

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A13-25
Related Application(s): Permit No. 2025-0191
Owner(s): Renny & Irina Bidinot
Meeting Date: September 26th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

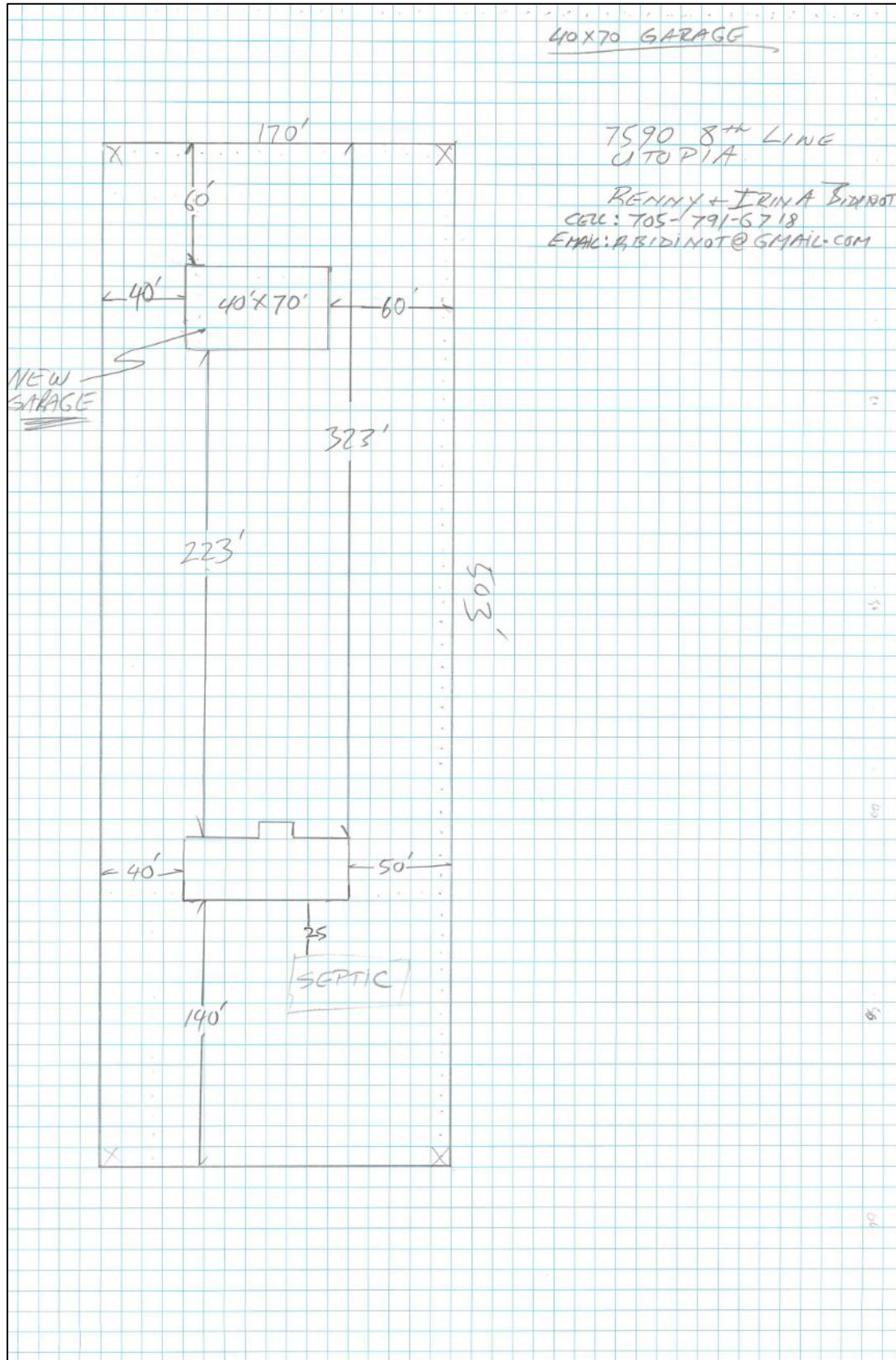
Municipal Address	7590 8 th Line
Legal Description	CON 7 PT LOT 22 RP 51R33930; PART 2
Roll No.	432101000305200
Official Plan	Aggregate Potential
Zoning By-law	Potential Aggregate Industrial (M2)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A13-25 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. The applicant satisfies any concerns from the NVCA.

PROPOSAL:



DATE OF SITE INSPECTION

September 15th, 2025.

REASON FOR THE APPLICATION:

The applicant is seeking relief from the following Section(s) of Zoning By-law 2003-50:

1. Section 5.3 (a) which stipulates no accessory use, building or structure shall occupy more than 93.0 m² of floor area on any lot which is less than 1.0 ha in size. The applicant is proposing to construct a new garage on the rear side of the property that is 260.1 m².

SURROUNDING LANDS:

North	The subject property abuts 7604 8 th Line to the North. The neighbouring property is comprised of a single-family dwelling and accessory buildings/structures. The property partially borders 7624 8 th Line to the North, which is a vacant parcel of land.
West	The subject property abuts 7568 8 th Line (Wolf's Den) which is comprised of a single-family dwelling, accessory buildings/structures, and a commercial gun range.
South	The subject property abuts 7568 8 th Line (Wolf's Den) which is comprised of a single-family dwelling, accessory buildings/structures, and a commercial gun range.
East	The subject property abuts 8 th Line to the West.

BACKGROUND:

The subject property is municipally known as 7590 8th Line. The property is zoned Potential Aggregate Industrial (M2) as per Schedule 'A' of Essa Township's Zoning By-law 2003-50. Please note, as per Section 26.3, lots used for residential purposes on lands zoned M2 must apply provisions from Sections 4, 5, and 6 when considering new accessory buildings.

The applicant has submitted a building permit (Permit No. 2025-0191) for review. During the Zoning Review, it was determined that the proposed garage was not in conformance with the provisions set out in Section 5.3 of Zoning By-law 2003-50, as stated above. The applicant has applied for a variance at the request of the Township.

This property received approval for a variance on September 30th, 2016, from the previous owner. The previous variance proposed to construct a new garage for storage and a hobby wood working shop. The proposed size of the building was 148.65m², and it should be noted that this building was never constructed. It should also be noted that the minor variance would still apply if the applicant were to construct the original building as proposed in the 2016 decision.

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 18.3.2 (e) of the Township's Official Plan states that lands with high agricultural potential, the alternative designation shall be Agricultural. As per Section 6.3.2 (b), Agricultural lands are considered prime in Class 1-3 and generally Class 4. For the purposes of the policy analysis for the proposed variance, the lands should be considered Agricultural, and policies of Section 6 of the Official Plan will apply.

Section 6.2 states building[s] and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are also permitted.

Given that the maximum allowable size of accessory buildings/structures (i.e. a garage) are not regulated by the Official Plan, the existing use is permitted, and the approval of the variance would have no impact on the rural character of the area, the variance should be considered in keeping with the Official Plan.

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 26.3 of Essa Township's Zoning By-law (2003-50) states that accessory buildings and structures (i.e. a garage) built in lands zoned M2 are regulated by the provisions set out in Section 4, 5, and 6.

Section 5.3(a) of Essa Township's Zoning By-law (2003-50) states that no accessory use, building or structure shall occupy more than 93.0 m² of floor area, nor exceed 4.5 m in height on any lot which is less than 1.0 ha in size;

The proposed variance does not look to expand beyond the permitted uses within the Agricultural (A) Zone, nor does it seek to significantly change the maximum allowable floor area for an accessory building/structure as described in Test 3 and 4 below.

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

Given that a garage is a permitted use in lands zoned Agricultural (A) and that garage would conform to all other requirements under ZBL 2003-50 there are no concerns from Planning Staff regarding the feasibility or appropriateness of the development. Additionally, the proposed building would be required to conform to all relevant requirements in the OBC, there are no perceivable impacts on drainage, and no impacts on neighbouring properties can be identified, the variance poses no concerns to staff at this time.

All standards development practices as facilitate through the building permits will be adhered to ensure adequate and safe placement/construction of the proposed garage.

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

Test 4.

Is the requested variance minor in nature? Yes

Section 5.3(a) of ZBL 2003-50 states the following:

No accessory building or structure shall occupy more than 8% or 93.0m² of floor area, whichever is the lesser, of the area of a lot, nor exceed 6.0 m in height on any lot, which is less than 1.0 ha in size;

and

No accessory building or structure shall occupy more than 8% or 139.0m² of floor area, whichever is the lesser, of the area of a lot, nor exceed 6.0 m in height on any lot, which is greater than or equal to 1.0 ha in size.

The applicant is proposing to construct a garage that will have a floor area of 260.1m². The proposal seeks to increase the maximum allowable floor area for an accessory building from the 93.0m² requirement to 167.1m², meaning the applicant is proposing a 269% increase to the maximum allowable building size.

This increase is seemingly large but is justifiable when looking at the impact to the maximum allowable lot coverage for an accessory building in lands zoned Agricultural (A), which is 8% of the total lot area. The current lot size is 0.788 hectares (7,880m²), if the

applicant were to adhere to the 93.0m² requirement, the accessory lot coverage would be ~1% ($93/7,880 = .011\%$). If the variance were approved to allow for the proposed building at 260.1m², the proposed lot coverage would be ~3% ($260.1/7,880 = .033\%$).

When taking into consideration that the proposed gross floor increase would only result in a ~2% increase to the overall lot coverage and is still within the maximum allowable lot coverage of 8% for an accessory building/structure for lands zoned Agricultural (A), the proposed variance can be considered numerically and practically insignificant.

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.

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,



Owen Curnew
Development Planner
Township of Essa