

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A21/23
Related Application(s): N/A
Owner(s): Ian & Claudine Johns
Meeting Date: January 26th, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

Municipal Address	5223 6th Line
Legal Description	CON 6 S PT LOT 2
Roll No.	432101000122900
Official Plan	Agricultural
Zoning By-law	Agricultural (A) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application **A21/23** 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 are borne by the applicant.**

DATE OF SITE INSPECTION

January 16th, 2024.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 4.38.3b) of Essa Township’s Zoning By-law (2003-50) which regulates the maximum height of a structure in which an Additional Residential Unit (ARU) can exist at 4.5 meters. The applicant is proposing to construct an ARU in the second story of a detached accessory building that will be 6.9 meters.

SURROUNDING LANDS:

North	The property abuts other Agricultural Zone properties to the north and south which are primarily used for residences.
East	The eastern portion of the lots abuts 5234 County Road 56, an agriculturally zoned farm lot.
South	The property abuts other Agricultural Zone properties to the north and south which are primarily used for residences. A portion of the property along the southern boundary is zoned Commercial Agricultural (C5) Zone and appears to support residential and commercial use.
West	The western portion of the property fronts along 6 th Line, and across the road is 5264 6 th Line, an agriculturally zoned farm lot.

BACKGROUND:

The subject property is municipally known as 5223 6th Line. The property is zoned Agricultural (A) Zone as per Essa Township’s Zoning By-law 2003-50. The proposed area of work would be within the portion of the lot zoned A.

The applicant has not yet submitted a building permit application to construct the detached accessory building outlined in this application.

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 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 includes an additional residential unit within a large garage/workshop. Both uses are permitted under Section 6.2 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 4.38 restricts Additional Residential Units in detached accessory buildings to be no greater than 4.5 metres in height.

Section 5.3 (a) permits accessory buildings in the Agricultural Zone to be allowed a maximum of 8% or 139.0 m² of floor area, whichever is the lesser, of the area of a lot, on lots over 1.0 hectares, and a maximum height of 6.0 meters.

The proposal would allow the applicant to exceed the maximum height restriction outlined in Section 4.38 and 5.3 (a).

Section 6.2(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 uses. Additionally, Section 6.2(j) of the Zoning By-law states that Additional Residential Unit(s) are permitted in accordance with Section 4.38.

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 metres to allow for a building that is 6.9 metres in total from base to midpoint.

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, but rather represents only a portion of the proposed structure. The lot itself is heavily treed in the area around the proposed building site and quite large, such that the building would not be out of place or uncharacteristically tall in the context of the surrounding lands.

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 0.9-meter relief from the maximum building height of an accessory building in the Agricultural (A) zone, and a 2.4-metre relief from the maximum building height of an Additional Residential Unit. Due to the nature of the size of accessory buildings on Agricultural lots, it is reasonable that this variance is minor and practical in combining the uses permitted on the lot into a single structure.

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

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,

Oliver Ward
Planning Department
Township of Essa