

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A17/23  
**Related Application(s):** N/A  
**Owner(s):** Kenneth Savidis  
**Meeting Date:** October 27<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

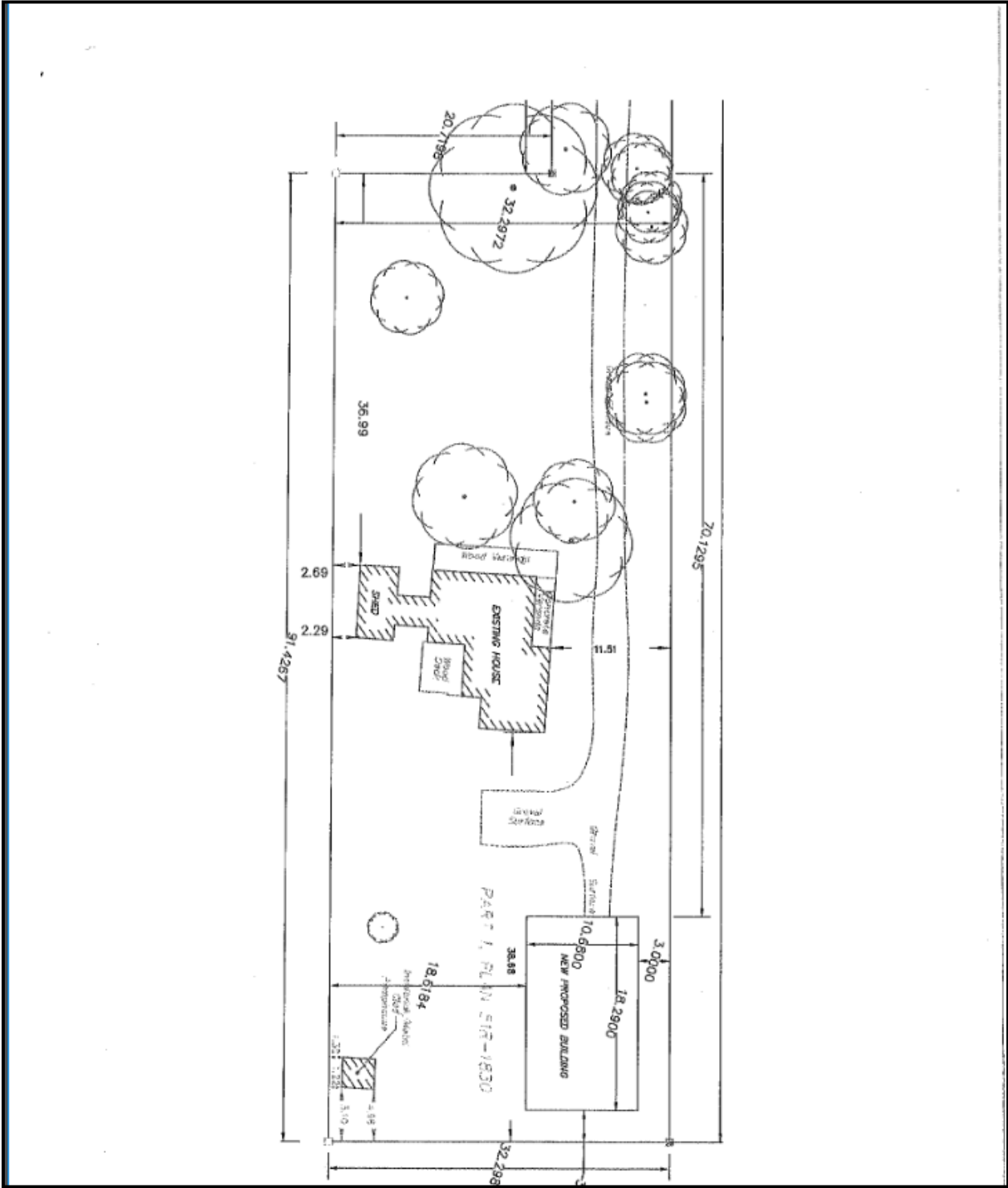
<b>Municipal Address</b>	6457 Scotch Line
<b>Legal Description</b>	ESSA CON 2 PT LOT 13 RP;51R1830 PART 1
<b>Roll No.</b>	432101000701601
<b>Official Plan</b>	Rural
<b>Zoning By-law</b>	Rural (RL)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application A17/23 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 any and all external costs associated with this application be borne by the applicant.**
- 4. The applicant be required to sign a declaration stating that the proposed building will not be used for anything other than accessory uses.**
- 5. The applicant be required to submit a lot grading and drainage plan prepared by a professional engineer to the satisfaction of the municipality, at not cost to the municipality.**

PROPOSAL:



**DATE OF SITE INSPECTION**

October 18<sup>th</sup>, 2023.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 5.3 a) of Zoning By-law (2003-50), which regulates the maximum gross floor area of an accessory building on a lot less than 1.0 hectares at 93.0 m<sup>2</sup>. The applicant is requesting a gross floor area of 182.0 m<sup>2</sup> for storage and personal use.

**SURROUNDING LANDS:**

<b>North</b>	The subject property abuts 6459 Scotch line to the north, which is entirely comprised of actively farmed fields.
<b>East</b>	The subject property abuts 6459 Scotch line to the east, which is entirely comprised of actively farmed fields.
<b>South</b>	The subject property abuts 6459 Scotch line to the south, which is entirely comprised of actively farmed fields.
<b>West</b>	The subject property abuts Scotch line to the west. The neighbouring property 6534 Scotch Line is on the other side of Scotch line and is entirely comprised of farm fields.

**BACKGROUND:**

The subject property is municipally known as 6457 Scotch Line. The property is zoned Rural (RL) as per Essa Township’s Zoning By-law 2003-50.

The property is what is referred to as a ‘pan-handle lot’ making it enveloped almost in its entirety by the neighbouring property 6459 Scotch Line.

**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 6.2 outlines the permitted uses within lands designated ‘Agricultural’ and states: “Building and structures normally incidental to an agricultural operation such as farm

residences, barns, sheds, etc., are also permitted.”

The applicant is proposed to construct an accessory structure for personal storage and use on the lot, which is permissible as per the 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 6.2h) outlines that “accessory buildings to the above permitted uses” may be permitted in lands zoned ‘Agricultural (A)’.

The applicant is proposing an accessory building that would be used for personal storage and use. The accessory building, therefore, would be a permitted use as per ZBL (2003-50).

**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 is seeking to increase the allowable size for an accessory building on a lot less than 1.0 hectares in size. The lot size of the subject property is approximately 0.530 hectares, meaning that the maximum building size for an accessory building on this lot is 93.0m<sup>2</sup>. The applicant is proposing an accessory building with a gross floor area of 182.0m<sup>2</sup>.

Given the size and shape of the lot, the surrounding uses, and lack of buildings in the immediate area, the building itself would not look out of place even with the considerably larger building size proposed.

Storage Buildings in lands zoned Agricultural (A) are considered primary structures when incidental to farming operations and do not have the same floor requirements and can often be around the same size as the one proposed.

Although this building will not be for agricultural activities, it should be acknowledged that large buildings are not uncommon in Agricultural zones and are in-keeping with the agricultural/rural aesthetic and character of the area. The building itself will not be discernibly different from buildings incidental to agricultural uses.

Planning Staff is of the opinion that the building would fit with the agricultural aesthetic and characteristics of the immediate area, and the lack of structures and buildings in the immediate area diminishes any visual impact.

However, staff is concerned that the building may eventually be converted to an Additional Residential Unit (ARU), and in the event this were to happen, the building would be too large to convert, and the applicant would be required to apply for a Minor Variance. As well, the building is large enough the drainage could become an issue and staff would recommend the applicant be required to address lot grading and drainage as a result.

Staff recommends the following conditions:

**The applicant be required to sign a declaration stating that the proposed building will not be used for anything other than accessory uses.**

**The applicant be required to submit a lot grading and drainage plan prepared by a professional engineer to the satisfaction of the municipality, at not cost to the municipality.**

**If the applicant agrees to these conditions, 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 seeking to increase the allowable size for an accessory building on a lot less than 1.0 hectares in size. The lot size of the subject property is approximately 0.530 hectares, meaning that the maximum building size for an accessory building on this lot is 93.0m<sup>2</sup>. The applicant is proposing an accessory building with a gross floor area of 182.0m<sup>2</sup>.

The proposed increase is considerable larger than what is allowed given that it would effectively double the allowable lot size. The proposed use is personal storage/use, and seems quite large considering; however, given the lack of structures, neighbouring residential properties and positing of the lot in a relatively secluded space, the Minor Variance would not result in a building that would be considered 'out of place'.

Staff recognizes that the increase is numerically significant, but staff would like to emphasize that practically speaking, there would be little to no impact on neighbours. As mentioned previously, staff suggests the applicant be required to verify the status of the accessory building and its uses via a declaration, as well as address lot grading and drainage to ensure no negative impacts on the neighbouring property.

**Thus, the Minor Variance should 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 Department  
Township of Essa