



## COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

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**DATE:** July 18<sup>th</sup>, 2024

**REPORT NO:** 0353- 24

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

**FROM:** Haylee Hallema – Junior Planner

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**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.

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### 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 m<sup>2</sup> (1700.7 ft<sup>2</sup>), exceeding the permitted 140 m<sup>2</sup> (1500 ft<sup>2</sup>) 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 m<sup>2</sup> (1700.7 ft<sup>2</sup>), whereas 140 m<sup>2</sup> 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.

<b>Official Plan (2012)</b>	<b>Planning Analysis</b>
<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>	<b><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></b>
<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>	<b><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></b>
<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>	<b><i>The subject lands are privately serviced.</i></b>

## **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.

<b>Accessory Structure Regulations Table</b>	<b>Required</b>	<b>Proposed (accessory structure)</b>
<b><i>Lot coverage, Maximum</i></b>	<b>140 m<sup>2</sup></b>	<b>158 m<sup>2</sup></b>
<b><i>Street Setback, Minimum</i></b>	<b>20 m</b>	<b>33.69 m</b>
<b><i>Interior side yard and rear yard setback, Minimum</i></b>	<b>1.5 m</b>	<b>5.89 m</b>
<b><i>Structure height, Maximum, measured as the mean level between the eaves of the dormer and the ridge of the main roof.</i></b>	<b>5 m</b>	<b>3.65 m</b>

- ***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 <b>Official Plan</b> 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 <b>Zoning By-Law</b> 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 <sup>2</sup> , whereas 140 m <sup>2</sup> 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 <b>desirable</b> 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 <b>minor</b> 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>
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**INTERDEPARTMENTAL CONSIDERATIONS**

Agency Comments	
<b>Development Engineering</b>	The DED have <b>no comments</b> to this Planning Application
<b>Environmental Planning</b>	Environmental Planning has no comments
<b>Fire</b>	No issue with this application
<b>Canada Post</b>	Please be advised that Canada Post does not have any comments on this application as this will not affect mail delivery.
<b>Forestry/Parks</b>	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 m<sup>2</sup> whereas 140 m<sup>2</sup> 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









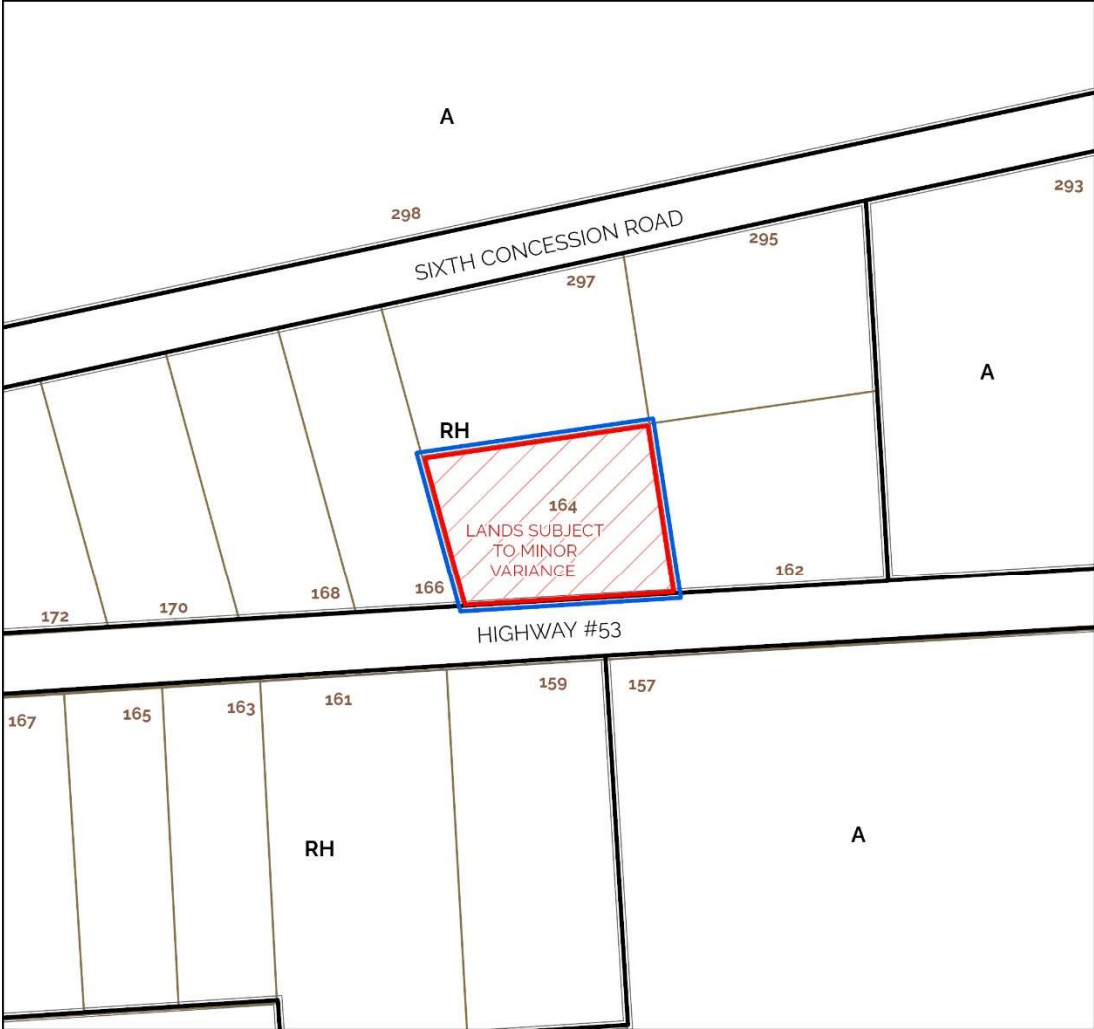
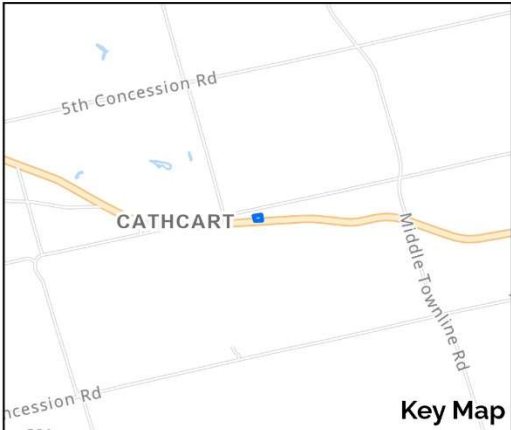
**Attachment 3 – Zoning Map**

**MAP 1: ZONING  
FILE NUMBER  
A10-24-HH**

164 Highway #54  
County of Brant  
Ontario




Date Printed: 2024-06-20



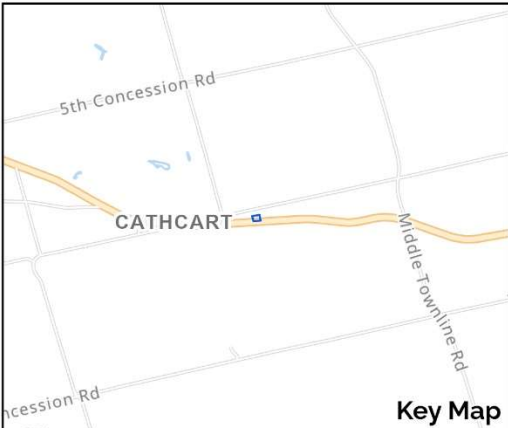
**Attachment 4 – Official Plan Map**

**MAP 2: Official Plan  
FILE NUMBER  
A10-24-HH**

164 Highway #54  
County of Brant  
Ontario



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Meters  
Date Printed: 2024-06-20





# Attachment 5 – Aerial Image

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

164 Highway #54  
County of Brant  
Ontario

