

**COMMITTEE OF ADJUSTMENT  
PLANNING REPORT**

**Application:** A11/24  
**Related Application(s):** N/A  
**Owner(s):** Simon Ffrench  
**Meeting Date:** August 30<sup>th</sup>, 2024  
**Prepared by:** Owen Curnew, Development Planner

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**PROPERTY INFORMATION:**

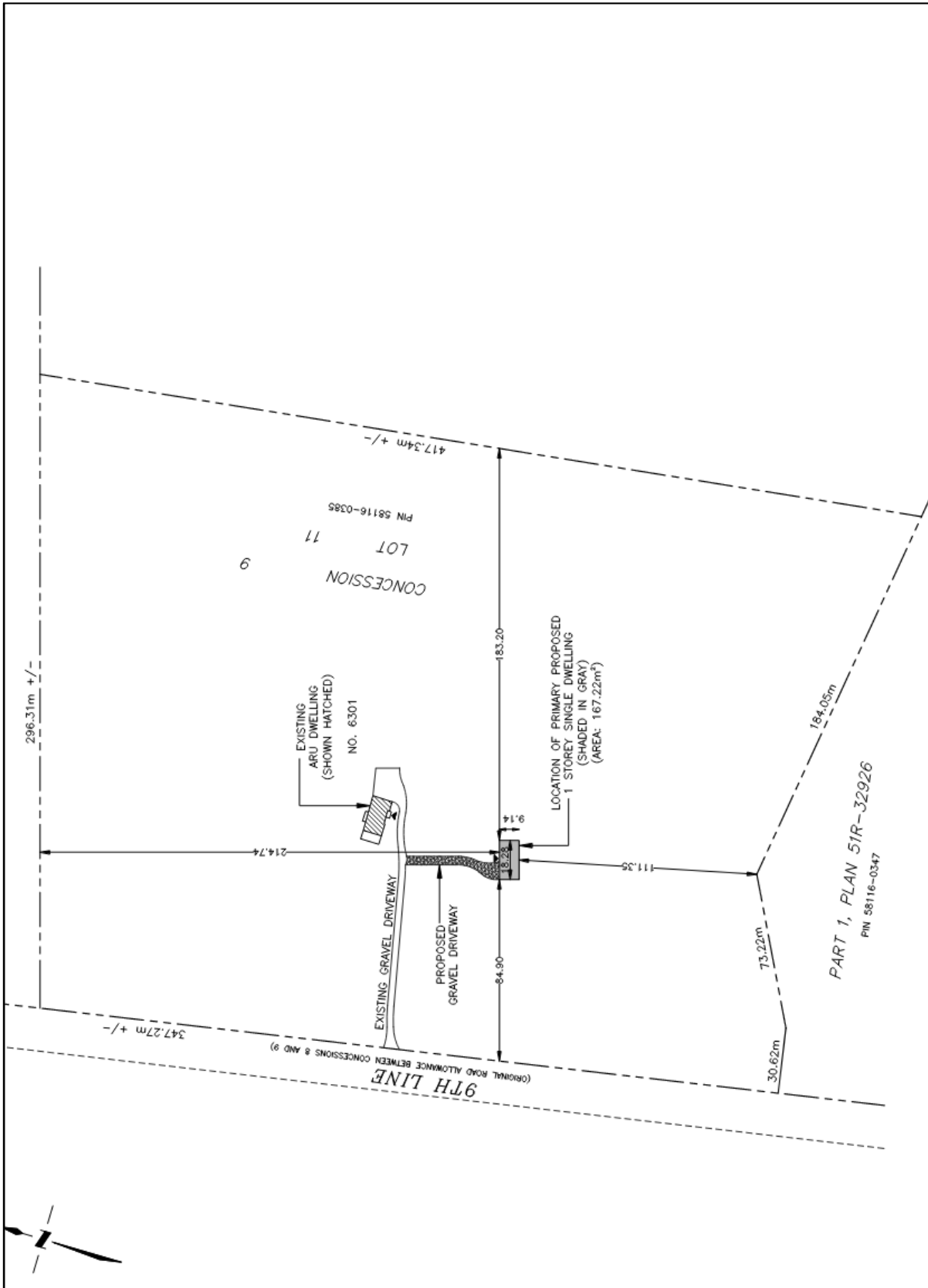
<b>Municipal Address</b>	6321 9 <sup>th</sup> Line
<b>Legal Description</b>	CON 9 PT LOT 11 AND RP;51R32926 PART 2 AND RP;51R35091 PART 1
<b>Roll No.</b>	4321-010-002-13400
<b>Official Plan</b>	Agricultural and Environmental - Wetland
<b>Zoning By-law</b>	Agricultural (A) and Environmental Protection (EP)

**RECOMMENDATION:**

**Staff recommends DEFERRAL of Application A11/24 for the following reasons:**

- 1. The Variance is not considered appropriate development.**
- 2. The Variance is not considered 'minor' in nature.**

PROPOSAL:



**DATE OF SITE INSPECTION**

August 16<sup>th</sup>, 2024.

**REASON FOR THE APPLICATION:**

The applicant is seeking relief from Section 4.38.3a), f), g) and Section 6.2g) of Essa Township’s Zoning By-law to allow for a new SFD to be constructed while one exists and to convert the existing SFD to an Additional Residential Unit (ARU), which will exceed the maximum allowable size for an ARU, the maximum distance an ARU can be located from a primary dwelling, and to allow the ARU to have a basement.

**SURROUNDING LANDS:**

<b>North</b>	The subject property abuts the properties known municipally as 6429 9 <sup>th</sup> Line and 6406 10 <sup>th</sup> Line. Both properties consist of farm fields and single-family dwellings.
<b>East</b>	The eastern portion of the lots abuts the 10 <sup>th</sup> Line of Essa, and the properties known as 6350 10 <sup>th</sup> Line and 6294 10 <sup>th</sup> line. Both properties consist of single-family dwellings.
<b>South</b>	The subject property abuts several properties to the South, all of which consists of single-family dwellings and accessory buildings.
<b>West</b>	The western portion of the property fronts along 9th Line, and across the road is several properties consisting of single-family dwellings and accessory buildings.

**BACKGROUND:**

The subject property is municipally known as 6321 9<sup>th</sup> Line. The property is zoned Agricultural (A) & Environmental Protection (EP) as per Schedule “A” of Essa Township’s Zoning By-law 2003-50. The proposed area of work would be within the portion of the lot zoned Agricultural (A).

The following forms of relief are being requested:

1. Section 4.38.3a): the maximum gross floor area for an Additional Residential Unit (ARU) is the lessor of 139.0m<sup>2</sup> or 50% of the gross floor area of the principal dwelling. The applicant is proposing a gross floor area of 149.15m<sup>2</sup>, which is 75% of the gross floor area of the proposed primary dwelling.
2. Section 4.38.3f): the maximum distance an ARU located in a detached accessory building can be located from a primary residence is 30.0m<sup>2</sup>. The applicant is proposing a distance of 60.0m.
3. Section 4.38.3g): the ARU shall not have a basement. The applicant is proposing to

convert to the existing residence which has a basement.

4. Section 6.2g): one (1) primary dwelling is allowed on a lot zoned Agricultural (A). The applicant is proposing to construct a new primary dwelling while one exists. The applicant is proposing to convert the existing dwelling to an additional residential unit.

The applicant hopes to construct a new primary dwelling and convert the existing dwelling into an ARU.

**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 as accessory to an agricultural operation, as an Additional Residential Unit would be considered an accessory residential use.

**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):**

The following forms of relief are being requested:

5. Section 4.38.3a): the maximum gross floor area for an additional residential unit is the lesser of 139.0m<sup>2</sup> or 50% of the gross floor area of the principal dwelling. The applicant is proposing a gross floor area of 149.15m<sup>2</sup>, which is 75% of the gross floor area of the proposed primary dwelling.
6. Section 4.38.3f): the maximum distance an additional residential unit located in a

detached accessory building can be located from a primary residence is 30.0m<sup>2</sup>. The applicant is proposing a distance of 60.0m.

7. Section 4.38.3g): the ARU shall not have a basement. The applicant is proposing to convert to the existing residence which has a basement.
8. Section 6.2g): one (1) primary dwelling is allowed on a lot zoned Agricultural (A). The applicant is proposing to construct a new primary dwelling while one exists. The applicant is proposing to convert the existing dwelling to an ARU.

As per Section 6.2g) and 6.2j) both a single-family dwelling (residence) and ARU are permitted uses in lands zoned Agricultural (A). The proposal would not change the permitted uses, nor would it intensify the lot beyond what is normally allowed within the current zone.

**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? No**

The applicant is proposing to construct a new primary residence while there is already an existing primary residence. Township Planning staff are of the opinion that the development of a new primary residence while one currently exists should not be appropriate for the following reasons:

1. There is an existing primary residence on the lot which seems to be in good condition.
2. There is nothing stopping the applicant from developing two (2) new ARUs on the property which are in conformance with the provisions of the Zoning By-law 2003-50.
3. The distance between the two dwellings is not acceptable and would make the property look as if there are two primary dwellings on the property.
4. The applicant has not confirmed whether there are existing anaerobic digesters and/or manure storage located on the property; staff would need to confirm with OMAFRA whether an MDS I Calculation is required for the distance of the new primary residence to the storage facility.

Township staff recognizes the need for affordable and attainable housing; however, the development of what is aesthetically and functionally another single-family dwelling on the property should not be considered appropriate development nor good planning.

**Therefore, the Minor Variance should not be considered appropriate development.**

Test 4.

**Is the requested variance minor in nature? No**

The applicant is proposing to construct a new primary residence while there is already an existing primary residence. Township Planning staff are of the opinion that the development of a new primary residence while one currently exists should not be considered 'minor' for the following reason:

1. The applicant is proposing to construct a house that would have a gross floor area of 167.22m<sup>2</sup>, and to convert the existing house with a gross floor area of 149.15m<sup>2</sup>. Therefore, the applicant is proposing to register an ARU that has a gross floor area which is ~89% of the proposed primary dwelling. This should not be considered 'minor'.

Township Planning Staff is of the opinion that the size of the ARU is too large to support the Variance.

**Thus, the Variance should not be considered 'minor' in nature.**

**PUBLIC COMMENTS:**

No comments were received at the time this report was written.

**CONCLUSION:**

Township Planning Staff recognizes the need for affordable and attainable housing, but not at the expense of ensuring appropriate development and consistent administration of Provincial, Upper-tier, and Lower-tier municipal planning policy.

Please note, the proposal could be facilitated through a Zoning By-law Amendment application and subsequent development agreement to address the concerns and provide opportunity for council to deliberate on what should be considered 'appropriate development' within the Township.

Furthermore, rather than denying the application, staff would like to provide the applicant the chance to revise to submission for the Minor Variance.

For the above reasons, Staff recommends **DEFERRAL** of this application.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'O' followed by a series of loops and a long horizontal stroke extending to the right.

**Owen Curnew**  
Development Planner  
Township of Essa