

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A12-25
Related Application(s): Permit No. 2025-0157
Owner(s): Maria & Gil Ganhao
Meeting Date: September 26th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

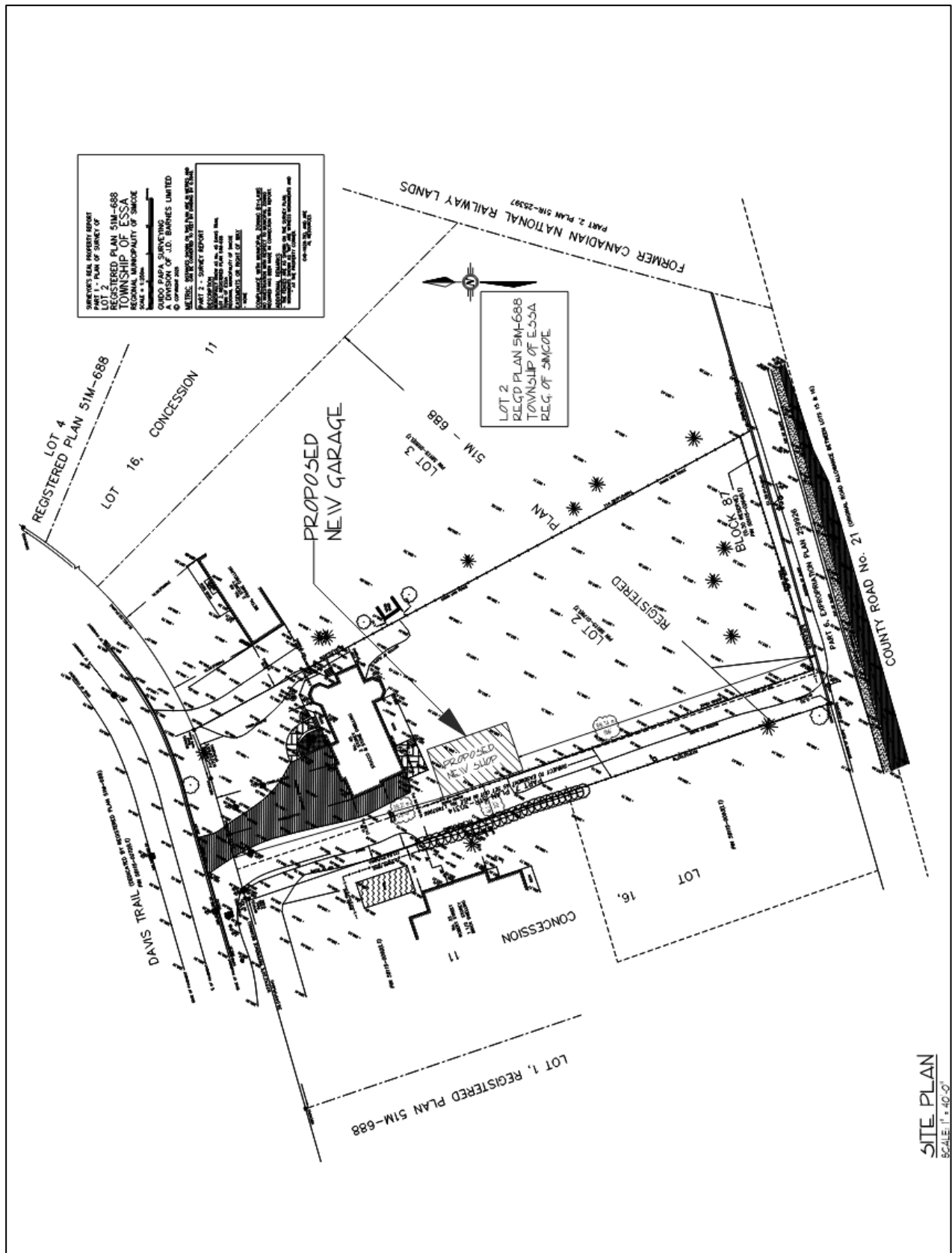
Municipal Address	45 Davis Trail
Legal Description	PLAN M688 LOT 2
Roll No.	432101001108762
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached Zone (R1)

RECOMMENDATION:

Staff recommend **APPROVAL** of Application A12-25 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.
3. That the proper Building Permit(s) be obtained.
4. That the applicant removes the trailers from the municipal easement and the trailers be located to a different property prior to approval of Permit No. 2025-0157 for the detached garage.

PROPOSAL:



DATE OF SITE INSPECTION

September 15th, 2025.

REASON FOR THE APPLICATION:

The applicant is seeking relief from the following Section(s) of Zoning By-law 2003-50:

- a) Section 8.1 (d) of Essa Township’s Zoning By-law 2003-50 which stipulates no accessory use, building or structure shall occupy more than 93.0 m² of floor area on any lot which is less than 1.0 ha in size. The applicant is proposing to construct a new garage on the west side of the property. The garage has a proposed gross floor area of 139.3m².

SURROUNDING LANDS:

North	The subject property abuts Davis Trail to the North.
East	The subject property abuts 49 Davis Trail to the East, which is comprised of a single-family dwelling and accessory buildings/structures.
South	The subject property abuts Robert Street to the South.
West	The subject property abuts 33 Robert Street to the West, which is comprised of a single-family dwelling and accessory buildings/structures.

BACKGROUND:

The subject property is municipally known as 45 Davis Trail. The property is zoned Residential, Low Density, Detached (R1) as per Schedule “C” of Essa Township’s Zoning By-law 2003-50.

The applicant has submitted a building permit (Permit No. 2025-0157) for review. During the Zoning Review, it was determined that the proposed garage was not in conformance with the provisions set out in Section 8.1 of Zoning By-law 2003-50, as stated above. The applicant has applied for a variance at the request of the Township.

Upon visiting the site, it was determined that there appears to be two (2) trailers parked within the Township’s Easement. The parking of the trailers should not have any impact on the rationales provided to support the variance; however, staff would like to recommend the following condition of approval:

That the applicant removes the trailers from the municipal easement and the trailers be located to a different property prior to approval of Permit No. 2025-0157 for the detached garage.

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 8.2 of the Township's Official Plan permits residential uses and accessory uses to residential buildings.

Given that the maximum allowable size of accessory buildings/structures (i.e. a garage) are not regulated by the Official Plan, the existing use is permitted, and the approval of the variance would have no impact on the Low-Density character of the neighbourhood, the variance should be considered in keeping with the Official Plan.

Therefore, the 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 14 of Essa Township's Zoning By-law (2003-50) states that accessory buildings and structures (e.g. a garage) are permitted uses in all residential zones.

Section 8.1 of Essa Township's Zoning By-law (2003-50) states that no accessory use, building or structure shall occupy more than 93.0 m² of floor area, nor exceed 4.5 m in height on any lot which is less than 1.0 ha in size;

The proposed variance does not look to expand beyond the permitted uses within the R1 Zone, nor does it seek to significantly change the maximum allowable floor area for an accessory building/structure as described in Test 3 and 4 below.

Thus, the 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

Given that a garage is a permitted use in lands zoned R1 and that garage would conform to all other requirements under ZBL 2003-50 there are no concerns from Planning Staff regarding the feasibility or appropriateness of the development. Additionally, the proposed building would be required to conform to all relevant requirements in the OBC, there are no perceivable impacts on drainage, and no impacts on neighbouring properties can be identified, the variance poses no concerns to staff at this time.

All standards development practices as facilitate through the building permits will be adhered to ensure adequate and safe placement/construction of the proposed garage.

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

Test 4.

Is the requested variance minor in nature? Yes

Section 8.1 of ZBL 2003-50 states the following:

No accessory use, building or structure shall occupy more than 93.0 m² of floor area, nor exceed 4.5 m in height on any lot which is less than 1.0 ha in size;

and No accessory use, building or structure shall occupy more than 139.0 m² of floor area, nor exceed 6.0 m in height on any lot from 1.0 to 4.0 ha in size.

The applicant is proposing to construct a garage that will have a floor area of 139.3m². The proposal seeks to increase the maximum allowable floor area for an accessory building from the 93.0m² requirement to the 139.0m² requirement, effectively. This increase is seemingly justifiable when looking at the impact to the maximum allowable lot coverage for an accessory building in lands zoned R1, which is 8% of the total lot area. The current lot size is 0.466 hectares (4,660m²), if the applicant were to adhere to the 93.0m² requirement, the accessory lot coverage would be ~2% ($93/4,660 = .019\%$). If the variance were approved to allow for the proposed building at 139.3m², the proposed lot coverage would be ~3% ($139.3/4,660 = .029\%$).

When taking into consideration that the proposed gross floor increase would only result in a 1% increase to the overall lot coverage and is still within the maximum allowable lot coverage of 8% for an accessory building/structure for lands zoned R1, the proposed variance can be considered numerically and practically insignificant.

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

ADDITIONAL COMMENTS:

No comments were received from any Agency, Department, or neighbours at the time of this report.

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 flourish extending to the right.

Owen Curnew
Development Planner
Township of Essa