

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A3-26
Related Application(s): N/A
Owner(s): Johnathan Niemi
Meeting Date: April 24th, 2026
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

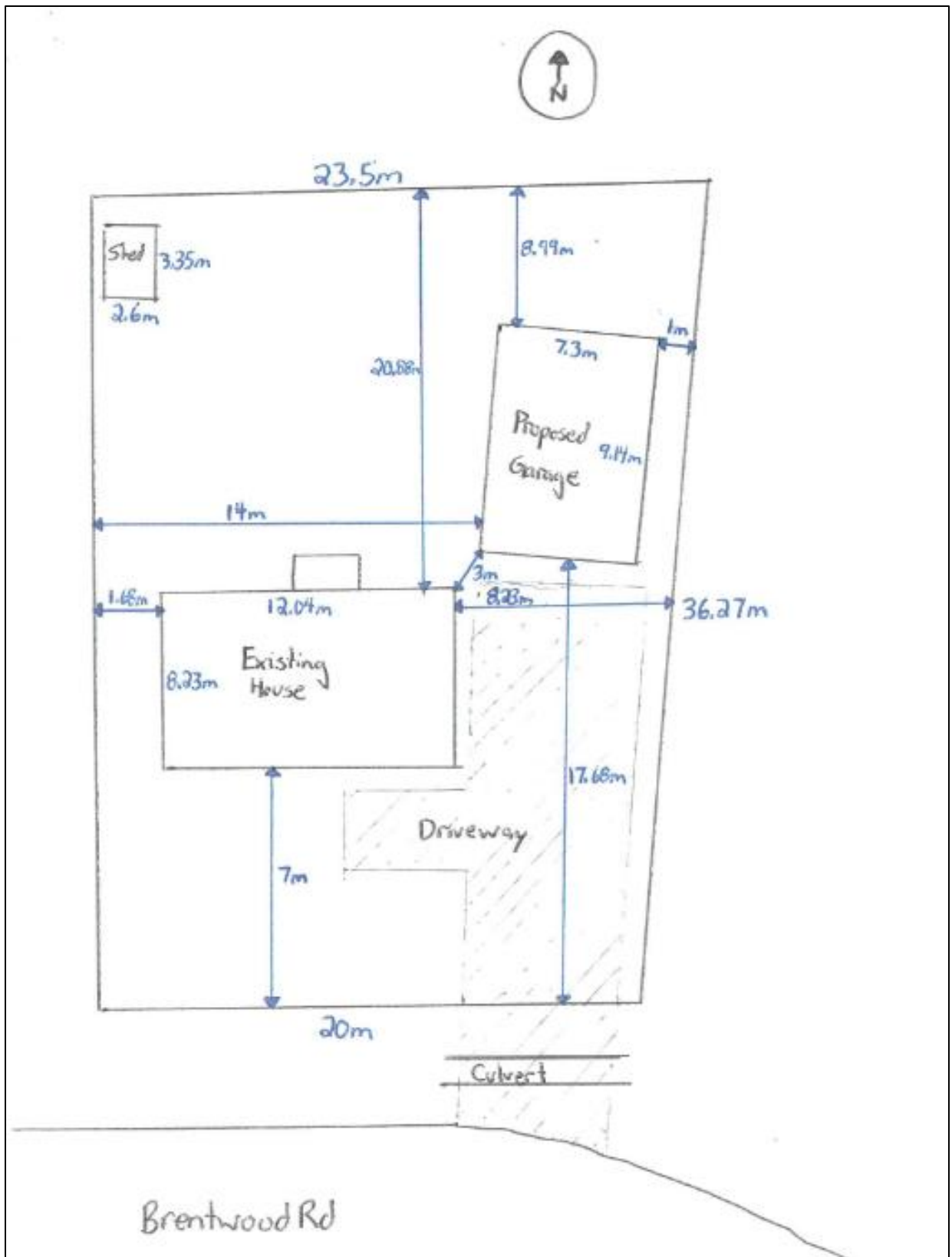
Municipal Address	6 Brentwood Road
Legal Description	PLAN 1425 LOT 4
Roll No.	432103000110900
Official Plan	Residential
Zoning By-law	Residential, Low Density, Detached (R1)

RECOMMENDATION:

Staff recommend **APPROVAL** of Application A3-26 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 applicant satisfies concerns from the NVCA (if any).
4. That the proper Building Permit(s) be obtained.

PROPOSAL (attachment 1):



DATE OF SITE INSPECTION:

April 17, 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 that no accessory use, building or structure shall exceed 4.5 m in height on any lot which is less than 1.0 ha in size.
- (b) Section 17 of the Essa Township’s Zoning By-law 2003-50 which stipulates a detached accessory structure that is not a pool or shed requires a 1.5m interior side yard setback.

SURROUNDING LANDS:

North	The subject property abuts lands known as Lot 20, Concession 1 to the North. The neighbouring property is a large agricultural parcel that is actively farmed and contains no residential buildings or structures.
West	The subject property abuts 8 Brentwood Road to the West. The neighbouring property is comprised of a single-family dwelling and accessory structures.
South	The subject property abuts Brentwood Road (County Road 10) to the South.
East	The subject property abuts 4 Brentwood Road to the East. The neighbouring property is comprised of a single-family dwelling and accessory structures.

BACKGROUND:

The subject property is municipally known as 6 Brentwood Road. The property is zoned Residential, Low Density, Detached (R1) Zone as per Schedule ‘B’ of Essa Township’s Zoning By-law (ZBL) 2003-50. The applicant has applied for a minor variance to get relief from the minimum height requirement for an accessory building, which is limited to 4.5m in height. The applicant is proposing to build a new detached garage with a height of 4.97m.

After further review, staff has identified that the applicant will also require a variance for the proposed setback of 1.0 metres. As per Section 17, the minimum required setback for a detached accessory structure that is not a pool or shed is 1.5-metres. The applicant is proposing a 1.0m setback.

As stated in the applicants’ cover letter, the applicant has limited storage within the house and existing shed and would like to increase the maximum height of the garage to allow for additional storage space on the property.

COMMENTS:

Test 1.

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

Section 8.2 outlines permitted uses in lands designated Residential, stating that this designation shall be for single detached, semi-detached and duplex dwellings. It also allows for building and structures accessory to residential uses (i.e. detached garages).

The proposed variances would not expand beyond the residential uses permitted as a detached garage is a permitted accessory use to a residential dwelling.

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.

Section 8.1 (d) of Zoning By-law (ZBL) 2003-50 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;

Section 17 of ZBL 2003-50 identifies that the minimum interior side yard setback for detached accessory structures that are not a pool or shed is 1.5-metres.

ZBL 2003-50 states in Section 14 that accessory buildings/structures subsidiary to a residential use are permitted in the R1 Zone.

The proposed variance would not result in the expansion or limitation of any use beyond what is set out in Section 14. Additionally, the maximum height restrictions are intended to limit the visual impact of accessory buildings on smaller, low-density lots. The height increase is marginal and has not perceivable impacts on the low-density character of the subject property or neighbouring properties. Additionally, the reduction in interior side yard setback from 1.5m to 1m results in minimal visual impacts and does not affect emergency access.

Thus, the Variance would generally maintain the intent and purpose of Essa Township's ZBL (2003-50).

Test 3.

Is the minor variance desirable for the appropriate development or use of the land, building or structure? Yes.

Based on a visual analysis of the property and neighbouring lands, several neighbouring properties contain similar structures. The applicant is going through the building permit process to ensure all relevant considerations are made regarding the construction of the detached garage. There are no perceivable impacts to neighbouring properties as a result of the height increase or setback reduction.

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

Test 4.

Is the requested variance minor in nature? Yes

It should be noted that Bill 60 received royal assent on November 27th, 2025, making as-of-right variances required within municipal zoning by-laws. As per O.Reg. 257/25, as-of-right' variances currently allow for minor adjustments to setbacks up to 10% above or below the maximum or minimum requirements without needing approval from the Committee of Adjustment. Should a subsequent O.Reg be passed revising the scope of as-of-right variations, the approval is still within the scope of the Committee of Adjustment. It should also be noted that the current proposal for a ~33% reduction to setbacks would not qualify.

The proposed variance seeks to increase the maximum allowable height from 4.5m to 4.97m. This constitutes a 0.47m (~10%) increase to the allowable height of a detached accessory structure. This is numerically insignificant, and as stated previously, will likely not require Committee of Adjustment approval in the future.

Regarding the setback reduction, the minimum side yard setback is 1.5m for detached accessory structures that are not pools or sheds. The applicant is proposing a 0.5m reduction, representing a ~33% reduction to the minimum setback. Although this is numerically somewhat larger than the other variance, the visual impact is minimal and emergency access unaffected. Thus, there is not much concern for the proposed setback as it is a minor deviation from the required setback.

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.

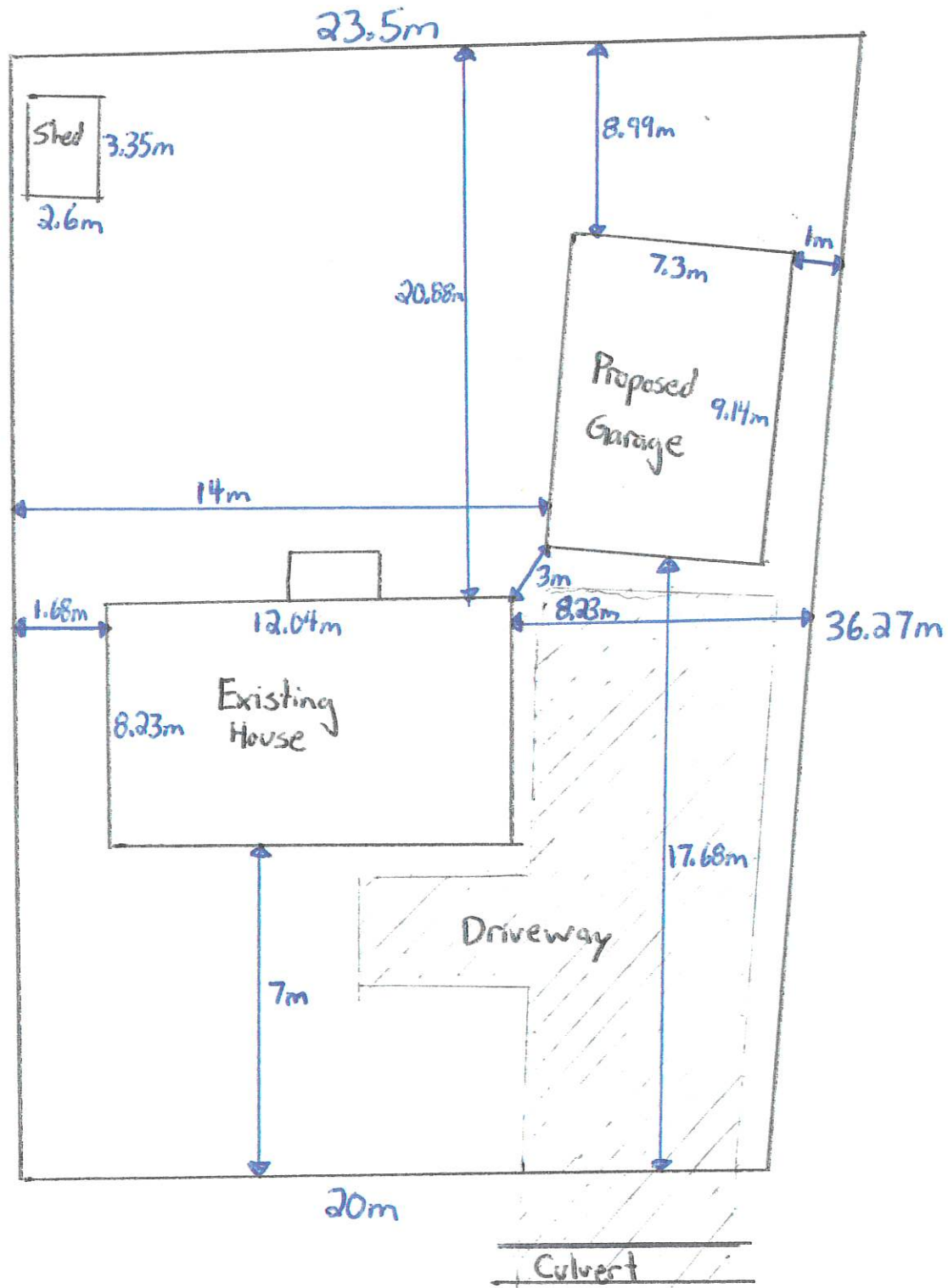
Respectfully submitted,



Owen Curnew
Development Planner
Township of Essa

ATTACHMENTS:

1. Attachment 1 – Site Plan



Brentwood Rd