

COMMITTEE OF ADJUSTMENT

PLANNING REPORT

**Application:** A5/23  
**Related Application(s):** N/A  
**Owner(s):** Danette Coles  
**Meeting Date:** April 28<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Planning Technician

---

**PROPERTY INFORMATION:**

<b>Municipal Address</b>	6606 8 <sup>th</sup> Line
<b>Legal Description</b>	PT E 1/2 LT 14 CON 7 ESSA TWP PT 1, 51R18772; ESSA,
<b>Roll No.</b>	432101000302503
<b>Official Plan</b>	Agricultural
<b>Zoning By-law</b>	Agricultural (A)

**RECOMMENDATION:**

Staff recommends **APPROVAL** of Application A5/23 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid up-to-date.
2. That the proper Building Permit(s) be obtained.
3. That the applicant provide staff with a lot grading and drainage plan to the satisfaction of the Township and at no cost to the Township.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 5.3a of Essa Township's Zoning By-law 2003-50 which regulates the maximum height (6.0m) and gross floor area (93.0m<sup>2</sup>) of detached accessory buildings in Agricultural zones. The applicant is proposing to build a detached garage with living space above. The proposed garage would be 7.3m in height and would have a gross floor area of 107m<sup>2</sup>.

**PROPOSAL:**





**DATE OF SITE INSPECTION**

**April 3<sup>rd</sup>, 2023**

**SURROUNDING LANDS:**

<b>North</b>	The neighbouring property 6618 8 <sup>th</sup> Line is located to the North. The Northern portion of the property is heavily treed between the subject property and the neighbour’s property.
<b>East</b>	The Eastern portion of the property is moderately treed along the portion that abuts 8 <sup>th</sup> Line.
<b>South</b>	The neighbouring property 6590 8 <sup>th</sup> Line is located to the South. It is sparsely treed between the properties.
<b>West</b>	The neighbouring property 6618 8 <sup>th</sup> Line is located to the West. It is heavily treed between the subject property and the neighbour’s property.

**BACKGROUND:**

The subject property is zoned Agricultural (A) and has an area of .417 hectares (~2.5 acres). The property is legally described as PT E 1/2 LT 14 CON 7 ESSA TWP PT 1, 51R18772; ESSA and is municipally known as 6606 8<sup>th</sup> Line.

The subject property is zoned Agricultural (A), 6.2 permits the construction of an accessory building in Agricultural (A) zones.

The surrounding lands contain single family dwellings, accessory structures, and other rural features with tree coverage between the subject property and most neighbouring properties.

**COMMENTS:**

Test 1.

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

**Essa Township Official Plan:**

Section 6.1 states:

*“The basic objective of areas designated Agricultural on the attached schedules is for the promotion and protection of the agricultural resource base of the Township. This designation coincides with those lands which exhibit good agricultural capability which includes Class 1 to 4 lands as established by the Canada Land Inventory’s Soil Capability for Agriculture. The intent of this Plan is to preserve the agricultural community and to exclude non-agricultural or incompatible uses from areas designated Agricultural.”*

The lot does not have an active agricultural operation nor appear to have any physical features indicating future use as an agricultural operation.

Therefore, the construction of an accessory building would not impact the current or future potential for agricultural uses to occur, as currently only residential uses exist on the lot.

Thus, the Minor Variance is generally consistent with the intent and purpose of the Township 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 6.2 permits the construction of accessory buildings in Agricultural (A) zoned areas.

The proposed Minor Variance would allow for the development of a detached accessory building.

Section 5.3a of Essa Township's Zoning By-law 2003-50 regulates the maximum height (6.0m) and gross floor area (93.0m<sup>2</sup>) of detached accessory buildings in Agricultural zones.

The Minor Variance would allow for relief from Section 5.3a of Essa Township's Zoning By-law and would not change the use of the property, nor impact the subject property or neighbouring lands in any negative way. Therefore, given that detached accessory structures are permitted, the Minor Variance would simply allow for the relief from provisions related to building.

Thus, the Minor Variance is generally consistent with 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 is desirable for the proposed development and use of the land as the lot is currently being used for residential purposes. The heavy tree coverage along the neighbouring properties to the North and West, as well as tree coverage along the road would obstruct direct view of the structure and would maintain the agricultural and rural characteristics that exist in the area.

The relief from the height and size restrictions would not impact the use of the land, nor the surrounding properties, as adequate tree coverage provides an aesthetic and physical buffer between properties. Therefore, few to no impacts would occur as a result of the development, making it appropriate for the use of the land.

Thus, the Minor Variance is a desirable development given the current residential uses of the land.

#### Test 4.

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

The proposed variance is minor in nature. The proposed development would result in a nominally insignificant increase in the allowable height and size given that the height would only be an increase of 1.3m (7.3m) and the gross floor area, an increase of 14m<sup>2</sup> (107m<sup>2</sup>).

These proposed increases would have little to no impact on the subject land and uses, as well as neighbouring properties. The tree coverage makes this proposed development largely hidden, and aesthetically, the increase will be insignificant and almost unseen due to the thick coverage from the forest line provides along the North and West of the

property.

Thus, the Minor Variance is minor in nature.

**AGENCY & DEPARTMENT COMMENTS:**

No comments received.

**PUBLIC COMMENTS:**

No comments received.

**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  
Planning Technician  
Township of Essa