

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A4/24
Related Application(s): N/A
Owner(s): Nathan & Lawrey Body
Meeting Date: May 24, 2024
Prepared by: Oliver Ward, Policy Planner

PROPERTY INFORMATION:

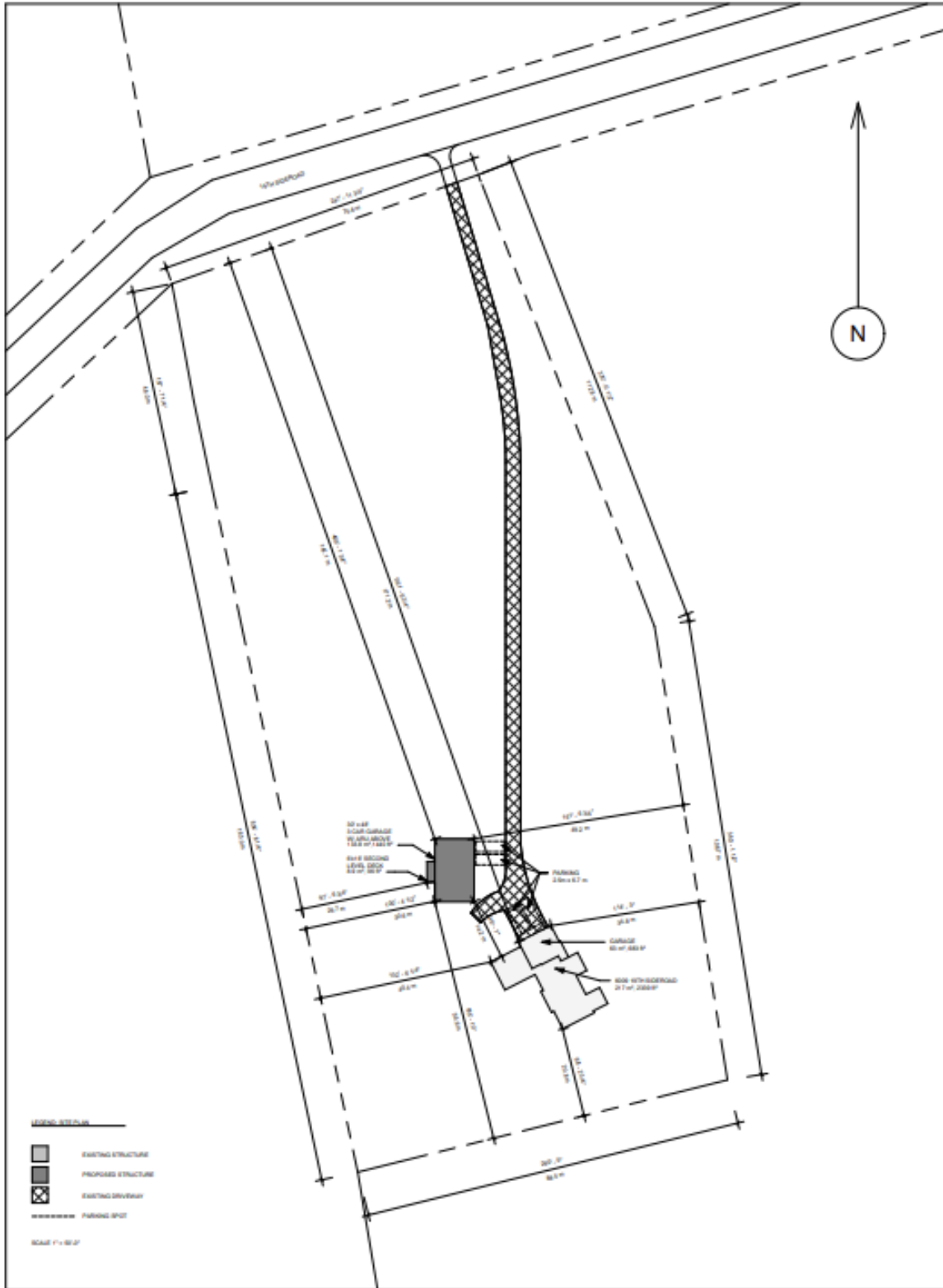
Municipal Address	6009 19 th Sideroad, Angus
Legal Description	E 1/2 LT 19 CON 5 ESSA TWP PT 1 51R29728; ESSA
Roll No.	432101000719820
Official Plan	Agricultural
Zoning By-law	Agricultural (A) Zone

RECOMMENDATION:

Staff recommends **APPROVAL** of Application 4/24 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.

PROPOSAL:



DATE OF SITE INSPECTION

April 29, 2024.

REASON FOR THE APPLICATION:

The Minor Variance is seeking relief from Section 4.38.3 of Essa Township’s Zoning By-law (2003-50) which regulates Additional Residential Units (ARUs) within detached accessory buildings. 6009 19th Sideroad is zoned Agricultural (A) Zone, which permits the development of Additional Residential Unit(s) on lots as accessory to a primary residence. The proposed ARU would require a variance from the maximum gross floor area of 50% of the primary dwelling, being approximately 65%. A variance would also be needed to allow for the proposed height of 7.8 metres, which exceeds the maximum height of 7.5 metres.

SURROUNDING LANDS:

North	The property abuts a wooded Simcoe County lot to the north across the 19 th Sideroad.
East	The property abuts an agricultural-residential property to the east along the southern side of the 19 th Sideroad.
South	Agricultural and wooded land abuts the property to the south.
West	The property directly abuts a wooded lot to the west but is in close proximity to a small residential community along the 19 th Sideroad and Gillespie Trail.

BACKGROUND:

The subject property, municipally known as 6009 19th Sideroad, is zoned Agricultural (A) Zone as per Essa Township’s Zoning By-law 2003-50. The proposal would comprise the creation of a new carriage house as accessory to the existing residential dwelling, containing a three-car garage on the first floor, and an ARU on the second floor.

The applicant has not submitted a building permit application in relation to this proposal, and would be required to do so 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 includes an additional residential unit within the second floor of a large, detached garage. Both uses are 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 two provisions:

- a) The maximum gross floor area of an ARU in a Detached Accessory Structure shall be the lesser of 139 m² or 50% of the gross floor area of the principle dwelling unit (in this case, 50%).
- b) An ARU located within a Carriage House shall not exceed 7.5 metres in height.

The Gross Floor Area (GFA) of the primary dwelling, which consists of the single-family dwelling and attached garage, is 287.61m². Since half of this (109 m²) is less than 139 m², it therefore represents the maximum permitted gross floor area for the ARU, as per Section 4.38.3a).

The designs submitted in support of this application display an ARU which comprises approximately 13.37 m² on the first floor and an additional 128.68 m² (See Figure 1) on the second floor, for a sum of 142.05 m² (See Figure 2). As such, the proposal requires a variance of 33.05 m² in gross floor area in addition to 0.3 metres in height.

This represents a deviation of approximately 33% in floor area and 4% in height from the existing distance allowance, but the large, detached building would not impact any other aspects of the Zoning By-law, including setbacks. The increased floor area and height applied for in this application are relatively minor and generally allow for the continued maintenance of the Zoning By-law and its policies.

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 gross floor area and height allowance for a carriage house ARU and allow for a new residential unit (ARU) to be created. The uses on the lot would be consistent with the current active and permitted uses on the lot and its neighbouring lots. Furthermore, the proposed development would take place away from the road frontage and behind existing trees which would obscure the view of the unit from the road.

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 minor deviation from the provisions of Section 4.38.3a) & b) of the Zoning By-law and will cause no significant impact on neighbours. 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

Figure 1: 1st Floor

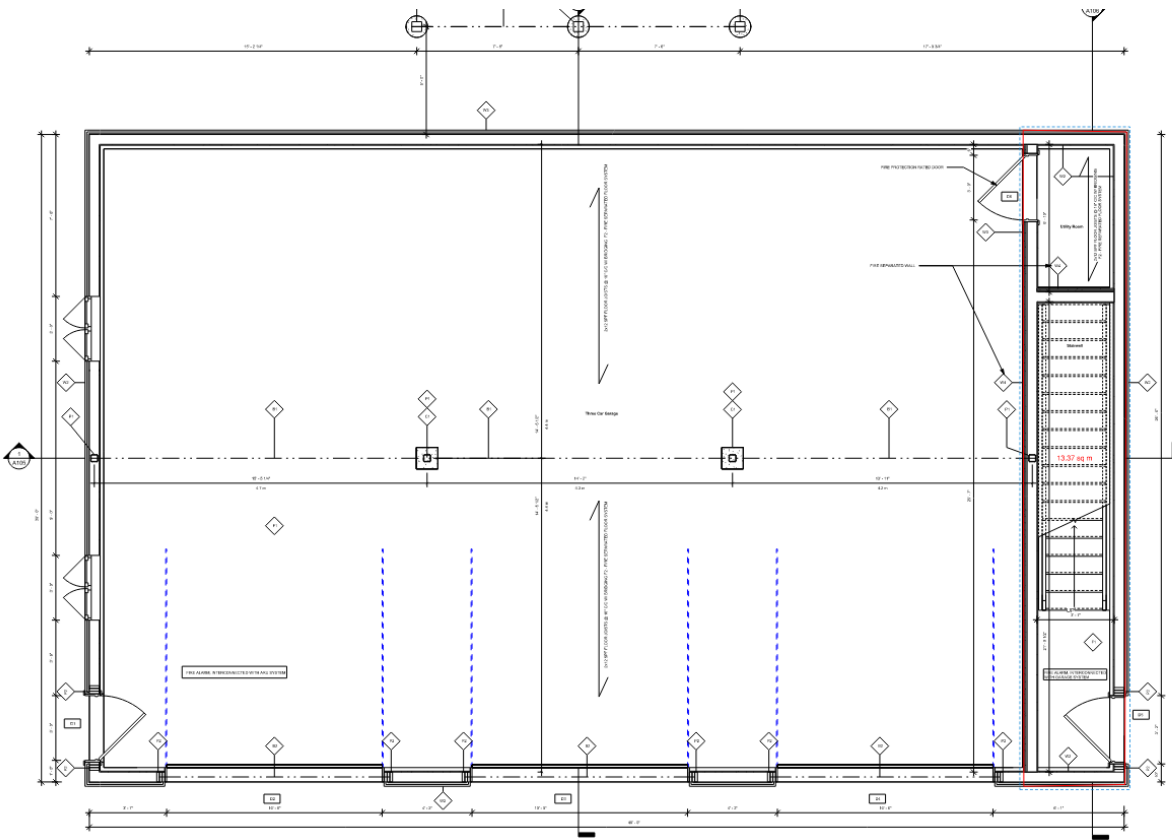


Figure 1: 2nd Floor

