

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A15-26
Related Application(s): Permit No. 2026-0185
Owner(s): Jeff and Kelly Marling
Meeting Date: September 25th, 2026
Prepared by: Anmol Burmy, Development Planner

PROPERTY INFORMATION:

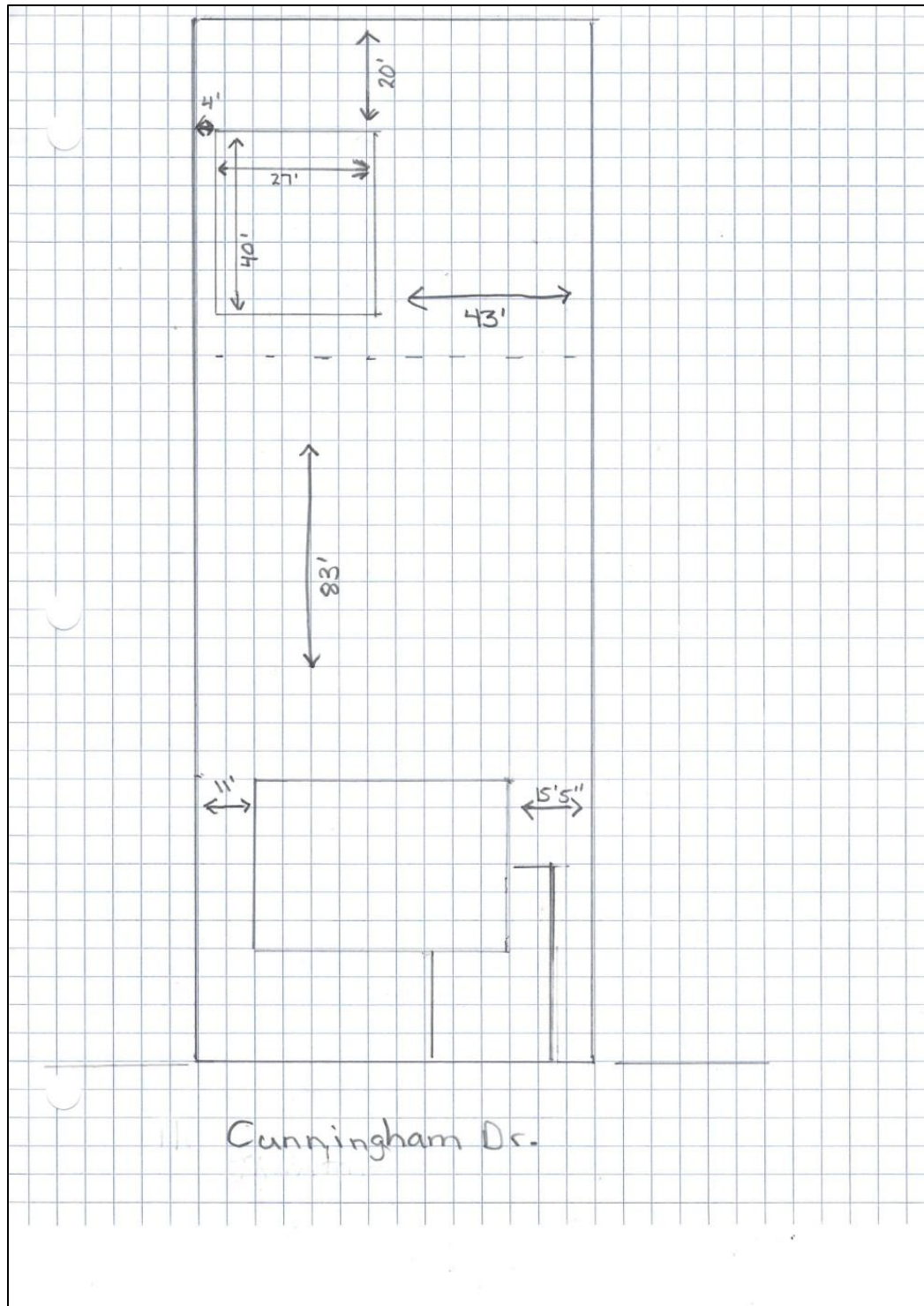
Municipal Address	11 Cunningham Drive
Legal Description	PLAN 1605 LOT 5 CON 11 PT
Roll No.	432101001101308
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached Zone (R1)

RECOMMENDATION:

Staff recommend **APPROVAL** of Application A15-26 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.

PROPOSAL (attachment 1):



DATE OF SITE INSPECTION

September 15th, 2026.

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 Section 8.1 (d): 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 applicant is proposing to construct a new storage shed that will have a floor area of 103.33 m² and height of 5.6 m.

SURROUNDING LANDS:

North	The subject property abuts 9 Cunningham Drive (residential property) to the North.
East	The subject property abuts Cunningham Drive to the East.
South	The subject property abuts 15 Cunningham Drive (residential property) to the South.
West	The subject property abuts the Trans-Canada Trail to the West.

BACKGROUND:

The subject property is municipally known as 11 Cunningham Drive. 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. 2026-0185) 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.

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 standard development practices as facilitated through the building permits will be adhered to, to ensure the 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.

The applicant is proposing to construct a garage with a floor area of 100.33 m², representing an increase of 7.33 m², or approximately 7.88%. In addition, a variance is requested to increase the maximum permitted building height from 4.5 m to 5.6 m, representing an increase of 1.1 m, or approximately 24.4%.

The requested increase is considered minor when viewed in the context of the overall lot area and the maximum permitted lot coverage for accessory buildings on lands zoned R1, which is 8% of the total lot area. The subject property has a lot area of approximately 0.156 hectares (1,560 m²).

If the proposed garage were limited to the permitted 93.0 m², the accessory building would occupy approximately 5.96% of the total lot area ($93.0 \text{ m}^2 \div 1,560 \text{ m}^2 \times 100$). With the requested increase to 100.33 m², the proposed garage would occupy approximately 6.43% of the total lot area ($100.33 \text{ m}^2 \div 1,560 \text{ m}^2 \times 100$). This remains below the maximum permitted accessory building lot coverage of 8%, which would permit a maximum accessory building area of approximately 124.8 m² on the subject property.

The requested increase in height from 4.5 m to 5.6 m is intended to accommodate the proposed garage design and does not result in an unreasonable increase in the scale of the accessory building. The proposed height remains appropriate for an accessory structure and, when considered together with the increase in floor area, will not result in an accessory building that is disproportionate to the lot or surrounding development.

The proposed variances would continue to maintain the accessory nature of the garage, while the proposed floor area and height remain appropriate in relation to the size of the property. The proposal would not result in overdevelopment of the lot and would maintain the general intent and purpose of the Zoning By-law.

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

ADDITIONAL COMMENTS:

15 Cunningham Drive

The neighbours to the west of the property have expressed concerns about the following;

1. Privacy/Overlooking of their property

Township Response: The proposed garage will remain subject to the applicable setbacks and lot coverage requirements, which will assist in maintaining adequate separation from neighbouring properties and limiting its visual impact.

2. Compatibility with the character of the Neighbourhood

Township Response: The surrounding neighbourhood contains several detached sheds and accessory structures of similar scale and form, and the proposed garage would therefore not introduce a built form that is out of place to the character of the area. Further, the proposed shed will remain subject to the applicable setbacks and lot coverage requirements, which will assist in maintaining adequate separation from neighbouring properties and limiting its visual impact. The proposed floor area of 100.33 m² also remains below the maximum accessory building area that could otherwise be accommodated based on the permitted 8% lot coverage.

3. Drainage and Flooding Concerns

Township Response: The drainage will be reviewed during the building permit stage.

4. Intended Use of the Building

Township Response: The building is classified as a storage shed and will not used as an Additional Residential Unit at this time. they could potentially convert the structure to an Additional Residential Unit (ARU) in the future but this would require additional building permits and likely another minor variance.

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

CONCLUSION:

Staff recommend **APPROVAL** of the minor variance with conditions.

Respectfully submitted,



Anmol Burmy
Development Planner
Township of Essa