

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A11/23
Related Application(s): Permit No. 2023-0185
Owner(s): Philip Zywot
Meeting Date: September 29th, 2023
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

Municipal Address	7969 5 th Line
Legal Description	PT E 1/2 LT 23 CON 4 ESSA TWP; PT W 1/2 LT 23 CON 5 ESSA TWP; PT RDAL BTN CON 4 & 5 ESSA TWP AS CLOSED BY BYLAW RO1140261, PT 7 51R22142 ; ESSA
Roll No.	432101000800204
Official Plan	Rural & Environmental – Significant Areas
Zoning By-law	Rural (RL) & Environmental Protection (EP)

RECOMMENDATION:

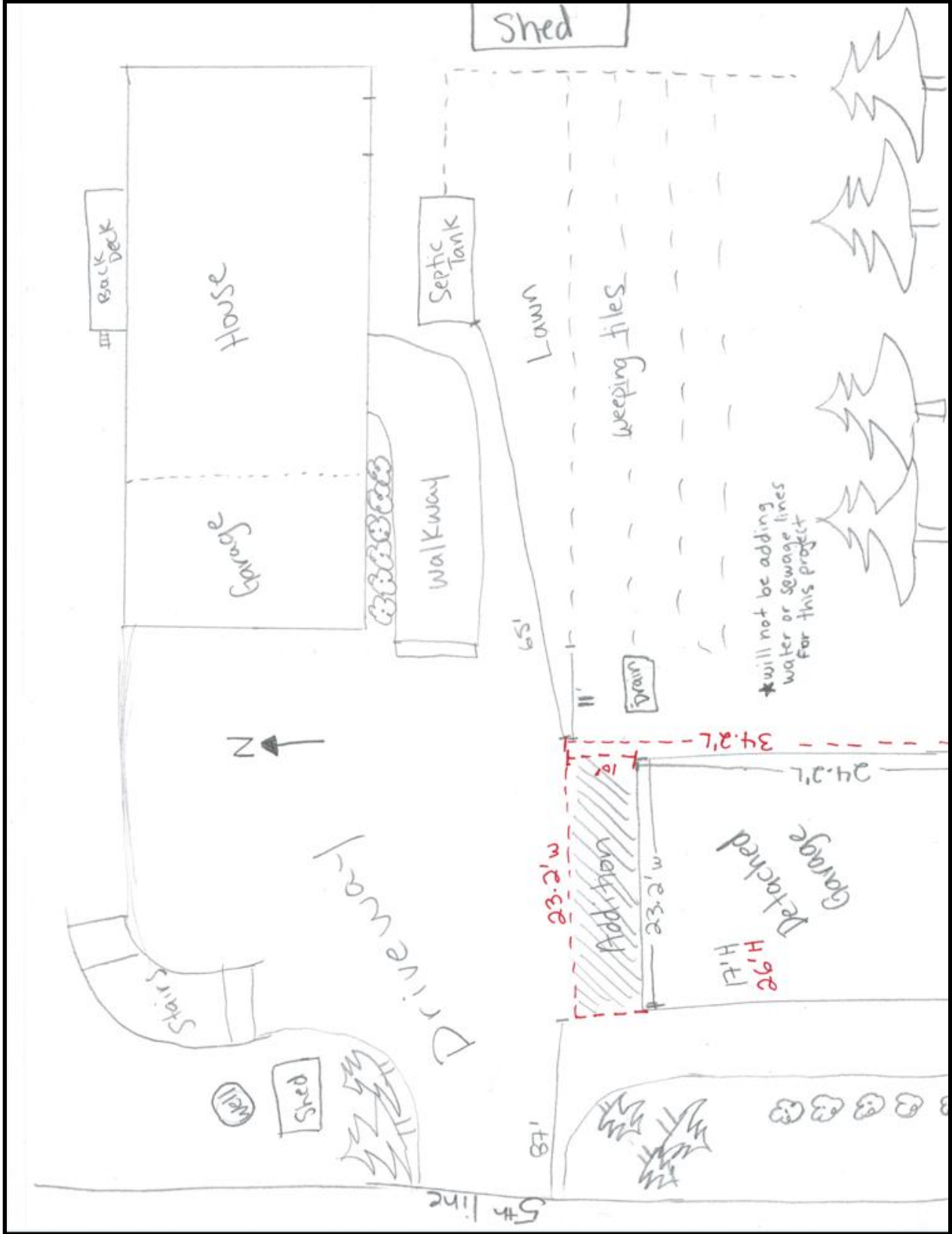
Staff recommends **APPROVAL** of Application A11/23 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid and up to date.
2. That the applicant satisfies concerns from the NVCA.
3. The applicant signs a declaration ensuring that the space above the garage is not used as or converted into an Additional Residential Unit (ARU).

CONTEXT:



PROPOSAL:



DATE OF SITE INSPECTION

September 15th, 2023.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 5.3(a) of Essa Township’s Zoning By-law (2003-50) which sets the maximum building height for an accessory building at 6.0 meters. The applicant is proposing to alter the height of an existing building to 7.92 meters to allow for storage area above an existing garage.

SURROUNDING LANDS:

North	The property abuts the Nottawasaga River with most of the Northern property and adjacent properties being heavily treed.
East	The eastern portion of the lots abuts the Nottawasaga River with heavy tree coverage a long the shore. Properties across the river are also heavily treed.
South	The subject property abuts 7901 5 th Line to the South and is extensively treed between the Single-detached dwelling and the neighbouring dwelling.
West	The western portion of the property fronts along 5 th Line, and across the road is 7900 5 th Line, a densely treed lot consisting of a single-detached dwelling, accessory buildings, and a pond.

BACKGROUND:

The subject property is municipally known as 7969 5th Line. The property is zoned Rural (RL) & Environmental Protection (EP) as per Schedule “A” of Essa Township’s Zoning By-law 2003-50. The proposed area of work would be within the portion of the lot zoned Rural (RL).

The applicant has an active building permit application (Permit 2023-0185) to increase the height of an existing detached garage to allow for more storage space.

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 7.2 of the Township’s Official Plan permits residential uses and accessory uses to residential buildings.

Given that the existing accessory structure has been approved and has the appropriate permits, the alteration of the structure would be a minor change to an already permitted use/structure.

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 7.2(h) of Essa Township's Zoning By-law (2003-50) states that accessory buildings 'to the above permitted uses' (i.e., g) A residence on a defined lot) are permitted.

Section 5.3 (a) permits accessory buildings be allowed a maximum height of 6.0 meters on lots over 1.0 hectares.

The proposal would allow the applicant to exceed the maximum height restriction outlined in Section 5.3 (a). The Minor Variance could be approved on the condition that the variance would not allow the use of the building to change. To ensure this, staff recommends the applicant be required to sign a *single-family declaration* that the detached garage will not be used as or converted into an Additional Residential Unit (ARU). The applicant will be required to submit for a new Minor Variance if the use of the building is ever intended to change.

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 maximum height restriction of 6.0 meters as it is proposed to allow for a building that is 1.9 meters greater than the restriction (7.9 meters in total).

The building itself and its use are permissible on the lands and the Minor Variance would not result in the use or area of the building being increased. The lot itself is heavily treed and quite large. As such, the building would not seem out of place nor appear imposing within the Rural area.

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 1.9-meter relief from the maximum building height of an accessory building in the Rural (RL) zone. The minimal increase is relatively small and its practical as well as aesthetic impacts would be greatly diminished given how densely treed the lot is.

There would be no impact on neighbours nor the lot itself given that the variance would not increase the footprint nor result in the expansion of uses beyond the original footprint making the application 'minor' in the opinion of Planning Staff.

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

PUBLIC COMMENTS:

No comments received.

AGENCY COMMENTS:

No comments received.

PLANNING COMMENTS:

No 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 Department
Township of Essa