



Committee of Adjustment Agenda

Date: Thursday, July 18, 2024

Time: 6:00 p.m.

Location: Council Chambers
7 Broadway Street West
Paris, ON

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RECOMMENDATION

THAT Application for Minor Variance A9-24-HH from Michael and Kayla DeLeye, owner(s) of lands legally described as PLAN 1686 LOT 24, municipally known as 29 Broadview Drive, Geographic Township of Burford, County of Brant, BE APPROVED subject to the attached conditions.

The applicants are proposing to construct a 167.23 m² (1800.05 ft²) for an accessory structure that will be used for personal storage and storage of vehicles. The applicants are requesting relief from Zoning By-Law 61-16, Section 4, Table 4.4.1 – for

variances to the rear yard and interior side yard setback and maximum accessory structure lot coverage. The applicant is also requesting relief for the purpose of increased structure height.

The following summarizes all variances being sought by the applicant:

- To permit a reduced rear yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit a reduced interior yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit an increased maximum height of 5.4 metres, whereas 5 metres is required.
- To permit an increase in the maximum total lot coverage of 178.38 sq.m, whereas 140 metres is required.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the Planning Act.

5.2 B5-24-DN-Bishopsgate & Colborne St W-Shadeview

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RECOMMENDATION

THAT **Consent Application B5-24-DN** from JHC Engineering Agent, on behalf of Applicant UTOVA Enterprises Inc on behalf of 1000399788 Ontario Ltd c/o K. Spierenburg Owner of BRANTFORD CONCESSION 5 PART LOTS 1 AND 2, County of Brant, in the geographic former township of Brantford, located at 1318 Colborne Street West proposing the creation of one (1) new industrial lot within the Light Industrial (M2) zone having a frontage of 106 metres, depth of 240 metres and area of 1 hectare (2.65 acres), **BE APPROVED, *subject to the attached conditions.***

THAT the reason(s) for the approval of Consent Application B5-24-DN are as follows:

- The lot creation will facilitate additional development opportunity for employment land uses, compatible with the context of the surrounding area.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of

RECOMMENDATION

THAT **Consent Application B26-23-SL** from Arcadis c/o D. Stewart, Agent on behalf of C. Henderson, Applicant on behalf of M. Kaye & E. Hilson, Owners of land legally described as CONCESSION 4 PART LOT 14, municipally known as 369 Scenic Drive, Geographic Township of South Dumfries, County of Brant, proposing a severance for the creation of one (1) new residential building lot within Rural Residential (RR) zone having a frontage along Scenic Drive 35 metres and area of approximately 0.67 ha (1.65 acres), **BE APPROVED, subject to the attached conditions.**

THAT the reason(s) for the approval of Consent Application B26-23-SL are as follows:

- The proposal prioritizes the protection and enhancement of the Natural Heritage System while facilitating compatible development of a permitted land use, in accordance with recommendations determined by the completion of the Environmental Impact Study (EIS).
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

AND

THAT **Minor Variance Application A11-24-KD** from Arcadis c/o D. Stewart, Agent on behalf of C. Henderson, Applicant on behalf of M. Kaye & E. Hilson, Owners of land legally described as CONCESSION 4 PART LOT 14, municipally known as 369 Scenic Drive, Geographic Township of South Dumfries, County of Brant, requesting to permit a reduced minimum lot frontage of 35 metres, where a minimum of 40 metres is required in the Rural Residential (RR) zone to facilitate related Consent Application B26-23-SL, **BE APPROVED.**

THAT the reason(s) for the approval of Minor Variance Application A11-24-KD are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

RECOMMENDATION

THAT Application for Minor Variance A10-24-HH from Matt Goslin, Owner of lands legally described as PLAN 53B PART PARK LOT 5 REGISTERED PLAN 2R6509 PART 6, municipally known as 164 Highway 53, Former Geographic Township of Burford is seeking relief from Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 for an increase in lot coverage for an accessory structure. The applicant has proposed an increased lot coverage of 158 m² (1700.7 ft²), exceeding the permitted 140 m² (1500 ft²) for accessory structures. It is recommended that the application BE APPROVED.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the Planning Act.

5.5 A8-24-JA-Abi Rached -14 Cornwell Rd

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RECOMMENDATION

THAT Application for Minor Variance A8-24-JA from Miled Abi-Rached and Dounia Zahra, Owners of lands legally described as RANGE 1 NHR PT LOT 7 RP 2R6501 PART 1, municipally known as 14 Cornwell Road, Geographic Township of Brantford, County of Brant, seeking relief from Zoning By-law 61-16, Section 4, Subsection 4.5 b(x)(4) to permit a setback of 51.5 metres (169 feet) whereas, 40 metres (131.23 feet) is required from the primary dwelling unit to facilitate the construction of a proposed detached additional residential unit, BE APPROVED.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the

Official Plan and
Zoning By-Law 61-16;

- The proposed variance meets the four tests of the Planning Act.

6. Next Meeting

7. Adjournment



Committee of Adjustment Minutes

Date: June 20, 2024
Time: 6:00 p.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Brown, Emmott, Hamilton, Schmitt, Vamos, Panag

Regrets: Smith

Alternative formats and communication supports are available upon request. For more information, please contact the County of Brant Accessibility and Inclusion Coordinator at 519-442-7268 or by email accessibility@brant.ca

1. Attendance

2. Approval of Agenda

Moved by Member Emmott
Seconded by Member Hamilton

Moved by myself and seconded by Member Hamilton that the agenda for the County of Brant Committee of Adjustment meeting of June 20, 2024, be approved.

Carried Unanimously

3. Declaration of Pecuniary Interests

No conflicts declared.

4. Adoption of Minutes from Previous Meetings

Moved by Member Schmitt
Seconded by Member Hamilton

That the minutes of the May 16, 2024 meeting of the Committee of Adjustment be approved, as printed.

Carried Unanimously

5. Public Hearings

5.1 B6-B9-24-HH-Brown-19 Creeden St

Staff Presentation

- H. Hallema, Junior Planner presented consent application B6-B9-24-HH-Brown-19 Creeden St for approval. She reviewed the property location, the current land designation of Urban Residential within the Primary Urban Settlement Boundary of Paris and zoning classification of Residential singles and Semis (R2).
- She outlined the proposal to facilitate the division of the parcel containing an existing semi-detached dwelling into two separate and conveyable parcels and to establish an access easement for maintenance.
- Member Hamilton verifies the conditions must be cleared within a period of two years.
- Staff confirm.
- Member Vamos questions the residential use and fire wall.
- Staff notes a change of use permit was obtained through the Building Department from a church to residential. It was reviewed at the time of the change of use permit.

Agent/Applicant Presentation

- Christian Tsimenidis, Arcardis
- Agent supports staff recommendation. He notes the minimum lot frontages will be maintained for both lots.
- He appreciates the correction of the two year period for the clearance of conditions as previously identified.
- Member Emmott seeks clarification if the heating unit is servicing both units.
- Agent advises the heat pump is servicing the retained lot. It requires the easement on this application for the purposes of maintenance.
- Member Emmott inquires if easement can be modified in the future if not required.
- Staff note easement could be removed through Solicitors if change is required.
- Member Vamos inquiries about the relocation of the heat pump.
- Agent notes the application for the easement is an appropriate approach given the equipment is existing.
- Mike Brown, Owner of 19 Creeden notes easement would be removed if no longer required. There would be a significant cost to relocate.

- Agent indicates it is an appropriate time to address the requirement of an easement as a condition of the severance.

Moved by Member Hamilton
Seconded by Member Schmitt

THAT Consent Application **B6-24-HH** from Arcadis c/o Douglas Stewart, Agent on behalf of Michael Brown, Owner of lands known as PLAN 492 BLOCK 45 LOT H, municipally known as 19 Creeden Street, Paris, proposing the division of the parcel containing an existing semi-detached dwelling into two separate and conveyable parcels within the Primary Urban Settlement Boundary of Paris, BE APPROVED, subject to the attached conditions.

and that the reason(s) for approval are as follows:

- The lot creation is compatible and consistent within the context of existing development.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried Unanimously

Moved by Member Hamilton
Seconded by Member Schmitt

THAT Consent Application **B9-24-HH** from Arcadis c/o Douglas Stewart, Agent on behalf of Michael Brown, Owner of lands known as PLAN 492 BLOCK 45 LOT H, municipally known as 19 Creeden Street, Paris, proposing the creation of an easement for access and maintenance of an existing heat pump encroaching onto the proposed severed lands subject to the attached conditions noting two years to provide clearance.

and that the reason(s) for approval are as follows:

- The existing heat pump currently impedes on the proposed property lines and requires legal access through an easement for maintenance.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of Provincial Policy Statement.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried

5.1.1 Addendum - 19 Creeden

5.2 A7-24-HH-Alton-319 East Quarter Townline Rd

Staff Presentation

- H. Hallema, Junior Planner presented minor variance application A7-24-HH-Alton-319 East Quarter Townline Rd for approval. She reviewed the property location, the current land designation of Agricultural and zoning classification of Heavy Industrial (M3).
- The minor variance application is seeking expansion of a legal non-conforming use to permit construction of a detached accessory structure within the Heavy Industrial (M3) Zone.
- The existing dwelling was constructed in the 1970s, which was legally established as a legal use before the passing of the existing by-law came into force and effect.
- As it stands within the current zoning a single detached dwelling is not permitted within the current Heavy Industrial (M3) zoning, and therefore the existing dwelling would be considered a legal non-conforming use.
- Staff recommends approval of A7-24-HH.
- Member Vamos confirms zoning.
- Staff zoning is Heavy Industrial M3 and designation is Agriculture.
- Member Vamos questions accessory structure in Agricultural land designation is limited to one.
- Staff outlines accessory structures are permitted within 5% of total lot area. Staff confirms one detached dwelling is permitted.
- Member Hamilton confirms this was established previously and the application is to align with current policies to obtain a building permit.
- Staff confirms application is to extend residential use to permit the accessory structure.

Agent/Application Presentation

- Pat Alton, 319 East Quarter Townline Rd
- Mr. Alton does not have a presentation and offers to answer questions.
- Member Vamos seeks clarification on the entrance for the accessory structure.
- Staff indicates there is no proposed entrance to the accessory structure.
- Staff indicates that if an entrance is added then it would require a Public Works Permit.
- Member Vamos questions the location of the entrance.

- Mr. Alton confirms there will not be a driveway added. The plan is to drive on the grass.

Moved by Member Emmott
Seconded by Member Panag

THAT Application for Minor Variance **A7-24-HH** from Pat Alton, Owner of lands described as BURFORD CONCESSION 7 PART LOT 7 REGISTERED PLAN 2R520 PART 1, in the geographic Township of Burford, and located at 319 East Quarter Townline Road, requesting relief from Section 45(2) of the Planning Act to allow the extension of an existing legal non-conforming use and permit construction of a detached accessory structure within the Heavy Industrial (M3) Zone, **BE APPROVED.**

and that the reason(s) for approval are as follows:

- The proposal meets Section 45(2) of the Planning Act for expansion of legal non-conforming uses;
- The proposed development is desirable for the appropriate development and use of the subject lands;
- The proposed development will not result in undue adverse impacts on the surrounding properties and neighbourhoods, and/or
- The proposed development will not be an increased risk to human health or wellbeing.

Carried Unanimously

5.3 A6-24-KD-Stubbes-44 Muir Rd S

Staff Presentation

- K. DeLeye, Supervisor of Development Planning presented minor variance application A6-24-KD-stubbes-44 Muir Rd S for approval. She reviewed the property location, current land designation of Employment and Zoning classification of Agricultural Employment (AE-29).
- The applicant has proposed an interior-side yard of 5.6m (18.37 ft), whereas 15m (49.21ft) is permitted.
- The variance is necessary to accommodate storage near a property line between two properties that act as one.
- Staff recommends approval of A6-24-KD.
- Member Emmott confirms the subject lands are the south side of the property line of the north property.
- Staff confirms map 3 aerial imagery, south of the existing building marked in "red".

Agent/Applicant Presentation

Brandon Flewweling, GSP Group

- Agent confirms staff presentation and recommendation.
- The site operates as one. There will be a future application for blanket easements between the two properties. It is considered a minor request. The reduction in interior yard setback will assist with business operations and does not serve a purpose given the abutting properties with essentially one owner.
- Member Hamilton confirms the two properties have two different owners therefore require the minor variance.
- Staff confirms applicants wish to maintain the separate parcel ownership for business purposes therefore require the minor variance application and the future easement application.
- Member Hamilton inquires if the current buildings meet the policies.
- Staff note the current buildings do meet the required setbacks. This property will be reviewed at the site plan stage for the requirements and deficiencies.

Moved by Member Hamilton

Seconded by Member Panag

THAT Application for Minor Variance A6-24-KD from Mike Goor Owner(s) of lands legally described as BURFORD CON 9 PT LOT 24 AND 2R8076 PARTS 1 AND 2; County of Brant and municipally known as 44 Muir Road South is seeking relief from Section 6, Table 6.2.1 of the County of Brant Zoning By-Law 61-16 for a reduced interior side yard setback. The applicant has proposed a side yard of 5.6m (18.37 ft), whereas 15m (49.21ft) is permitted. It is recommended that the application BE APPROVED.

and that the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriatedevelopment and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan andZoning By-Law 61-16;
- The proposed variance meets the four tests of the Planning Act.

Carried Unanimously

5.4 Addendum - B21-B22-B23-23-LG- MacNeil-283 McLean School Road - Minor Condition Change Memo

Staff Presentation:

- Planning Staff are seeking Committee acknowledgement and support of minor changes to Condition #8outlined noting The Development Agreement would be registered on 'Severed Lands' only (Part 2 and 4

on Plan 2R-8987), where further development is proposed adjacent to the environmental sensitive area.

- Member Vamos comments the applicant should pay fees for each lot.
- Staff confirm that the fees have not been modified.
- Staff notes the Development Agreement was related to environmental concerns and securities have been collected for both part 2 and 4.
- The agreement would apply to the two vacant lots.
- Member Hamilton seeks clarification that fees will be collected on the other lots.
- Staff confirm.

Moved by Member Emmott
Seconded by Member Hamilton

That the changes to the identified condition 8 B21-B22-B23-23-LG BE APPROVED as outlined above and attached are minor in nature, appropriate and maintains the intent of the original decision granted by the Committee of Adjustment on September 21, 2023.

Carried Unanimously

6. Other Business

- Haylee Hallema, Junior Planner will be moving onto a new opportunity effective June 21st.
- Jessica Abraham, contract Junior Planner will be moving onto a new opportunity effective June 20th.
- Mat Vaughan, Director of Development Planning has moved onto another municipality.

7. Next Meeting

The next meeting is scheduled to be July 18, 2024, and we will be a hybrid meeting starting at 6:00pm.

8. Adjournment

The meeting adjourned at 6:52 PM to meet again on July 18, 2024.

Moved by Member Schmitt
Seconded by Member Vamos

Moved by myself and seconded by Member Vamos that the meeting of June 20, 2024 be adjourned.

Carried Unanimously

Sarah Dymment-Smith Secretary-Treasurer



MICOUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: July 18, 2024

REPORT NO: RPT-0354-24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Haylee Hallema – Junior Planner

APPLICATION TYPE: Minor Variance Application

APPLICATION NO: A9-24-HH

LOCATION: 29 Broadview Drive

AGENT / APPLICANT: N/A

OWNER: Michael and Kayla DeLeye

SUBJECT: Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16.

RECOMMENDATION

THAT Application for Minor Variance **A9-24-HH** from Michael and Kayla DeLeye, owner(s) of lands legally described as PLAN 1686 LOT 24, municipally known as 29 Broadview Drive, Geographic Township of Burford, County of Brant, **BE APPROVED** subject to the attached conditions.

The applicants are proposing to construct a 167.23 m² (1800.05 ft²) for an accessory structure that will be used for personal storage and storage of vehicles. The applicants are requesting relief from Zoning By-Law 61-16, Section 4, Table 4.4.1 – for variances to the rear yard and interior side yard setback and maximum accessory structure lot coverage. The applicant is also requesting relief for the purpose of increased structure height. The following summarizes all variances being sought by the applicant:

- To permit a reduced rear yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit a reduced interior yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit an increased maximum height of 5.4 metres, whereas 5 metres is required.
- To permit an increase in the maximum total lot coverage of 178.38 sq.m, whereas 140 metres is required.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;

- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Minor Variance Application **A9-24-HH** is requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 – for variances to the rear and interior yard setback, maximum height and maximum total lot coverage.

- To permit a reduced rear yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit a reduced interior yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit an increased maximum height of 5.4 metres, whereas 5 metres is required.
- To permit an increase in the maximum total lot coverage of 178.38 sq.m, whereas 140 metres is required.

The application is required in order to facilitate the construction of a detached accessory structure.

Review of this minor variance application has had regard for the four tests as set out in Section 45(1) of the *Planning Act*, public comments and internal comments received as part of the technical circulation.

It is my professional opinion that the relief requested is considered minor in nature, is desirable for the appropriate development and use of the subject lands and the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16 and therefore recommend that the Minor Variance Application **A9-24-HH** be Approved.

LOCATION / EXISTING CONDITIONS

The subject lands are located between Broadview Drive and Meadow Lane, on the east side of Minshall Drive.

LOCATION MAP
Application: A9-24-HH
29 Broadview Drive





The subject lands have frontage of approximately 42.24 metres (138.58 feet), depth of 86.64 metres (284.25 feet) and total area of 2,624.97 m² (0.26 hectares). The subject lands contain an existing single detached dwelling (382m² / 4,112 ft²), and a detached shed (120 ft² / 11.15 m²).

The subject lands are currently serviced by private infrastructure.

The surrounding area consists of Suburban Residential and Agricultural land uses.

REPORT

Planning Act

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance Applications.

In reviewing the application staff analyzed the four tests as established in Section 45(1) of the *Planning Act* R.S.O 1990:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;
- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

Conformity with Provincial and Municipal Policies/Plans

Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

Provincial Policy Statement (2020)	Planning Analysis
<i>Section 1.1.3.1 of the Provincial Policy Statement identifies that Settlement Areas shall be the focus of growth and development. Settlement Areas can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).</i>	<i>The subject lands are located within the Secondary Urban Settlement Boundary of Burford.</i>

It is my professional opinion that the minor variance request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Growth Plan for the Greater Golden Horseshoe (2020)	Planning Analysis
<i>Section 2.2.1.2(a) describes how the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.</i>	<i>The subject lands are located within the Secondary Urban Settlement Boundary of Burford. The proposal allows for limited residential development that is compatible with surrounding development patterns in an identified residential area.</i>

It is my professional opinion that the minor variance request conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

Schedule 'A' of the County of Brant Official Plan (2012) identifies the land use designation of the subject lands as 'Urban Residential' and are located within the Primary Urban Settlement Boundary of Paris.

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2012):

Official Plan (2012)	Planning Analysis
<i>Section 2.2.3.1.2 (f) of the County of Brant Official Plan speaks to a mix and range of urban land uses and activities shall be permitted, including residential, commercial, employment, office,</i>	<i>The subject lands contain an existing single detached dwelling in the Urban Residential designation. The</i>

institutional, entertainment, cultural, recreational, and open space uses.	<i>accessory structure is secondary to the residential use.</i>
Section 7.2 of the Official Plan defines 'Accessory building or structure' as a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot and may be used for human habitation.	<i>The applicant is proposing an accessory structure which will be secondary to the primary dwelling, all of which are incidental to the primary use.</i>

It is my professional opinion that the minor variance request conforms to the policies of the County of Brant Official Plan.

County of Brant Zoning By-Law 61-16

The subject lands are zoned Suburban Residential (SR) within the County of Brant Zoning By-Law 61-16.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Suburban Residential (SR).

Permitted uses include the following:

- Dwelling, Single Detached
- Group Home

Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 advises the required development regulations for accessory structures permitted in the Suburban Residential (SR) zone.

Zone Requirements Table 4.4.1		
Provision	Required	Proposed
Lot coverage, Maximum	140 m²	178.38 m²
Street Setback, Minimum (metres)	7.5 m	68.44 m
Interior Side and Rear Yard Setback, Minimum (metres)	1.5 m	1.2 m
Structure height, Maximum (metres)	5 m	5.4 m

- ***The subject lands containing existing development meet the zone requirements for the SR zone.***
- ***Application is requesting relief from the minimum interior side and rear yard setback, increase height and increased lot coverage for Residential developments applicable to accessory uses within the SR zone requirements to accommodate the construction of an accessory structure.***

All other requirements of the zoning by-law 61-16 are being met.

It is my professional opinion that the variance(s) maintain the intent of the County of Brant Zoning By-Law 61-16.

Analysis of the Four Tests (Section 45(1) of the *Planning Act* R.S.O 1990)

Four Tests	Discussion – A9-24-HH
That the general intent and purpose of the Official Plan is maintained.	The subject lands have an Official Plan Designation of Urban Residential. The subject lands contain an existing detached dwelling, and accessory structure which is permitted within the Urban Residential Designation. The proposed variance(s) will facilitate the construction of a new accessory structure for personal storage and storage of vehicles which is consistent with the surrounding development. It is my professional opinion that the proposal is in keeping with the general intent of the County of Brant Official Plan.
That the intent and purpose of the Zoning By-Law is maintained.	<p>The subject lands are zoned as Suburban Residential (SR) within the Zoning By-Law 61-16. The applicant is seeking relief from Section 4, Table 4.4.1 'Accessory Structure Requirements Table' of the Zoning By-Law to permit a reduced interior side yard and rear yard setback of 1.2 metres (3.9 ft), whereas 1.5 metres (4.9 ft) is required. The intent of the reduced interior side yard and rear yard setback is due to the current location of the septic tank and septic bed located in the rear of the lot.</p> <p>The applicant is seeking relief from Section 4, Table 4.4.1 'Zone Requirements Table' of the Zoning By-Law to permit an increase in lot coverage of 178.38 m² (1920.066 ft²) whereas 140 m² (1500 ft²) is permitted. The intent of the lot coverage area for accessory structures is to ensure future development is secondary to the principal dwelling.</p> <p>The application is seeking relief from accessory structure height of 5.4 metres (17.7 ft), whereas 5 metres (16.4 ft) is permitted. It is my professional opinion that the proposal is in keeping with the general intent of the Zoning By-Law 61-16.</p> <p>All other zone requirements are being maintained. It is my professional opinion that the proposal is in keeping with the general intent of the Zoning By-Law 61-16.</p>
That the variance is desirable for the appropriate	The reduced rear yard and interior yard setback will maximize the usable area within the subject lands for the property owners to use as developable area as long as

development and use of the land, building or structure	they are meeting the intent of the zoning by-law. There are trees located around the periphery of the subject lands restricting the view into the subject lands. The proposal follows the existing form of development in the area, the mass, height and bulk of the proposal align with surrounding neighbours and no negative impacts to surrounding properties is expected as a result of variances. It is my professional opinion that the proposed variance(s) for reduced rear yard and interior yard setback, increased height and increased lot coverage area for the purpose of a detached accessory structure allow for a desirable and appropriate development for the subject lands.
That the requested variance is minor in nature.	<p>Determining whether or not a minor variance request is considered 'minor' is based on review of the merits of the application from both a qualitative and quantitative perspective. A variance may be considered "minor" where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.</p> <p>It is my professional opinion that the proposed variance(s) are minor in nature, as all provisions are being satisfied with the exception of minor relief from the reduced rear yard and interior side yard setback, increased height and increased lot coverage area as permitted for the Suburban Residential zone. The proposed variance(s) are not expected to negatively impact the surrounding land uses.</p>

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	<ul style="list-style-type: none"> • Drainage patterns on-site will need to be adjusted to redirect the run-off from the proposed garage to internal to the property and then sheet flow southerly towards the park. • Side yard and rear yard setbacks shall be maintained at minimum 1.2 metres to provide for sufficient swale design around the proposed garage. • How will the proposed garage be accessed at the rear of the property; will the existing driveway be extended? Asphalt or gravel? • Grading/drainage plan will be required to address the above noted concerns.
Fire	<ul style="list-style-type: none"> • No Comments
Operations	<ul style="list-style-type: none"> • No Comments

Parks & Forestry	<ul style="list-style-type: none"> • No Comments
Environmental Planning	<ul style="list-style-type: none"> • No Comments
Mississaugas of the Credit First Nation	<ul style="list-style-type: none"> • No Comments

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on July 9, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on July 9, 2024

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

Minor Variance Application **A9-24-HH** is requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 – for variances to the rear yard and interior side yard setback and maximum accessory structure lot coverage. The applicant is also requesting relief for the purpose of increased structure height.

The following summarizes all variances being sought by the applicant:

- To permit a reduced rear yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit a reduced interior yard setback of 1.2 metres, whereas 1.5 metres is required.
- To permit an increased maximum height of 5.4 metres, whereas 5 metres is required.
- To permit an increase in the maximum total lot coverage of 178.38 sq.m, whereas 140 metres is required.

Staff have reviewed the proposed Minor Variance with applicable planning policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16 in review of any comments received from relevant departments, the applicant and the members of the public.

Review of this Minor Variance application has had regard for Section 45(1) of the *Planning Act* R.S.O 1990 and Planning analysis confirms that the requested relief meets the ‘four tests’

- The Minor Variance request maintains the general intent and purpose of the Official Plan;
- The Minor Variance request maintains the general intent and purpose of the Zoning By-law;
- The Minor Variance request is desirable for the appropriate development or land use of the land, building or structure.
- The minor variance request is minor in nature.

Based on review of applicable planning policy and comments received as part of the technical and public circulation, it is my professional recommendation to the Committee of Adjustment that Minor Variance Application **A9-24-HH** be **Approved**.

Haylee Hallema

Haylee Hallema

Junior Planner

Reviewed By: Diana Morris, Senior Planner, RPP, MCIP

ATTACHMENTS

1. Site Photos
2. Proposed Site Plan
3. Proposed Elevations
4. Zoning Map
5. Official Plan Map
6. Aerial Photo

COPY TO

1. Dan Namisniak, Acting Director of Planning
2. Applicant/Agent

FILE # A9-24-HH

In adopting this report, is a bylaw or agreement required?

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

Attachment 1 – Site Photos

Site Photo 1



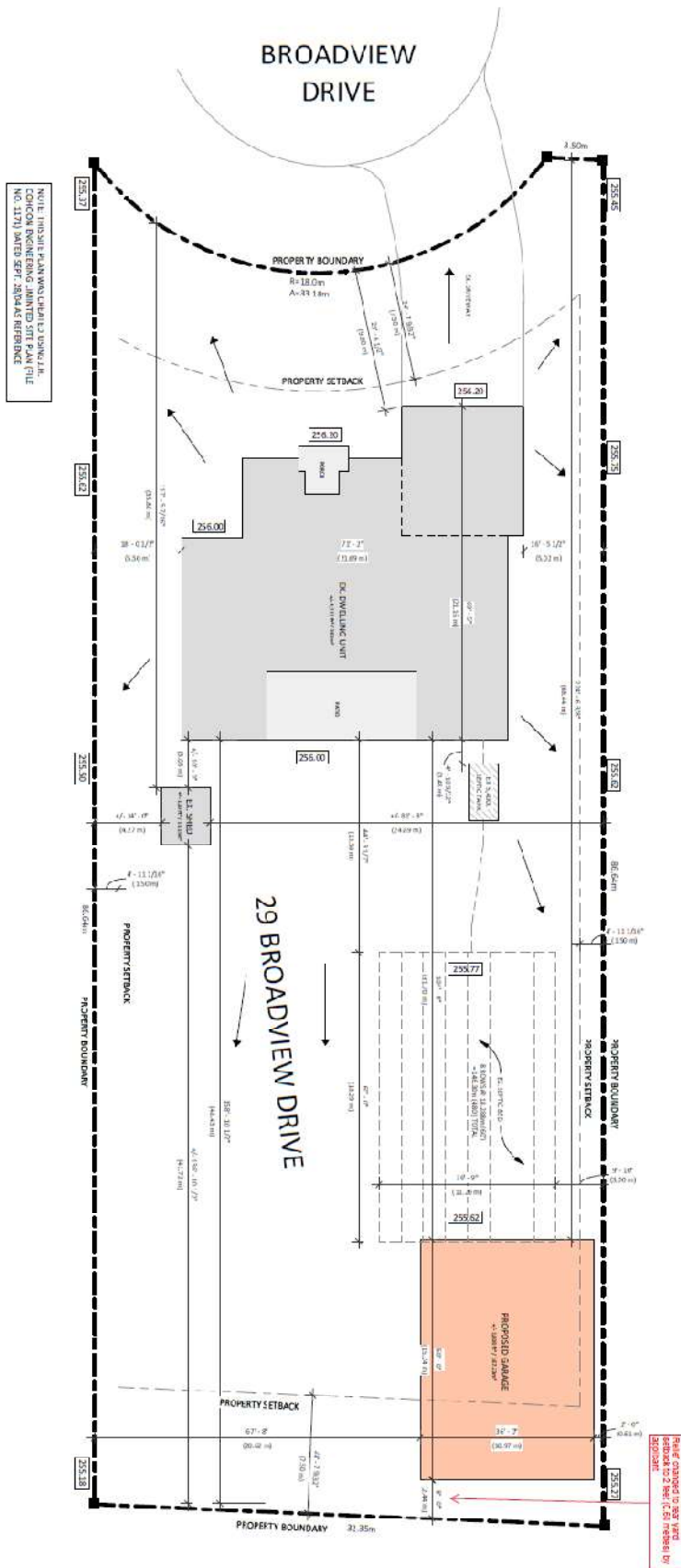
Site Photo 2



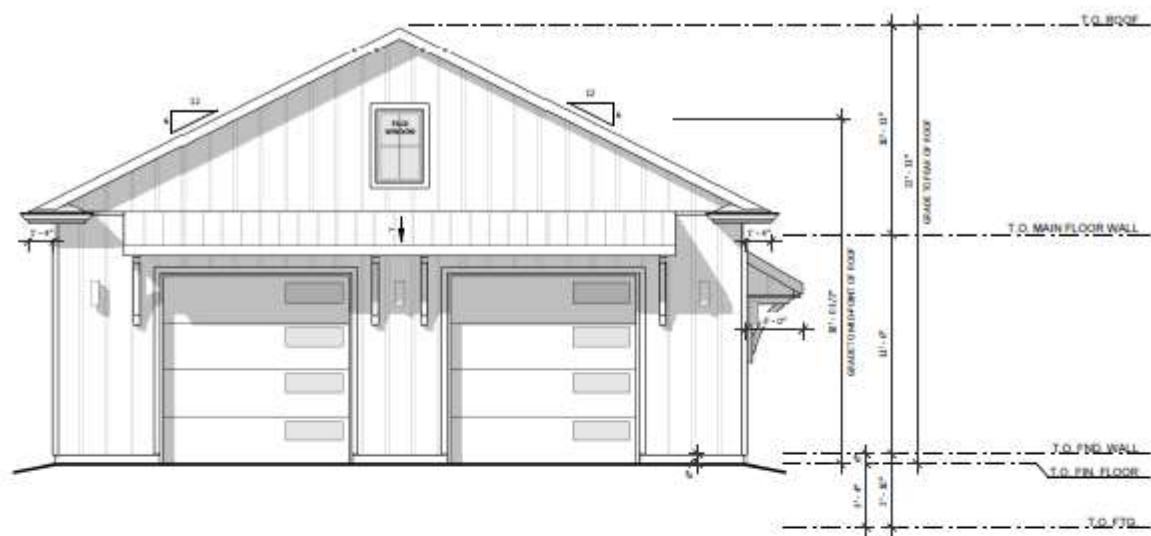
Site Photo 3



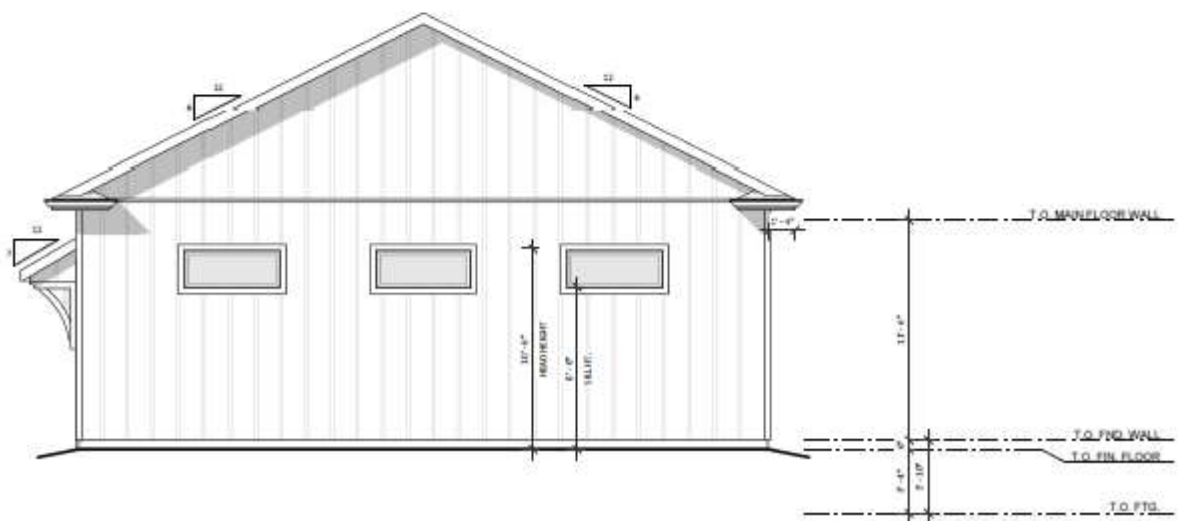
Attachment 2 – Proposed Site Plan



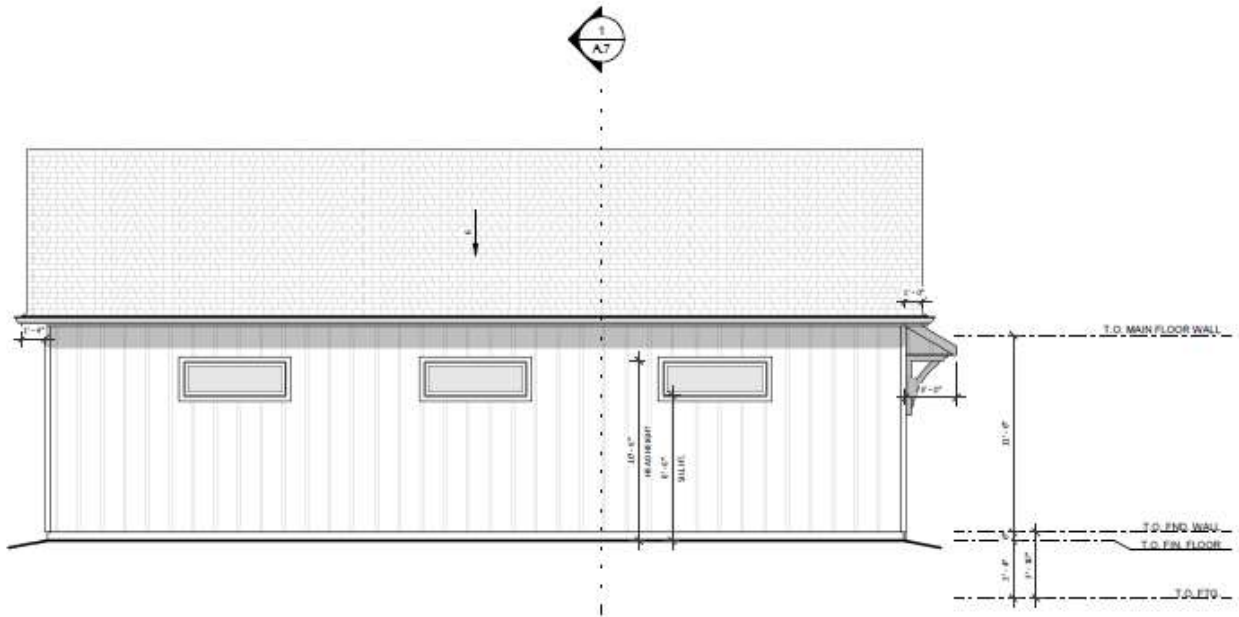
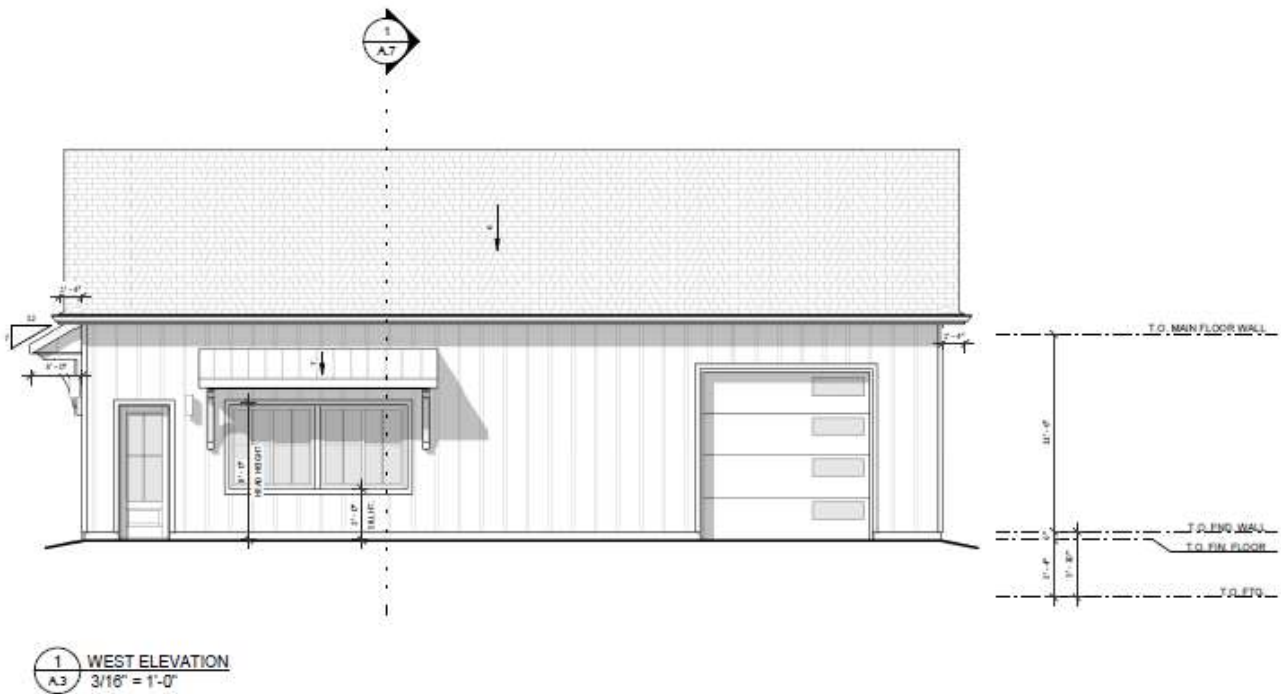
Attachment 3 – Proposed Elevations (Accessory Structure)



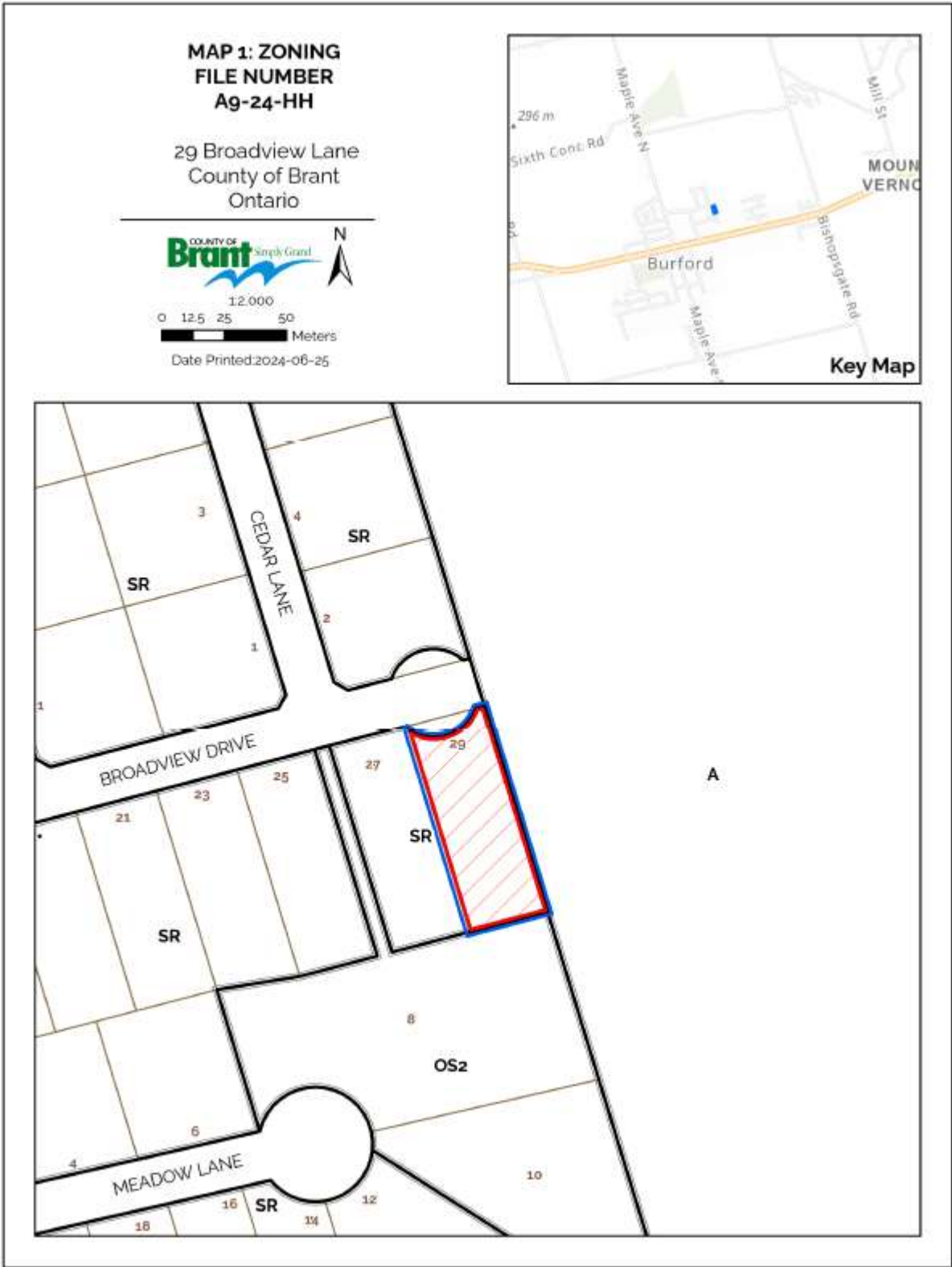
1 NORTH ELEVATION
A.2 3/16" = 1'-0"



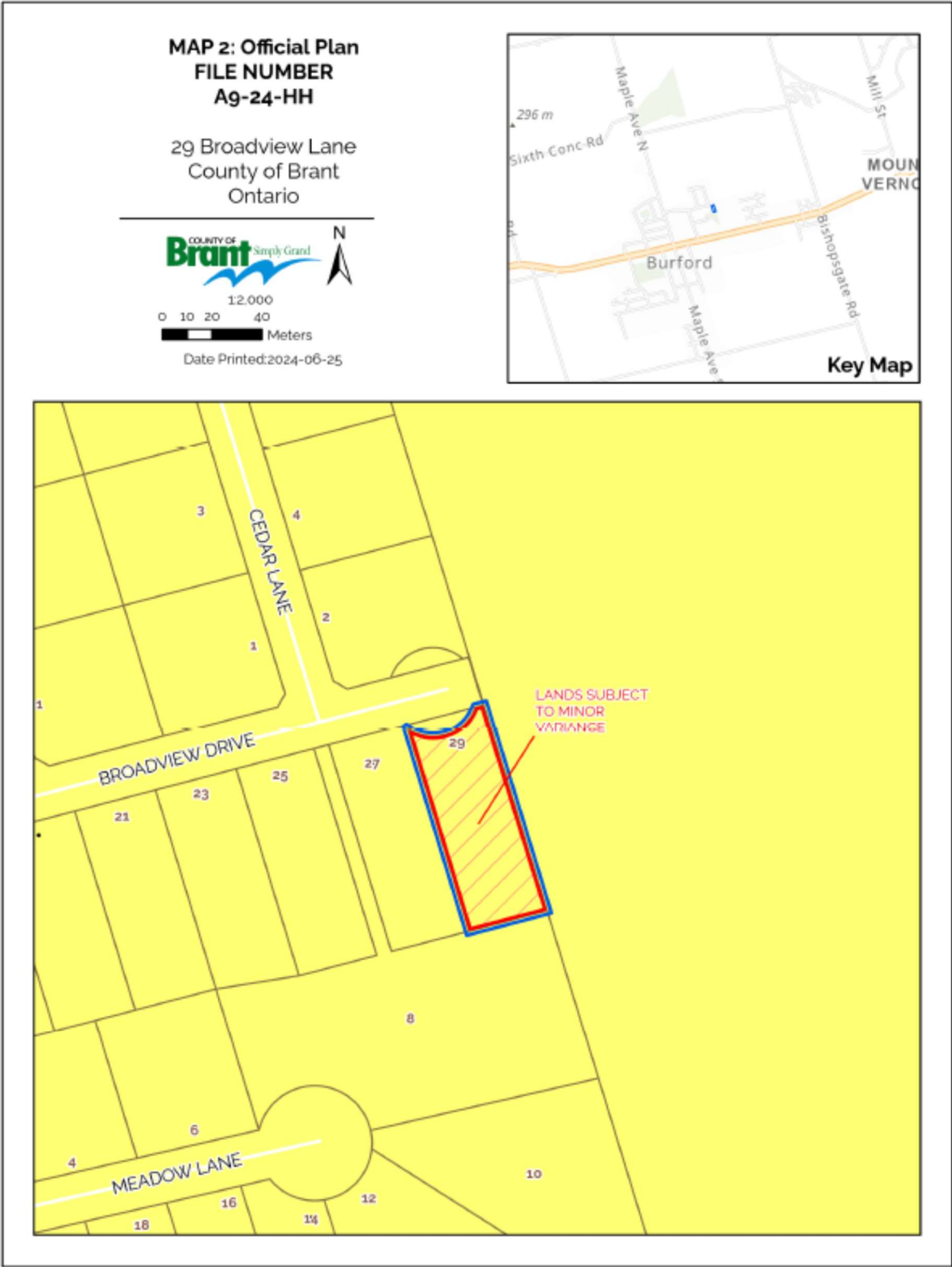
2 SOUTH ELEVATION
A.2 3/16" = 1'-0"



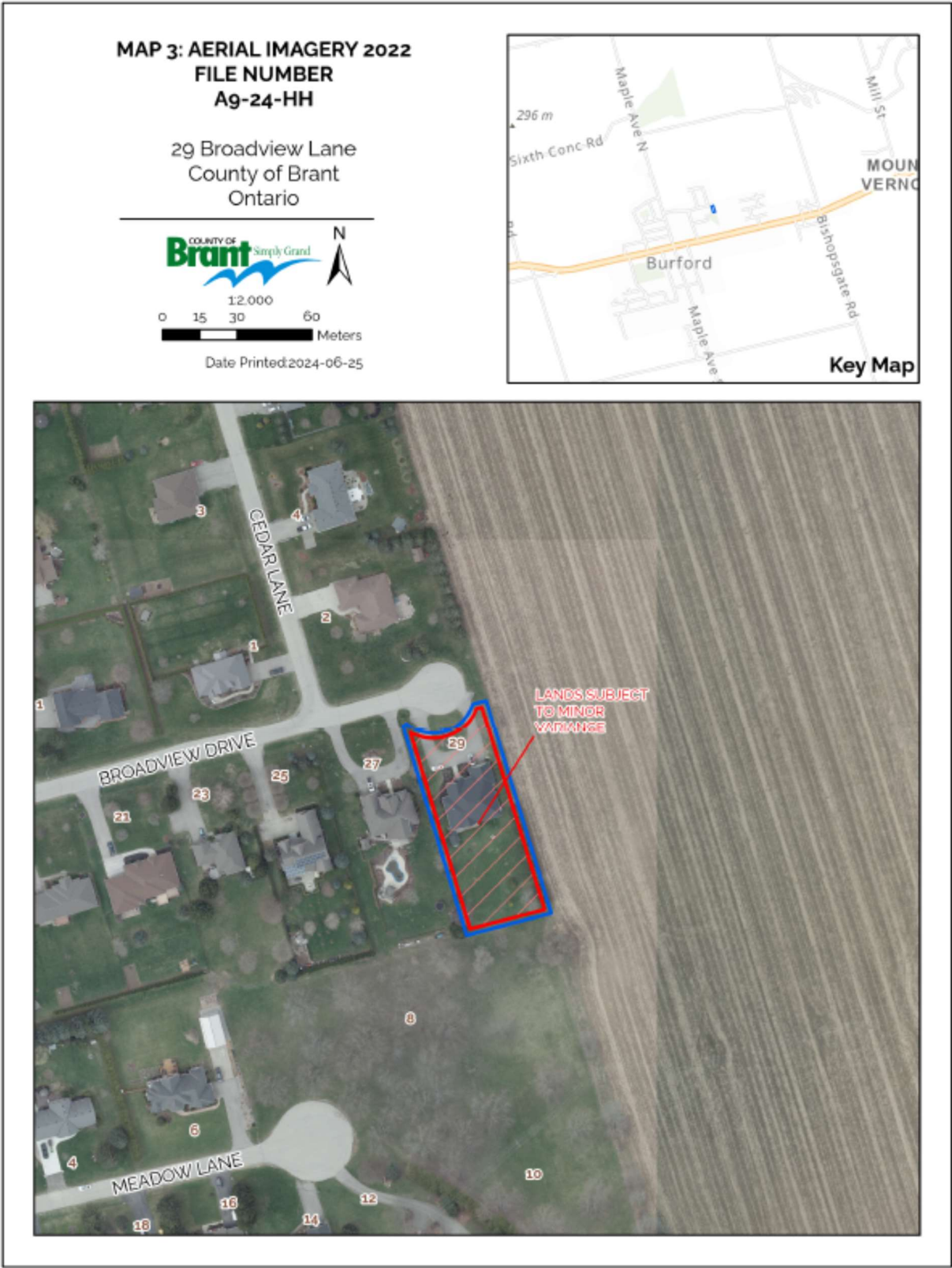
Attachment 4 – Zoning Map



Attachment 5 – Official Plan Map



Attachment 6 – Aerial Image





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
 - THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE
COMMITTEE OF ADJUSTMENT.



Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-07-18

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: A9-24-HH-29 Broadview Drive

Details of Application:

Michael DeLeye, applicant/ owner of PLAN 1686 LOT 24, County of Brant, in the geographic township of Burford, located at 29 Broadview Drive is proposing to seek relief from Section 4, Table 4.4.1 to reduce the rear yard setback and interior yard setback to 0.6 metres, whereas 1.5 metres is required. The applicant has also requested relief to increase the height of the structure to 5.4 metres, whereas 5 metres is required. Additional relief has been requested to increase the permitted accessory structure area to 167.23 sq. m, whereas 140 sq. m is required. Relief requested is to permit an accessory structure to be used for personal storage and stacking of personal vehicles.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm

519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT PLAN 1686 LOT 24

Planner: Diana Morris <diana.morris@brant.ca>

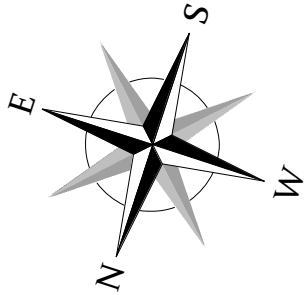
To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

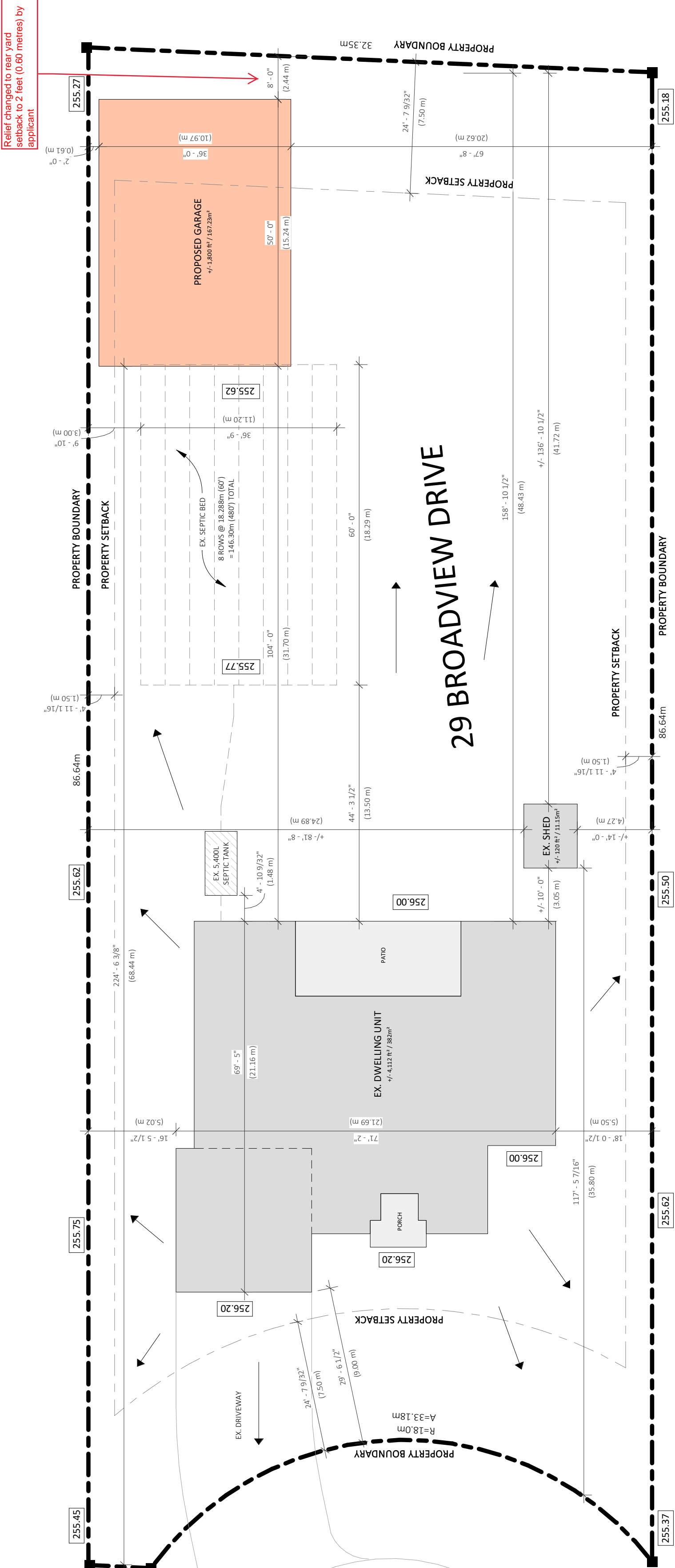
To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of \$400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of \$267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*



BROADVIEW
DRIVE

29 BROADVIEW DRIVE



NOTE: THIS SITE PLAN WAS CREATED USING J.H.
COHOON ENGINEERING LIMITED SITE PLAN (FILE
NO. 11171) DATED SEPT. 28/04 AS REFERENCE

- GENERAL NOTES**
1. The contractor must check and verify all dimensions on the job prior to construction.
 2. Before ordering roof trusses, verify all dimensions on site.
 3. Drawings are not to be scaled.
 4. All construction must comply with current Ontario Building Code (O.B.C.) & municipal By-laws. The required permits & approvals are to be obtained before the contractor commences with the work.
 5. If there are any desired changes to the design of the building in which the building permit was issued for, the designer must be notified before the change is made and give approval before the change is made.
 6. If any errors are discovered on the drawings, the designer must be notified before construction commences.

DESCRIPTION	DATE	NO.
Preliminary Design	05.01.2023	DR1
Preliminary Design	04.16.2024	DR2
Issued For Client Review	05.21.2024	DR4

Ian Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under sub-section 3.2.4. of Division C of the Building Code.
Individual BCIN: **45579**
Firm BCIN: **103245**
Ian Jonkman
NAME SIGNATURE

iDESIGN DRAFTING
580 Sheffield Rd. R. R.#1,
Troy, Ontario L0R 2B0
Office: 519-647-3223
Cell: 519-751-8412
i-design.ca

PROJECT INFORMATION
DeLeye Garage
29 Broadview Drive
Burlford Ontario N0E1A0

SHEET TITLE
Site Plan

OWNER: M&K DeLeye
DRAWN BY: B.Powell
CHECKED BY: I.Jonkman

DATE	SHEET
05.21.2024	S.1
SCALE	OF
As indicated	8

PROJECT No. : J23031

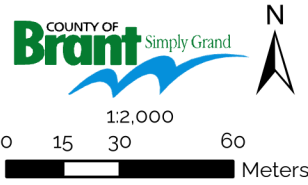
EXISTING AND PROPOSED STRUCTURES

STRUCTURE	AREA	LOT COVERAGE	STREET SETBACK	REAR SETBACK	SIDE SETBACK (WEST)	SIDE SETBACK (EAST)	HEIGHT (MEAN LEVEL BETWEEN EAVES AND RIDGE)
EXISTING DWELLING UNIT	382 m²	14.55%	9.0 m	48.43 m	5.50 m	5.02 m	-
EXISTING SHED	11.15 m²	0.42%	35.80 m	41.72 m	4.27 m	24.89 m	-
PROPOSED DETACHED GARAGE	167.23 m²	6.37%	68.44 m	2.44 m	20.62 m	0.61 m	5.50 m

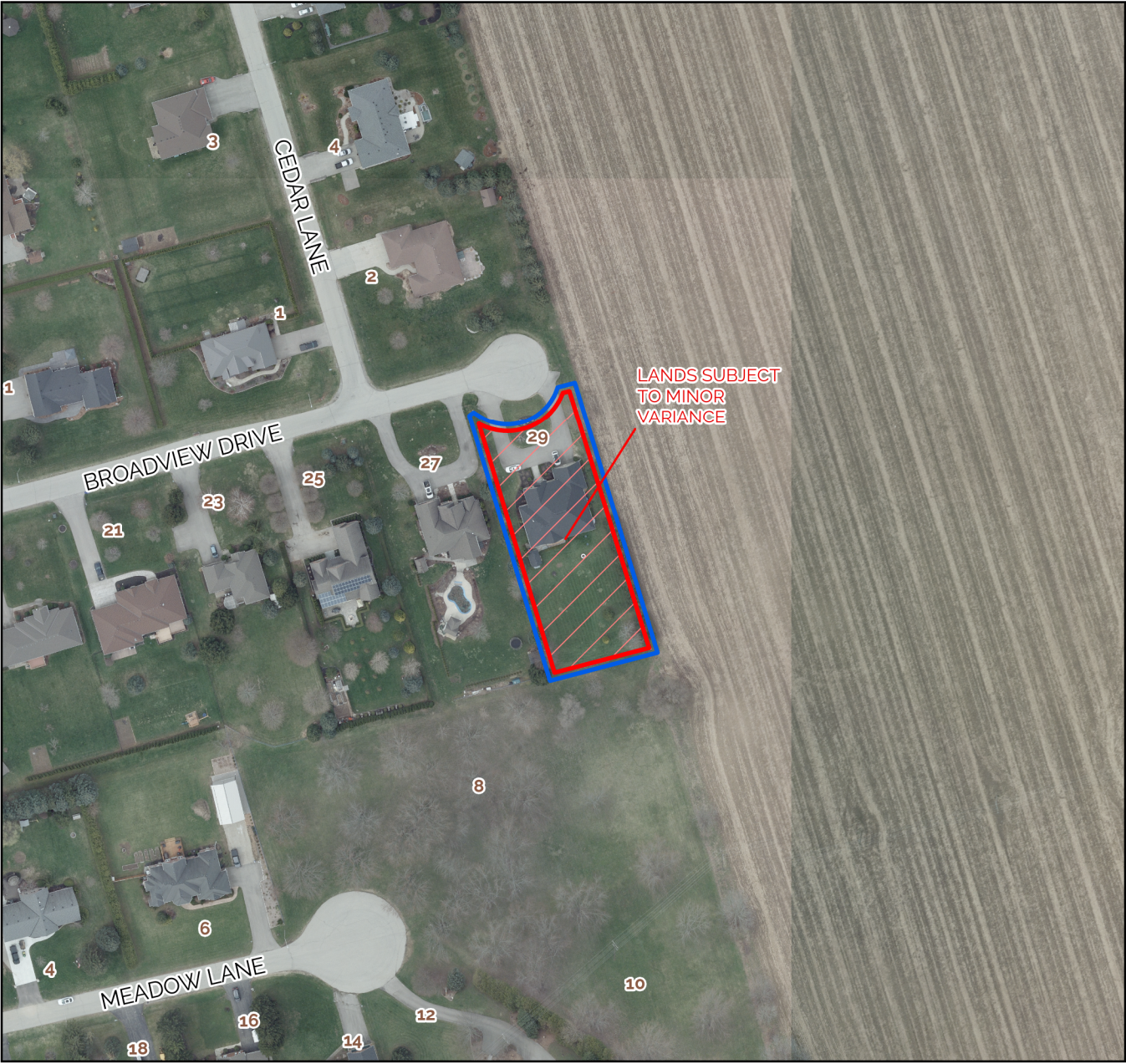
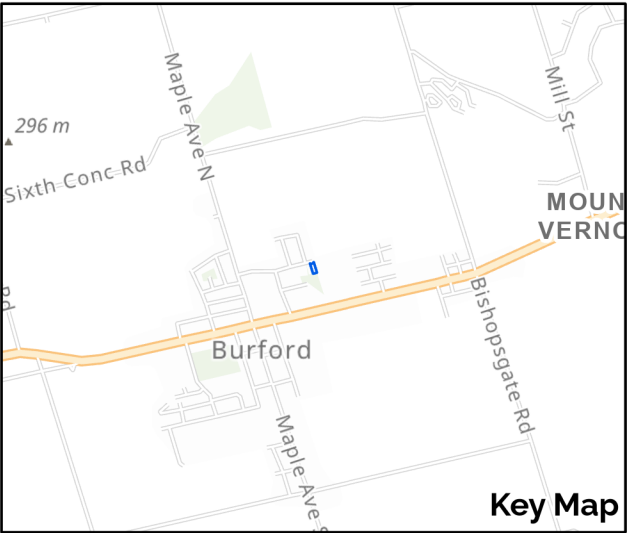
PROPERTY/LOT AREA = 2,624.97m²

MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
A9-24-HH

29 Broadview Lane
County of Brant
Ontario



Date Printed: 2024-06-25





COMMITTEE OF ADJUSTMENT REPORT

DATE: July 18, 2024

REPORT NO: RPT-0356-24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Dan Namisniak, Senior Planner / Acting Director of Development Planning

APPLICATION TYPE: Consent Application

APPLICATION NO: B5-24-DN

LOCATION: 1318 Colborne Street West

AGENT / APPLICANT: JHC Engineering Ltd / UTOVA Enterprises Inc

OWNER: 1000399788 Ontario Ltd c/o K. Spierenburg

SUBJECT: Request for a decision on a Consent Application proposing lot creation within the Light Industrial (M2) zone.

RECOMMENDATION

THAT **Consent Application B5-24-DN** from JHC Engineering Agent, on behalf of Applicant UTOVA Enterprises Inc on behalf of 1000399788 Ontario Ltd c/o K. Spierenburg Owner of BRANTFORD CONCESSION 5 PART LOTS 1 AND 2, County of Brant, in the geographic former township of Brantford, located at 1318 Colborne Street West proposing the creation of one (1) new industrial lot within the Light Industrial (M2) zone having a frontage of 106 metres, depth of 240 metres and area of 1 hectare (2.65 acres), **BE APPROVED, subject to the attached conditions.**

THAT the reason(s) for the approval of Consent Application B5-24-DN are as follows:

- The lot creation will facilitate additional development opportunity for employment land uses, compatible with the context of the surrounding area.
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

EXECUTIVE SUMMARY

Consent Application B5-24-DN proposes a severance for the creation of one (1) new industrial lot within the Light Industrial (M2) zone having a frontage of 106 metres, depth of 240 metres and area of 1 hectare (2.65 acres). The retained lands will maintain approximately 37.6 hectares of land consisting of both employment and agricultural land use designations.

The lands were recently subject to a Zoning By-Law Amendment Application (ZBA8-24-DN), approved by Council on July 9, 2024. Amending the By-Law to establish the current Light Industrial (M2) zone and Agricultural-197 (A-197) zone implementing the current Official Plan designations.

Future development within the Employment Lands designation along Bishopsgate Road will require Site Plan Approval to ensure detail design related to zoning compliance, access, drainage/ grading, landscaping, lighting etc. No development is proposed within the Agricultural designation.

The application submission contained the following studies, reports and plans provided for technical review in support of the proposal:

- **Planning Justification Report** – The Angrish Group, April 2024
- **Archeological Study** – Irvin Heritage Group – February 21, 2024
- **Transportation Impact Brief** – JHC Engineering – April 16, 2024
- **Functional Servicing Report** – JHC Engineering – February 2023
- **Stormwater Management Report** – JHC Engineering – April 15, 2024
- **Site Development Plan** - JHC Engineering – April 15, 2024
- **Lot Grading and Drainage Plan** – JHC Engineering – April 15, 2024
- **Landscape Plan** – JHC Engineering – April 15, 2024
- **Legal Survey** – MacAulay White & Muir - February 23, 2024
- **Confirmation of Ownership**
- **Building Elevations**
- **Floor Plans**

Adequate public notice and technical circulation of this application have been provided and comments received have been incorporated into the recommendations of this report.

The planning analysis focuses on literature review of applicable policy, including the *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), the Adopted County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Consent Application B5-24-DN be **APPROVED, subject to the attached conditions.**

LOCATION / EXISTING CONDITIONS

The subject lands are municipally known as 1318 Colborne Street West, located in the south / east quadrant of the Colborne Street West / Bishopsgate intersection.

The subject lands have a total area of approximately 41 hectares (101 acres) with +300 metres of frontage along Colborne Street West and +200m along Bishopsgate Road. The surrounding land uses include agriculture, employment, residential and commercial.

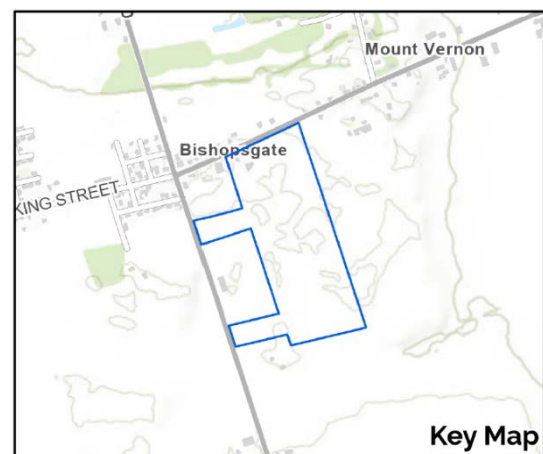


Figure 1 - Subject Lands Location

The lands at 1318 Colborne Street West have been subject to a number of Zoning By-Law, Consent and Site Plan approvals similar to the request outlined in this report to facilitate a zone change to implement the current Official Plan land use designation and facilitate subsequent lot creation for future light industrial development:

- | | | |
|---------------|--------------|-------------------------|
| · ZBA47/11/SS | · ZBA2/23/AW | · B75-78/22/DN |
| · ZBA8/20/MD | · ZBA8/24/DN | · B1-2/23/HH& B32/23/DN |
| · ZBA24/22/DN | · SP11/20/DN | · B5/24/DN |
| | · B09/12/SS | |
| | · B29/20/AW | |

REPORT

Planning Act

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

- The application has regard for:
 - Section 2(a) the protection of ecological systems, including natural areas, features and functions.
 - Section 2(p) the appropriate location of growth and development

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

Provincial Policy Statement – 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

It is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Policy Statement for the following reasons:

- **For the purpose of demonstrating consistency with the Provincial Policy Statement (2020), Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

It is my professional planning opinion that the recommendation is consistent with the policies of the Growth Plan for the following reasons:

- **For the purpose of demonstrating consistency with the Growth Plan, Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- **Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.**

Brant County Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- The subject lands are located within the Secondary Urban Settlement Area of Burford.
- Schedule 'A' of the County of Brant Official Plan (2012) identifies the land use(s) designation on the subject lands as both Agricultural and Employment.

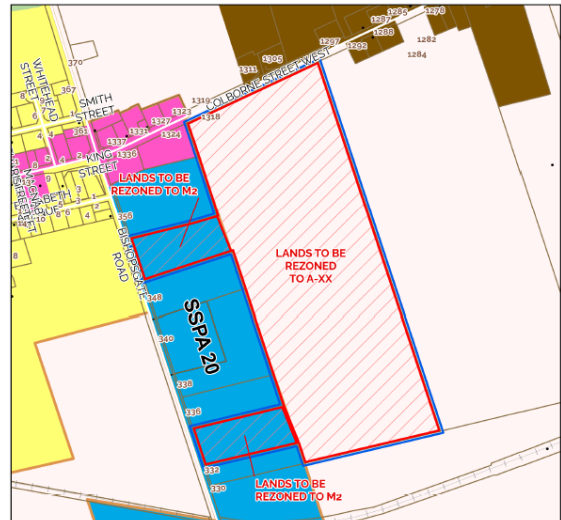


Figure 3 - Official Plan Mapping

It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- **For the purpose of demonstrating conformity to the County of Brant Official Plan, Planning Staff are satisfied and agree with the analysis within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**
- **The proposal conforms to the intent of the employment lands designation to be developed for light, heavy and prestige industrial uses, limited service commercial uses (OP, Section 3.12.1).**
- **The agricultural land uses ensures protection of the agricultural designation (OP, Section 3.3).**

New Draft Approved, Adopted Official Plan (2023)

The New 'Simply Grand' Official Plan was adopted in May 2023, and is waiting on Provincial approval. The application is subject to the policy framework in place at the time the application is deemed complete.

- The designation of the subject lands remains consistent with the land use designations outlined in the current Official Plan.

Land Use Compatibility

The objective of the Guideline D-6 (the 'D-6 Guideline') is to identify, prevent or minimize incompatibilities between industrial land uses and sensitive land uses.

- **For the purpose of demonstrating consistency with the D-6 Guidelines, Planning Staff are satisfied and agree with the land use compatibility analysis included within the Planning Justification Report (The Angrish Group, April 2024) prepared by Ruchika Angrish, Registered Professional Planner (RPP).**
- **Based on the review of the land uses, the proposed building is more than 85 meters from the nearest home to the south and more than 500 meters from the existing residential dwellings to the north-west and hence meets the required minimum distance of 70 meters established in the D-6 Guidelines.**

Zoning By-Law 61-16:

Schedule ‘A’ of Zoning By-Law 61-16, was amended via ZBA8-24-DN, changing the zoning the subject lands from Agricultural (A) to Light Industrial (M2) and Agriculture (A) to Special Exception Agriculture (A-197)

Section 6, Agriculture Zone of By-Law 61-16, was also amended add the Special Exception Agriculture (A-197) Zone as follows:

- a. To permit a reduced total lot area of 35 hectares (86 acres), whereas a total lot area of 40 hectares (98.8 acres) is required.
- b. All other provisions of the By-Law shall apply.

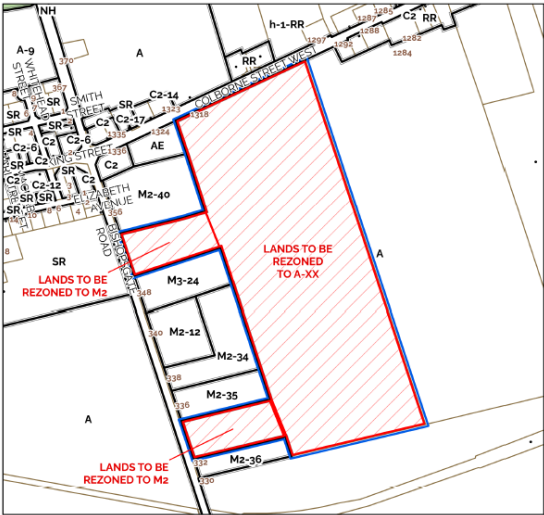


Figure 2 - Zoning By-Law Mapping

Section 6, of the Zoning By-Law advises the permitted uses and standards within the Agricultural (A) zone:

- The existing uses on the Agricultural parcel are permitted with no changes proposed.
- All other provisions required within the Agricultural (A) zone are in compliance.

Section 11, of the Zoning By-Law advises the permitted uses and standards within the Employment (M) zone:

- The Light Industrial (M2) zone permits a wide range of uses that are considered compatible with the immediate abutting lands and with the surrounding area.
- At Staff’s request and with Owners authorization, all remaining lands currently designated Employment were to be rezoned Light Industrial (M2). This is another proactive approach taken to reduce the number of future applications required to develop these lands.
- Site Plan Approval to ensure detail design related to zoning compliance, access, drainage/grading, landscaping, lighting etc.
- No development is proposed within the Agricultural designation.

The amendments made as part of ZBA8-24-DN implement the current land use designations and aim recognize zoning deficiencies in anticipation this severance application.
It is my professional planning opinion that the proposal meets the intent and is in compliance with the applicable policies outlined in the County of Brant Zoning By-Law 61-16.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none">• In the future a 0.3m reserve will need to be established, offset onto private property along the entire Bishopsgate Road frontage of the severed lands, save and except for the location of an entrance at an approved location to the satisfaction of the County.• Through the Site Plan Control process, staff will provide further comment and may require further amendments to the following: Functional Servicing Report, Servicing Plan, Sedimentation & Erosion Control Plan, Storm Water Management, Lot Grading Plan,

	<p>and a Geotechnical Report for any infiltration areas proposed. Given the current status of the Bishopsgate Municipal Drain which is the site's legal outlet for the Regional Event, assumptions made in the preliminary drawings/reports may require amendments.</p>
Fire	<ul style="list-style-type: none"> • The Rural Fire Fighting Fee should be collected for the lot
Parks and Forestry	<ul style="list-style-type: none"> • Parks Capital Planning has no comments regarding the severance applications. The Comments and Supplemental Comment Package provided as part of the Zoning By-Law Amendment Application (ZBA8-24-DN) still apply and should be used to inform Site Plan Control. • That a Cash-in-lieu of parkland payment be provided for each new building lot at a rate of two percent (2%) of the Gross Land Area appraised value for commercial or industrial land uses in accordance with By-Law 31-2022 prior to the release of each executed Certificate of Official.
Canada Post	<ul style="list-style-type: none"> • Please be advised that Canada Post does not have any further comments on this application. If this is going to be 1 or 2 units then this will be rural mailbox delivery and the customers will need to call our Customer Service line at 1-800-267-1177 before installing their rural mailbox and registering for mail delivery. If this is going to be multi industrial units then I will review with the developer on another option if needed.
Enbridge Gas	<ul style="list-style-type: none"> • Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. • Please always call before you dig, see web link for additional details: https://www.enbridgegas.com/safety/digging-safety-for-contractors • It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact ONTLands@enbridge.com. • Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

PUBLIC CONSIDERATIONS

Notice of this Application, Contact information and Public Hearing Date were circulated by mail on June 27, 2023 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on June 26, 2024.

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

Previous Zoning By-Law Amendment Application ZBA8-24-DN was processed with the intent to sever a new lot, similar to previous applications on these lands. Therefore, additional measures were incorporated to ensure that the remainder of the lands continue to conform to the Official Plan and Zoning By-law.

Future development of lands within the Employment designation will require Site Plan Approval to review detail design related to zoning compliance, traffic, access, drainage/ grading, landscaping, lighting etc. through Site Plan Control, County staff are able to determine and implement appropriate measures to mitigate land use conflicts in recognition of the existing residential uses to the north west. The development concept plan provided with this submission is conceptual and subject to change.

The planning analysis focuses on literature review of applicable policy (i.e., *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), Adopted County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments and the public, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application ZBA8-24-DN be **APPROVED**.



Dan Namisniak, BA, RPP, MCIP
Senior Planner, Acting Director of Development Planning

Reviewed by: Diana Morris, Senior Planner

ATTACHMENTS

1. Development Concept Plan
2. Aerial Mapping
3. Official Plan Mapping
4. Zoning Mapping
5. Draft By-Law and Schedule 'A' Mapping

COPY TO

1. Dan Namisniak, Senior Planner/ Acting Director of Development Planning
2. Sarah Dymont-Smith, Secretary Treasurer, Committee of Adjustment
3. Applicant/Agent

FILE # B5-24-DN

In adopting this report, is a bylaw or agreement required?

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

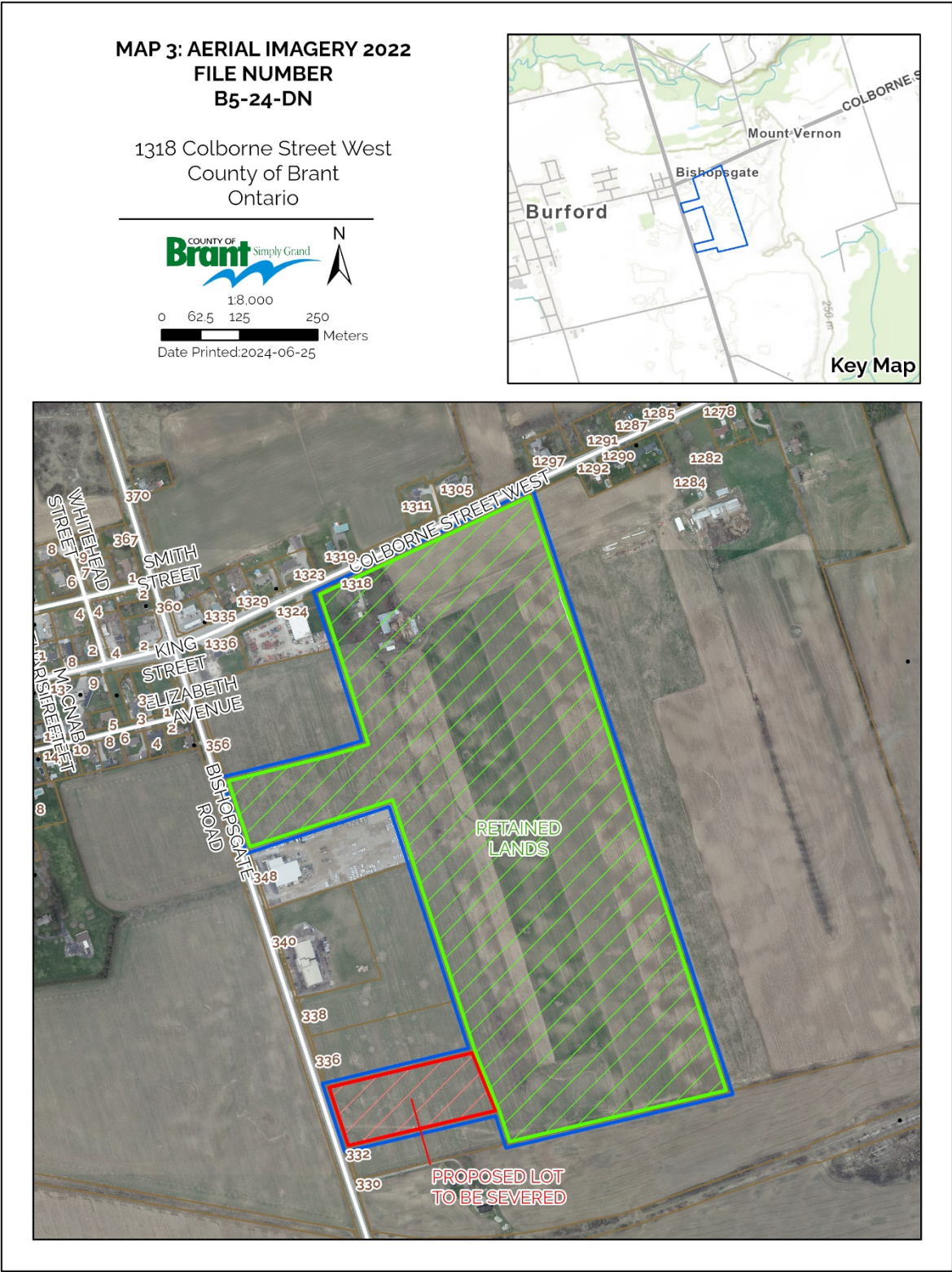
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant provides a copy of a Reference plan for the severed parcel prepared by a licensed surveyor, acceptable to the County of Brant, prior to the plan being deposited and finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
3. That the Applicant provide proof/copy of draft approved civic addressing for the Severed and Retained lands issued by the Planning Division to the satisfaction of the County.
4. That the Applicant/Owner provide proof/copy of draft approved entrance locations for the Severed and Retained lands in accordance with the County of Brant Entrance By-Law, issued by the Development Engineering or Operations Division to the satisfaction of the County of Brant.
5. That a Cash-in-lieu of parkland payment be provided for each new building lot at a rate of two percent (2%) of the Gross Land Area appraised value for commercial or industrial land uses in accordance with By-Law 31-2022 prior to the release of each executed Certificate of Official.
6. That a Rural Firefighting Fee in the amount of \$600.00 be provided, for each new building lot, be in accordance with the *Current County of Brant Fee Schedule*, with confirmation issued by the Planning Division to the satisfaction of the County.
7. That the \$328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official, with confirmation issued by the Planning Division to the satisfaction of the County.
8. That the Applicant's Solicitor prepare and provide draft transfer documents with legal descriptions for any required conveyances and transfers utilizing the Deposited Reference Plan, for review to the satisfaction of the County of Brant, prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office) and immediately following registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
9. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two (2) years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

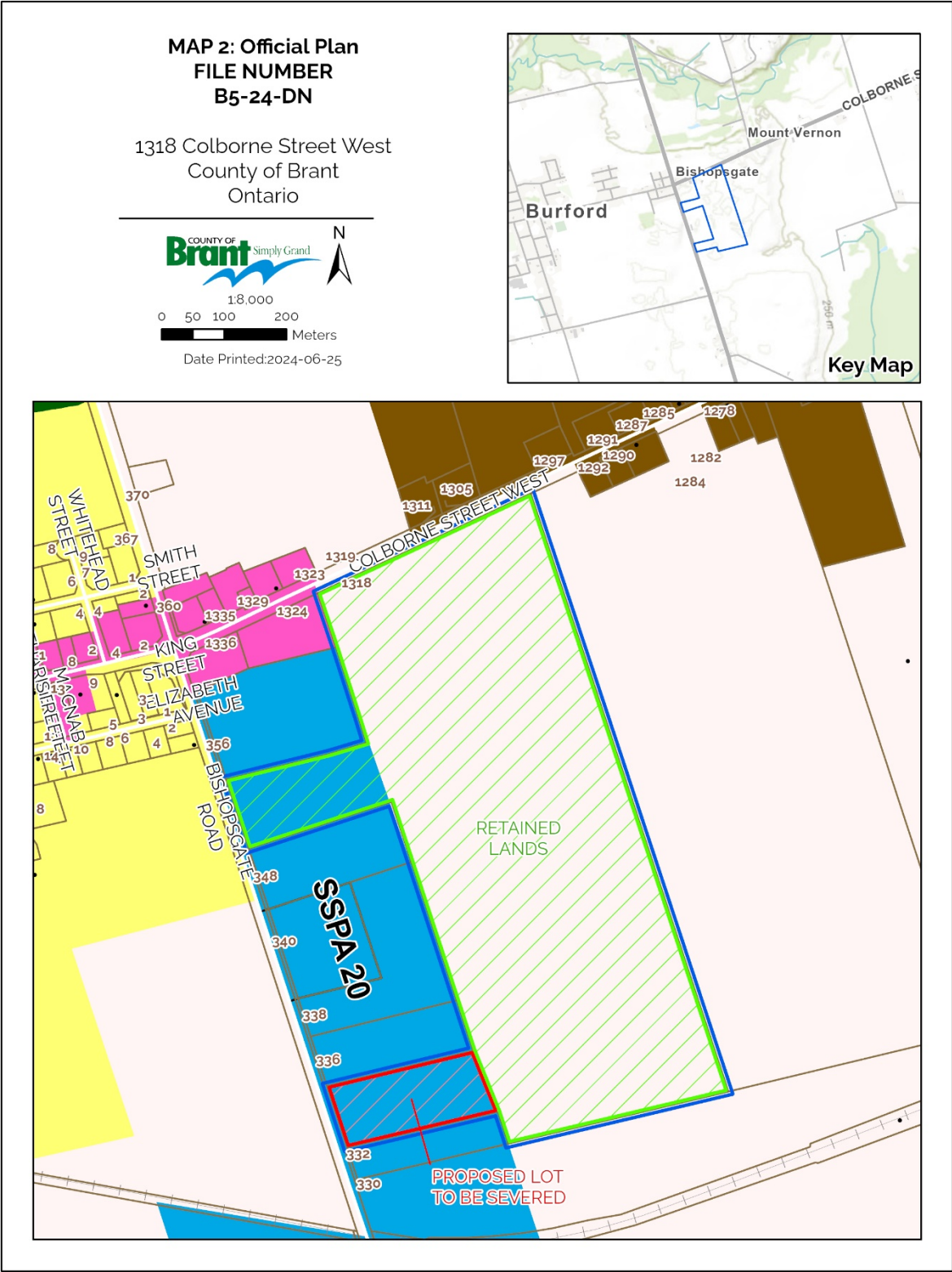
NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.

[illegible]

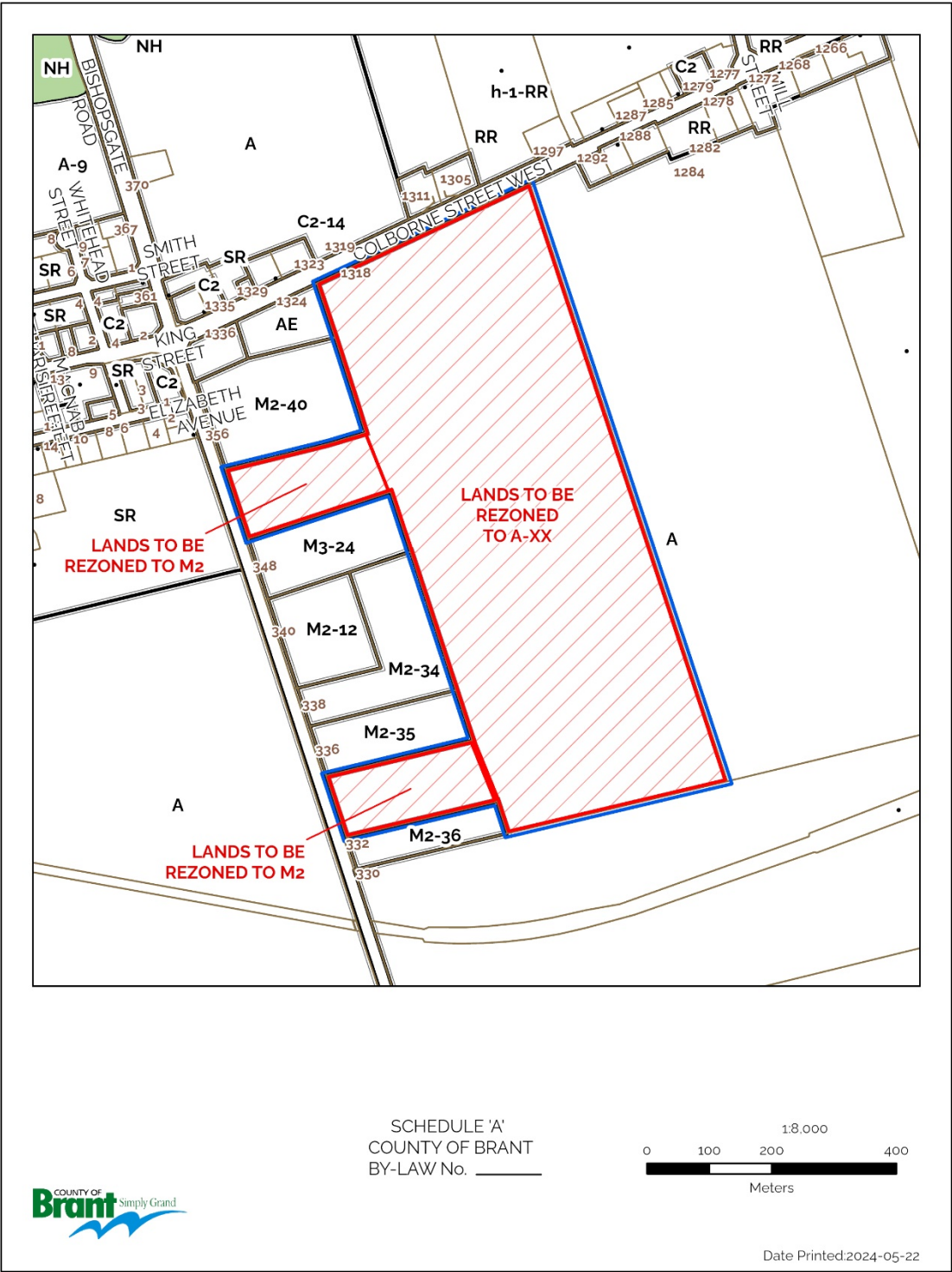
Attachment 2 - Aerial Mapping



Attachment 3 - Official Plan Mapping



Attachment 4 - Zoning Mapping (as result of ZBA8-24-DN)





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
 - THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE
COMMITTEE OF ADJUSTMENT.



Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-07-18

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

**Application Number and Address: B5-24-DN-Bishopsgate & Colborne St W
- Shadeview (Related ZBA8-24-DN)**

Details of Application:

JHC Engineering / UTOVA Enterprises Inc. agent on behalf of 1000399788 Ontario Ltd c/o K. Spierenburg applicant/ owner of BRANTFORD CON 5 PT LOTS 1 AND 2, County of Brant, in the geographic township of **Burford**, located at 1318 Colborne St W is proposing to sever the portion of land currently in the process to be rezoned to Light Industrial as per **ZBA8-24-DN**. The proposed severed lands will maintain a total lot area of 2.65 hectares, with a lot frontage of 106 metres along Bishopsgate Road.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

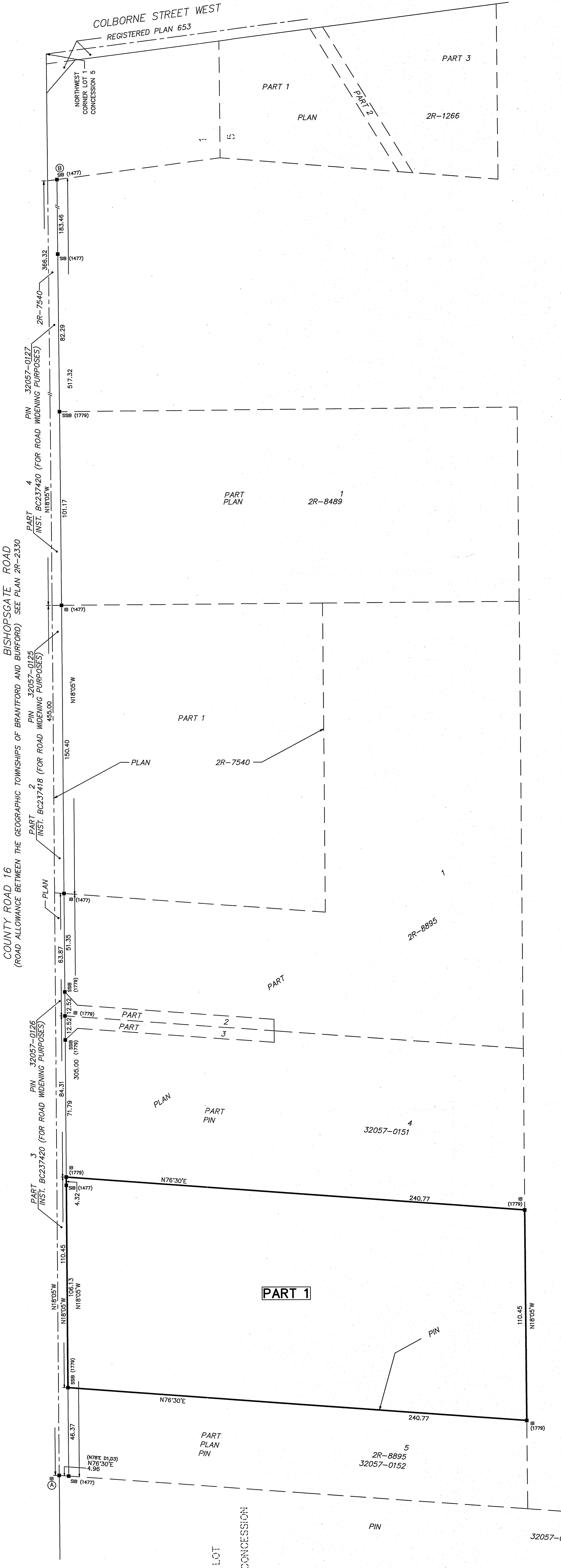
Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of \$400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of \$267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

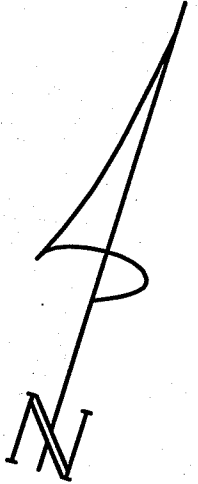
METRIC
DISTANCES AND CO-ORDINATES SHOWN ON
THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA IN HECTARES
1	PART OF LOT 1	5	PART OF 32057-0155	2.65
PART 1 COMPRISES PART OF PIN 32057-0155.				



PLAN OF SURVEY OF
PART OF LOT 1
CONCESSION 5
(GEOGRAPHIC TOWNSHIP OF BRANTFORD)
COUNTY OF BRANT
SCALE 1:1000

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 457mm IN HEIGHT
WHEN PLOTTED AT A SCALE OF 1:1000
MacAULAY, WHITE & MUIR LTD.



NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B
BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (1997.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING
BY THE COMBINED SCALE FACTOR OF 0.9996.
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.
ALL PINS ARE (LT) UNLESS NOTED (R).
ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH
SECTION 11 (4) OF O.REG. 525/91.

POINT ID	NORTHING	EASTING
A	4771990.07	548509.48
B	4772772.68	548259.13

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

THE RESULTANT TIE BETWEEN ORP A AND ORP B IS N17°40'W 677.37.

- LEGEND**
- SIB - STANDARD IRON BAR
 - SSIB - SHORT STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CP - CONCRETE PIN
 - - PLANTED
 - - FOUND
 - - ROUND
 - WIT - WITNESS
 - S - SET
 - D1 - PIN 32057-0146 (INST. A505443)
 - D2 - PIN 32057-0007 (INST. A512607)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

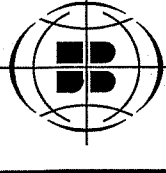
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 202 .

FEBRUARY 23, 2024

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-



MacAulay, White & Muir Ltd.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
A Wholly Owned Subsidiary of J.D. Barnes Limited
440 HARDY ROAD, UNIT 2, BRANTFORD, ON N3T 5L8
T: (519) 752-0040 www.jdbarnes.com

DRAWN: CCS
CHECKED: XXX
Ref. No. 24-50-047-00

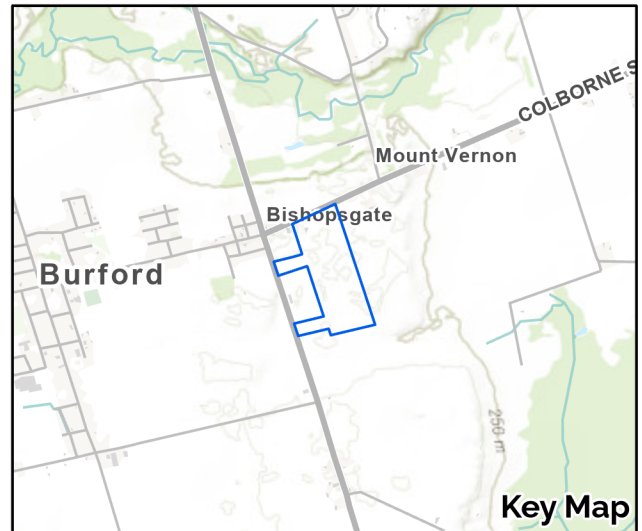
MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
B5-24-DN

1318 Colborne Street West
 County of Brant
 Ontario

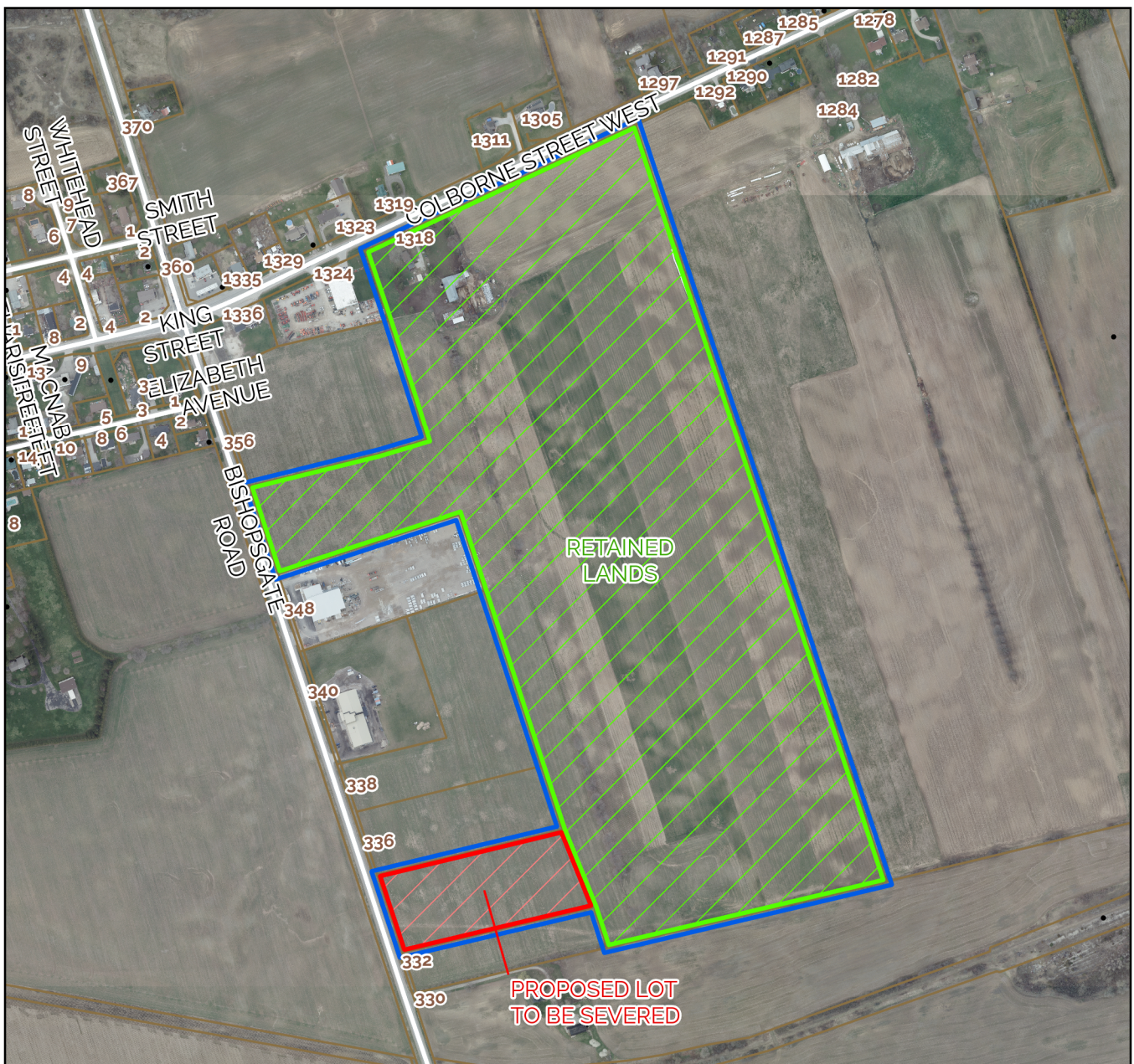


1:8,000
 0 62.5 125 250
 Meters

Date Printed: 2024-06-25



Key Map





COMMITTEE OF ADJUSTMENT REPORT

DATE: July 18, 2024

REPORT NO: RPT-0355-24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Kayla DeLeye, Supervisor of Development Planning

APPLICATION TYPE: Consent & Minor Variance Application

APPLICATION NO: B26-23-SL & A11-24-KD

LOCATION: 369 Scenic Drive

AGENT / APPLICANT: Arcadis c/o D. Stewart / C. Henderson

OWNER: M. Kaye & E. Hilson

SUBJECT: Request for a decision on a Consent & Minor Variance proposing lot creation with reduced lot frontage within the Rural Residential (RR) zone.

RECOMMENDATION

THAT **Consent Application B26-23-SL** from Arcadis c/o D. Stewart, Agent on behalf of C. Henderson, Applicant on behalf of M. Kaye & E. Hilson, Owners of land legally described as CONCESSION 4 PART LOT 14, municipally known as 369 Scenic Drive, Geographic Township of South Dumfries, County of Brant, proposing a severance for the creation of one (1) new residential building lot within Rural Residential (RR) zone having a frontage along Scenic Drive 35 metres and area of approximately 0.67 ha (1.65 acres), **BE APPROVED, subject to the attached conditions.**

THAT the reason(s) for the approval of Consent Application B26-23-SL are as follows:

- The proposal prioritizes the protection and enhancement of the Natural Heritage System while facilitating compatible development of a permitted land use, in accordance with recommendations determined by the completion of the Environmental Impact Study (EIS).
- The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity/ compliance with the general intent of the policies of the Official Plan and Zoning By-Law.

AND

THAT **Minor Variance Application A11-24-KD** from Arcadis c/o D. Stewart, Agent on behalf of C. Henderson, Applicant on behalf of M. Kaye & E. Hilson, Owners of land legally described as CONCESSION 4 PART LOT 14, municipally known as 369 Scenic Drive, Geographic Township of South Dumfries, County of Brant, requesting to permit a reduced minimum lot frontage of 35 metres, where a minimum of 40 metres is required in the Rural Residential (RR) zone to facilitate related Consent Application B26-23-SL, **BE APPROVED.**

THAT the reason(s) for the approval of Minor Variance Application A11-24-KD are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;

- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Consent Application B26-23-SL proposes a severance for the creation of one (1) new residential building lot within Rural Residential (RR) zone having a frontage along Scenic Drive 35 metres and area of approximately 0.67 ha (1.65 acres).

Minor Variance Application A11-24-KD proposes to permit a reduced minimum lot frontage of 35 metres, where a minimum of 40 metres is required in the Rural Residential (RR) zone to facilitate related Consent Application B26-23-SL

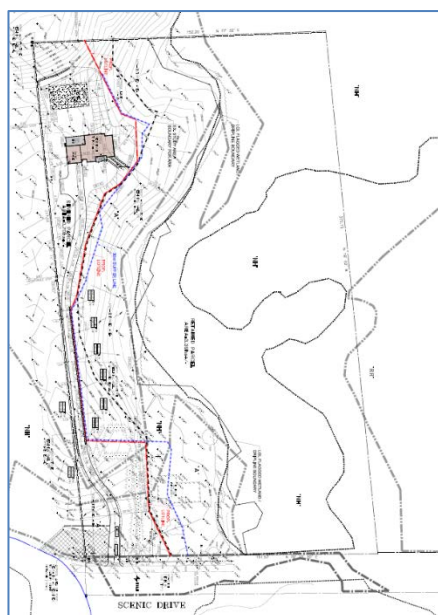
The lands were recently subject to a Zoning By-Law Amendment Application (ZBA7-23-SL), approved by Council on July 11, 2023. Amending By-Law 78-23 established the current Rural Residential-62 & Natural Heritage-15 zone implementing the Rural Residential & Natural Heritage land use designation in the current Official Plan permitting further residential land uses and protects identified environmental features and species at risk.

Approval of both Consent and Minor Variance Applications, subject to clearing conditions of approval, would permit the construction of a new single detached dwelling, privately serviced by septic and well.

The application submission contained the following studies, reports and plans provided for technical review in support of the proposal:

- **Site Development Plan** prepared by J.H. Cohoon Engineering Ltd.;
- **Zoning By-Law Amendment Schedule** prepared by Arcadis IBI Group;
- **Planning Justification Report** prepared by Arcadis IBI Group, May 21, 2024,
- **Minimum Distance Separation Formulae Report** prepared by Arcadis IBI Group;
- **Hydrogeological Assessment** prepared by Chung and Vander Doelen Engineering Ltd.;
- **Stage 1 & 2 Archaeological Assessment** by Archaeological Research Associates Ltd.;
- **Stage 1 & 2 Archaeological Assessment Ministry Acknowledgment Letter**;
- **Scoped Environmental Impact Study** prepared by LGL Ltd.

Figure 1 & 2: Proposed Severance Sketch



Adequate public notice and technical circulation of this application has been completed and comments received have been incorporated into the recommendation and conditions of approval attached to this report where appropriate.

The planning analysis focuses on literature review of applicable policy, including the *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), the Adopted County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that **Consent Application B26-23-SL & Minor Variance Application A11-24-KD** be **APPROVED, subject to attached conditions**.

LOCATION / EXISTING CONDITIONS

The subject lands are located north of Scenic Drive and north of the Stoney Brae Drive and Scenic Drive intersection.

The subject lands (severed and retained) are rectangular in shape, having a frontage of 151.5 metres (497.1 feet) along Scenic Drive and approximate area of 4.1 hectares (10.1 acres).

The proposed retained lands contain one single detached dwelling and are privately serviced by septic and well. The proposed severed lands are vacant.

The surrounding area consists of low density residential development to the west. Agricultural designated and zoned lands to the north and a combination of low density residential development and lands designated and zoned for agricultural uses to the south.

REPORT

Planning Act

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

- The application has regard for:
 - Section 2(a) the protection of ecological systems, including natural areas, features and functions.
 - Section 2(p) the appropriate location of growth and development

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance Applications.

In reviewing the application staff analyzed the four tests as established in Section 45(1) of the *Planning Act* R.S.O 1990:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;
- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

Provincial Policy Statement – 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

- **Planning Staff agree with the justification and policy analysis provided within the *Planning Justification Report, prepared by Douglas Stewart, RPP, MCIP of Arcadis Professional Services (Canada) Inc., dated May 21, 2024*, therefore it is my independent professional planning opinion that applications B26-23-SL & A11-24-KD are consistent with the policies of the Provincial Policy Statement.**

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

- **Planning Staff agree with the justification and policy analysis provided within the *Planning Justification Report, prepared by Douglas Stewart, RPP, MCIP of Arcadis Professional Services (Canada) Inc., dated May 21, 2024*, therefore it is my independent professional planning opinion that applications B26-23-SL & A11-24-KD conform to the Growth Plan 2020.**

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- **Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.**

Brant County Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- **Schedule 'A' of the County of Brant Official Plan (2012) identifies the land use(s) designation on the subject lands as Rural Residential & Natural Heritage intended to function predominantly as low density residential areas on private services.**



It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- For the purpose of demonstrating conformity to the County of Brant Official Plan, Planning Staff are satisfied and agree with the analysis within the *Planning Justification Report, prepared by Douglas Stewart, RPP, MCIP of Arcadis Professional Services (Canada) Inc., dated May 21, 2024.*

Minimum Distance Separation (MDS) (2017 – Publication 853)

The Minimum Distance Separation (MDS) Formulae are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses. The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. MDS does not account for other nuisances such as noise or dust.

Guideline #6 - Required Investigation Distances for MDS

- As part of municipal consideration of planning or building permit applications, all existing livestock facilities or anaerobic digesters within a 750 m distance of a proposed Type A land use and within a 1,500 m distance of a proposed Type B land use shall be investigated and MDS I setback calculations undertaken where warranted.
- The MDSI – Type B Report completed by IBI Group identified livestock operations at the following locations:**

Location	Required (MDS1-Type B)
307 Howell Rd	355 metres (1164 feet)
347 Scenic Drive	307 metres (1007 feet)

- Based on review of the MDSI – Type B Report the proposal is outside the minimum distance separation required for new lot creation.**

It is my professional opinion that the proposal is maintaining the intent of the applicable OMAFRA MDS guidelines.

Zoning By-Law 61-16:

‘Schedule A’ of the Zoning By-Law identifies that the subject lands are zoned as:

- Rural Residential-62 (RR-62); and**
- Natural Heritage-15 (NH-15)**

The following restrictions shall apply in the Rural Residential (RR) with site specific provision 62 (RR-62) Zone:

- Due to species at risk in the area, no building, structures, access, servicing, uses and site alteration shall be permitted unless authorized by the County of Brant and, where applicable, written authorization has been obtained under the Endangered Species Act.
- All other requirements of the By-Law shall apply.



The following restrictions shall apply in the Natural Heritage (NH) with site specific provision 15 (NH-15) Zone:

- Due to species at risk in the area Agricultural use, Public Park or Private Park, and Small-Scale structures for passive recreational uses, including boardwalks, footbridges, fences and picnic facilities are prohibited unless authorized by the County of Brant, and where applicable, written authorization has been obtained under the Endangered Species Act.
- All other requirements of the By-Law shall apply.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Rural Residential (RR).

Permitted uses include but are not limited to the following:

- Dwelling, Single-Detached

Section 9, Table 9.2.1 of the County of Brant Zoning By-Law 61-16 advises the required development standards for each permitted building type for lands zoned as Suburban Residential (SR).

Rural Residential (RR-62)	Required	Proposed Severed Land	Proposed Retained Land
Lot Area, Min <i>Single Detached</i>	4000 sq. m	7000 sq. m	33,900 sq. m
Lot Frontage, Min <i>Single Detached</i>	40.0 m	35.0 m*	111.57 m
Street Setback to habitable portion of the dwelling, minimum	20.0 m	<i>To be determined at the time of building permit.</i>	
Interior Side Yard Setbacks, Minimum	5.0 m		
Rear Yard Setback, minimum	15.0 m		
Lot Coverage, Max	30%		
Landscaped Open Space, Min	30%		
Building height, max	10.5 m		

*A11-24-KD seeks relief from the required lot frontage proposing a lot frontage of 35 metres where 40metres is required.

- **Planning Staff have reviewed the *Planning Justification Report, prepared by Douglas Stewart, RPP, MCIP of Arcadis Professional Services (Canada) Inc., dated May 21, 2024, and are satisfied with the analysis demonstrating that the Minor Variance request meets the 4 tests required per Section 45(1) of the Planning Act, specifically:***
 - **That the reduction is minor in nature, is desirable and appropriate development in the context of the existing neighbourhood and meets the intent of the Official Plan and Zoning By-law.**

The proposed lot frontage will provide sufficient frontage to accommodate the safe driveway access from Scenic Drive.

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering Department	<ul style="list-style-type: none"> Safe sightlines for the new entrance for the severed lands has been achieved through the conveyance of PART 6 on PLAN 2R-8999 to the County of Brant in the form of road widening. Further conveyance of PART 5 on PLAN 2R-8999 will be required for road widening as a condition of consent approval. A Site Development/Grading Plan will be required to be submitted for review at the time of building permit. Please note that the maximum permissible design grade for any driveway is 8% and is not recommended and should only be employed in exceptional cases where physical conditions prohibit the use of lesser grades (as per Section 7- Design Standards). A swale is shown discharging to the west onto a private property. If this arrangement is desired, an easement is required between the two land owners. The proposal shows regrading in the ditch along the front lot line. The ditch shown grading to the west may require additional grading in order to reach the pond and not discharge onto the road. There is a proposed retaining wall shown nearly on the severance line. An easement may be required for the property owner to access the wall and provide future maintenance. There are overhead Hydro lines crossing the proposed severance that may require an easement.
Fire	<ul style="list-style-type: none"> The Rural Fire Fighting Fee should be collected for the lot
Parks and Forestry	<ul style="list-style-type: none"> Cash-in-lieu of parkland for the amount of \$5,814 (2023 value, 2024 value forthcoming) for the creation of one new residential lot is required. For Consent applications, the payment so required shall be paid to County prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect. Tree protection buffer from Woodland suffices. Please ensure at least a 10m buffer to the woodland is marked clearly on-site during development to avoid encroachment into this regulated area.
Environmental Planning	<p>Should the proposed consent be approved, the following conditions should be required to be completed by the applicant to the satisfaction of the Environmental Planner, specifically:</p> <ul style="list-style-type: none"> That written authorization be obtained from the Ministry of Environment, Conservation and Parks that the subject proposal is permitted under the Endangered Species Act. If required, a permit shall be obtained from the Ministry under the Endangered Species Act.

- That an Addendum to the Environmental Impact Study prepared by LGL Limited in April 2023 be submitted regarding amphibian surveys, spring vegetation surveys, and consultation with the Ministry of Environment, Conservation and Parks.
- That an Environmental Implementation Plan in accordance with a Terms of Reference approved by the County, be completed and implemented, to implement the recommendations of the Environmental Impact Study prepared by LGL Limited, any associated Addendum, and requirements of the Ministry.
- That the applicant apply for and enter into a Development Agreement with the County, to be registered on title, that will require the posting of securities and agreeing to develop the site in accordance with approved plans including the Environmental Implementation Plan. Prior to release of securities, the applicant shall provide a verification letter by a qualified environmental consultant confirming that the approved plans have been implemented.

An addendum to the Scoped Environmental Impact Study is required with regards to the additional survey completed including any implications for the proposed development. Ideally this should be submitted, prior to conditional approval. Otherwise, a condition should be required with any recommendations to be addressed through a Development Agreement.

Written authorization including a potential permit from MECP is required such as to demonstrate consistency/conformity to the PPS and Official Plan, and to ensure that future development will follow legislative requirements of the Endangered Species Act. If approved, authorization from MECP should be a condition.

A summary of key mitigation recommendations from the EIS (which may be updated as a result of consultation with MECP) are as follows and must be addressed through a Development Agreement or Site Plan Control Process:

- Wildlife trees may provide habitat for bats. If trees are proposed for removal, a tree inventory must be completed to include an assessment of wildlife habitat trees.
- In addition to the vegetation protection zone, the following measures are recommended:
 - Seed the vegetation protection zone with a native wildflower seed mix such that it will be maintained as self-sustaining vegetation.
 - The proposed residence and septic system should be sited as far from the wetland and woodland as possible.
 - Sediment and erosion control, to ensure that no sediment enters the provincially significant wetland during construction. This will also act as wildlife exclusion fencing to ensure amphibians do not enter the construction area.

	<ul style="list-style-type: none"> ○ A simple stewardship plan should be provided with the new title of the property. ● Mitigation measures for Blanding's Turtle are as follows: <ul style="list-style-type: none"> ○ Design mitigation: The driveway should be installed at grade and avoid barriers to animal movement such as steps or ledges that may inhibit free movement across the site. The driveway and parking areas should minimize exposed gravel, as these could encourage nesting in dangerous areas for turtles. ○ Pre-construction: Wildlife exclusion fencing will be installed prior to construction according to provincial guidelines (OMECP 2021b). This includes a fence with a height of 60 cm and burying the fence 10-20 cm. Geotextile fencing is suitable, however the fencing must not have a nylon mesh lining due to a risk of entangling. As the adult dispersal/ mitigation period for this species is April to September of each year, it is recommended that fencing be installed outside of the active season for turtles, either prior to April 1 or after September 1. ○ Construction – Contractor training should be undertaken to explain the obligations of the <i>Endangered Species Act</i> and the measures in place to avoid contravention of the Act. Training should include species information, description, and images of the species to be aware of on or adjacent to the site, contact information for a qualified professional in the case of wildlife conflict including species at risk. A wildlife sweep should be completed within the exclusion/construction area following installation to ensure no trapped wildlife. A posted slow speed sign is recommended, as well as ensuring contractors maintain slow speeds when entering and accessing the site. ○ Post construction – A stewardship plan including a land owner information package, registered on title, so that future owners are educated on potential species at risk and best practices.
Canada Post	<ul style="list-style-type: none"> ● Please be advised that Canada Post does not have any comments on this application for severance and additional dwelling. The customer should cluster their rural mailbox with 369 Scenic Dr.
Grand River Conservation Authority	<ul style="list-style-type: none"> ● See attached memo from 2023, noting that the GRCA had no revised comments based on the 2024 submission.
Hydro One	<ul style="list-style-type: none"> ● We are in receipt of your Application for Consent, B26-A11-23-SL dated June 3rd, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. ● For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

PUBLIC CONSIDERATIONS

Notice of this Application, Contact information and Public Hearing Date were circulated by mail on June 27, 2023 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on June 26, 2024.

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

Planning staff have reviewed the *Planning Justification Report, prepared by Douglas Stewart, RPP, MCIP of Arcadis Professional Services (Canada) Inc., dated May 21, 2024*, and are in agreement with the policy review specifically that:

- Approval of both Consent and Minor Variance Applications, subject to the recommended conditions, would permit the construction of a new single detached dwelling, privately serviced by septic and well in accordance with previously established RR-62 & NH-15 zoning requirements.
- The proposal prioritizes the protection and enhancement of the Natural Heritage System while facilitating compatible development of a permitted land use, in accordance with recommendations determined by the completion of the Environmental Impact Study (EIS).
- The proposed new lot and development will not fragment land parcels associated with the existing natural heritage features but rather will provide for an additional buffer to enhance the protection of the core feature. The proposed new lot and development will occur outside of these natural heritage features and the proposed 30 metre buffer, to protect and maintain the existing features.
- Although the parcel to be severed is an irregular, flag shape lot, the subject lands are unique in that the creation of a new lot is contemplated within the Rural Residential designation, provided that the Natural Heritage is protected. In this instance, the protection of the Natural Heritage features has resulted in an irregular lot shape. Overall, planning staff is satisfied that the intent of both the Rural Residential and Natural Heritage policies are being upheld in this proposal. The proposed new dwelling will be located on the lot, a similar setback distance to the westerly lots in the area.

Key Conditions:

- The Applicant will be required to demonstrate that the proposed development is not anticipated to cause adverse impacts to the existing natural heritage features and systems, as well as the groundwater and surface water resources through the completion of a Hydrogeological Report. This report will be circulated by the County of Brant for a third party technical review, at the Applicant's expense.
- Land conveyance to the County of Brant is required for the purpose of road widening. Previous conveyances have taken place for the purpose of establishing safe sightlines.
- The Owner will be required to enter into a Development Agreement with the County, for the purpose of implementing the findings and recommendations of the Environmental Impact Study and Environmental Implementation Plan, to be registered on title of the Severed and Retained lands, with securities posted.
-

I am supportive of the consent and minor variance applications, as they are consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe,

conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law 61-16, and meet the four tests as outlined in the Planning Act. Therefore, I recommend **Approval of applications B26-23-A11-SL, subject to the attached conditions.**

Submitted By: Kayla DeLeye, Supervisor of Development Planning MA, Ec.D, MCIP, RPP



Reviewed by: Dan Namisniak, Senior Planner/ Acting Director of Development Planning

ATTACHMENTS

- 1. Zoning Mapping, Official Plan Mapping and Aerial Photo
- 2. Site Photos
- 3. Drawings
- 4. Circulation Notice

COPY TO

- 1. Dan Namisniak, Senior Planner/ Acting Director of Development Planning
- 2. Sarah Dymont-Smith, Secretary Treasurer, Committee of Adjustment
- 3. Applicant/Agent

FILE # B26-23-LG & A11-24-KD

In adopting this report, is a bylaw or agreement required?

- | | |
|--|------|
| By-Law required | (No) |
| Agreement(s) or other documents to be signed by Mayor and /or Clerk | (No) |
| Is the necessary By-Law or agreement being sent concurrently to Council? | (No) |

APPLICANT: Arcadis c/o Douglas W. Stewart

File No: B26-23-LG
369 Scenic Drive
(Severance)

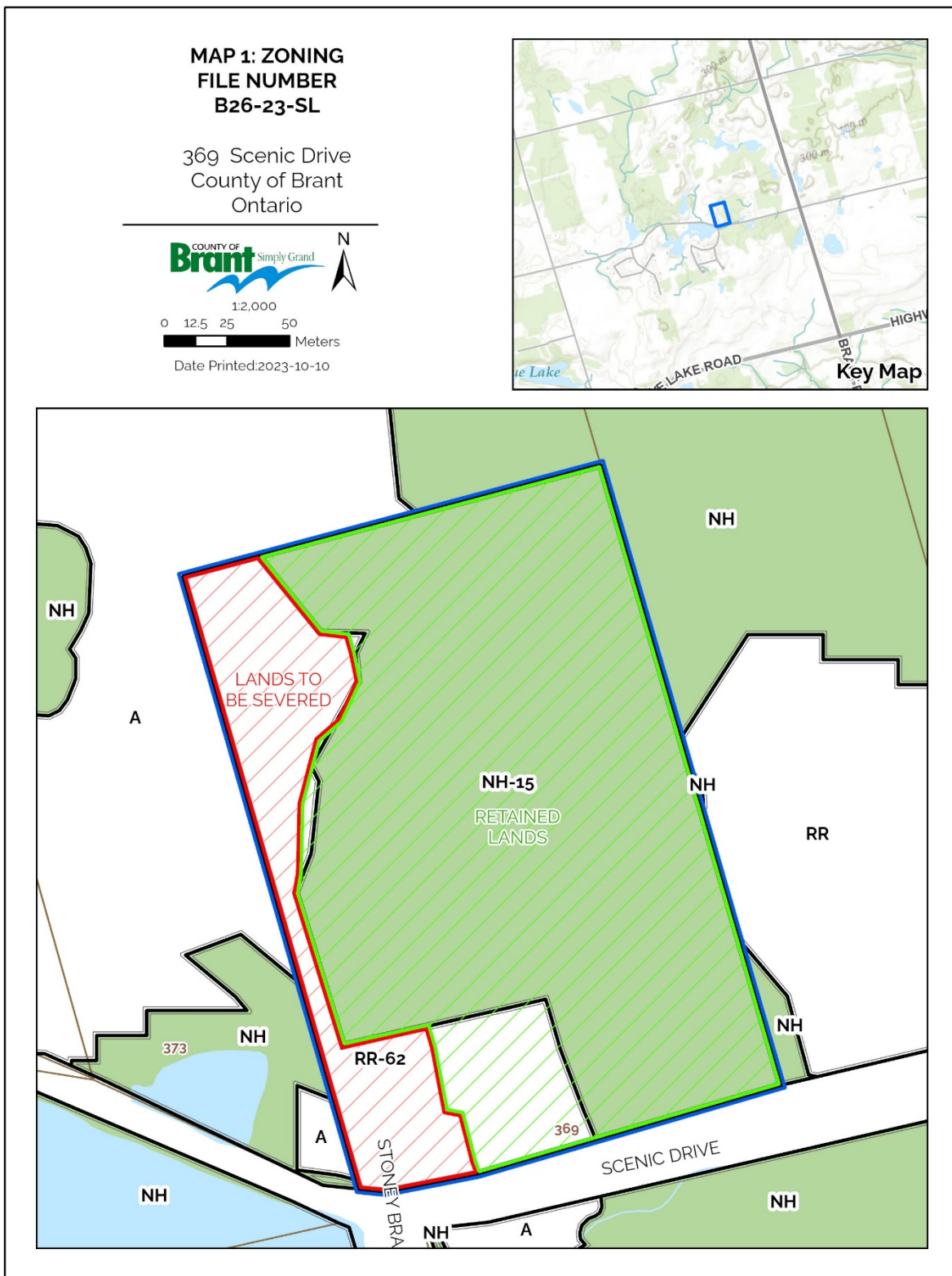
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. That the Applicant provides a copy of a Reference plan for the severed parcel prepared by a licensed surveyor, acceptable to the County of Brant, prior to the plan being deposited and finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
3. That the accepted reference plan includes the necessary parts for the purpose of identifying and conveying required road widening, free and clear of encumbrances to the County of Brant, to the satisfaction of the Development Engineering Division.
4. That related concurrent Planning Act Application A11-24-KD, required to permit a reduced lot frontage of 35 metres, be approved with no appeals and any applicable conditions are complete to the satisfaction of the County of Brant.
5. That the Applicant provide proof/copy of draft approved civic addressing for the Severed and Retained lands issued by the Planning Division to the satisfaction of the County.
6. That the Applicant/Owner provide proof/copy of draft approved entrance locations for the Severed and Retained lands in accordance with the County of Brant Entrance By-Law, issued by the Development Engineering or Operations Division to the satisfaction of the County of Brant.
7. That the Applicant/Owner demonstrate the ability to privately service the proposed development through the completion of a Hydrogeological Assessment prepared by a Qualified Professional. This assessment shall demonstrate proof of potable water (both quality and quantity) and the ability of the proposed development to sustain private wastewater servicing without negatively impacting existing neighbouring properties. Review of the completed Assessment may be subject to a peer review at the sole expense of the Applicant/Owner and additional steps may be identified in order to implement the findings of the Hydrogeological Assessment should the development be deemed appropriate.
8. That the following conditions identified by the Senior Environmental Planner are completed to the satisfaction of the County of Brant:
 - a. That an Addendum to the Environmental Impact Study prepared by LGL Limited in April 2023 be submitted regarding amphibian surveys, spring vegetation surveys, and consultation with the Ministry of Environment, Conservation and Parks (MECP).
 - b. That an Environmental Implementation Plan (EIP) in accordance with a Terms of Reference approved by the County, be completed and implemented, to implement the recommendations of the Environmental Impact Study prepared by LGL Limited, any associated addendum, and requirements of the Ministry.
 - c. That written authorization be obtained from the Ministry of Environment, Conservation and Parks (MECP) that the subject proposal is permitted under the Endangered Species Act. If required, a permit shall be obtained from the Ministry under the Endangered Species Act.
 - d. That the Applicant/ Owner enter into a Development Agreement with the County, for the purpose of implementing the findings and recommendations of the Environmental Impact Study and Environmental Implementation Plan, to be registered on title of the Severed and Retained lands, with securities posted.

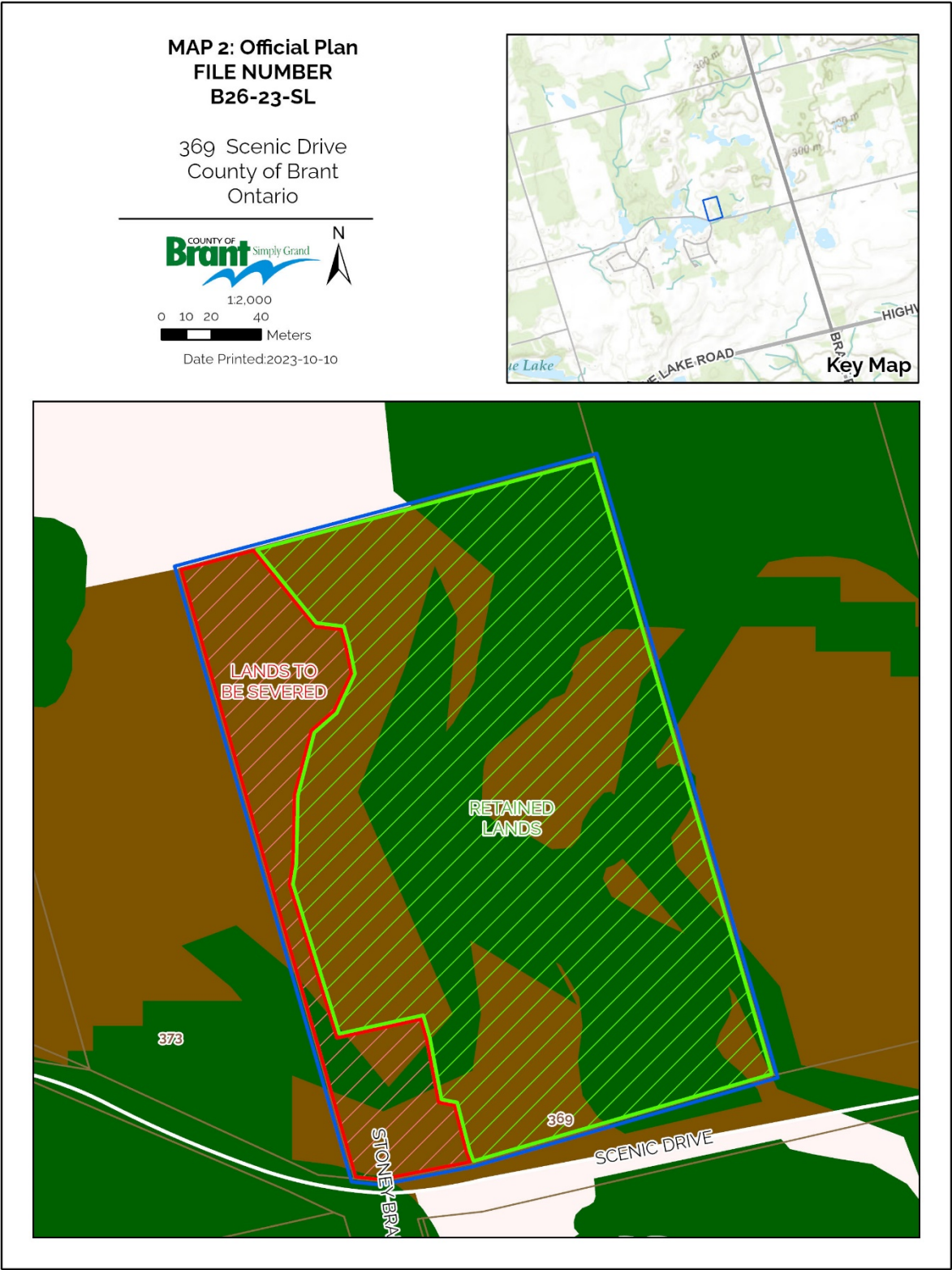
- i. That the value of securities be determined by the itemized cost estimate prepared for the works associated with the Environmental Implementation Plan.
 - ii. Prior to release of securities, the Applicant/ Owner shall provide a verification letter by a qualified environmental consultant confirming that the approved plans have been implemented.
 - iii. The agreement is subject to the special agreement fee in accordance with the *Current County of Brant Fee Schedule*, with confirmation issued by the Planning Division to the satisfaction of the County.
9. That a Cash-in-lieu of parkland payment be provided for each new building lot, in the amount of \$5813.00 in accordance with *By-Law 31-2022*, with confirmation issued by the Planning Division to the satisfaction of the County.
10. That a Rural Firefighting Fee in the amount of \$600.00 be provided, for each new building lot, be in accordance with the *Current County of Brant Fee Schedule*, with confirmation issued by the Planning Division to the satisfaction of the County.
11. That the \$328.00 Deed Stamping Fee be paid to the County of Brant, prior to the release of the executed Certificate of Official, with confirmation issued by the Planning Division to the satisfaction of the County.
12. That the Applicant's Solicitor prepare and provide draft transfer documents with legal descriptions for any required conveyances and transfers utilizing the Deposited Reference Plan, for review to the satisfaction of the County of Brant, prior to the finalization of the Consent (i.e., registration of the deed in the appropriate Registry Office) and immediately following registration, the Applicant's lawyer shall provide a certificate satisfactory to the County Solicitor that the registrations have been completed properly and in accordance with the approvals provided.
13. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within two (2) years of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the application.

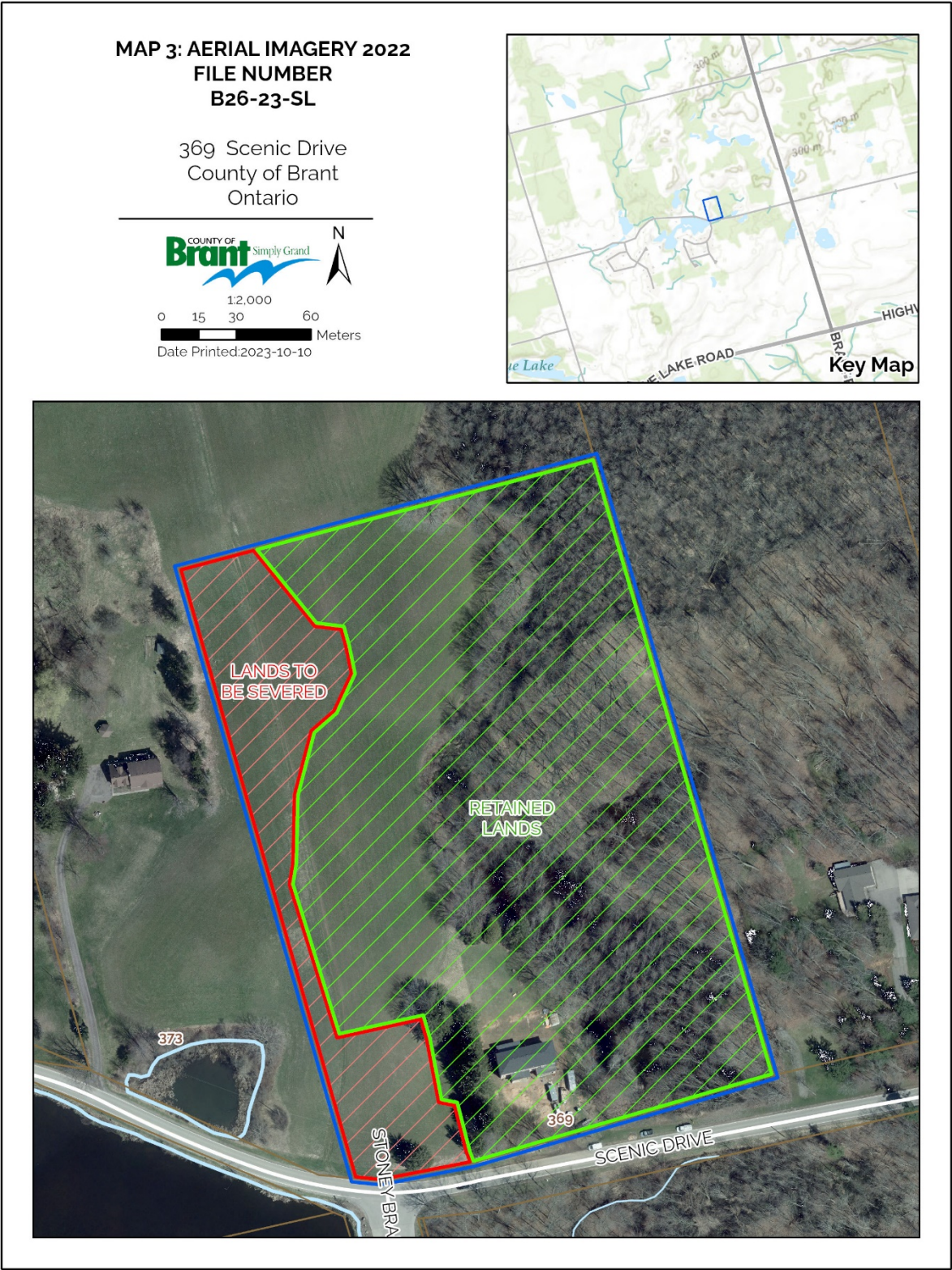
Attachment 1 – Zoning Map



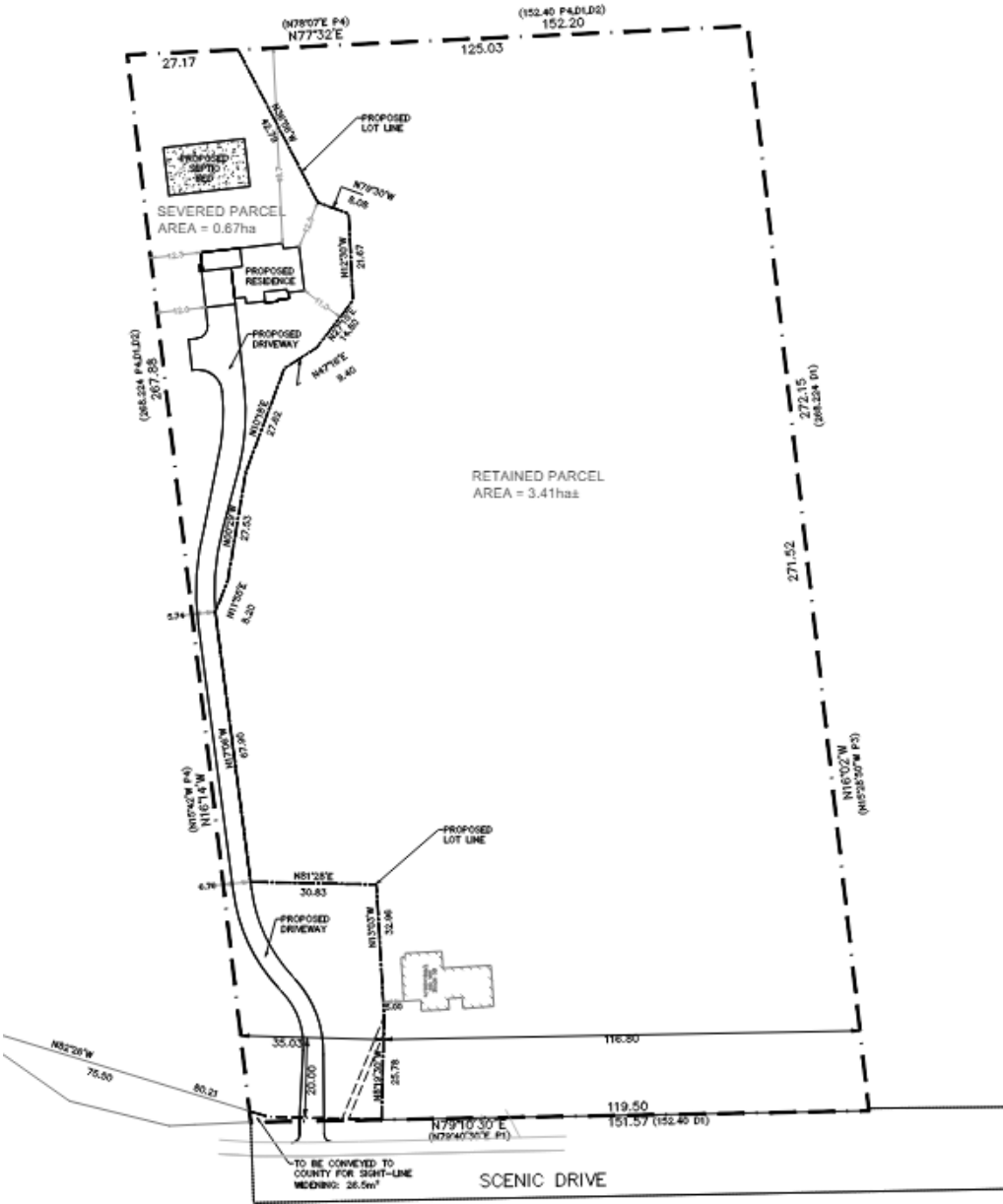
Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map



Attachment 4 – Site Plan



[illegible]

Attachment 7- Site Photo





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
 - THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE
COMMITTEE OF ADJUSTMENT.



Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-07-18

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant YouTube

Application Number and Address: B26-A11-23-SL-369 Scenic Drive

Details of Application:

Arcadis c/o Christian Tsimenidis on behalf of Matthew Kaye & Elizabeth Hilson, applicant / owner of CON 4 PT LOT 14, County of Brant, in the geographic former township of South Dumfries, located at 369 Scenic Drive is proposing a severance for the creation one (1) new residential building lot with a proposed total lot area of 0.7 hectares. Additionally, the application is seeking relief through minor variance from Section 9, Table 9.2.1 to address a reduced lot frontage of 35 metres, whereas 40 metres is required within the Rural Residential zone. Related Application: ZBA7-23-SL to rezone the proposed severed lot from Agriculture (A) to Rural Residential with a site-specific provision (RR-62). The retained lands were rezoned from Agriculture (A) and Natural Heritage (NH) to Natural Heritage with Site Specific Provision (NH-15).

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Kayla DeLeye kayla.deleye@brant.ca

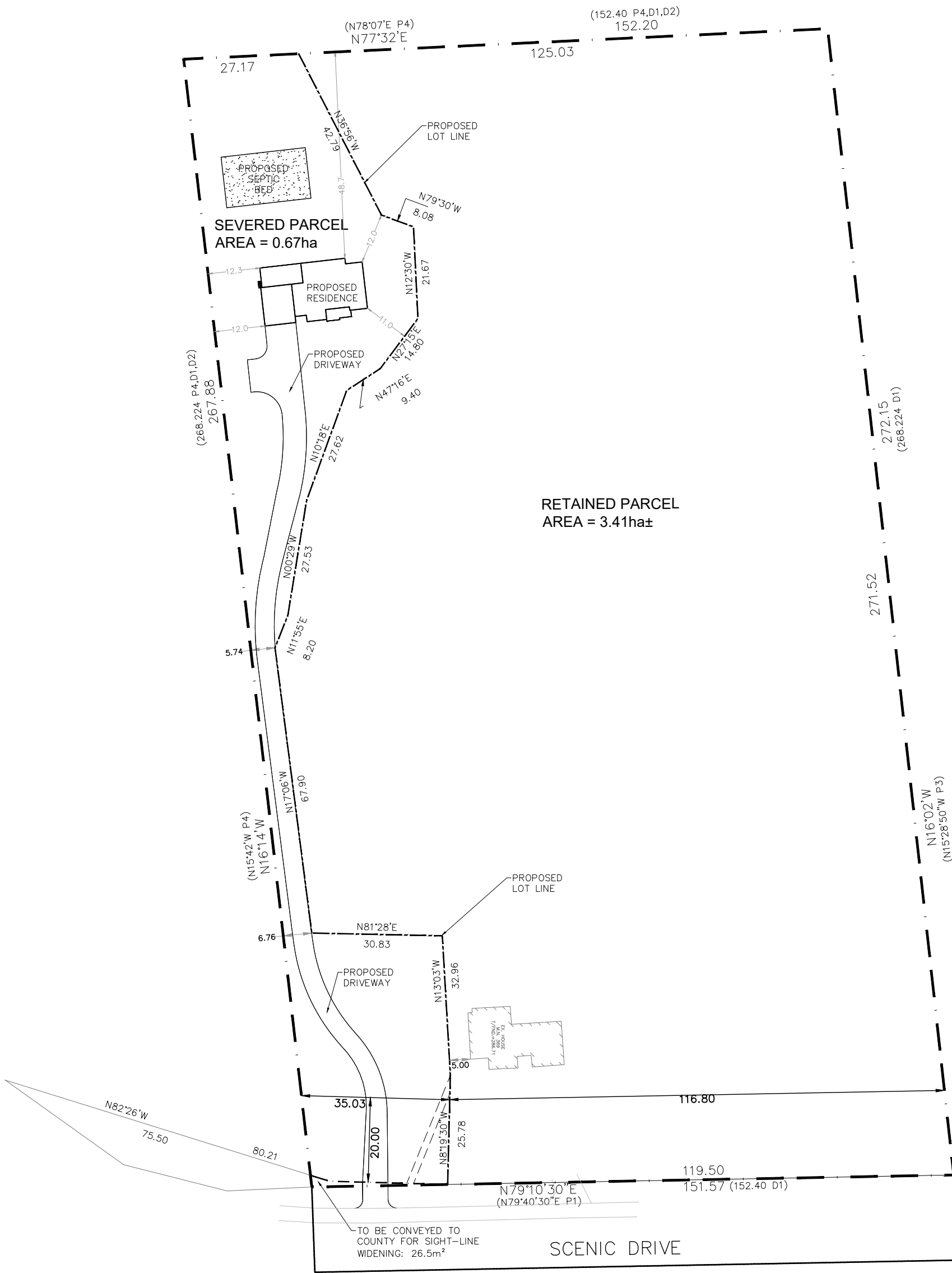
To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?


Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of \$400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of \$267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*



MINOR VARIANCE REQUESTING A MINIMUM LOT FRONTAGE OF 35.0m; WHEREAS A MINIMUM LOT FRONTAGE OF 40.0m IS REQUIRED FOR A LOT UNDER THE 'RR' ZONE IN SECTION 9.2.1

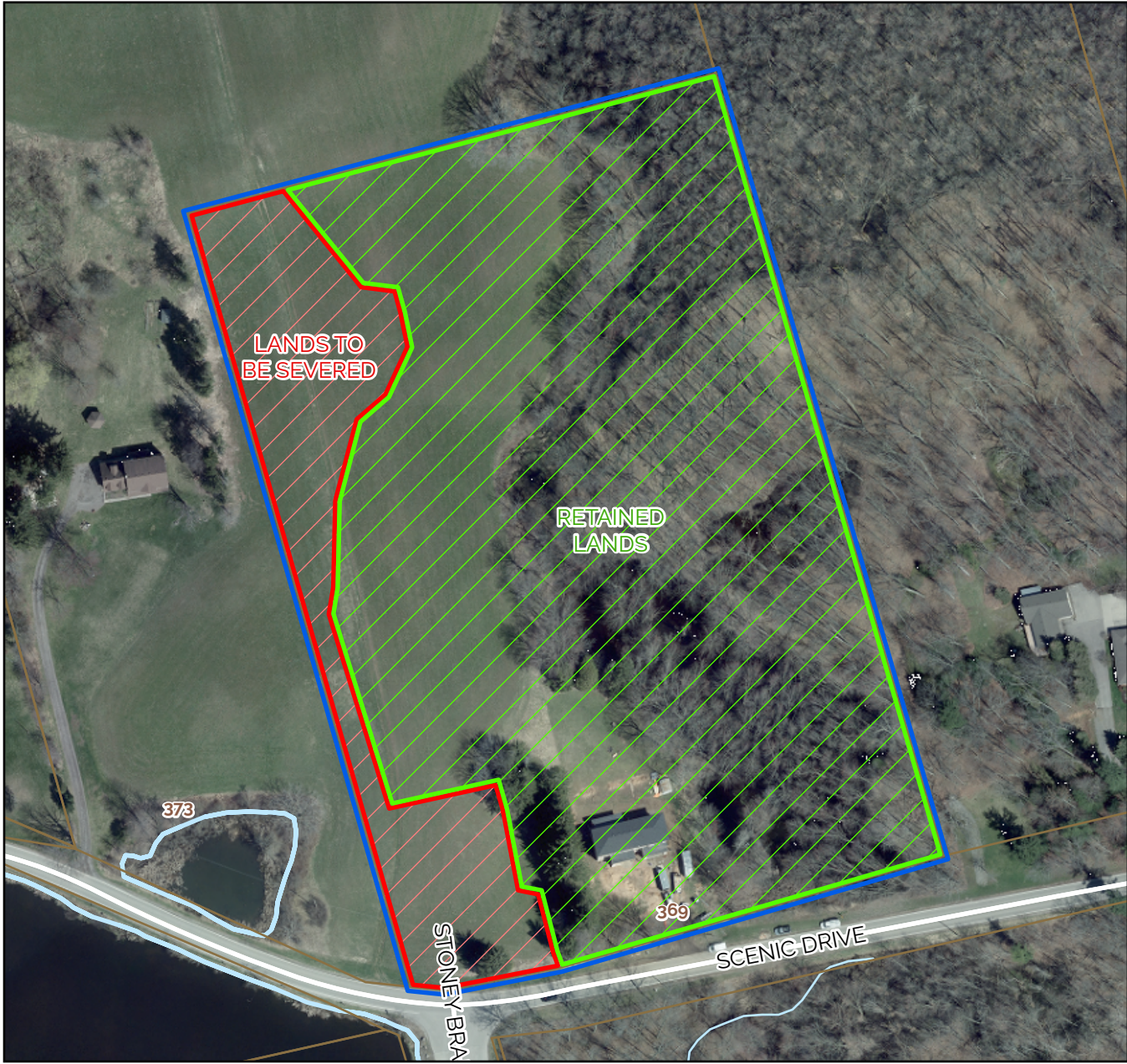
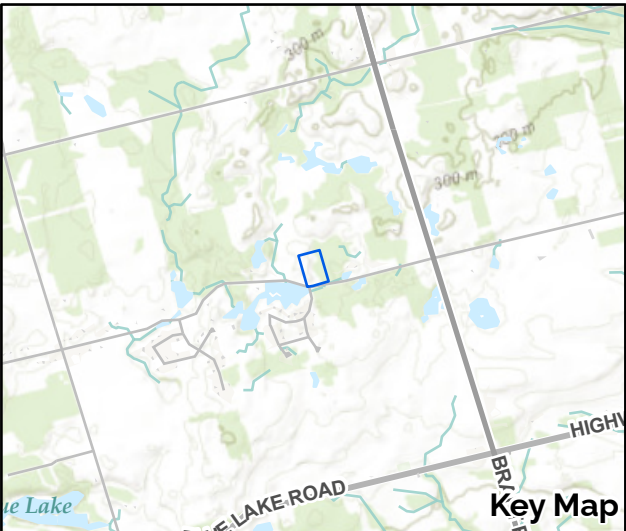
<div></div> <div>410 Albert Street - Suite 101 Waterloo ON N2L 3V3 Canada tel 519 585 2255 www.arcadis.com</div>	CLIENT 2712007 ONTARIO INC.	PROJECT NAME 369 SCENIC DRIVE	This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by Arcadis is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and Arcadis shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to Arcadis for general conformance before proceeding with fabrication.			
		COUNTY OF BRANT	Arcadis Professional Services (Canada) Inc. <small>formerly IBI Group Professional Services (Canada) Inc.</small>			
	BASE PLAN PROVIDED BY MacAULAY, WHITE & MUIR LTD. ref. 21-50-289	SCALE: 1 : 1,000	DATE: 2024-04-25	FIGURE NAME SEVERANCE AND MINOR VARIANCE SKETCH	FIGURE NO. MV01	REVISION 01
		PROJECT ENG:	DRAWN BY: E.T.			
CHECKED BY: C.T.	APPROVED BY: D.W.S.					
Page 80 of 120	PROJECT NO: 137075					

MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
B26-23-SL

369 Scenic Drive
County of Brant
Ontario



1:2,000
0 15 30 60
Meters
Date Printed: 2023-10-10





COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: July 18th, 2024

REPORT NO: 0353- 24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Haylee Hallema – Junior Planner

APPLICATION TYPE: Minor Variance Application

APPLICATION NO: A10-24-HH

LOCATION: 164 Highway 53

OWNER: Matt Goslin

SUBJECT: Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16.

RECOMMENDATION

THAT Application for Minor Variance A10-24-HH from Matt Goslin, Owner of lands legally described as PLAN 53B PART PARK LOT 5 REGISTERED PLAN 2R6509 PART 6, municipally known as 164 Highway 53, Former Geographic Township of Burford is seeking relief from Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 for an increase in lot coverage for an accessory structure. The applicant has proposed an increased lot coverage of 158 m² (1700.7 ft²), exceeding the permitted 140 m² (1500 ft²) for accessory structures. It is recommended that the application **BE APPROVED**.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Minor Variance Application **A10-24-HH** is seeking relief from Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 for an increase in lot coverage for an accessory structure. The applicant has proposed an increased lot coverage of 158 m² (1700.7 ft²), whereas 140 m² is permitted for accessory structures. The applicants have expressed that the structure will be used for personal storage.

Review of this minor variance application has had regard for the four tests as set out in Section 45(1) of the *Planning Act*, public comments and internal comments received as part of the technical circulation.

It is my professional opinion that the relief requested is considered minor in nature, is desirable for the appropriate development and use of the subject lands and the proposed variances are in keeping with the general intent of the Official Plan and Zoning By-Law 61-16 and therefore recommend that the Minor Variance Application **A10-24-HH** be **Approved**.

LOCATION / EXISTING CONDITIONS

The subject lands are located east of Lawrence Road, lying between Sixth Concession Road and Highway 54 within the Former Township of Burford.

The subject lands have frontage of approximately 70 metres (227 feet), depth of 51 metres (167 feet) and total area of 0.38 hectares (0.95 acres). The subject land is currently vacant. The applicant is currently acquiring permits through the building department for a single detached dwelling.

The subject lands are currently serviced by private water, sanitary and storm water infrastructure.

The surrounding area consists of Agricultural and Residential Hamlets and Villages land uses.

REPORT

Planning Act

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance Applications.

In reviewing the application staff analyzed the four tests as established in Section 45(1) of the *Planning Act* R.S.O 1990:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;
- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

Conformity with Provincial and Municipal Policies/Plans

Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

Section 1.1.4.1 of the *Provincial Policy Statement* identifies that development within rural areas shall support building upon rural character and leveraging rural amenities and assets.

The increased accessory lot coverage area is to facilitate the accessory structure which is considered to be appropriate development given the residential use, size of the existing lot of record and consideration of surrounding parcels.

It is my professional opinion that the minor variance request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.a) of the Growth Plan outlines policies on "Where and How to Grow" by directing 'limited' development in 'rural settlements and areas that are not serviced by existing or planned municipal water'.

- ***The proposal is limited to an accessory structure. This will not result in the creation of a new lot or the establishment of additional private services.***

It is my professional opinion that the minor variance request conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The Subject lands are designated as Rural Residential and Agriculture land uses within Schedule 'A' of the County of Brant Official Plan.

<i>Official Plan (2012)</i>	<i>Planning Analysis</i>
<i>Section 3.6.1 of the County of Brant Official Plan advises the intent of the Hamlets and Villages designation is to accommodate a limited amount of residential, commercial, community, and industrial service uses in order to prevent scattered, non-farm development in the Agriculture designation and provide service support for the surrounding agricultural areas.</i>	<i>The variance is proposing legal relief from the maximum accessory structure lot area, within the existing boundaries of the Hamlets and Villages designation.</i>
<i>Section 3.6.2(a) of the County of Brant Official Plan speaks to single detached residential dwellings being permitted on lands designated as Hamlets and Villages.</i>	<i>The subject lands will contain a single detached dwelling and accessory structure in the Hamlets and Villages designation. Accessory structures are permitted as a secondary structure to the primary dwelling.</i>
<i>Section 3.7.3(c) of the County of Brant Official Plan Speaks to development proposals within the Hamlets and Villages designation shall occur on private systems in accordance with the private servicing requirements in Section 5.2.3.4 of the Official Plan</i>	<i>The subject lands are privately serviced.</i>

Shall maintain the general intent and purpose of the Official Plan;

Based on review of the Official Plan in its entirety, the intent of the Official Plan is maintained as this Minor Variance request will allow for a form of development that conforms to the policies of the Hamlets and Villages designation as it relates to permitted residential uses. The increased lot coverage requested is not anticipated to negatively impact surrounding residential

and non-residential uses. It is noted that a building permit be obtained for the single detached dwelling prior to the development of the accessory structure to ensure compliance. As part of the building permit review process a lot grading plan will be required demonstrating that County of Brant engineering standards are being met. This will ensure no neighbouring lots are affected by the proposed structure. This Minor Variance request maintains the general intent and purpose of the Official Plan.

It is my professional opinion that the minor variance requests conform to the policies of the County of Brant Official Plan.

County of Brant Zoning By-Law 61-16

The subject lands are zoned Residential Hamlets and Villages (RH) within the County of Brant Zoning By-Law 61-16.

Section 9, Table 9.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Residential Hamlets and Villages (RH).

Permitted uses include the following:

- Dwelling, Single Detached
- Group Home

Accessory structures are permitted within all zones within the County of Brant. Where a use is permitted within a zone category, any building and/or structure that is accessory to such use is also permitted.

Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 advises the required development regulations for accessory structures permitted in the Residential Hamlets and Villages (RH) zone.

Accessory Structure Regulations Table	Required	Proposed (accessory structure)
<i>Lot coverage, Maximum</i>	140 m²	158 m²
<i>Street Setback, Minimum</i>	20 m	33.69 m
<i>Interior side yard and rear yard setback, Minimum</i>	1.5 m	5.89 m
<i>Structure height, Maximum, measured as the mean level between the eaves of the dormer and the ridge of the main roof.</i>	5 m	3.65 m

The subject lands are currently vacant.

- *The Minor Variance application is requesting relief from the maximum lot coverage for an accessory structure applicable to the RH zone table requirements to provide more space for personal storage.*
- *All other requirements of the Zoning By-Law 61-16 are being satisfied.*

It is my professional opinion that the variance maintains the intent of the County of Brant Zoning By-Law 61-16.

Analysis of the Four Tests (Section 45(1) of the *Planning Act* R.S.O 1990)

Four Tests	Discussion – A10-24-HH
That the general intent and purpose of the Official Plan is maintained.	The subject lands have an Official Plan Designation of Hamlets and Villages. The subject lands are currently vacant, the owners are expected to obtain permits for a proposed single detached dwelling (and accessory building) which is permitted within the Hamlets and Villages Designation. The proposed variance will facilitate the accessory structure which is consistent with the surrounding development. It is my professional opinion that the proposal is in keeping with the general intent of the County of Brant Official Plan.
That the intent and purpose of the Zoning By-Law is maintained.	The subject lands are zoned as Residential Hamlets and Villages (RH) within the Zoning By-Law 61-16. The applicant is seeking relief from Section 4, Table 4.4.1 'Zone Requirements Table' of the Zoning By-Law to permit an increase in lot coverage of 158 m ² , whereas 140 m ² is permitted. The intent of the lot coverage area for accessory structures is to ensure future development is secondary to the principal dwelling. All other zone requirements are being maintained. It is my professional opinion that the proposal is in keeping with the general intent of the Zoning By-Law 61-16.
That the variance is desirable for the appropriate development and use of the land, building or structure	The proposed increased lot coverage aims to optimize the usable area within the subject lands. Given that the surrounding area comprises of spacious rural lots, it is anticipated that there will be no adverse effects on adjacent dwellings or the surrounding area. It is noted that a building permit be obtained for the single detached dwelling prior to the development of the accessory structure to ensure compliance. As part of the building permit review process a lot grading plan will be required demonstrating that County of Brant engineering standards are being met.
That the requested variance is minor in nature.	Determining whether or not a minor variance request is considered 'minor' is based on review of the merits of the application from both a qualitative and quantitative

	<p>perspective. A variance may be considered “minor” where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.</p> <p>It is my professional opinion that the proposed variance is minor in nature, as all provisions are being satisfied with the exception of the increased lot coverage permitted for the Residential Hamlets and Villages (RH) zone.</p>
--	--

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Development Engineering	The DED have no comments to this Planning Application
Environmental Planning	Environmental Planning has no comments
Fire	No issue with this application
Canada Post	Please be advised that Canada Post does not have any comments on this application as this will not affect mail delivery.
Forestry/Parks	No comments

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on June 27, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on June 27, 2024.

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

Minor Variance Application **A10-24-HH** is requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 for an increase in lot coverage for an accessory structure. The applicant has proposed an increased lot coverage of 158 m² whereas 140 m² is permitted for accessory structures. The applicant has expressed that the accessory structure will be used for personal storage.

Staff have reviewed the proposed Minor Variance with applicable planning policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16 in review of any comments received from relevant departments, the applicant and the members of the public.

Review of this Minor Variance application has had regard for Section 45(1) of the *Planning Act* R.S.O 1990 and Planning analysis confirms that the requested relief meets the 'four tests'

- The Minor Variance request maintains the general intent and purpose of the Official Plan;
- The Minor Variance request maintains the general intent and purpose of the Zoning By-law;
- The Minor Variance request is desirable for the appropriate development or land use of the land, building or structure.
- The minor variance request is minor in nature.

Based on review of applicable planning policy and comments received as part of the technical and public circulation, it is my professional recommendation to the Committee of Adjustment that Minor Variance Application **A10-24-HH** be **Approved**.



Haylee Hallema

Junior Planner

Reviewed By: Kayla DeLeye, Supervisor of Development Planning MA, Ec.D, MCIP, RPP

ATTACHMENTS

1. Site Photos
2. Site Plan
3. Zoning Mapping
4. Official Plan Mapping
5. Aerial Photo

COPY TO

1. Dan Namisniak, Acting Director of Planning
2. Kayla DeLeye, Supervisor of Development Planning
3. Applicant/Agent

FILE # A10-24-HH

In adopting this report, is a bylaw or agreement required?

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

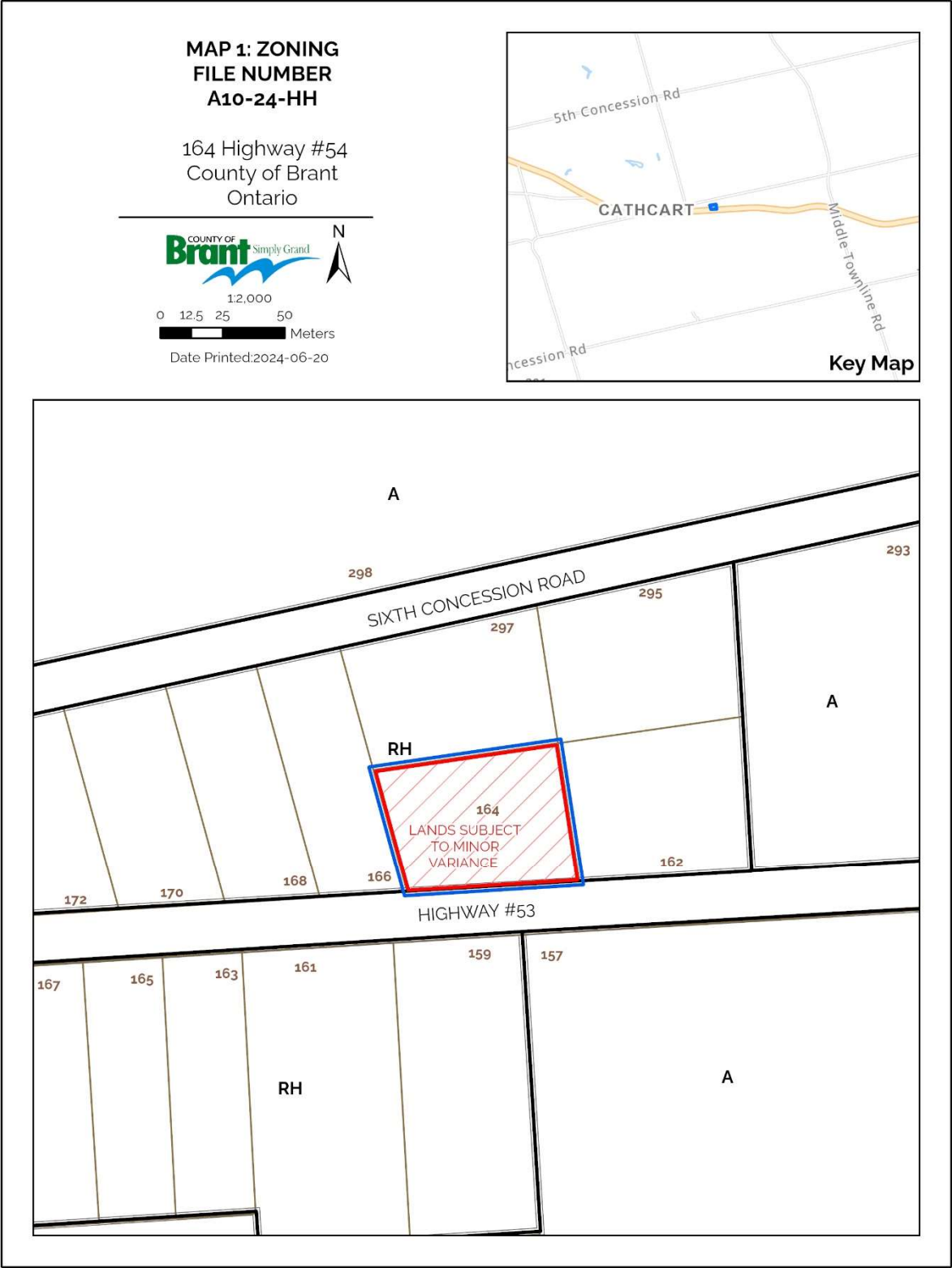
Attachment 1 – Site Photos





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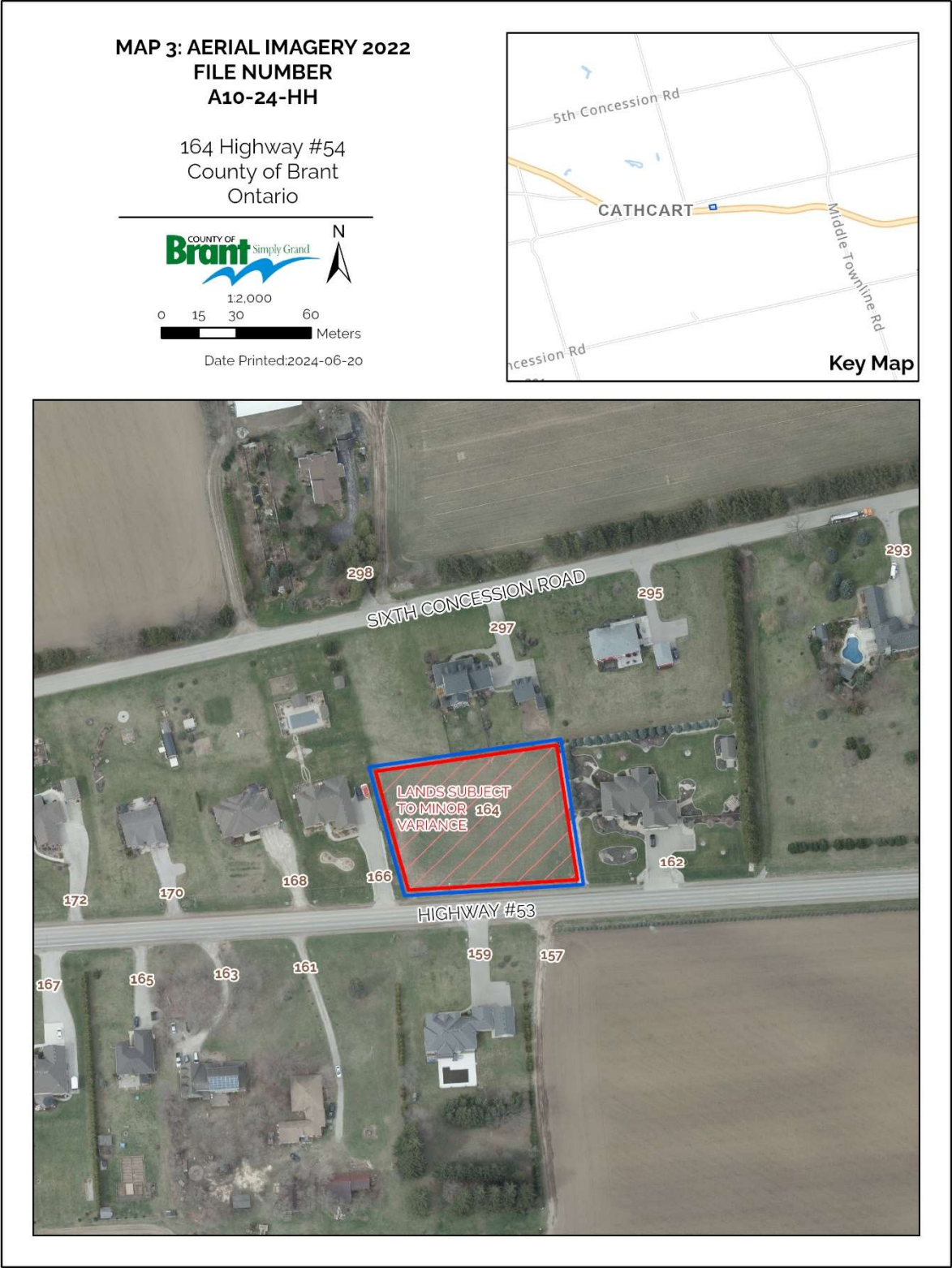
Attachment 3 – Zoning Map



Attachment 4 – Official Plan Map



Attachment 5 – Aerial Image





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
 - THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE
COMMITTEE OF ADJUSTMENT.

Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-07-18

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: A10-24-HH-Goslin-164 Highway 53

Details of Application:

Matt and Rebecca Goslin, applicant / owner of PLAN 53B PT PARK LOT 5 RP 2R6509 PART 6, County of Brant, in the geographic township of Burford, located at 164 Highway 53 is proposing to seek relief from Section 4.4, Table 4.4.1 of the Zoning By-law 61-16 to permit an increased lot coverage area of 142.40 m², whereas the maximum lot coverage area for accessory structures is 140 m² is permitted.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm
519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Kayla DeLeye <kayla.deleye@brant.ca>

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of \$400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of \$267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

LEGEND:

EXISTING ELEVATIONS

PROPOSED ELEVATIONS

EXISTING SWALE

PROPOSED SWALE

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PROPOSED DOWNSPOUT
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NOTES MANDOR LO

NOTES OVERHEAD D1

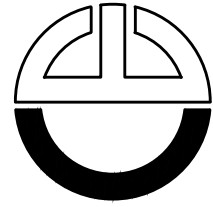
NOTES:

1. ALL DIMENSIONS AND MEASUREMENTS SHOWN ARE METRIC.
2. BUILDER/OWNER TO VERIFY COMPLIANCE WITH ZONING BYLAW (E.G. SIDEYARDS, SETBACKS, REARWARDS ETC.)
3. TILE BEDDING TO BE INSTALLED AS PER PART 4 OF THE O.B.C.
4. SEE ATTACHED DRAWINGS TO SPECIFY SYSTEM.
5. **SPECIFIC REQUIREMENTS TO THE SYSTEM**
 TILE BED DISTRIBUTION PRESS
 DRAINAGE WELL = 150mm MIN.
 DRAINAGE LINE = 150mm MIN.
 PROPERTY LINE = 150mm MIN.
 LAKESIDE DRIVE = 150mm MIN.
 LAKE STREET DRIVE = 150mm
6. DO NOT CONNECT ANY WATER TREATMENT SYSTEMS FOR DISCHARGE INTO THE SEPTIC SYSTEM (WATER SUPPLIER ETC.)
7. **DISCHARGE TO THE SEPTIC SYSTEM**
 4. BERGOM DRILLING WITH 4 IN. PEXURE UNITS
 WITH AN EXISTING SLOPE TIME OF 4 min/cm.

7. FILL 7 ROWS OF 19.2mm (3/8") 100mm LEACHING TILE = 128.0m³ (427) (116.0m³) TOTAL LENGTH OF LEACHING TILE = 128.0m (427)
8. SEPTIC TANK SHALL BE 600LITRE PRECAST CONCRETE WITH 150mm DIA. MANHOLE AND 150mm DIA. WITH MAINTENANCE ACCESS ROUTING TO GROUND SURFACE.
9. PROVIDE SEPTIC TAIL BED LOCATION DETECTION METHOD WITH 150mm DIA. MANHOLE WITH 150mm DIA. COVER TOP AT EACH CORNER FOR MAGNETIC DETECTION OF BED PERIMETER.
10. FOR TEST HOLE INFORMATION AND "T" TYPE REPORT PREPARED BY ENGINEER DATED MAY 2, 2024.
11. BUILDERS/CONTRACTOR TO REPORT TO THE ENGINEER ANY CONDITIONS THAT DEViate FROM THE DESIGN CRITERIA (e.g., SOIL SUSTAINABILITY, WATER TABLE ETC.)
12. UNDESIRABLE CONDITIONS SUCH AS EXISTING OBSTACLES (TRANSFORMERS, STREET LIGHTS, PESTICIDES, WATERSERVICE CURB STOP ETC) DOES NOT COME INTO CONTACT WITH DRIVEWAY OR FOUNDATION WALLS (UNDERMINED).
13. STEP DOWN TOP OF FOUNDATION AND/OR FOOTINGS TO SUIT THE PROPOSED GRADGES.
14. FINISHED GRADE FLOOR TO BE 0.30m BELOW THE SET TOP OF FOUNDATION ELVENION.
15. THE BUILDERS/CONTRACTOR IS TO ENSURE FOOTINGS ARE ANTI-CRAWLED, CAPABLE OF SUPPORTING THE ANTICIPATED LOADS.
16. STRUCTURAL FILL MAY BE REQUIRED ON THE SUBJECT LOT. THE BUILDERS/CONTRACTOR IS ADVISED TO RETAIN THE SERVICES FOUND ON SOIL CAPABLE OF SUPPORTING THE ANTICIPATED LOADS.
17. AN APPROVED PUBLIC WORKS PERMIT IS REQUIRED FOR ANY EXCAVATION OR CULVERT ALLOWANCE INCLUDING REMOVAL OF VEHICULAR ENTRANCES.

T.B.M. No. 1 ELEV. = 261.07m (GEO)
NAIL ON SIDE OF HYDRO POLE AS SHOWN.

NO.	AS PER COUNTY COMMENTS	REVISION	DATE (MM/DD/YY)	BY
1			05/21/24	S.L.M.



440 HARDY ROAD, UNIT #1, BRANTFORD - ONTARIO, N3T 5L8
TEL. (519) 753-2656 FAX. (519) 753-4263 www.coltaoneng.com

PROJECT:

PROPOSED
GOSLIN RESIDENCE
PART 6 OF PART OF PARK LOT 5,
PLAN 53B, PLAN 2R-6509
164 HIGHWAY 53, CATHCART
COUNTY OF BRANT

CLIENT:

SITE DEVELOPMENT PLAN

DESIGN:	J.C.T.	SCALE: 1:200
DRAWN:	S.L.M.	JOB No: 16779
CHECKED:	R.W.P.	
SHEET:	1 of 1	DWG. No: 16779-1
DATE:	APR. 24, 2024	

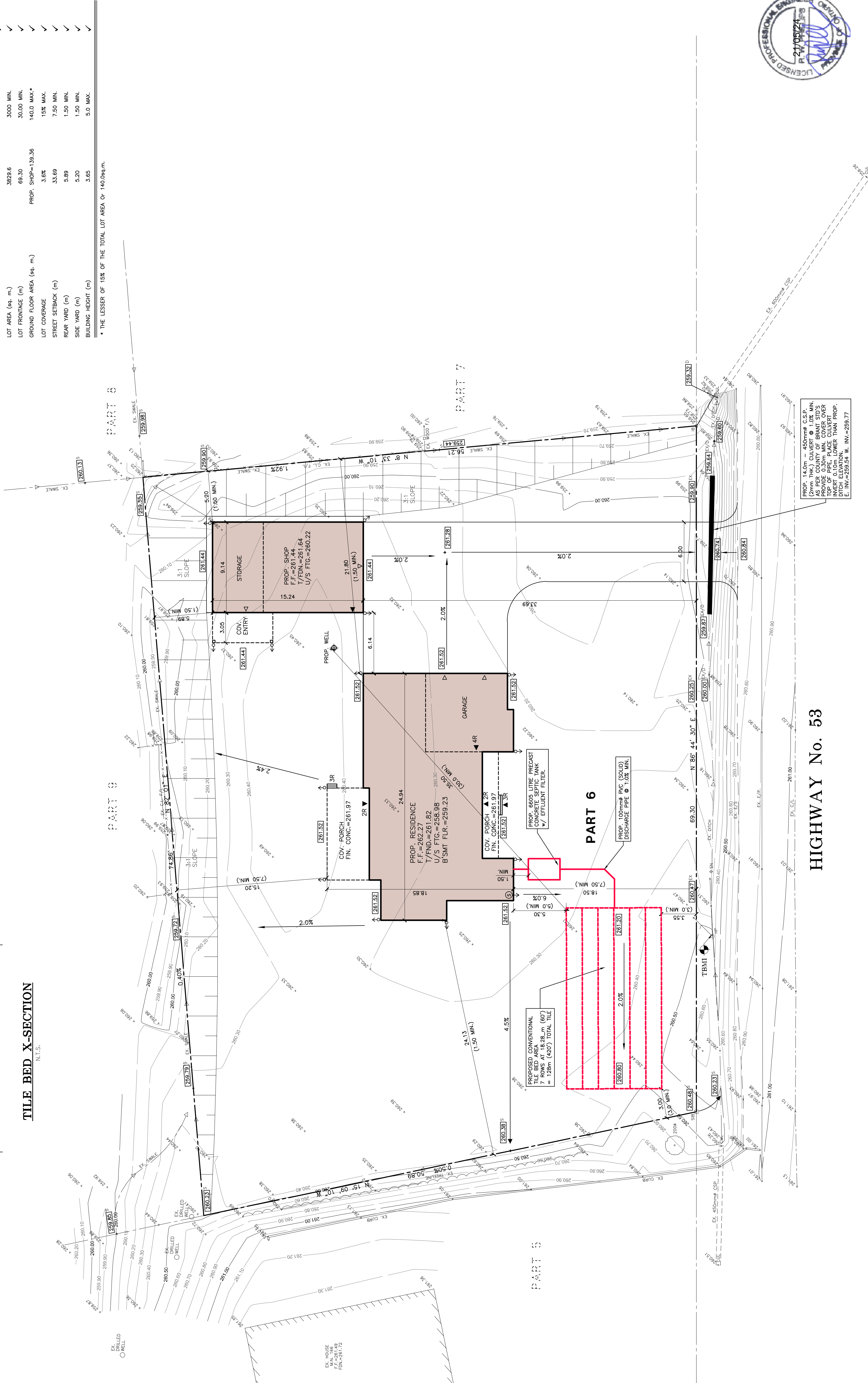
A simple compass rose with a central circle. The word "NORTH" is written vertically inside the circle, pointing towards the top. The word "SOUTH" is written vertically inside the circle, pointing towards the bottom. The word "EAST" is written horizontally inside the circle, pointing towards the right. The word "WEST" is written horizontally inside the circle, pointing towards the left. Four lines extend from the center of the circle to the edges, representing the cardinal directions.

ITEM	PROPOSAL	ZONING BYLAW REQUIREMENTS	COMPLIANCE	
			✓ MEETS REQUIREMENTS	✗ VIOLANCE REQUIRED
ZONING CATEGORY	RH	RH	✓	✓
LOT AREA (sq. m.)	3229.6	3000 MIN.	✓	
LOT FRONTAGE (m)	68.30	30.00 MIN.	✓	
GROUND FLOOR AREA (sq. m.)	PROF. DWELLING=373.63 PROP. SHOP=139.36	N/A	✓	
TOTAL GROSS FLOOR AREA (sq. m.)	512.99	N/A	✓	
LOT COVERAGE	13.4%	30% MAX.	✓	
STREET SETBACK (m)	18.50	7.50 MIN.	✓	
REAR YARD (m)	15.20	7.50 MIN.	✓	
SIDE YARD (m)	24.13 & 21.8	1.50 MIN.	✓	
PERCENTAGE OF LOT LANDSCAPED	—	30% MIN.	✓	
BUILDING HEIGHT (m)	8.56	10.50 MAX.	✓	

ITEM	PROPOSAL	ZONING BY-LAW REQUIREMENTS	COMPLIANCE ✓ MEETS REQUIREMENTS X. IMPROVEMENT REQUIRED
ZONING CATEGORY	RH	RH	✓
LOT AREA (sq. m.)	3829.6	3000 MIN.	✓
LOT FRONTAGE (m.)	69.30	30.00 MIN.	✓
GROUND FLOOR AREA (sq. m.)	PROP. SHOP=139.36	140.0 MAX.*	✓
LOT COVERAGE	3.9%	15% MAX.	✓
STREET SETBACK (m)	33.69	7.50 MIN.	✓
REAR YARD (m)	5.89	1.50 MIN.	✓
SIDE YARD (m)	5.20	1.50 MIN.	✓
BUILDING HEIGHT (m)	3.65	5.0 MAX.	✓

* THE LESSER OF 15% OF THE TOTAL LOT AREA OR 140sq.m.

♦ THE LESSER OF 15% OF THE TOTAL LOT AREA Or 140.0sq.m.

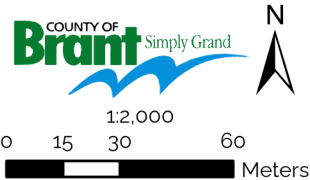


HIGHWAY No. 53

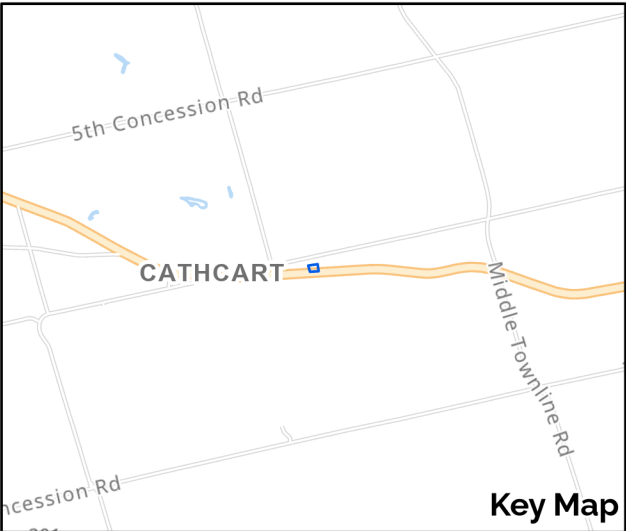


MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
A10-24-HH

164 Highway #54
County of Brant
Ontario



Date Printed:2024-06-20



Key Map





COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: July 18, 2024

REPORT NO: RPT-0352-24

TO: To the Chair and Members of the Committee of Adjustment

FROM: Jessica Abraham – Junior Planner

APPLICATION TYPE: Minor Variance Application

APPLICATION NO: A8-24-JA

LOCATION: 14 Cornwell Road

OWNER: Miled Abi-Rached and Dounia Zahra

SUBJECT: Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16.

RECOMMENDATION

THAT Application for Minor Variance **A8-24-JA** from Miled Abi-Rached and Dounia Zahra, Owners of lands legally described as RANGE 1 NHR PT LOT 7 RP 2R6501 PART 1, municipally known as 14 Cornwell Road, Geographic Township of Brantford, County of Brant, seeking relief from Zoning By-law 61-16, Section 4, Subsection 4.5 b(x)(4) to permit a setback of 51.5 metres (169 feet) whereas, 40 metres (131.23 feet) is required from the primary dwelling unit to facilitate the construction of a proposed detached additional residential unit, **BE APPROVED**.

THAT the reason(s) for approval are as follows:

- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning Act*.

EXECUTIVE SUMMARY

Minor Variance Application **A8-24-JA** is requesting relief from Zoning By-law 61-16, Section 4, Subsection 4.5 b(x)(4) to permit a setback of 51.5 metres (169 feet) whereas, 40 metres (131.23 feet) is required from the primary dwelling unit.

The application is required in order to facilitate the construction of a proposed Additional Residential Unit (ARU). The current requirement of 40 metres (131.23 feet) would place the proposed additional residential unit in a problematic location due to the location of the septic tank and leach field. The relief requested is to preserve the necessary space and field around the septic tank.

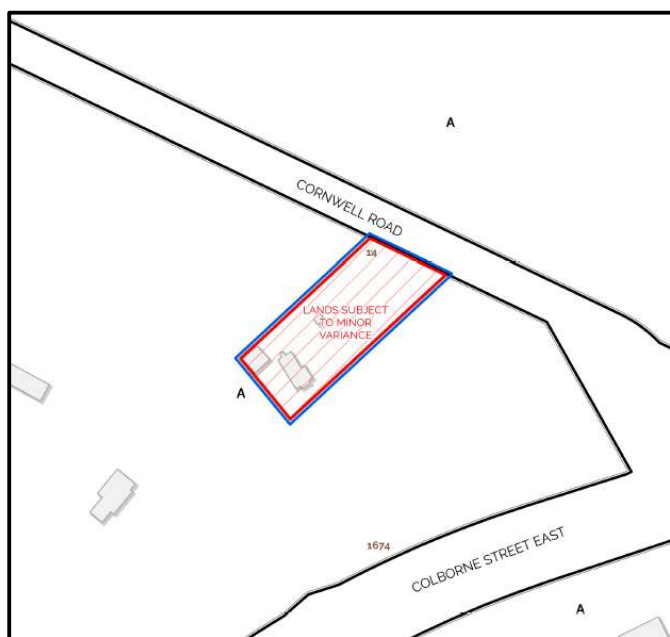
Review of this minor variance application has had regard for the four tests as set out in Section 45(1) of the *Planning Act*, public comments and internal comments received as part of the technical circulation.

It is my professional opinion that the relief requested is considered minor in nature, is desirable for the appropriate development and use of the subject lands and the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16 and therefore recommend that the Minor Variance Application **A8-24-JA** be **Approved**.

LOCATION / EXISTING CONDITIONS

The subject lands are located south of Cornwell Road, and North of Colborne Street East.

LOCATION MAP
Application: A8-24-JA
14 Cornwell Road



AERIAL IMAGE
Application: A8-24-JA
14 Cornwell Road



The subject lands have frontage of approximately 45.72 metres (150 feet), depth of 103.85 metres (340.72 feet) and total area of 0.441 hectare (1.09 acres). The subject land contains a detached garage (237.9 square metres / 2551.05 square feet).

The subject lands are currently serviced by private water, sanitary and storm water infrastructure. The surrounding area consists of Agricultural land use.

REPORT

Planning Act

Section 45 (1) of the *Planning Act* sets out criteria to be considered when reviewing Minor Variance Applications.

In reviewing the application staff analyzed the four tests as established in Section 45(1) of the *Planning Act* R.S.O 1990:

- (a) Shall be minor;
- (b) Shall be desirable for the appropriate development or land use of the land, building or structure;
- (c) Shall maintain the general intent and purpose of the Zoning By-Law; and
- (d) Shall maintain the general intent and purpose of the Official Plan.

Conformity with Provincial and Municipal Policies/Plans

Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

Section 1.1.4.3 of the *Provincial Policy Statement* identifies that development within rural settlement areas shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

- ***The increased setback is proposed to facilitate proper setbacks from septic infrastructure for the detached additional residential unit and is considered to be appropriate development given the residential use, size of the existing lot of record and consideration of surrounding parcels.***

It is my professional opinion that the minor variance request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.a) of the Growth Plan outlines policies on "Where and How to Grow" by directing 'limited' development in 'rural settlements and areas that are not serviced by existing or planned municipal water'.

- ***The proposed development is limited to a proposed detached additional residential unit. This will not result in the creation of a new lot.***

It is my professional opinion that the minor variance request conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The Subject lands are designated as Agriculture land use within *Schedule 'A'* of the County of Brant Official Plan.

Official Plan (2012)	Planning Analysis
Section 3.3.1(c) of the County of Brant Official Plan advises that one single detached dwelling shall also be permitted per lot within the Agriculture designation.	<i>The Agriculture designation contemplates for residential use, and associated accessory structures. Additional Residential Units are reviewed as accessory structures.</i>
Section 2.4.5.1(a) of the Official Plan speaks to policies that apply to the development of additional residential units within the County, and that a maximum of one additional residential unit shall be permitted per lot.	<i>The subject lands do not contain any additional residential units, the subject lands do contain a detached garage and a shed.</i>
Section 2.4.5.1(d) of the Official Plan speaks to policies that apply to the development of additional residential units within the County, and that appropriate water and sanitary sewage systems shall be provided to the additional residential unit.	<i>The subject lands are privately serviced, and require the variance to protect their septic system.</i>

Shall maintain the general intent and purpose of the Official Plan:

Based on review of the Official Plan in its entirety, the intent of the Official Plan is maintained as this Minor Variance request will allow for a form of development that conforms to the policies of the Agricultural use designation as it relates to permitted residential uses. The increased setback requested will not negatively impact surrounding residential and non-residential uses. This Minor Variance request maintains the general intent and purpose of the Official Plan.

It is my professional opinion that the minor variance request conforms to the policies of the County of Brant Official Plan.

County of Brant Zoning By-Law 61-16

The subject lands are zoned Agriculture (A) within the County of Brant Zoning By-Law 61-16.

Section 6, Table 6.1.1 of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Agriculture (A).

Permitted uses include the following:

- Agricultural Use
- Agriculture-Related Use in accordance with Section 6.3
- Cannabis Production and Processing in accordance with Section 4.23
- Dwelling, Single Detached
- Farm Production Outlet in accordance with Section 4.10
- Forestry Uses
- Greenhouse in accordance with Section 4.12
- On-Farm Diversified Use in accordance with Section 6.4

Additional Residential Units are permitted within all zones within the County of Brant. Where a use is permitted within a zone category, any building and/or structure that is accessory to such use is also permitted.

Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 advises the required development regulations for additional residential units permitted in the Agriculture (A) zone.

Agriculture (A)	Required	Proposed (Additional Residential Unit)
<i>Lot coverage</i> , Maximum	5% of the total lot area	1.7 %
<i>Street Setback</i> , Minimum	10 m	21.35 m
<i>Interior side yard and rear yard setback</i> , Minimum	3.0 m	9.448 m
Structure <i>height</i> , Maximum, measured as the mean level between the eaves of the dormer and the ridge of the main roof.	7.0 m	7.0m
The additional residential unit shall be located within 40.0m of the primary dwelling unit or within the existing building cluster of the lot.	40 metres	51.5 metres

- *The subject lands containing existing development meet the zone requirements for the A zone.*
- *Minor Variance is requesting relief from the maximum setback for additional residential developments applicable to the A zone requirements to maintain the septic system area*
- *All other requirements of the Zoning By-Law 61-16 are being satisfied.*

It is my professional opinion that the variance maintains the intent of the County of Brant Zoning By-Law 61-16.

Analysis of the Four Tests (Section 45(1) of the *Planning Act* R.S.O 1990)

Four Tests	Discussion – A8-24-JA
That the general intent and purpose of the Official Plan is maintained.	The subject lands have an Official Plan Designation of Agriculture. The subject lands contain an existing detached dwelling and detached garage which is permitted within the Agricultural Designation. The proposed variance will facilitate the construction of a new additional residential unit which is consistent with the surrounding development and consistent with the

	Official Plan policies. It is my professional opinion that the proposal is in keeping with the general intent of the County of Brant Official Plan.
That the intent and purpose of the Zoning By-Law is maintained.	The subject lands are zoned as Agriculture (A) within the Zoning By-Law 61-16. The applicant is seeking relief from Section 4, Subsection 4.5 b(x)(4) to permit a setback of 51.5 metres (169 feet) whereas, 40 metres (131.23 feet) is required to facilitate the construction of a proposed detached additional residential unit. The intent of the 40-metre maximum setback is to ensure no future severances would be permitted within the Agricultural zone for residential lot creation. The proposed application is due to the existing septic field within the 40-metre setback from the primary dwelling on the property. All other zone requirements are being maintained. It is my professional opinion that the proposal is in keeping with the general intent of the Zoning By-Law 61-16.
That the variance is desirable for the appropriate development and use of the land, building or structure	The increased setback will maintain the existing septic field while providing appropriate access for the proposed additional residential unit. The proposed additional residential unit is desirable as it will provide an additional unit in the rural area. The subject lands are currently surrounded by agricultural lands; the proposed change won't interfere with neighboring lands. It is my professional opinion that the proposed variance for an increased setback from the existing dwelling to the proposed additional residential unit will allow for a desirable and appropriate development for the subject lands.
That the requested variance is minor in nature.	<p>Determining whether or not a minor variance request is considered 'minor' is based on review of the merits of the application from both a qualitative and quantitative perspective. A variance may be considered "minor" where the scale of the request is marginal and the proposed relief will not result in a greater than minor adverse impact on adjacent properties, uses, or area.</p> <p>It is my professional opinion that the proposed variance is minor in nature, as all provisions are being satisfied with the exception of the increased setback permitted for the Agricultural zone. The proposed variance is not expected to negatively impact on the surrounding land uses and maintains the intent of the ARU policies.</p>

INTERDEPARTMENTAL CONSIDERATIONS

Agency Comments	
Canada Post	<ul style="list-style-type: none"> No Comments, Should the ADU require separate mail delivery from the mail residential unit, Canada Post will need a unit # or a new civic address # for mail delivery. Please have the customer contact our Customer Service line at 1-800-267-1177 should they require mail delivery.
Development Engineering	<ul style="list-style-type: none"> No comments
Fire	<ul style="list-style-type: none"> No comments
Mississaugas of the Credit First Nation	<ul style="list-style-type: none"> The Mississaugas of the Credit First Nation hereby notifies you that we are the Treaty Holders of the land on which the development of a residential unit will be taking place. This project is located on the Between the Lakes Treaty No. 3, of 1792. Therefore, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent. Planning has incorporated a warning clause under the recommendations section in this report
Parks Capital Planning and Forestry	<ul style="list-style-type: none"> No Comments

PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on June 27, 2024 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit along with the posting of the Public Notice sign was completed on June 26, 2024

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

Minor Variance Application **A8-24-JA** is requesting relief from Zoning By-law 61-16, Section 4, Subsection 4.5 b(x)(4) to permit a setback of 51.5 metres (169 feet) whereas, 40 metres (131.23 feet) is required from the primary dwelling unit to facilitate the construction of a proposed detached additional residential unit. The application is required in order to preserve the existing septic system and leach field within the required 40-metre setback distance.

Staff have reviewed the proposed Minor Variance with applicable planning policy (i.e. Planning Act, Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012) and Zoning By-Law 61-16 in review of any comments received from relevant departments, the applicant and the members of the public.

Review of this Minor Variance application has had regard for Section 45(1) of the *Planning Act* R.S.O 1990 and Planning analysis confirms that the requested relief meets the 'four tests'

- The Minor Variance request maintains the general intent and purpose of the Official Plan;
- The Minor Variance request maintains the general intent and purpose of the Zoning By-law;
- The Minor Variance request is desirable for the appropriate development or land use of the land, building or structure.
- The minor variance request is minor in nature.

NOTE: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately.

The applicant understands and agrees that the approval applies only to the proposed variance as noted in this Staff Report A8-24-JA. Should the proposed structure change, a new minor variance application may be required.

Based on review of applicable planning policy and comments received as part of the technical and public circulation, it is my professional recommendation to the Committee of Adjustment that Minor Variance Application **A8-24-JA** be **Approved**.

Jessica Abraham

Jessica Abraham

Junior Planner

Reviewed By: Kayla DeLeye, Supervisor of Development Planning

ATTACHMENTS

- 1. Site Photos
- 2. Site Sketch
- 3. Zoning Mapping
- 4. Official Plan Mapping
- 5. Aerial Photo

COPY TO

- 1. Kayla DeLeye, Supervisor of Development Planning
- 2. Applicant/Agent

FILE # A8-24-JA

In adopting this report, is a bylaw or agreement required?

- By-Law required (No)
- Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)
- Is the necessary By-Law or agreement being sent concurrently to Council? (No)

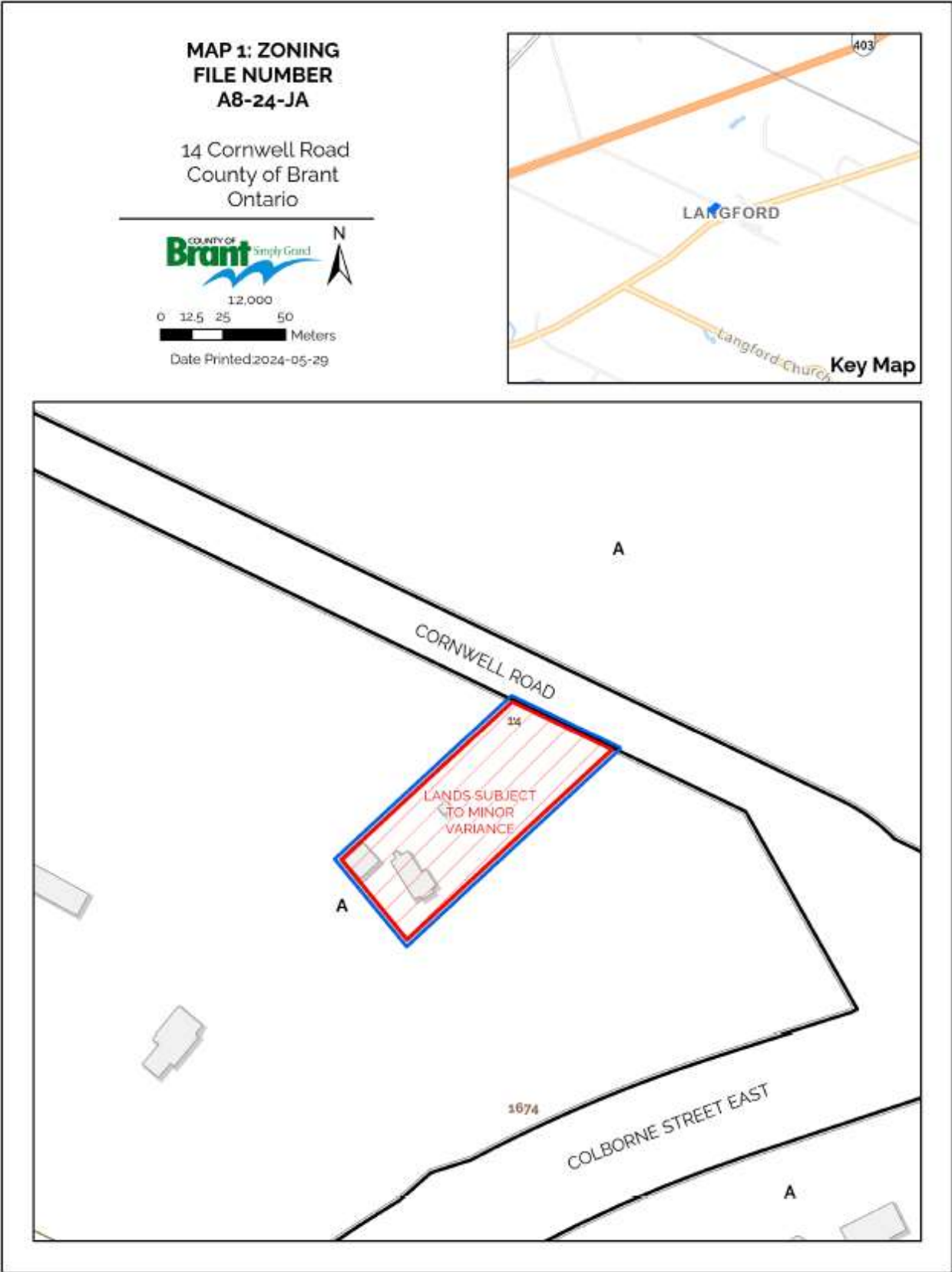
APPLICANT: Miled Abi-Rached and Dounia Zahra **File No:** A8-24-JA

Attachment 1 – Site Photos

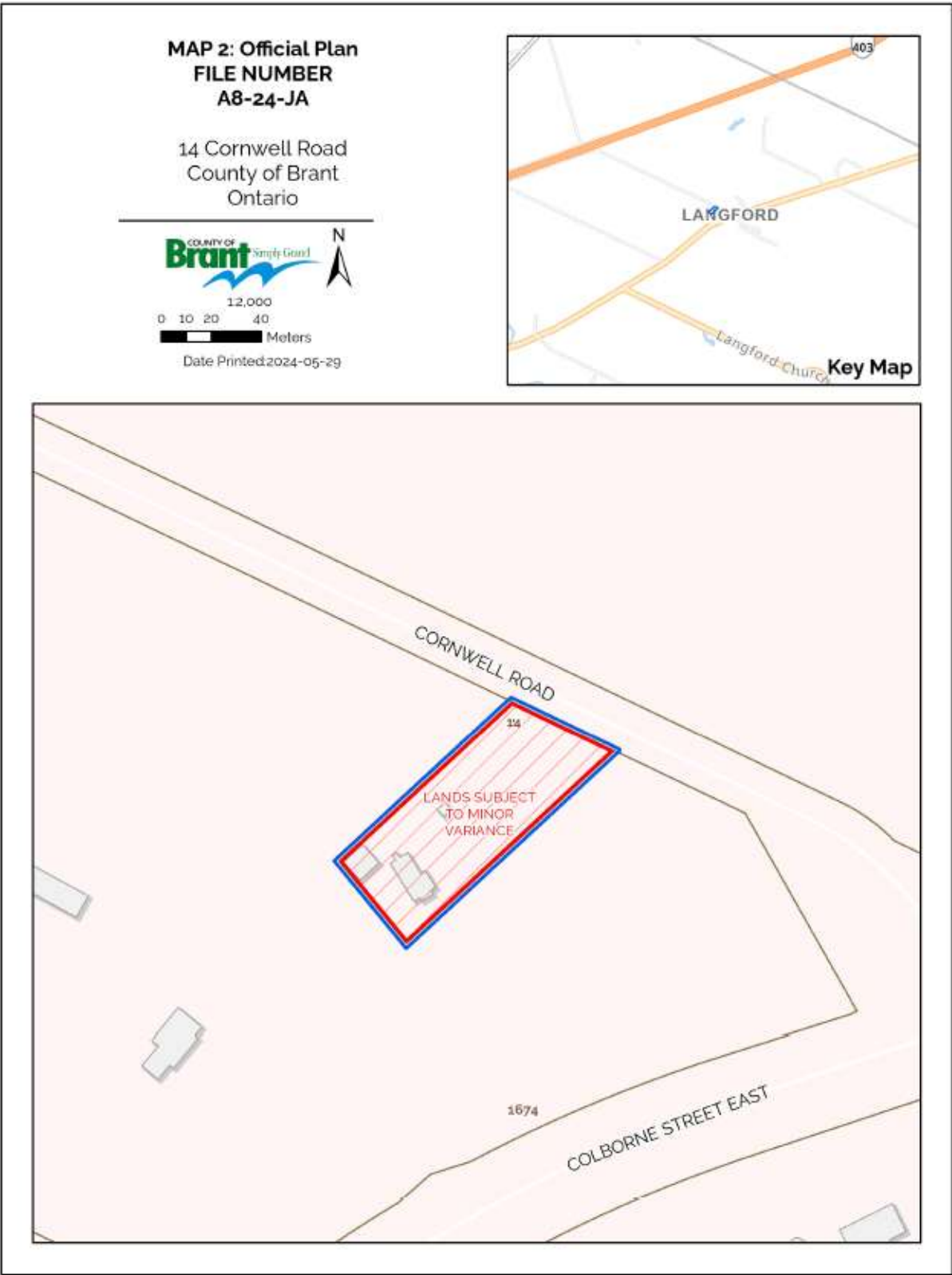


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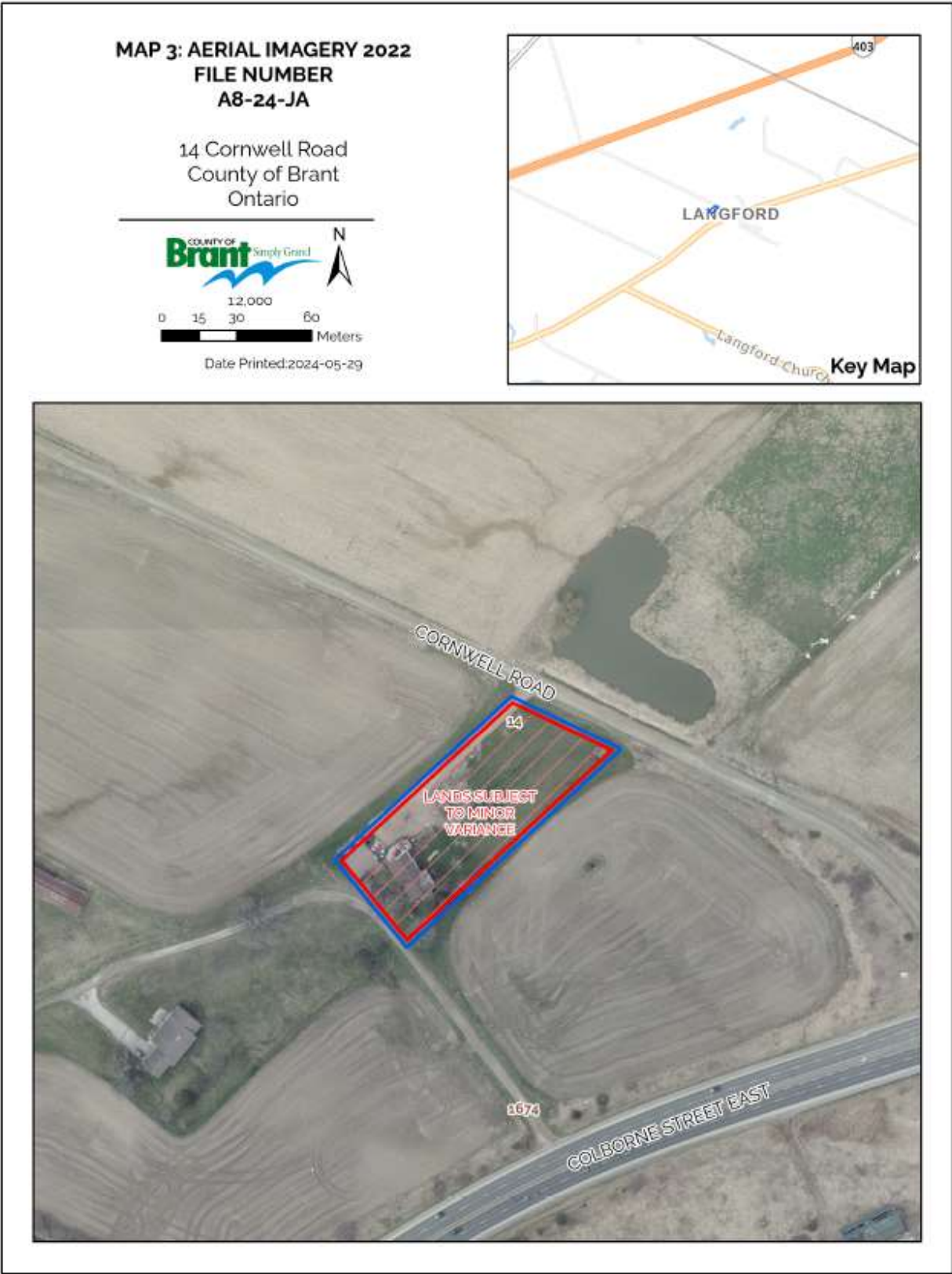
Attachment 3 – Zoning Map



Attachment 4 – Official Plan Map



Attachment 5 – Aerial Imagery





NOTICE OF PUBLIC MEETING

- IT IS IMPORTANT TO NOTE THAT ANYONE HAS THE RIGHT TO MAKE AN APPLICATION TO AMEND A PLANNING DOCUMENT.
- ONCE AN APPLICATION HAS BEEN MADE, THE COUNTY OF BRANT IS BOUND BY THE PROVISIONS OF THE PLANNING ACT TO SEND NOTICE OF A PUBLIC MEETING.
 - THIS DOES NOT MEAN THE COUNTY OF BRANT EITHER SUPPORTS OR IS IN OPPOSITION TO THE PROPOSAL.
- THE PURPOSE OF THE PUBLIC MEETING IS TO HEAR THE VIEWS OF ALL THOSE CONCERNED.
- BASED ON ALL THE FACTS PRESENTED, THE COMMITTEE OF ADJUSTMENT WILL MAKE A DECISION ON THOSE MATTERS FOR WHICH THEY ARE RESPONSIBLE.

PLEASE NOTE:

IT IS REQUESTED THAT YOU PROVIDE ANY COMMENTS / CONCERNS

ONE WEEK PRIOR TO THE MEETING TO

ALLOW YOUR COMMENTS /CONCERNS TO BE DISTRIBUTED TO THE MEMBERS OF THE
COMMITTEE OF ADJUSTMENT.



Notice of Complete Committee of Adjustment Application and Public Meeting

Date: 2024-07-18

Time: 6:00 PM

Location: Council Chambers - 7 Broadway Street West, Paris
OR Meeting available on the County of Brant You Tube

Application Number and Address: A8-24-JA-14 Cornwell Rd

Details of Application:

Michael Abi-Rached agent on behalf of Miled Abi-Rached and Dounia Zahra, applicant / owner of RANGE 1 NHR PT LOT 7 RP 2R6501 PART 1, County of Brant, in the geographic township of Brantford, located at 14 Cornwell Rd is proposing to extend past the maximum 40 metre requirement for Additional Residential Units. The distance between the dwelling and the proposed ARU will be 51.5 meters (169 ft.). The distance between the dwelling and the proposed ARU includes the existing septic tank and septic field, and the minimum setback of 5 meters from the proposed ARU and the septic tank/leach field.

Pursuant to Section 45 & Section 53 of the Planning Act, Notice is hereby given that County of Brant has received a "Complete Application" for the proposal described above in accordance with the Planning Act. A Public Meeting, as required by the Planning Act, will be held by the Committee of Adjustment to provide information and receive public comments on the application outlined above.

ANY PERSON may make written submissions. **Written submissions must be made to the Planning Division one week prior to the meeting at the address shown below.*

The Committee of Adjustment may review the proposal and any other material placed before it in order to make a decision on the proposal. If you wish to be notified of the Decision of the Committee of Adjustment in respect to the proposal, you must make a written request to the Committee of Adjustment, c/o Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Where do I send written submissions?

To submit written feedback please send to the Secretary Treasurer, Committee of Adjustment, 66 Grand River Street North, Paris, Ontario, N3L 2M2 or by email at sarah.dyment-smith@brant.ca

Office hours are Monday to Friday, 8:30 am – 4:30 pm

519.44BRANT (519.442.7268) or toll-free 1.855.44BRANT

Planner: Jessica Abraham T 519.442.7268 X 3066 jessica.abraham@brant.ca

To view the application and supporting documents, please contact the Planning Department, contact information mentioned above.

How do I appeal a Decision?

Only the Applicant or Minister may appeal decisions in respect of applications for consent or minor variance to the Ontario Land Tribunal (OLT).

To appeal a Decision of the Committee of Adjustment on this matter to the Ontario Land Tribunal (OLT), you must complete and file the Appellant Form (A1) with a letter to the Secretary Treasurer, Committee of Adjustment outlining the reasons for your appeal. You must enclose the appeal fee of \$400.00 for each application appealed paid by a certified cheque or a money order only, made payable to the Ontario Minister of Finance and an administrative fee of \$267.00, paid by a cheque or a money order only, made payable to the County of Brant.

** Note: Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), The Corporation of the County of Brant wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the County's website and/or made available to the public upon request.*

CORNWELL ROAD

PART 3, PLAN 2R-137

WHENING BY INSTRUMENT A246855 FOR ROAD PURPOSES

P.L.N. 32227-0097 (L.T.)

N63°52'00"W REFERENCE BEARING

45.72 (P.L.N.)

IB (1416)

IB (1416)

IB (1416)

SIB (697)

SIB (697)

SIB (697)

SURVEYOR'S REAL PROPERTY REPORT,
PART 1
PART OF LOT 7
FIRST RANGE
NORTH OF ANCASTER ROAD
(GEOGRAPHIC TOWNSHIP OF BRANTFORD)
IN THE
COUNTY OF BRANT
(REGIONAL MUNICIPALITY OF BRANT)

SCALE & NOTES

SCALE: 1:200

0 1 2 3 4 5 10 20 Metres

THOMAS GONDO
ONTARIO LAND SURVEYOR
© Copyright 2024

LEGEND

SURVEY MONUMENT FOUND
IRON BAR
STANDARD IRON UNOWN
DENOTES ORIGIN UNKNOWN
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DENOTES SET
DENOTES MEASURED
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