

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A4-26  
**Related Application(s):** N/A  
**Owner(s):** Alex Soroka  
**Meeting Date:** April 24<sup>th</sup>, 2026  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

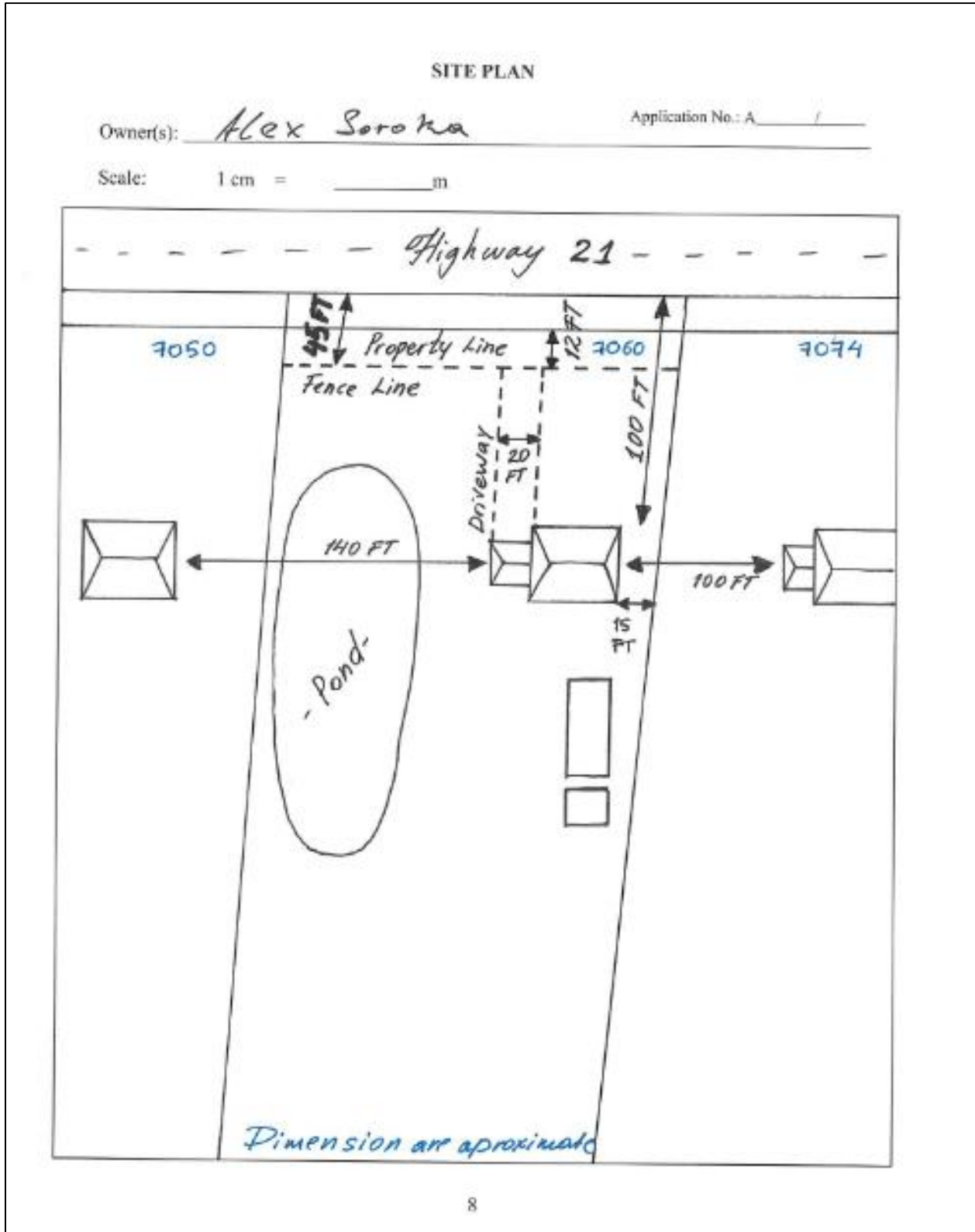
<b>Municipal Address</b>	7060 County Road 21
<b>Legal Description</b>	CON 1 PT LOT 16 RP 51R16870;PART 3
<b>Roll No.</b>	432101000700808
<b>Official Plan</b>	Agricultural & Environmental – Flood Prone Areas
<b>Zoning By-law</b>	Agricultural (A) & Environmental Protection (EP)

**RECOMMENDATION:**

Staff recommend **APPROVAL** of Application A4-26 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 applicant satisfies concerns from the NVCA (if any).
4. The applicant is to remove the shipping container from the property prior to the approval of the variance.

PROPOSAL (attachment 1):



**DATE OF SITE INSPECTION:**

April 17, 2026.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from the following Section(s) of Fencing By-law 2017-40:

- a) Section 3.4 of the Fencing By-law 2017-40 which states that fencing within a front yard must be less than 1.2-metres (4 feet) and of open construction. The applicant would like to build a fence that would reach a maximum peak of 2.4metres (8 feet).

**SURROUNDING LANDS:**

<b>North</b>	The subject property abuts 6890 Scotch Line to the North. The neighbouring property is a large vacant parcel that is densely forested.
<b>West</b>	The subject property abuts 7074 County Road 21 to the West. The neighbouring property is comprised of a single-family dwelling and accessory buildings.
<b>South</b>	The subject property abuts County Road 21 to the South.
<b>East</b>	The subject property abuts 7050 County Road 21 to the East. The neighbouring property is comprised of a single-family dwelling and accessory buildings.

**BACKGROUND:**

The subject property is municipally known as 7060 County Road 21. The property is zoned Agricultural (A) Zone and Environmental Protection (EP) Zone as per Schedule ‘A’ of Essa Township’s Zoning By-law (ZBL) 2003-50. The applicant has applied for a minor variance to the Fencing By-law No. 2017-40 to get relief from the maximum allowable height for a fence located in the front yard of a residential property. It should be noted that the Township does not issue permits for fencing at this time.

**COMMENTS:**

Test 1.

**Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes**

The subject property is designated Agricultural and Environmental – Flood Prone Areas. As per Section 6.2, the Agricultural designation allows for building and structures accessory to residential uses (i.e. detached garages).

The proposed variance would not expand beyond the uses permitted in lands designated

Agricultural. The Official Plan does not explicitly regulate fencing.

**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.**

Section 6.2 of Zoning By-law 2003-50 allows for the construction of accessory structures. A fence is considered an accessory structure and must be built in accordance with the provisions identified in the Fencing By-law. The Zoning By-law does not regulate fencing beyond permitting it as a use.

Section 3.4 of Fencing By-law 2017-50 outlines that a fence having a maximum height of 2 metres (6.6 feet) may be erected along the rear and side lot lines except in the front yard on a property. Fencing within a front yard must be less than 1.2 metres (4 feet) and of open construction.

The proposed variance would not expand beyond the uses permitted in lands zoned Agricultural (A) Zone and would be of open construction. The variance does not propose to expand the use beyond what is currently allowed.

**Thus, the Variance would generally maintain the intent and purpose of Essa Township's ZBL (2003-50).**

Test 3.

**Is the minor variance desirable for the appropriate development or use of the land, building or structure? Yes.**

Section 3.4 states that a fence having a maximum height of 2-metres (6.6 feet) may be erected along the rear and side lot lines except in the front yard on a property. Fencing within a front yard must be less than 1.2-metres (4 feet) and of open construction.

As per the cover letter provided by the applicant, the proposed fencing will be 2.4-metres in the front yard and shall remain 2-metres along the side yards. The fencing is of open construction, being a black ornamental iron fence. The applicant has provided the following reasons for the variance: traffic safety and public convenience, aesthetic and architectural integration, security and asset protection, safety and liability, and selective application.

Staff acknowledge that the choice of a higher fence will mainly have an aesthetic impact which is mitigated by the considerable setback the fence would have from the road.

Furthermore, being of open design and distance from the road entrance, the variance should not cause any visual impairment to enter and exit the property, eliminating safety and access concerns.

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

Test 4.

**Is the requested variance minor in nature? Yes**

The maximum allowable height for a fence located in the front yard of a property shall be no greater than 1.2m. The applicant is proposing a maximum height for the portion of the fence located in the front yard at 2.4m. This represents at 1.2m (100%) increase to the maximum allowable height, doubling the maximum allowable height.

Normally, this increase would not be considered minor; however, staff acknowledge that given the rural character of the area and the proposed setback from the road there appear to be no perceivable impacts from the approval of the variance. Considering the lack of negative impacts on the property owner and neighbouring properties, the proposal can be considered 'minor' from a practical standpoint.

**Thus, the Variance should be considered minor in nature.**

**ADDITIONAL COMMENTS:**

No comments were received from any agency, department, or neighbours at the time of this report.

Upon further inspection of the site, it was observed that there is a shipping container at the rear of the property. Staff would like to note that sea cans are not permitted in lands zoned Agricultural (A) Zone. As such, the planning department would recommend the following conditions of approval:

**The applicant is to remove the shipping container from the property prior to the approval of the variance.**

**CONCLUSION:**

For the above reasons, Staff recommends **APPROVAL** of this application.

Respectfully submitted,



**Owen Curnew**  
Development Planner  
Township of Essa

**ATTACHMENTS:**

1. Attachment 1 – Site Plan

SITE PLAN

Owner(s): Alex Soroka

Application No.: A \_\_\_\_\_ / \_\_\_\_\_

Scale: 1 cm = \_\_\_\_\_ m

