

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A11-25
Related Application(s): Permit No. 2025-0096
Owner(s): Kenneth Dylan Thompson
Meeting Date: September 26th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

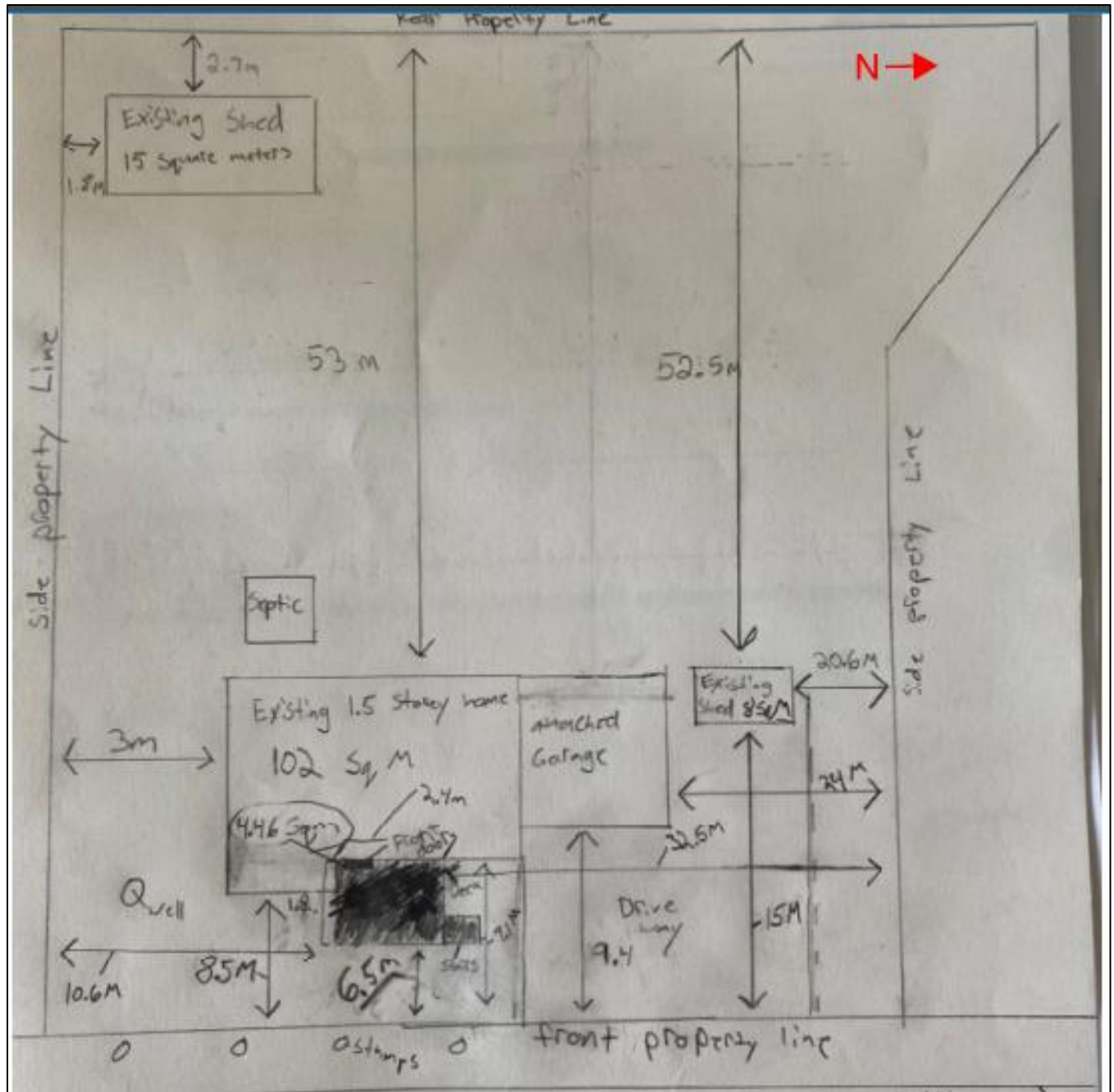
Municipal Address	8708 6 th Line
Legal Description	ESSA CON 5 E PT LOT 30 RP;51R2333 PT PART 3 RP;51R41160 PART 5
Roll No.	432101000804903
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached Zone (R1)

RECOMMENDATION:

Staff recommend **APPROVAL** of Application A11-25 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 receives permission from the County of Simcoe that the proposed setback from the BCRY Railway Corridor is acceptable. Additionally, if the County of Simcoe identifies that a variance is required, the applicant receives a variance from the County of Simcoe.

PROPOSAL:



DATE OF SITE INSPECTION

September 17th, 2025.

REASON FOR THE APPLICATION:

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

- a) Section 17 of Essa Township's Zoning By-law 2003-50 stipulates that the minimum front yard setback for buildings and structures is 7.5m. The applicant is proposing to construct a new deck for the front entrance that will project into the required front yard setback by 1.0m. The proposed deck will have a setback of 6.5m from the front yard lot line.

SURROUNDING LANDS:

North	The subject property abuts the Barrie-Collingwood Railway to the North and also abuts a residential property municipally known as 8718 6 th Line.
West	The subject property abuts what appears to be an actively farmed field known municipally as 8686 6 th Line.
South	The subject property abuts the neighbouring property known as 8698 6 th Line which consists of a single-family dwelling and accessory buildings/structures.
East	The property abuts 6 th line which is a municipally owned road.

BACKGROUND:

The subject property is municipally known as 8708 6th Line. The property is zoned Residential, Low Density, Detached (R1) as per Schedule "B" of Essa Township's Zoning By-law 2003-50.

The applicant has submitted a building permit (Permit No. 2025-0096) for review. During the Zoning Review, it was determined that the proposed deck was not in conformance with the provisions set out in Section 17 of Zoning By-law 2003-50, as stated above. The applicant has applied for a variance at the request of the Township.

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 and accessory uses to

residential buildings.

Given that setbacks for decks are not regulated by the Official Plan, the existing use is permitted, and the approval of the variance would have no impact on the Low-Density character of the neighbourhood, 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 14 of Essa Township's Zoning By-law (2003-50) states that accessory buildings and structures (decks) are permitted use in all residential zones.

Section 17 of Essa Township's Zoning By-law (2003-50) states that the minimum front yard setback for accessory buildings and structures in the R1 Zone is 7.5m

The proposed variance does not look to expand the permitted uses within the R1 Zone, nor does it seek to significantly change the setback requirement 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

The Minor Variance would allow the applicant the following form of relief:

1. The applicant is proposing to construct a new deck for the front entrance that will project into the required front yard setback by 1.0m. The proposed deck will have a setback of 6.0m from the front yard lot line.

Given that the Zoning By-law 2003-50 already makes considerations for front yard steps to encroach the minimum required front yard setback by 1.0m (i.e. the proposed 6.5m setback) in Section 4.31 (b), it is safe to say that minor encroachments to the front yard

setback by small structures and entrance features are not of concern and accounted for within the policy. The applicant is simply looking to align the deck itself with what is already permissible. Staff may want to consider reviewing the policy to see if there should be some more continuity between the setbacks of decks and steps within the front yard of R1 Zones.

Considering that the property abuts the BCRY Railway Corridor, staff recommend the following condition of approval be added: that the applicant receives permission from the County of Simcoe that the proposed setback from the BCRY Railway Corridor is acceptable. Additionally, if the County of Simcoe identifies that a variance is required, the applicant receives a variance from the County of Simcoe.

Therefore, if the applicant can satisfy the proposed condition, the 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 1.0m reduction to the minimum front yard setback for accessory buildings and structures within the R1 Zone.

As stated previously, given that Section 4.31 (b) of Zoning By-law 2003-50 already makes considerations for steps (presumably attached or independent to decks) to project into the required front yard setback by 1.0m, it could be said that minor encroachments by small structures are contained within the policy already. To allow for the deck to be built in-line with the permissions already afforded to steps in the policy is not a significant departure from what is already allowed and would maintain the intent and purpose of the provisions.

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,

A handwritten signature in black ink, appearing to read 'Owen Curnew', with a long horizontal flourish extending to the right.

Owen Curnew
Development Planner
Township of Essa