

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A15-25
Related Application(s): N/A
Owner(s): Brittney Gay
Meeting Date: November 28th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

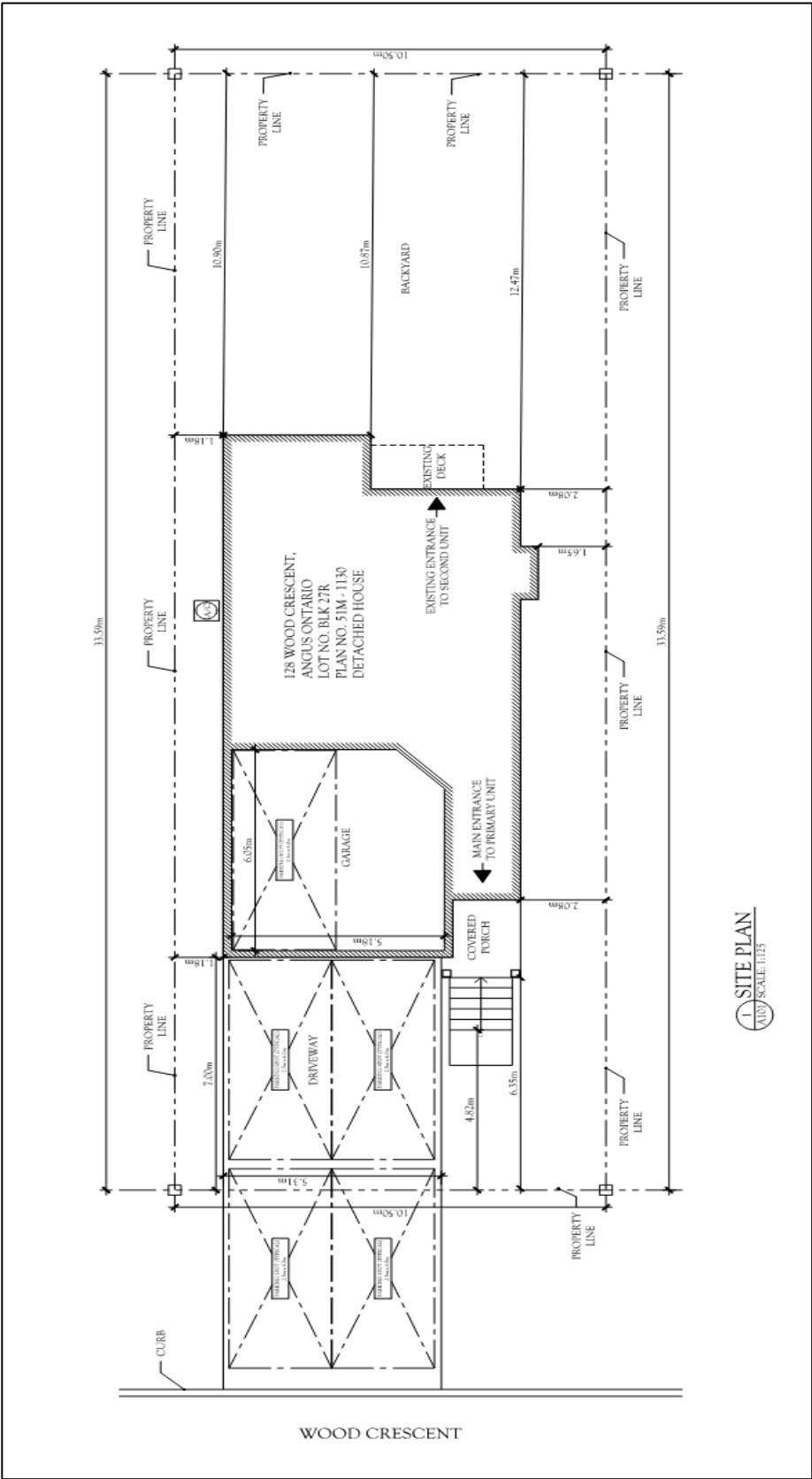
Municipal Address	128 Wood Crescent
Legal Description	PLAN 51M1130 PT LOT 27 RP;51R42939 PARTS 22 TO 24
Roll No.	432101001005645
Official Plan	Residential
Zoning By-law	Residential, Low Density, Semi-Detached with Special Provisions (R2-6)

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A15-25 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.

PROPOSAL:



PURPOSE:

The applicant is seeking relief from Section 4.28.4 of Essa Township's Zoning By-law 2003-50 which stipulates that all required parking for residential zones shall be located externally.

DATE OF SITE INSPECTION

November 18th, 2025.

REASON FOR THE APPLICATION:

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

1. Section 4.28.4 of Essa Township's Zoning By-law 2003-50 which stipulates that all required parking for residential zones shall be located externally.

SURROUNDING LANDS:

North	The subject property abuts Wood Crescent to the North.
West	The subject property abuts 130 Wood Crescent to the West. The neighbouring property is comprised of a single-family dwelling and accessory buildings/structures.
South	The subject property abuts 111 Centre Street to the South. The neighbouring property is comprised of a single-family dwelling and accessory buildings/structures.
East	The subject property abuts 126 Wood Crescent to the East. The neighbouring property is comprised of a single-family dwelling and accessory buildings/structures.

BACKGROUND:

The subject property is municipally known as 128 Wood Crescent. The property is zoned Residential, Low Density, Semi-Detached with Special Provisions (R2-6) as per Schedule 'B' of Essa Township's Zoning By-law 2003-50. The applicant has applied for a minor variance to get relief from the requirement that all required parking spaces be external.

The applicant has had preliminary discussions with the Planning Department regarding an ARU. The applicant has proposed a parking space within the garage (internal) to accommodate the ARU. While the lot appears to be able to fit enough parking on the portion of the driveway that is within the municipal R.O.W., the Parking By-law (2005-96) prohibits parking within 3.0 of the roadways where no sidewalk or footpath is present. Hence, even though practically speaking the driveway can fit approximately four vehicles, the parking spaces are not all located within the property boundary, and they would not conform with By-law No. 2005-96.

COMMENTS:

Test 1.

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

The official plan does not stipulate parking regulations for ARUs in Low-Density Residential areas.

Therefore, at this time, the variance does maintain the general 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 4.28.4 of Essa Township's Zoning By-law (ZBL) 2003-50 stipulates that all required parking for residential zones shall be located externally. The minimum required parking for a single-family dwelling is two external parking spaces, which the property currently conforms with at this time.

Section 4.38.1 (d) of ZBL 2003-50 stipulates the following:

[In] accordance with the Off-Street Parking Requirements provided within this by-law, a minimum of two parking spaces per Additional Residential Unit are (required to be provided and maintained on site for the sole use of the occupants of an Additional Residential Unit and may include tandem parking spaces. (31)

It should be noted that the current requirement under ZBL 2003-50 of two external parking spaces for an ARU is not enforceable given that s. 40(3.1) of the *Planning Act (1990)* does not allow for official plans or ZBLs to require more than one parking space per residential unit, other than the primary unit. Thus, the Township has *recommended* that applicants provide as much parking as possible but are only *requiring* one parking space for the proposed ARU.

The intention of the parking requirement is to ensure that all residents within the subject property have adequate access to parking spaces, and to avoid parking encroaching onto sidewalks or streets. The proposed variance does not seek to reduce the number of parking spaces required for an ARU, but rather, the location of the parking space. The concern from staff would be the maintenance of the parking space if located within the garage and the potential for cars to spill out onto the street if multiple tenants with cars were to move into the ARU.

The main issue with approving this variance for parking within the garage is that of the maintenance of the parking space. The ZBL does not give consideration for the maintenance of parking. As such, the Township will have little ability to monitor and ensure that the garage is being used for parking. Where ARU parking is removed from the garage, it will most likely be placed on the driveway in the Township's ROW.

Technically speaking, the proposed variance does maintain the intent and purpose of Zoning By-law 2003-50 by meeting the minimum required parking spaces. Additionally, the issue of parking potentially encroaching onto the street is addressed through enforcement of the Township's Parking By-law (2005-96).

Given that the site has demonstrated it can accommodate four vehicles (2 internal and 2 external), the exemption would not actually result in a loss of parking but would allow the applicant to solve the issue from a policy standpoint without compromising the intent of the policy itself.

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.

Further to the conclusions made in Test 1 and 2, the proposal to allow for the additional parking space for the ARU within the existing garage would ultimately be appropriate use of the land and building. Garages are built and designed to accommodate for parking, and the applicant has provided photo evidence demonstrating that two cars can fit within the garage. In terms of the practical use and use of the land and building, staff have no issues with the feasibility of parking within the garage. The main concern, as stated in Test 2, is with maintenance of the parking spaces. Should parking spaces spill out beyond the lot boundaries, they will likely be placed on the driveway within the Township's ROW. Should this happen, municipal enforcement of the Township's Parking By-law (2005-96) can then be triggered.

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

Test 4.

Is the requested variance minor in nature? Yes

The variance is effectively proposing to apply the external parking requirement as an internal parking requirement within the garage. The proposed variance does not seek to

reduce the minimum parking space requirement or dimensions. The proposed variance can generally be considered 'minor' given that this change does not inherently produce any negative effects towards neighbours with the relocation of the required parking from the driveway to the garage. Despite the comments made in Test 3, the true impact of changing the parking requirement is speculative and should not bear any weight on the considerations for how 'minor' the variance would be.

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 a variance to section 4.28.4 of Essa Township's Zoning By-law 2003-50 to allow the required parking spaces to be in the garage, exempting the requirement that parking remain external.

Respectfully submitted,



Owen Curnew
Development Planner
Township of Essa

ATTACHMENT

1. Attachment 1 – Garage Parking

Attachment 1 - Garage Parking

