

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A16/23
Related Application(s): Permit No. 2019-0329/2023-0323
Owner(s): Stefan Torelli
Meeting Date: January 26th, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

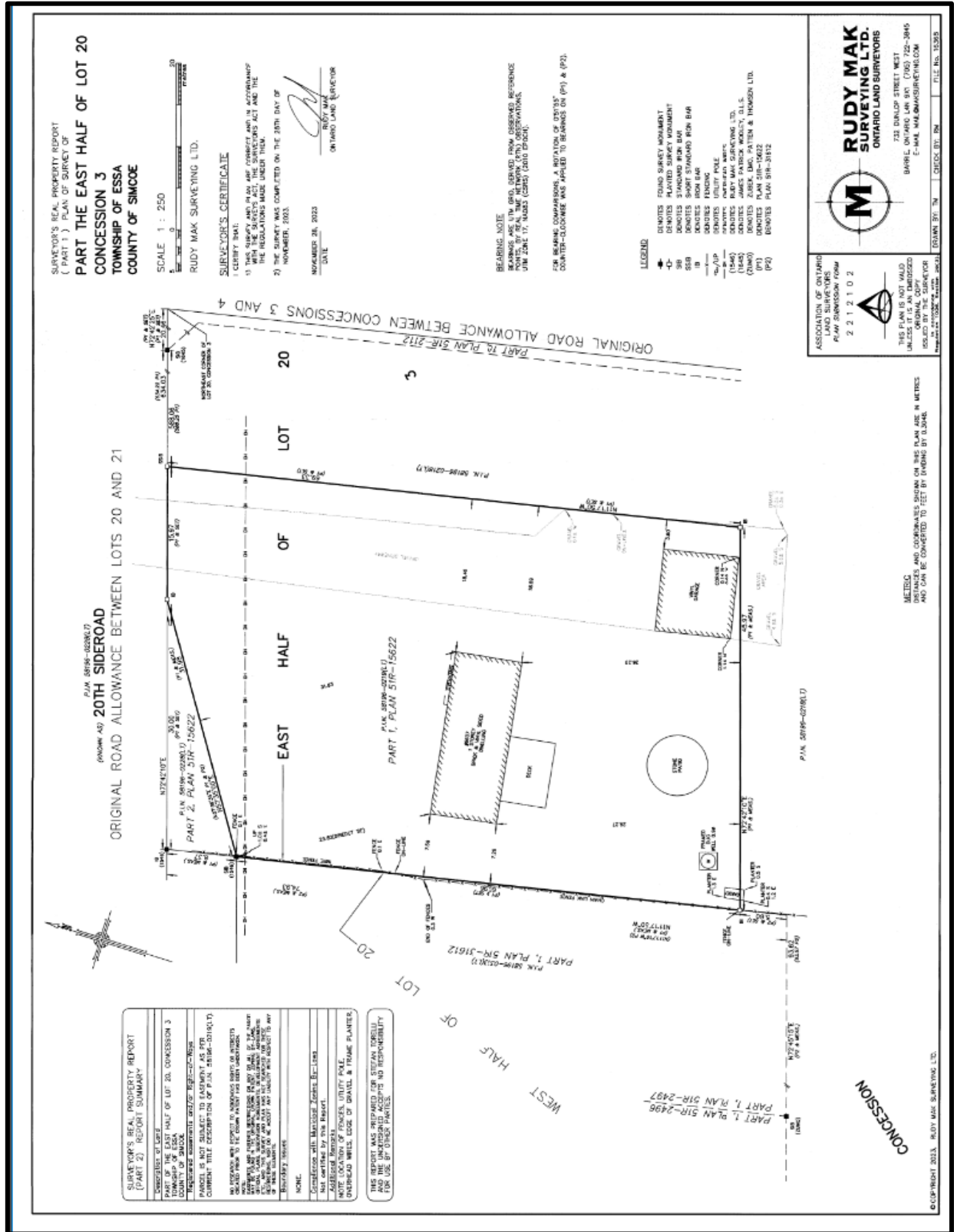
Municipal Address	6607 20 th Sideroad
Legal Description	CON 3 PT E 1/2 LOT 20 RP;51R15622 PART 1
Roll No.	432101000710401
Official Plan	Rural
Zoning By-law	Rural (RL)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A16/23 based on Planning Policy and all considerations, with the following conditions:

- 1. That all municipal taxes be paid and up to date.**
- 2. That the applicant satisfies concerns from the NVCA.**
- 3. That any and all external costs associated with this application be borne by the applicant.**
- 4. The applicant is required to satisfy all concerns of the Building Department regarding deficiencies for the building and pay all associated costs, at no cost to the municipality.**

PROPOSAL:



SURVEYOR'S REAL PROPERTY REPORT
 (PART 2) PLAN OF SURVEY OF
**PART THE EAST HALF OF LOT 20
 CONCESSION 3
 TOWNSHIP OF ESSA
 COUNTY OF SIMCOE**

SCALE 1 : 250

RUDY MAK SURVEYING LTD.

SURVEYOR'S CERTIFICATE

1) THIS SURVEY AND PLAN ARE COMPLETED AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2) THIS REPORT WAS COMPLETED ON THE 30th DAY OF NOVEMBER, 2023.

NOVEMBER 28, 2023
 DATE

ONTARIO LAND SURVEYOR

BEARING NOTE
 BEARINGS NOTED FROM SURVEY REFERENCE POINTS ARE TO THE NEAREST POINT OBSERVED REFERENCE POINT (N.P.) UNLESS OTHERWISE NOTED.
 (1945) DENOTES ZONE 18, UTM (GCS), (2011 EPOCH).

FOR BEARING COMPASSION, A ROTATION OF POINTS' COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON (P1) & (P2).

LEGEND:

- ◆ DENOTES FOUND SURVEY MONUMENT
- DENOTES PLATED SURVEY MONUMENT
- DENOTES SHORT STAINLESS STEEL IRON BAR
- DENOTES IRON BAR
- DENOTES FENCIBLE
- DENOTES SURVEY MONUMENT
- DENOTES RUDY MAK SURVEYING LTD. (1945)
- DENOTES ZONE 18, UTM (GCS), (2011 EPOCH)
- (P1) DENOTES PLAN S1R-15622
- (P2) DENOTES PLAN S1R-3182

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 2212102

RUDY MAK SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 732 DUNDAS STREET WEST
 BARRIE, ONTARIO L4N 9R7 (705) 722-3845
 E-MAIL: MAIL@RUDYMAK.COM

METRES
 DIMENSIONS AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DATE: NOV 28, 2023
 CHECKED BY: DN
 FILE NO.: 15295

SURVEYOR'S REAL PROPERTY REPORT (PART 2) REPORT SUMMARY	
CONVEYANCE OF INTEREST	TO: PART THE EAST HALF OF LOT 20, CONCESSION 3 TOWNSHIP OF ESSA, COUNTY OF SIMCOE
TERRITORIAL JURISDICTION	PROVINCE OF ONTARIO
COMMENT: TITLE DESCRIPTION OF PLAN	PART 1, PLAN S1R-2498
DATE OF SURVEY	NOVEMBER 28, 2023
DATE OF REPORT	NOVEMBER 28, 2023
NAME	RUDY MAK SURVEYING LTD.
CONVEYOR AND GRANTEE	CONVEYOR: THE MARRIOTT HOTEL LTD. (1848) GRANTEE: THE MARRIOTT HOTEL LTD. (1848)
NOTE: LOCATION OF FINES, UTILITY POLES, OVERHEAD WIRE, COSE OF DRAINAGE & FENCE PLANTED	SEE PLAN FOR DETAILS
THIS REPORT WAS PREPARED FOR REGAN TORRELL AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.	

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DATE OF SITE INSPECTION

January 16th, 2024.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 5.3 a) of Zoning By-law (2003-50), which regulates the minimum rear yard setback for an accessory building in lands zoned Rural (RL) at 3.0 meters. The applicant is requesting a rear yard setback of 0.14 meters to accommodate for deficiencies of an existing building so that they may construct an addition on the garage.

SURROUNDING LANDS:

North	The subject property abuts the 20 th Sideroad to the north; CFB Borden is directly across with heavily forested area comprising most of its southern boundary.
East	The subject property abuts 7398 County Road 10 to the east. The neighbouring property has no buildings or structures and is comprised of farming fields.
South	The subject property abuts 7398 County Road 10 to the south. The neighbouring property has no buildings or structures and is comprised of farming fields.
West	The subject property abuts 6625 20 th Sideroad to the west. The neighbouring property is similar in its Rural characteristics largely comprised of residential uses including a dwelling and accessory structures.

BACKGROUND:

The subject property is municipally known as 6607 20th Sideroad. The property is zoned Rural (RL) as per Essa Township’s Zoning By-law 2003-50.

The applicant currently has a building permit (2023-0323) for the subject property which looks to add an addition onto the existing building to extend the garage.

The applicant had a building permit (2019-0329) for the original building back in 2019. The building was not built in the location it was proposed as a result of a surveying error and has submitted a Minor Variance as a remedial action for the error.

The applicant has removed the storage container and obtained a survey to verify the exact location of the existing garage.

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 7.2 of Essa's Official Plan states that "permitted uses with the Rural designation shall include those uses permitted in the Agricultural designation".

Section 6.2 outlines the permitted uses within lands designated 'Agricultural' and states: "Building and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc., are also permitted."

The proposed use of the building is a garage which is permissible in lands designated Agricultural, thus, it is permissible in lands designated Rural.

Therefore, the Minor 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? No

Essa Township Zoning By-law (2003-50):

Section 7.2h) of Essa Township's Zoning By-law 2003-50 permits accessory buildings to the above permitted uses (i.e., Section 7.2g: a residence).

The Minor Variance seeks to reduce the minimum side yard and rear yard setbacks of 3.0 meters, regulated in Section 5.3a) of ZBL (2003-50). The encroachment would not change or alter the use of the building nor impact neighbouring rural uses as the building already exists..

Therefore, the Minor Variance generally maintains 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? No

The Minor Variance is seeking to reduce the minimum setbacks of the rear and side yard of the subject property to accommodate for the deficiencies created because of a surveying error.

The building itself, in terms of size and use, is not out of place and is generally in-line with the rural character and aesthetic of neighbouring lands. The property directly to the south is rural farmland that would not be adversely affected by the reduction, and the garage was previously approved by Planning Staff.

Therefore, the Minor Variance should be considered appropriate development and use on the property.

Test 4.

Is the requested variance minor in nature? No

ZBL (2003-50) regulates the minimum side yard and rear yard setback in lands zoned "Rural (RL)" and 3.0 meters. The applicant is asking for a reduction in the side yard to 2.13 meters, and a reduction in the rear yard setback to 0.14 meters.

The Minor Variance is numerically insignificant given the distance between neighbouring lots and buildings, and lack of structures or discernible impacts on the property to the south specifically.

The Minor Variance would rectify the deficiencies created as a result of a surveying error; however, Planning Staff recommends the following condition be applied:

The applicant is required to satisfy all concerns of the Building Department regarding deficiencies for the building and pay all associated costs, at no cost to the municipality.

Considering this, the requested variance should be considered minor in nature.

PUBLIC COMMENTS:

Neighbour:

The owner of 7398 County Road 10 has identified that the existing structure owned by Stefan Tortelli, is on his property.

CONCLUSION:

For the above reasons, Staff recommends the application be **APPROVED**.

Staff advises that:

The application be **APPROVED**.

Respectfully submitted,

Owen Curnew
Development Planner
Township of Essa