

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A6/25
Related Application(s): B7-24
Owner(s): 2838220 Ontario Inc. / RJ Mackenzie
Meeting Date: April 25th, 2025
Prepared by: Anmol Burmy, Planning and Development Coordinator

PROPERTY INFORMATION:

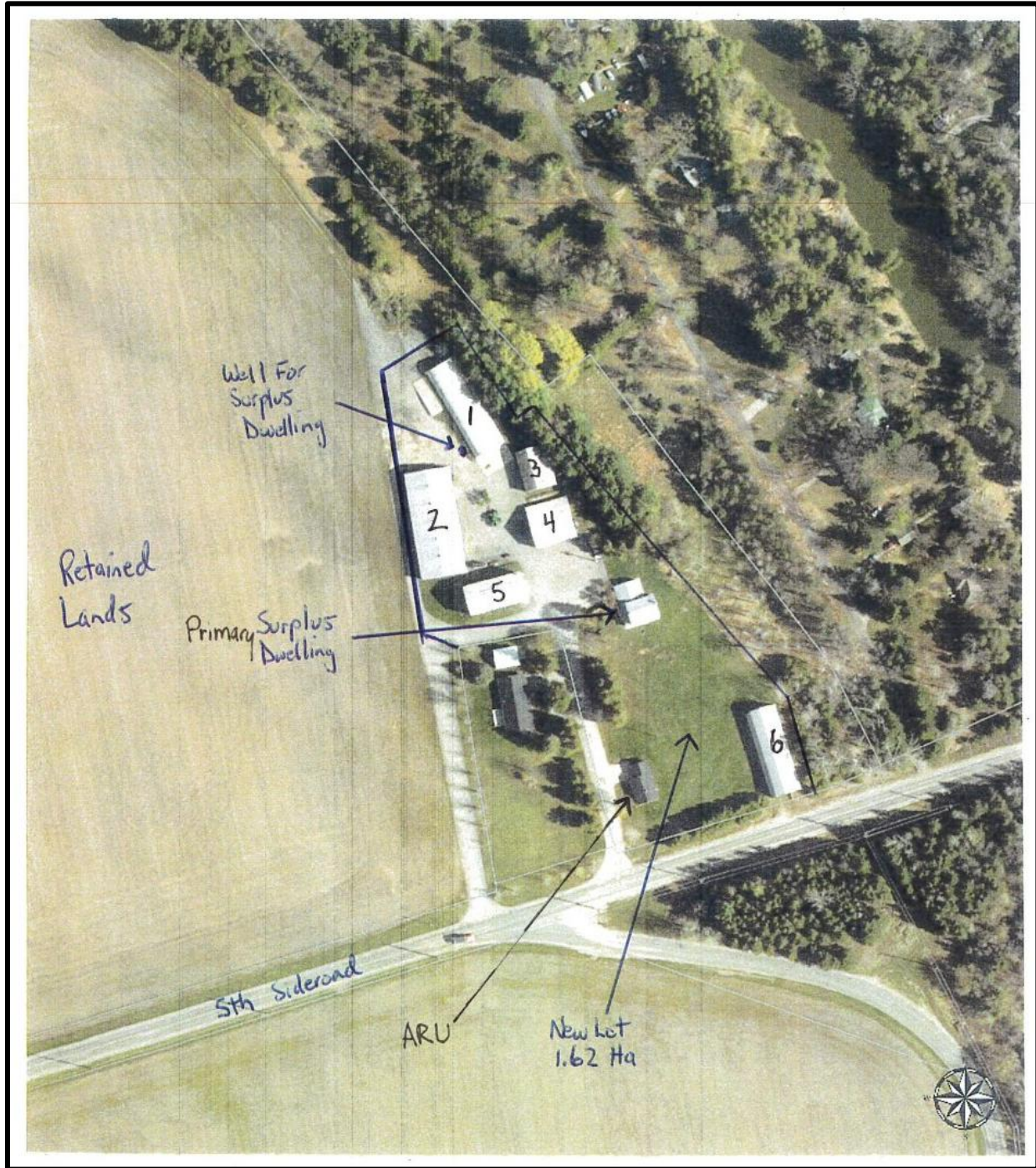
Municipal Address	5974 5 th Sideroad
Legal Description	ESSA CON 5 E PT LOT 6 AND RP;51R28779 PARTS 1 AND 2
Roll No.	432101000117300
Official Plan	Agricultural
Zoning By-law	Agricultural (A)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A6/25 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.

Proposal:



DATE OF SITE INSPECTION

April 3rd, 2025

REASON FOR THE APPLICATION:

The applicant is requesting relief from the following sections of the Zoning By-Law 2003-50:

1. Section 4.38.3 (b) of Zoning By-law 2003-50 which regulates the maximum height for Additional Residential Units (ARU) stating that they shall not exceed 4.5 m in height. The applicant’s existing structure has a height of 5.03 m, and;
2. Section 4.38.3 (g) which states that ARUs shall not have basements. The applicant’s existing structure includes a basement.

SURROUNDING LANDS:

North	The property abuts 5832 6 th Line which is comprised of an active Campground.
East	The property abuts 5934 5 th Sideroad which is comprised of a private subdivision.
South	The property fronts onto 5 th Sideroad.
West	The property abuts 5813 5 th Sideroad which is comprised of an actively farmed field.

BACKGROUND:

The subject property (approximately 1.5ha in size), municipally known as 5974 5th Sideroad, is zoned Agricultural (A) Zone in the Essa Zoning By-law (2003-50).

The property was subject to a Consent Application (B7-24), which was approved in January 2025, contingent upon the applicant either making the existing single-family dwelling as an ARU or demolishing the building as one condition. The applicant is seeking a variance for the proposed ARU in order to satisfy one of the conditions of the Consent.

The proposed variance would bring the ARU’s height and basement into conformance with Zoning By-law 2003-50 and would resolve the non-compliance issue.

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 6.2 outlines permitted uses in lands designated Agricultural, stating that a building

and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are also permitted.

The Variance would not expand beyond the residential uses permitted in lands designated Agricultural.

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 6 of Essa Township's Zoning By-law 2003-50 outlines permitted uses in lands zoned Agricultural (A). Specifically, Section 6.2 (j) identifies Additional Residential Units (ARUs) as a permitted use.

The applicant is seeking relief from Subsection 4.38.3 (b) of Zoning By-law 2003-50 which stipulates that the height of an Additional Residential Unit (ARU) may only be 4.5 m. Additionally, the applicant seeks relief from Section 4.38.3 (g), which prohibits a basement in an ARU. The applicant has an existing single-family dwelling which currently has a height of 5.03 m and an existing basement. The applicant is hoping to bring the height and basement into compliance through a Minor Variance.

The intent and purpose of the above-mentioned sections are to ensure safety, maintain neighborhood integrity, and prevent issues related to infrastructure, health, and code violations. These restrictions aim to protect both residents and the broader community. Given that the home has been on the property since 1962, according to MPAC, the house has not caused any health or safety concerns. Since this is an existing structure that is being converted into an ARU, the township believes that the variances are minor in nature.

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 proposal does not appear to impact any additional provisions, nor would it create any conflicting uses or nuisances for neighbouring properties in terms of visual, noise, or developmental impacts when considering the home has been on the property for well

over 60 years and distances from the neighbouring properties.

Staff has reviewed the proposal and has determined that the ARU would be in-keeping with all other requirements of the Zoning By-law (e.g., maximum gross floor area, parking requirements, etc.), the variance should be considered appropriate, and it would not impact the existing use of the land, building, or structure.

Therefore, 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 would allow the applicant relief from Sections 4.38.3 (b) and 4.38.3 (g) of Zoning By-law 2003-50. The variance proposes to increase the height from 4.5 m to 5.03 m and allow the proposed ARU to have a basement. The change results in no practical impact on the subject property, municipal roads, or neighbouring properties.

Furthermore, the ARU would conform to all other provisions of the Zoning By-law (2003-50) and contribute to addressing the shortage of rental options within the Township and Ontario in large with no perceivable impacts to the neighbouring properties.

Thus, the variance should be considered 'minor' in nature.

ADDITIONAL COMMENTS:

No other comments were received during the circulation of the application.

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,



Anmol Burmy
Planning Department
Township of Essa