

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A6/24
Related Application(s): N/A
Owner(s): Duaine & Molley Hamilton
Meeting Date: May 31, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

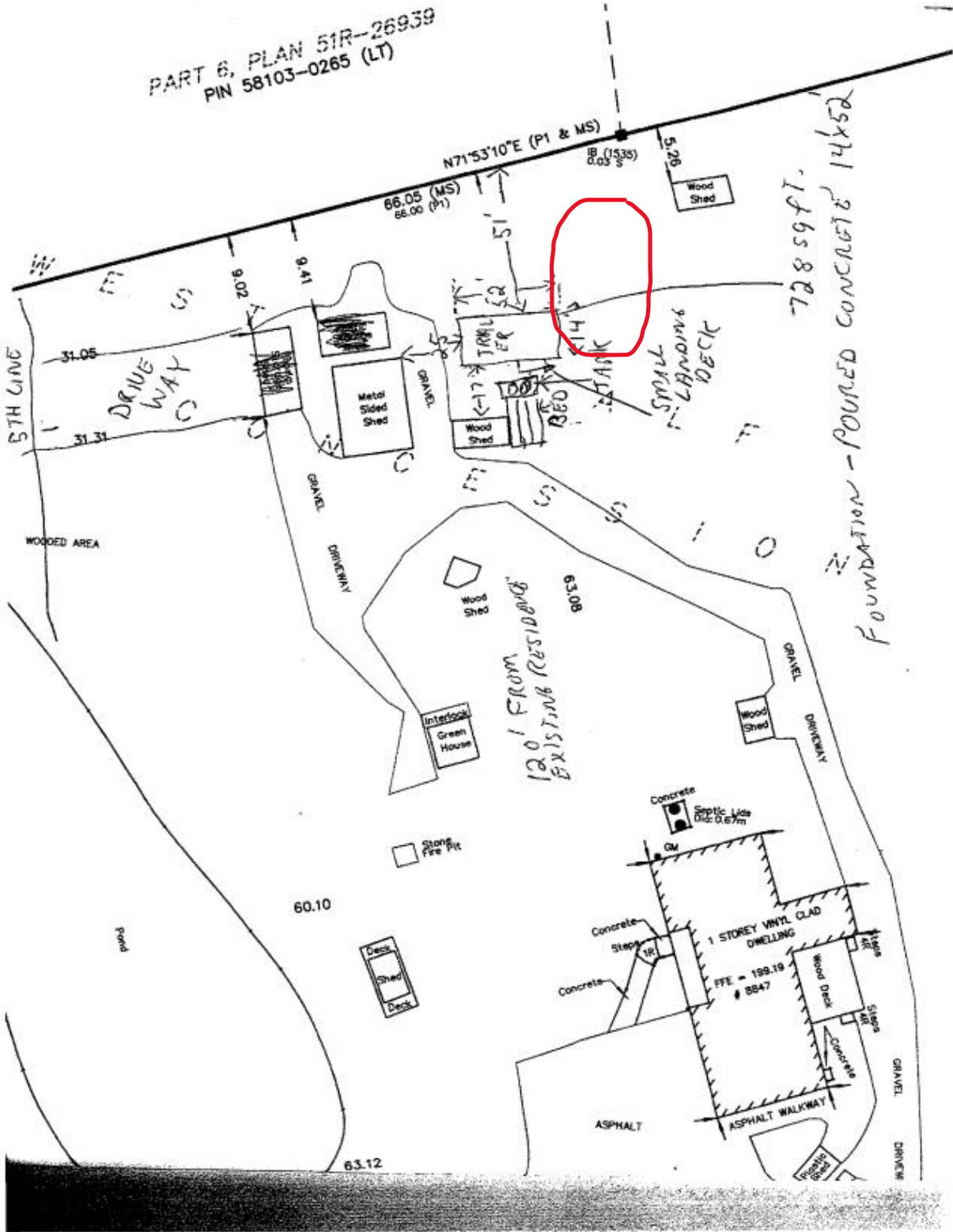
Municipal Address	8847 5 th Line, Angus
Legal Description	PT W1/2 LT 30 CON 5 ESSA TWP, PTS 9 & 10 51R26939; ESSA
Roll No.	432101000805000
Official Plan	Agricultural
Zoning By-law	Agricultural (A) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application 6/24 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 receive a clearance letter from the County of Simcoe that the proposed Additional Residential Unit will conform to the minimum setbacks of the BCRY.
3. That any and all external costs associated with this application are borne by the applicant.

PROPOSAL:



DATE OF SITE INSPECTION

April 29, 2024.

REASON FOR THE APPLICATION:

The Minor Variance is seeking relief from subsection 4.38.3 of the Additional Residential Units (ARU) Section of the Essa Zoning By-law (2003-50). Subsection 4.38.3f) regulates ARUs within a detached accessory building/structure in the "A" and "RL" Zones to be located no more than 30 metres from the Primary Residence.

The applicant is proposing to construct a new detached accessory building housing an ARU which would be located 37-metres from the existing primary residence. The proposed building appears to be in conformity with all other aspects of the Zoning By-law.

SURROUNDING LANDS:

North	The property abuts other low-density residential lots with the Agricultural Zone to the north along the 5 th Line.
East	The property abuts a vacant wooded lot to the east (rear).
South	The property abuts the Barrie-Collingwood Railway to the south along the 5 th Line, and beyond that, lots with agricultural and woodland features.
West	The property abuts a medium-density residential subdivision to the west across the 5 th Line.

BACKGROUND:

The subject property, municipally known as 8847 5th Line, is zoned Agricultural (A) Zone in the Essa Zoning By-law (2003-50). The proposal would comprise the creation of a new Additional Residential Unit in a detached building.

The applicant has submitted a building permit application in relation to this proposal, and would be required to do complete all components of the building permitting process upon approval of the minor variance application.

COMMENTS:

Test 1.

Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes

Essa Townships Official Plan:

The subject property is designated Agricultural in the Township of Essa Official Plan. Section 6.2 of the Township's Official Plan permits agricultural and farm-related uses, including buildings and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are permitted.

The proposed structure comprises an additional residential unit within a detached accessory building, which is permitted under the Agricultural policies of the Township Official Plan.

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? Yes

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

Section 4.38.3 of the Essa Zoning By-law (2003-50) regulates Additional Residential Units (ARUs) within detached accessory buildings, and includes the following provision:

- f) An Additional Residential Unit within a detached accessory building/structure in the "A" and "RL" Zones shall be located no more than 30 metres from the Primary Residence.

The proposal would require an exception from the above-mentioned regulation so that the proposed ARU could be located up to 37-metres from the existing primary residence. This represents a deviation of approximately 23% greater than the existing distance allowance. The increased distance from the primary residence applied for in this application is relatively minor in nature and will not impact any other aspects of the Zoning By-law, including setbacks.

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 would allow the applicant to exceed the maximum distance for an ARU from the primary residence and allow for a new residential unit (ARU) to be created.

The uses on the lot would be consistent with the existing permitted uses on the lot and its neighbouring lots. Furthermore, a tree line borders the road frontage of the property and would obscure the view of the new dwelling unit from the road, minimizing the visual impact.

The subject property abuts the BCRY, in order to ensure applicable setbacks are met, planning staff is requesting that the applicant obtains a clearance letter from the County of Simcoe confirming that the proposed building would be appropriate place and maintain the County's minimum setbacks. Planning Staff recommends that this be included as a condition of the minor variance.

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 proposes a minimal deviation from the provisions of Section 4.38.3f) of the Zoning By-law, but the distance will not have any negative implications due to the size of the lot, as well as, the minimized visual impact due to existing tree coverage. Additionally, no other variances to the Zoning By-law (2003-50) are required and the permitted uses are not proposed to be expanded beyond the current permitted uses of the lot.

Thus, the Minor Variance should be considered 'minor' in nature.

PUBLIC COMMENTS:

N/A

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,

Oliver Ward
Planning Department
Township of Essa