

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A20/23
Related Application(s): Permit No. 2023-0382
Owner(s): Michael & Heather Warburton
Meeting Date: January 26th, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

Municipal Address	81 Brykman Road
Legal Description	PLAN 51M863 LOT 13
Roll No.	432102000107624
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1) Zone

RECOMMENDATION:

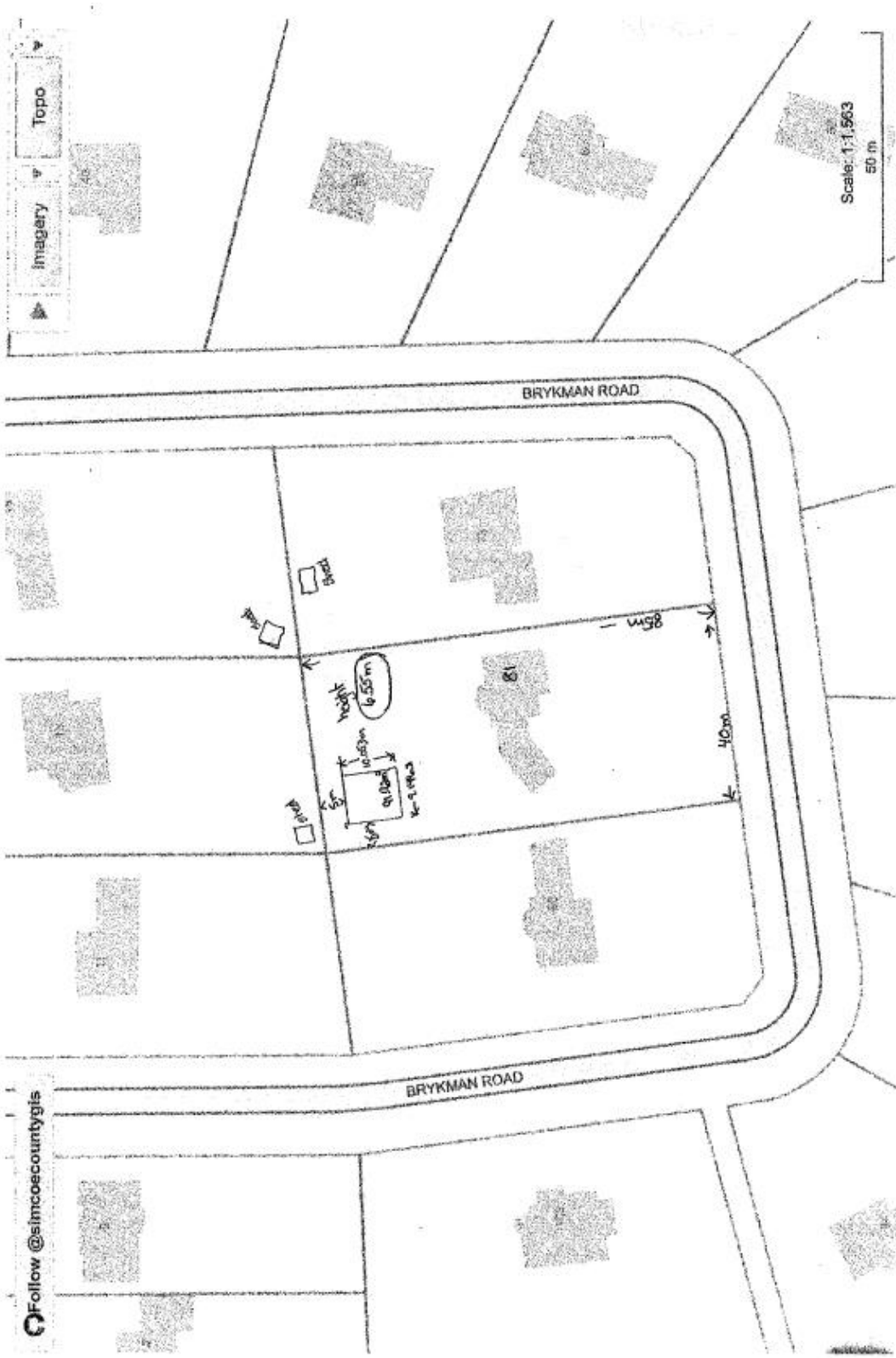
Staff recommends **APPROVAL** of Application **A20/23** based on Planning Policy and all considerations, with the following conditions:

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

PROPOSAL:

SITE PLAN

Owner: WARBURTON, Mike & HEATHER



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Note: Proposed variance is circled

DATE OF SITE INSPECTION

January 16th, 2024.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 8.1d) of Essa Township’s Zoning By-law (2003-50) which regulates the maximum building height for a detached accessory building on a lot less than 1.0 hectares at 4.5 meters. The applicant is proposing to construct a building/structure with a height of 5.1 meters.

SURROUNDING LANDS:

North	The property resides within a residential subdivision, abutting lots on all sides zoned Residential, Low Density, Detached (R1) Zone, each with existing residential uses.
East	The property resides within a residential subdivision, abutting lots on all sides zoned Residential, Low Density, Detached (R1) Zone, each with existing residential uses.
South	The property resides within a residential subdivision, abutting lots on all sides zoned Residential, Low Density, Detached (R1) Zone, each with existing residential uses.
West	The property resides within a residential subdivision, abutting lots on all sides zoned Residential, Low Density, Detached (R1) Zone, each with existing residential uses.

BACKGROUND:

The subject property is municipally known as 81 Brykman Road. The property is zoned Residential, Low Density, Detached (R1) 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 R1.

The applicant has submitted a building permit application to construct the detached accessory building outlined in this application, which is pending approval of this application for a minor variance to allow for an increased building height.

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 8.2 of the Township's Official Plan permits residential uses which maintain the low-density residential character of settlement areas.

Given that the proposed 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 14 of Essa Township's Zoning By-law (2003-50) permits accessory buildings subsidiary to primary residences in the R1 Zone.

Section 8.1(d) of Essa Township's Zoning By-law (2003-50) states that no accessory use, building or structure shall exceed 4.5 metres in height on any lot which is less than 1.0 hectare in size.

The proposal would allow the applicant to exceed the maximum height restriction outlined in Section 8.1(d) by 0.6 metres.

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 as it is proposed to allow for a building that is 5.1 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 floor area of the building being increased. The lot itself appears adequate for the addition of an accessory building of the proposal's size, such that the building would not be out of place or uncharacteristically tall in the context of the

surrounding lands. The additional height would also be obscured from view by surrounding mature trees.

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 0.6-meter relief from the maximum building height of an accessory building in a Residential Zone but will not comprise a deviation from the permitted uses on the lot. There would appear to 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