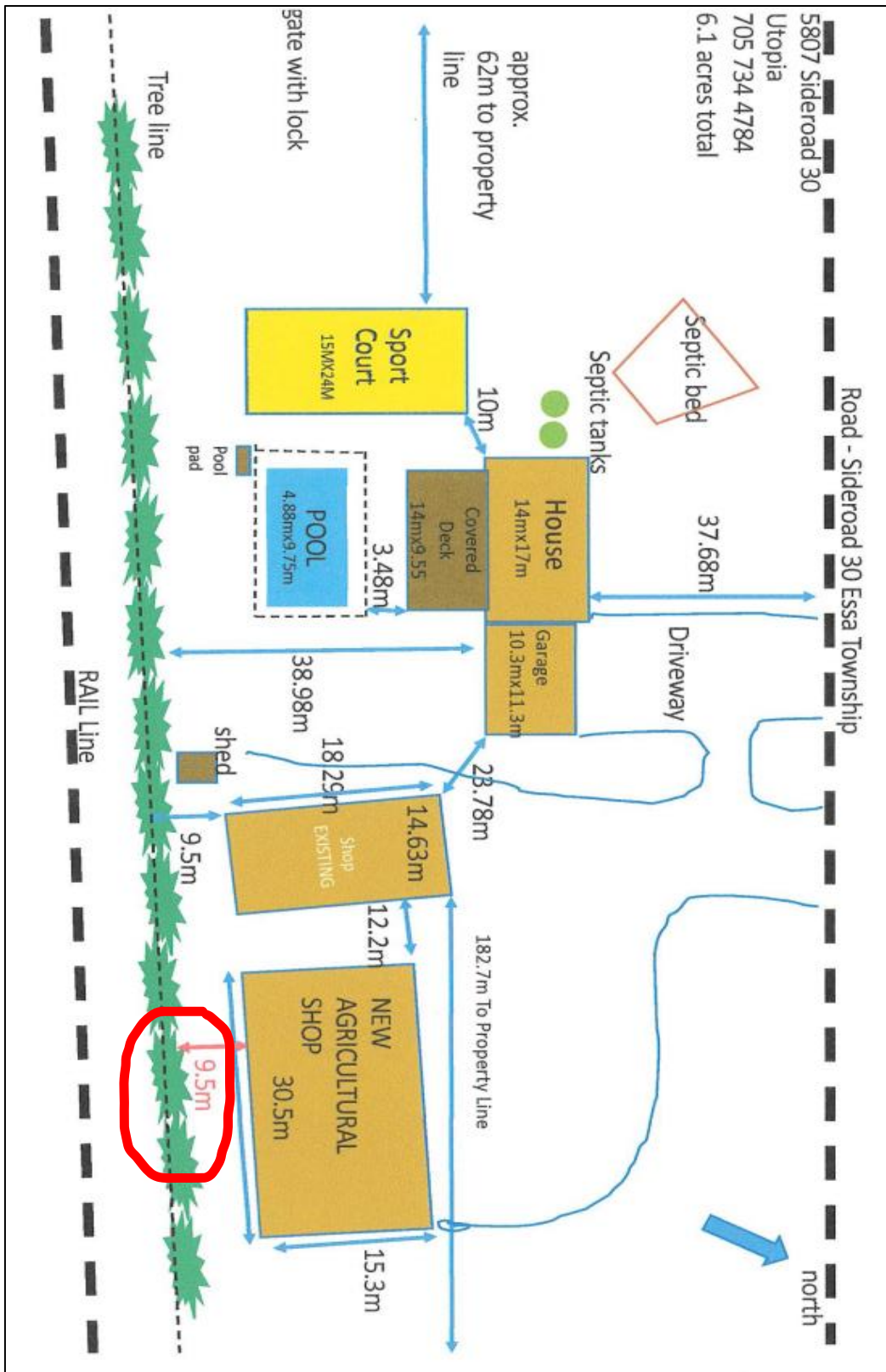
Municipal Address	5807 30 th Sideroad, Essa
Legal Description	ESSA CON 6 PT LOT 30 RP;51R41220 PARTS 1 AND 2
Roll No.	432101000808803
Official Plan	Agricultural
Zoning By-law	Agricultural (A) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application 12/24 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.

PROPOSAL:



DATE OF SITE INSPECTION

September 12, 2024.

REASON FOR THE APPLICATION:

The Minor Variance is seeking relief from Section 6.3 of the Essa Zoning By-law (2003-50), which describes the regulations for the Agricultural zone. Specifically, the application is seeking relief from the minimum rear yard setback for an agricultural building/structure of 30.0-metres. The applicant is proposing a rear yard setback of 9.5-metres to construct an agricultural shop for storage of farm equipment. The proposed building appears to be in conformity with all other aspects of the Zoning By-law.

SURROUNDING LANDS:

North	The property abuts a 28-hectare agricultural property to the north across the 30 th Sideroad.
East	Abutting the property to the east is an Agriculturally zoned property which appears to be used as both a residence and a kind of industrial use.
South	The property abuts the Barrie-Collingwood Railway to the south (rear), and beyond that, a property that is zoned A-1 and appears to be vacant land.
West	Abutting the property to the west is an Agriculturally zoned property which appears to be used as both a residence and a kind of industrial use.

BACKGROUND:

The subject property, municipally known as 5807 30th Sideroad, is zoned Agricultural (A) Zone in the Essa Zoning By-law (2003-50). The proposal would comprise the creation of a new agricultural building.

The applicant has submitted a building permit application 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 County of Simcoe Official Plan (2024) requires that all proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the County or local municipality, whichever is the approval authority of the application, in consultation with the appropriate railway. In this case, this portion of the Barrie-Collingwood Railway (BCRY) abutting the property is owned by the County, and therefore no railway operator shall be required for consultation.

The Barrie-Collingwood Railway is considered an abandoned rail right-of-way, with plans for conversion to an active transportation corridor. As per the County’s Official Plan, subsection

4.8.51, the County shall promote the facilitation of trails as an interim use in abandoned rail corridors and will consider safe combination of active transportation and rail facilities for the long term in consultation with applicable guidelines, adjacent and local municipalities, and appropriate rail authority. This provision implies the use of active transportation as temporary and reserves the opportunity to redevelop the corridor as an active railway operation.

In an email to the applicant on August 13, 2024, the County's Planning Department has stated the following position:

"In this instance, the County would accept a setback measured from the BCRY property line that is at a minimum equivalent, but no less than the setback of the closest existing structure shown on your drawings. Please keep in mind however, that the Township may require a greater setback as a result of the zoning provisions that regulate your property as found in the Township's comprehensive zoning by-law."

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 Agricultural in the Township of Essa Official Plan. Section 6.2 of the Township's Official Plan permits agricultural and farm-related uses, including buildings and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are permitted.

The proposed structure comprises an accessory building described as an agricultural shop, which is permitted under the Agricultural policies of the Township Official Plan.

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 6.3 of the Essa Zoning By-law (2003-50) regulates buildings within the Agricultural zone. The proposal presented within this application would require an exception from the minimum rear yard setback for an agricultural building/structure at 30.0-metres. The applicant is proposing a rear yard setback of 9.5-metres to construct an agricultural shop

for storage of farm equipment. The relief that this variance would provide represents a deviation of approximately 68% less than the standard but would make the building consistent with other existing buildings on the lot. The proposed building appears to be in conformity with all other aspects of the Zoning By-law.

Thus, 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 would allow the applicant to exceed the minimum distance for an agricultural building to the rear lot line and allow for a new agricultural shop to be created. The uses on the lot would be consistent with the existing permitted uses on the lot and its neighbouring lots.

The subject property abuts the BCRY, and the applicant has already obtained a statement of clearance from the County of Simcoe confirming that the proposed building location would be an appropriate place.

Therefore, 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 proposes a deviation from one setback of the Zoning By-law, but the distance will not impact neighbouring residences or agricultural operations. No other variances to the Zoning By-law (2003-50) are required and the permitted uses are not proposed to be expanded beyond the current permitted uses of the lot.

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

PUBLIC COMMENTS:

No comments from the public were received for this 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,

A handwritten signature in black ink, appearing to read "Oliver Ward". The signature is written in a cursive, flowing style.

Oliver Ward
Planning Department
Township of Essa