

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A8-25
Related Application(s): N/A
Owner(s): Giovanni John Spinello
Agent(s): First Step Design Limited
Meeting Date: June 27th, 2025
Prepared by: Anmol Burmy, Planning and Development Coordinator

PROPERTY INFORMATION:

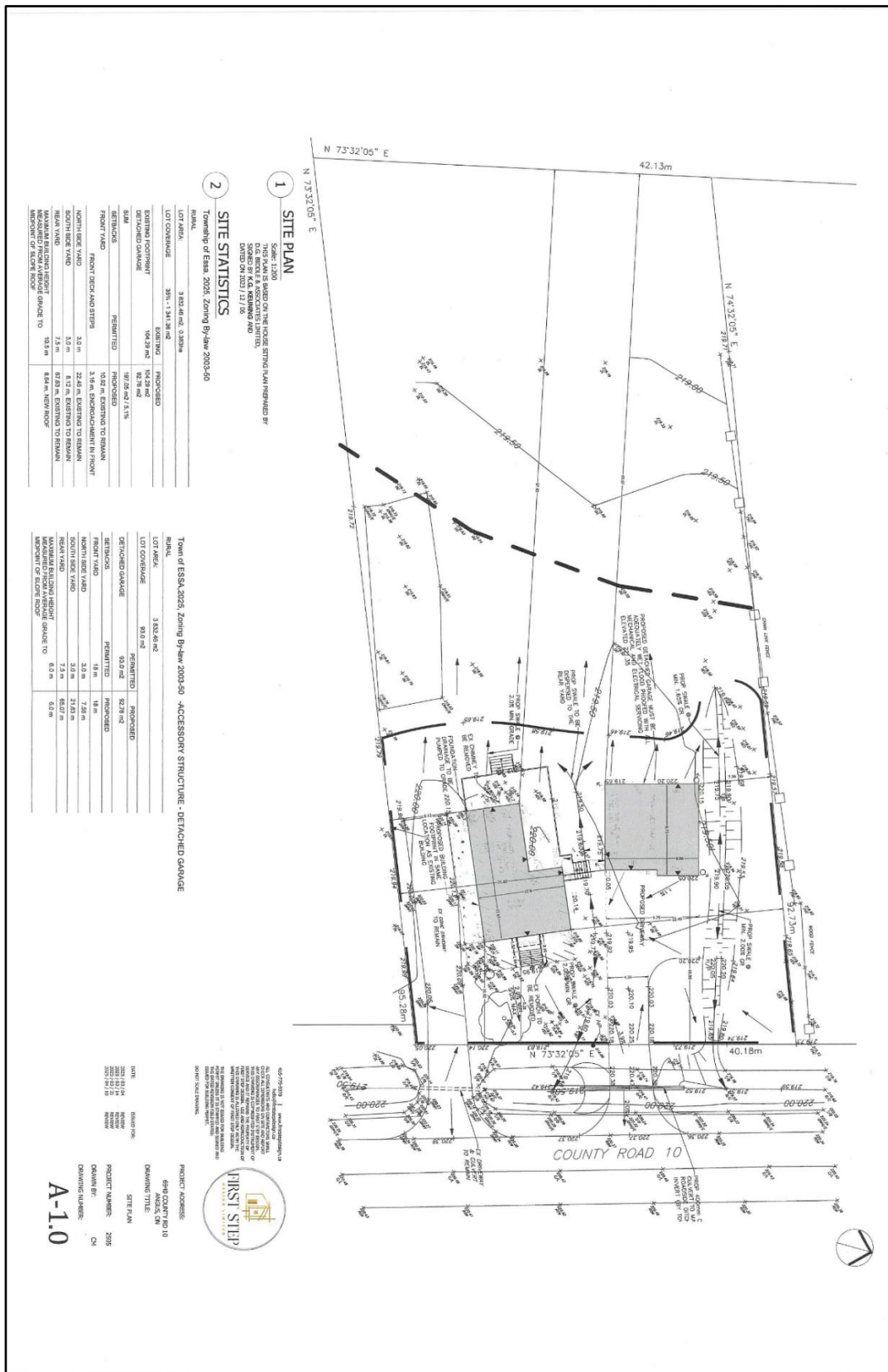
Municipal Address	6940 County Road 10
Legal Description	CON 3 E PT LOT 17
Roll No.	432101000709500
Official Plan	Agricultural (A) and Environmental Protection (EP)
Zoning By-law	Agricultural (A) and Environmental Protection (EP)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A8/25 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.
4. That the applicant provides the County of Simcoe with a valid permit for the existing driveway; or, if a valid permit cannot be provided, that the applicant apply for an entrance permit with the County of Simcoe, and to the satisfaction of the County of Simcoe.
5. The applicant applies for a minor variance with the County of Simcoe for the reduced front yard setback.

Proposal:



DATE OF SITE INSPECTION

June 5th, 2025

REASON FOR THE APPLICATION:

The applicant is requesting relief from the following section of the Zoning By-Law 2003-50:

1. Section 4.31 (b), which regulates that every part of any yard required to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that; Bay windows, balconies, canopies, or steps may project into any required front or rear yard a distance of not more than 1.0 m. The owners would like to encroach 3.16 m.
2. Section 6.3 which regulates the front yard setback for a property zoned Agricultural (A) to be 18.0 m. The property has an existing legal non-conforming setback for the house of 10.92 m, and is seeking permission to have a front yard setback of 8.28 m.

SURROUNDING LANDS:

North	The property abuts 6952 County Road 10 which is comprised of a single-family dwelling.
East	The property fronts County Road 10.
South	The property abuts 6926 County Road 10 which is comprised of a single-family dwelling.
West	The property abuts 7054 County Road 10 which is comprised of an actively farmed field.

BACKGROUND:

The subject property, municipally known as 6940 County Road 10, is approximately one acre in size and is zoned Agricultural (A) under the Essa Zoning By-law 2003-50.

The property currently contains a single detached dwelling, which has existed on the site since 1944. The current owners are proposing to demolish the existing dwelling and construct a new single detached dwelling with a detached garage, utilizing the same footprint as the existing structure.

The property is located within the jurisdiction of the Nottawasaga Valley Conservation Authority (NVCA), which requires that any redevelopment occur within the existing building footprint due to environmental constraints. The owners have obtained the necessary permit from the NVCA to proceed with the proposed development.

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 permitted uses in lands designated Agricultural which allow residential uses on the property.

The Variance would not expand beyond the residential uses permitted in lands designated Agricultural.

Therefore, the 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 of Essa Township's Zoning By-law 2003-50 outlines permitted uses in lands zoned Agricultural (A).

The applicant is seeking relief from Section 4.31 (b), which regulates that *Every part of any yard required to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that; Bay windows, balconies, canopies, or steps may project into any required front or rear yard a distance of not more than 1.0 m.*

The intent and purpose of the above-mentioned section is to preserve the streetscape and overall aesthetic character of a property. Given that the proposed dwelling will stay in the exact same position as the current home; that only the steps and porch of the home which will be encroaching the front yard setback; and that the existing homes along County Road 10 have similar designs, staff consider this variance to be minor.

Thus, the 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 proposal does not appear to impact any additional provisions, nor would it create any

conflicting uses or nuisances for neighbouring properties in terms of visual, noise, or developmental impacts when considering the tree coverage and distances from the neighbouring properties.

Staff has reviewed the proposal and has determined that the proposed dwelling would be in-keeping with all other requirements of the Zoning By-law. The variance should be considered appropriate, and it would not impact the existing use of the land, building, or structure.

Therefore, the variance should be considered appropriate use of the land and building.

Test 4.

Is the requested variance minor in nature? Yes

The Minor Variance would allow the applicant relief from Section 4.31 (b) of Zoning By-law 2003-50. The variance proposes to increase the encroachment allowance of porches from 1.0 m to 3.16 m. The change results in no practical negative impacts on the subject property, municipal roads, or neighbouring properties.

Furthermore, the proposed dwelling would conform to all other provisions of the Zoning By-law (2003-50) with no perceivable impacts to the neighbouring properties.

Thus, the variance should be considered 'minor' in nature.

ADDITIONAL COMMENTS:

County of Simcoe Comments:

1. The County of Simcoe Road Setback By-law No. 5604 regulates the location of buildings and other structures within 45 metres of lands adjacent to County Roads. Any new buildings and other structures must be located 15 metres from the property line abutting the County Road. If the 15-metre setback cannot be met, the Owner may apply to the County of Simcoe for a Variance to reduce the setback.
2. The County of Simcoe Entrance By-law No. 5544 regulates the construction, alteration or change in the use of any private or public entranceway, gate or other structure or facility that permits access to a County road. The County of Simcoe has no record on an Entrance Permit being issued for the existing entrance from this property onto County Road 10. If the property Owner cannot produce a valid permit, this entrance would be considered 'Legal non-conforming'. The County is requesting that the Owner apply for an Entrance Permit in the interest of updating the status of this entrance.

We have added these as conditions to the approval of the minor variance.

No other comments were received during the circulation of the 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,



Anmol Burmy
Planning Department
Township of Essa