

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A10/23
Related Application(s): N/A
Owner(s): Andrew Spears
Meeting Date: June 30th, 2023
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

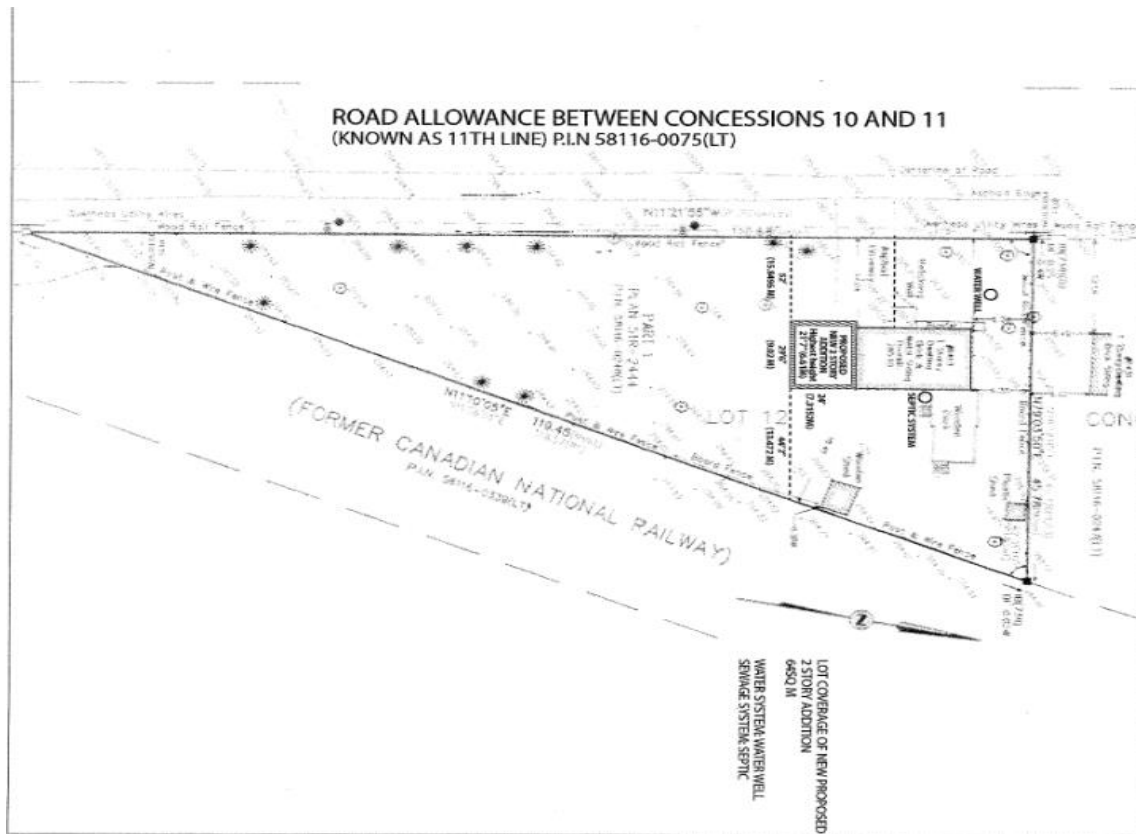
Municipal Address	6419 11 th Line
Legal Description	PT W PT LT 12 CON 11 ESSA TWP PT 1 51R2444 ; ESSA
Roll No.	010-006-05701
Official Plan	Agricultural
Zoning By-law	Agricultural (A)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application **A10/23** based on Planning Policy and all considerations, with the following conditions:

- 1. The proper Building Permits be obtained.**
- 2. That all municipal taxes be up to date.**

PROPOSAL:



DATE OF SITE INSPECTION

May 15th, 2023

REASON FOR THE APPLICATION:

The applicant is seeking relief from Section 5.3c) of Essa Township’s Zoning By-law 2003-50, which regulates the minimum front yard setback for Residential Buildings in lands zoned Agricultural (A) at 18 meters. The applicant is proposing an addition to their house which will have a front yard setback of 15.8 meters. The current house is a non-conforming single dwelling unit, as such the application for relief is to be considered a permission to expand a legally non-conforming use.

SURROUNDING LANDS:

North	The property abutting to the North is known municipally as 6431 11 th Line, the property consists of a single-family dwelling and has moderate tree coverage between the lots providing an aesthetic buffer.
East	The Canadian Pacific Railway abuts the rear of the subject property and has heavy tree coverage between the lots and the railway.
South	The subject property is an irregular shape (i.e., a triangular shape) and has the Canadian Pacific Railway abutting it on the Southern portion where there is

	moderate tree coverage.
West	The subject property’s frontage abuts 11 th Line, and is directly across and is highly visible to the road.

BACKGROUND:

The subject property is municipally known as 6419 11th Line. The property is zoned Agricultural (A) as per Essa Township’s Zoning By-law 2003-50.

The applicant has a building permit application in for an addition to their single detached dwelling. The single detached dwelling is considered a legally non-conforming building as it was built before Zoning By-law 2003-50, and has less than the minimum 18.0 meters stipulated in Section 5.3c) of the ZBL 2003-50.

The legally non-conforming status allows for the applicant to request permission to expand the legally non-conforming use; this is evaluated by applying a separate set of tests outlined in Section 45(2) of the Planning Act, as opposed to Section 45(1).

Test 1.

Is the Minor Variance desirable for appropriate development of the subject property?

The application for a Minor Variance is for permission to expand the legally non-conforming single family dwelling unit, and allow it to further encroach the minimum front yard setback.

Given that the use of the building will not change and that the addition would result in a 15.8 meter setback for the proposed addition, which is a numerically minimal reduction in the minimum setback, the Minor Variance should be considered appropriate for the development of the subject property.

As well, the size and shape of the lot make it difficult to orient any sort of expansion in a way that the applicant would not be encroaching some sort of setback. Thus, the expansion of the non-conforming status seems both desirable and preferable for any development on this site regarding single-family dwelling.

The Minor Variance is desirable for appropriate development of the subject property.

Test 2.

Will the Minor Variance result in undue adverse impacts on the surrounding properties and neighbourhood?

The Minor Variance to expand a legally non-conforming building will not result in any undue adverse impacts on the surrounding properties and/or neighborhood. The addition itself is almost in-line with existing dwelling and will not provide an aesthetic or practical nuisance to due to tree coverage, and the isolation of the lot due to its irregular shape and infrastructural buffers such as 11th line and the Canadian Pacific Railway to the South, East, and West.

There is no objective evidence to consider that would indicate otherwise, thus, there is no basis to deny the properties owner's right to reasonable expansion.

Thus, the Minor Variance will not result in any undue adverse impacts on the surrounding properties and/or neighbourhood.

COMMENTS:

DEPARTMENT AND AGENCY COMMENTS:

No comments were received within the circulation period.

PUBLIC COMMENTS:

No comments were received within the circulation period.

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
Development Planner
Township of Essa