



## County of Brant Council Report

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**To:** To the Mayor and Members of the Planning and Development Committee  
**From:** Brandon Kortleve, Planner, Policy Planning  
Amanda Wyszynski, Planner, Development Planning  
**Date:** October 5, 2021  
**Report:** RPT-21-249 - Variance Application A24-21-AW (Lowe, 25b Griffiths Drive)  
**Purpose:** For approval

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### Recommendation

WHEREAS the Administration and Operations Committee heard a delegation, being item 4.1 on the September 21, 2021 agenda, and has requested further information on Variance Application A24-21-AW, applying to 25b Griffiths Drive in Paris

THAT report RPT-21-249 be received as information;

AND THAT a refund be issued for the minor variance fee for 25b Griffiths Drive.

### Key Strategic Priorities

1. Sustainable and Managed Growth
2. Healthy, Safe and Engaged Citizens
3. Effective Communications

### Financial Considerations

As noted during the delegation as item 4.1 on the agenda for the September 21, 2021, meeting of the Administration and Operations Committee, the delegate has requested a waiving of all or part of the fees associated with the conditionally approved Minor Variance Application that was required to bring a backyard shed into compliance with lot coverage requirements of the current Comprehensive Zoning By-Law of the County of Brant (By-law 61-16, as amended).

### Interdepartmental Considerations

### Background

The property at 25b Griffiths Drive is part of a 4-unit attached row-house dwelling, with each unit located on a separate conveyable property. After a review of the information on file with the Development Services Department, the following report is a summary of the construction of the dwelling and accessory structure relevant to the above noted Minor Variance Application.

## Report

The information in this report is being provided after a review of the correspondence and development information on file for the property at 25b Griffiths Drive in Paris ("subject lands"). It is important to note that the current lot coverage would most accurately be determined through a recent survey of the property and the assessment in this report is based on aerial imagery and the information on file with the Development Services Department at the time of the preparation of this report. It is the responsibility of a property owner to ensure the accuracy of any information submitted for a zoning review.

It is staff's understanding that the dwelling on the subject lands, when first assessed and approved in 2002, was reviewed on the basis that the zoning provisions applied to the entire townhouse block. A maximum lot coverage of 35% was permitted at the time of approval, and the entirety of the townhouse block met that provision (approved with 34.5% coverage).

As noted in Table 1 of Appendix 1 to this report, the individual units would not have met the zoning requirements at the time of the division of the block into four separate properties. The subject lands in question, labelled as Unit 2 under Table 1, were noted to have 52% coverage at the time of the review in 2002. This is consistent with a review of the building plans submitted with the building permit application in 2002.

Current zoning requirements for the property permit a maximum lot coverage of 45%. With the adoption of the Comprehensive Zoning By-Law in 2016, the lot coverage permissions were increased but the property would have remained in a situation of non-compliance with 52% lot coverage. As such, the addition of any lot coverage would require relief from the provisions of the current Zoning By-Law.

After the submission of plans for a mudroom addition, staff indicated by email to the property owner on June 26<sup>th</sup> 2020, that the current lot coverage was already at its maximum and moving forward with a construction project would require relief from the provisions of the Zoning By-Law. In reference to the small accessory structure, planning staff followed up with the property owner on September 2<sup>nd</sup>, 2020 via email and advised an application would be required for exceeded lot coverage. A full detailed chronology is provided in Appendix 1.

The property owner has been conditionally approved for the required relief under Minor Variance application A24-21-AW.

<b>Report by:</b>	Brandon Kortleve, BA, CPT, Planner, Planning Amanda Wyszynski, BATech, MES(PI), Planner, Planning
<b>Reviewed by:</b>	Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Development Planning
<b>Submitted by:</b>	Pam Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

## Attachments

1. Appendix 1 - Development and Construction Chronology for 25b Griffiths Drive

## 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)

## Appendix 1 – Development and Construction Chronology

The information provided in this chronology is based on a review of the information on file with the County of Brant at the time of preparation of this report.

1. The property is part of Registered Plan 1760, being part of Block 111, registered in June of 1993.
2. Construction on the property began in July 2002, with this unit receiving occupancy approval January 17<sup>th</sup>, 2003 (Permit No. 393-02). Plans submitted for the project note that the entire townhouse block (4-units) was 341.45m<sup>2</sup>, with an additional 83.13m<sup>2</sup> attributed to the size of the carports and excluded from lot coverage.
3. A staff report (PLC3-02) dated August 12, 2002, was provided to the Planning Advisory Committee related to a request for relief from Part Lot Control and ultimately approved in September of 2002. The zoning information from this staff report is included in Table 1 of this report.

Table 1 - Historic Zoning Provisions (PLC3-02)

Provision	Requirements of By-Law 110-01	Unit 1	Unit 2	Unit 3	Unit 4	Entire Townhouse Block
Lot Area (minimum)	185 sq. m	293 sq. m	207 sq. m	207 sq. m	282 sq.m	989 sq. m
Lot Frontage (minimum)	9.0m	9.86m	6.78m	6.75m	9.26m	32.65m
Lot Coverage (Maximum)	35%	36%	52%	52%	38%	34.5%
Height (Maximum)	8.5m	(left blank in original report)	(left blank in original report)	(left blank in original report)	(left blank in original report)	-

4. An inquiry was made with Planning Staff about the possibility of constructing an addition to the existing dwelling (mudroom) on June 19<sup>th</sup>, 2020. The property owner was informed by Planner Brandon Kortleve of the requirements for a preliminary review submission and a drawing of the proposed project was then forwarded to staff on June 23<sup>rd</sup>, 2020.
5. The Building Division performed a preliminary review of the proposal and Building Services Technician Jill Bouchard informed the property owner by email on June 26<sup>th</sup>, 2020, that the current lot coverage was at its maximum and that a Planning Act Application would be required to continue with the project. The current requirements of Zoning By-Law 61-16 were also provided.
6. The By-Law Enforcement Division contacted Development Services Staff the week of August 3<sup>rd</sup>, 2020 about construction on the property and were informed via email that the preliminary zoning review of the property indicated that there may be a situation of non-compliance with the existing lot coverage and that any further coverage beyond what is legally existing would require a Planning Act Application. It was noted that, as per the current zoning requirements, a patio under 0.6m above grade would not be included in the calculation but a shed or addition to the dwelling would be included and therefore non-compliant regardless of a requirement for a permit.

7. The property owner contacted Planner Brandon Kortleve by email on the 21<sup>st</sup> and 23<sup>rd</sup> of August 2020, indicating that a Building Inspector had visited the property approximately 1 month prior to review the construction on-site, as well as indicating a visit by By-Law Enforcement staff during that period. A response was sent on August 24<sup>th</sup>, 2020 re-iterating the fact that the units in this townhouse block appear to have met the maximum lot coverage and further lot coverage would require relief from the current Zoning provisions.
8. By-Law Enforcement Staff provided the property owner, in an email dated August 25<sup>th</sup>, 2020, the contact information for Planning Staff who would be able to assist with the process of applying for a zoning relief for the proposed shed.
9. Planner Amanda Wyszynski contacted the property owner on August 27<sup>th</sup>, 2020 via email to discuss the minor variance application.
10. The property owner contacted Planner Amanda Wyszynski on August 28<sup>th</sup>, 2020 via email asking for her to call him.
11. Planner Amanda Wyszynski followed up with the property owner on September 2<sup>nd</sup>, 2020 via email and advised an application would be required for exceeded lot coverage.
12. The Building Department advised By-Law and Planning that they had received a call from the property owner on September 24<sup>th</sup>, 2020 seeking information on the minor variance process and waiving of a fee. Planner Amanda Wyszynski advised the property owner on September 24<sup>th</sup>, 2020 via email what materials are required for a minor variance submission.
13. The By-Law Department followed up with Planner Amanda Wyszynski on January 20<sup>th</sup>, 2021 asking for an update on the application. Planner Amanda Wyszynski advised they had not received an application.
14. The By-Law Department followed up with the property owner on June 23<sup>rd</sup>, 2021 and set a July 07, 2021 deadline for the application.
15. The property owner asked for an extension, and By-Law agreed to an extended deadline of July 16<sup>th</sup>, 2021.
16. The property owner contacted Planner Amanda Wyszynski on July 13<sup>th</sup>, 2021 and asked for a copy of the planning application materials. These materials were provided July 14<sup>th</sup>, 2021.
17. The property owner contacted Planner Amanda Wyszynski on July 17<sup>th</sup>, 2021 asking for her to call him regarding submission materials.
18. By-Law followed up with Planner Amanda Wyszynski on July 27<sup>th</sup>, 2021 asking if an application has been received. Planner Amanda Wyszynski advised an application had not been received, but she had discussions with the property owner that week on the submission materials.
19. By-Law followed up with the property owner on July 27<sup>th</sup>, 2021 via email recognizing dialogue was ongoing with the Planning Department, and advised an application was still required.
20. The property owner advised on July 28<sup>th</sup>, 2021 via email an application would be received by August 5<sup>th</sup>, 2021.
21. Planning Staff received the minor variance application on August 5<sup>th</sup>, 2021 in the Paris Office.