

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A15/23
Related Application(s): Permit No. 2023-0293
Owner(s): David & Michelle Langford
Meeting Date: October 27th, 2023
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

Municipal Address	7634 10 th Line
Legal Description	CON 9 E PT LOT 22
Roll No.	432101000315300
Official Plan	Agricultural
Zoning By-law	Agricultural (A)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A15/23 based on Planning Policy and all considerations, with the following conditions:

- 1. That all municipal taxes be paid and up to date.**
- 2. The applicant is required to enter into a Development Agreement with the Township.**
- 3. That any and all external costs associated with this application be borne by the applicant.**

DATE OF SITE INSPECTION

October 18th, 2023.

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 6.2 g) of Zoning By-law (2003-50) which regulates that one residence may be permitted on a lot zoned Agricultural (A). The applicant is requesting to build a second residence while an existing residence exists; the existing residence will be converted to an Additional Residential Unit (ARU) if the proposed new primary dwelling is permitted.

SURROUNDING LANDS:

North	The subject property abuts 7748 10 th Line to the north which is comprised almost entirely of active farm fields with a tree line delineating the boundary between fields.
East	The subject property abuts 7511 9 th Line and 7739 9 th Line to the east; both properties are comprised almost entirely of active farm fields also containing a dwelling and agricultural buildings.
South	The subject property abuts 4872 20 th Sideroad to the south which is comprised almost entirely of farm fields also containing a dwelling and agricultural buildings. There is heavy tree coverage on the Southwestern portion of the subject property.
West	The property abuts the 10 th Line to the west.

BACKGROUND:

The subject property is municipally known as 7634 10th Line. The property is zoned Agricultural (A) as per Essa Township’s Zoning By-law 2003-50.

The applicant currently has a building permit (2023-0293) to construct a new primary dwelling on the property.

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

Therefore, the Minor Variance generally maintains the intent and purpose of the Township’s Official Plan.

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 applicant is proposed to construct a new residence on the property and will subsequently convert the existing dwelling to an Additional Residential Unit (ARU). Given that the Official Plan states ‘residences’ (plural) are permitted, this would be that an additional residential unit and primary dwelling can exist on the same lot.

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? Yes

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

Section 6.2g) outlines that “a residence on a lot defined in [the] By-law” may be permitted in lands zoned ‘Agricultural (A)’.

The applicant is proposing to construct a new primary dwelling while an existing primary dwelling is present on the lot. The By-law does not allow for multiple primary dwellings to exist on lands zoned Agricultural (A), therefore, the applicant will be required to either demolish or convert the existing dwelling into an Additional Residential Unit (ARU).

Section 4.38.1a) states the following:

“An Additional Residential Unit shall be permitted where permitted by this By-law within a permitted single detached dwelling, semi- detached dwelling, or rowhouse or located within a detached accessory building/structure on the same lot as the primary residence where permitted by this By-law.”

The Planning Staff has reviewed the possibility of the existing dwelling being converted and has determined that it would be suitable for a change of use from a primary dwelling unit to an ARU as it would meet all applicable provisions of the By-law.

Planning Staff recommends that a condition of the Minor Variance be that the applicant enters into a Development Agreement with the Township to ensure that the existing building be demolished or converted to an Additional Residential Unit, so that two primary dwellings do not exist on the same lot.

Thus, the Minor 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 seeks relief from the section of the By-law that limits the number of primary dwellings that can exist on a lot at once.

The proposed dwelling would be within the existing envelope and would not result in any adverse impact on the existing farmland with the subject property. Residential uses are common in Agriculture lands and would not look out of place given the size of the lot, common elements among neighbouring lots, and would be in-keeping with the Rural aesthetic and character of the area.

Therefore, the Minor Variance should be considered appropriate use of the land and building.

Test 4.

Is the requested variance minor in nature? Yes

The Minor Variance is seeking relief from Section 6.2g) of Zoning By-law (2003-50), which regulates the number of primary dwellings on lands zoned 'Agricultural (A)'.

ZBL (2003-50) does not regulate or define the process in which the construction of a new dwelling can occur, and the Minor Variance helps to fill in the gap and facilitate the development of a new dwelling while one already exists.

This could be more of a deficiency of the By-law and to allow the Minor Variance would help address that the gap in policy and support development that would address the growing need for attainable housing.

Thus, the Minor 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,

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

Owen Curnew
Planning Department
Township of Essa