

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A7/23
Related Application(s): N/A
Owner(s): Walter Drobny
Meeting Date: April 28th, 2023
Prepared by: Owen Curnew, Planning Technician

PROPERTY INFORMATION:

Municipal Address	5795 Old Mill Road
Legal Description	LT 8 PL 51M850; S/T EASEMENT FOR ENTRY IN SC641816; ESSA
Roll No.	432101000808834
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A7/23 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 8.1d of Essa Township's Zoning By-law 2003-50 which regulates the maximum gross floor area (93.0m²) and height (4.5m) of detached accessory buildings in residential zones. The applicant is proposing to place a prefabricated workshop. The proposed workshop would be 4.8m in height and would have a gross floor area of 98m².

PROPOSAL:



DATE OF SITE INSPECTION

April 3rd, 2023

SURROUNDING LANDS:

North	The neighbouring property 5785 Old Mill Road consists of a single-detached dwelling and accessory structures that are sparsely dispersed.
East	The Eastern end of the property abuts the Canadian Pacific Railway.
South	The neighbouring property 5805 Old Mill Road consists of a single-detached

	dwelling and accessory structures that are sparsely dispersed.
West	The Western end of the property abuts Old Mill Road.

BACKGROUND:

The subject property is zoned Residential, Low Density, Detached (R1) and has an area of .71 hectares (~1.8 acres). The Property is legally described as LT 8 PL 51M850; S/T EASEMENT FOR ENTRY IN SC641816; ESSA and is municipally known as 5795 Old Mill Road.

The subject property is zoned Residential, Low Density, Detached (R1), Section 9.2 permits the construction of an accessory building and the construction of Additional Residential Unit(s) in Residential, Low Density, Detached (R1) zones.

The surrounding lands contain single family dwellings, on large estate sized lots.

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 states the Permitted Uses within Residential Designations:

“The predominant use of those lands designated as Residential shall be for single detached, semi-detached and duplex dwellings. Development within this designation is intended to maintain the low-density residential character of the settlement areas with the provision for medium density development such as townhouses and low-rise apartment buildings being located in accordance with the policies of this Plan and being serviced with full municipal services. Home occupation, neighbourhood commercial uses, and open space uses may also be permitted.”

The Minor Variance would allow for the construction of an accessory building that would be subservient to the existing single-detached dwelling, and would not impact the residential character of the neighbourhood.

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 8.1d regulates the maximum gross floor area (93.0m²) and height (4.5m) of detached accessory buildings in residential zones. The applicant's proposed development would exceed the limits set in this section but would have little to no impact on the surrounding uses or properties. As a result, a Minor Variance would allow for the development to be in compliance with the Zoning By-law 2003-50, while maintaining the Residential character of the lot and surrounding properties.

Section 9.2 of Essa Township's Zoning By-law 2003-50 permits accessory structures to exist in Residential, Low Density, Detached (R1) zones.

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 would allow for the relief from provisions regulating the size and the height of the proposed building. The building itself complies with the permitted uses, minimum setbacks, and would have little to no impact on neighbouring properties.

As such, the Minor Variance is desirable as a detached accessory structure is permitted on the lot, and the Minor Variance is simply to allow for relief as the prefabricated structure does not comply with the relevant By-law.

The Minor Variance is desirable for the proposed structure.

Test 4.

Is the requested variance minor in nature? Yes

The Minor Variance is minor in nature as it is only seeking relief from one section of the By-law (Section 8.1d). The minor variance itself is nominally insignificant as the applicant is seeking an increase in floor size that is only 5.0m² (98.0m²) above the maximum 93.0m² and 0.3m² (4.8m²) above the maximum height of 4.5m² for detached accessory structures.

Given that the Minor Variance is nominally insignificant and would have no impact on surrounding properties, the 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,

Owen Curnew
Planning Technician
Township of Essa