

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A5/24
Related Application(s): N/A
Owner(s): Kim & Sylvia Murphy
Meeting Date: May 31, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

Municipal Address	5406 20 th Sideroad
Legal Description	PT E 1/2 LT 21 CON 7 ESSA TWP, PT 2 PL 51R37203 TOWNSHIP OF ESSA
Roll No.	432101000304800
Official Plan	Rural and Aggregate Potential
Zoning By-law	Primarily 'Rural (RL) Zone', partially Potential Aggregate Industrial (M2) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A5/24 based on Planning Policy and all considerations, with the following conditions:

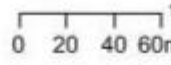
1. That all municipal taxes be paid and up to date.
2. That any and all external costs associated with this application are borne by the applicant.

PROPOSAL:

Kim & Sylvia Murphy 5406 20th Sdr. Essa pg 2 of 5
SITE PLAN Essa - Web Map



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1:2,320

- LEGEND**
- PR Primary Residence
 - FS- Farm Workshop
 - S Septic
 - A ARU
 - NS New Septic
 - W Existing Wells
 - G Gazebo
 - P Parking



Mar. 15, 2024

DATE OF SITE INSPECTION

April 29, 2024.

REASON FOR THE APPLICATION:

The Minor Variance is seeking relief from subsection 4.38.3 of the Additional Residential Units (ARU) Section of the Essa Zoning By-law (2003-50). Subsection 4.38.3f) regulates ARUs within a detached accessory building/structure in the "A" and "RL" Zones to be located no more than 30 metres from the Primary Residence.

The applicant is proposing to construct a new detached accessory building housing an ARU which would be located 90-metres from the existing primary residence. The proposed building appears to be in conformity with all other aspects of the Zoning By-law.

SURROUNDING LANDS:

North	The property abuts a small subdivision of low-density residential (RS1 zone) properties to the north along the 8 th Line.
East	The property abuts a mixed-use lot to the east, across the 8 th Line, which incorporates woodlands and agricultural lands.
South	The property abuts agricultural uses to the south across the 20 th Sideroad.
West	The property abuts another low-density rural-residential property to the west along the north side of the 20 th Sideroad.

BACKGROUND:

The subject property, municipally known as 5406 20th Sideroad, Essa, is zoned primarily 'Rural (RL) Zone' in the Essa Zoning By-law (2003-50), with a portion of the north-west corner being zoned Potential Aggregate Industrial (M2) Zone. The proposal would comprise the creation of a new Additional Residential Unit in a detached building.

The applicant has not submitted a building permit application in relation to this proposal and would be required to do so upon approval of the minor variance 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:

The subject property is designated primarily as “Rural” and partially as “Aggregate Potential” in the Township of Essa’s Official Plan, 2001. Section 7.3 of the Township’s Official Plan permits single-family dwellings and garden suites (ARUs).

The proposed structure comprises an additional residential unit, which is permitted under the Rural 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 4.38.3 of the Essa Zoning By-law (2003-50) regulates Additional Residential Units (ARUs) within detached accessory buildings, and includes the following provision:

- f) An Additional Residential Unit within a detached accessory building/structure in the “A” and “RL” Zones shall be located no more than 30 metres from the Primary Residence.

The proposal would require an exception from the above regulation so that the proposed ARU could be located up to 90-metres from the existing primary residence. This represents a deviation of 300% greater than the existing distance allowance, but the increased distance would not impact any other aspects of the Zoning By-law, including setbacks. The increased distance from the primary residence applied for in this application is considerably large than what is permitted; however, in the context of the proposal, and in respect to all other relevant aspects of the Zoning By-law, is suitable and represents a minor 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 distance for an

ARU from the primary residence and allow for a new residential unit (ARU) to be created. The uses on the lot would be consistent with the current active and permitted uses on the lot and its neighbouring lots. Furthermore, the proposed development would take place close to the center of an approximately 9-hectare property and be obscured from abutting lots and a significant portion of the abutting roads.

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 considerably large deviation from the provisions of Section 4.38.3f) of the Zoning By-law; however, the distance will not have any other negative implications due to the size of the lot. Additionally, 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:

N/A

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