



## MICOUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

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**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

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**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.

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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 m<sup>2</sup> (1800.05 ft<sup>2</sup>) 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 m<sup>2</sup> (0.26 hectares). The subject lands contain an existing single detached dwelling (382m<sup>2</sup> / 4,112 ft<sup>2</sup>), and a detached shed (120 ft<sup>2</sup> / 11.15 m<sup>2</sup>).

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*.

<b><i>Provincial Policy Statement (2020)</i></b>	<b><i>Planning Analysis</i></b>
<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>	<b><i>The subject lands are located within the Secondary Urban Settlement Boundary of Burford.</i></b>

***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.

<b><i>Growth Plan for the Greater Golden Horseshoe (2020)</i></b>	<b><i>Planning Analysis</i></b>
<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>	<b><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></b>

***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):

<b><i>Official Plan (2012)</i></b>	<b><i>Planning Analysis</i></b>
<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>	<b><i>The subject lands contain an existing single detached dwelling in the Urban Residential designation. The</i></b>

institutional, entertainment, cultural, recreational, and open space uses.	<b><i>accessory structure is secondary to the residential use.</i></b>
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.	<b><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></b>

***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.

<b>Zone Requirements Table 4.4.1</b>		
<b>Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>Lot coverage, Maximum</b>	<b>140 m<sup>2</sup></b>	<b>178.38 m<sup>2</sup></b>
<b>Street Setback, Minimum (metres)</b>	<b>7.5 m</b>	<b>68.44 m</b>
<b>Interior Side and Rear Yard Setback, Minimum (metres)</b>	<b>1.5 m</b>	<b>1.2 m</b>
<b>Structure height, Maximum (metres)</b>	<b>5 m</b>	<b>5.4 m</b>

- ***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 <b>Official Plan</b> 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 <b>Zoning By-Law</b> 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 m<sup>2</sup> (1920.066 ft<sup>2</sup>) whereas 140 m<sup>2</sup> (1500 ft<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.</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 <b>desirable</b> 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 <b>minor</b> 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	
<b>Development Engineering</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Side yard and rear yard setbacks shall be maintained at minimum 1.2 metres to provide for sufficient swale design around the proposed garage.</li> <li>• How will the proposed garage be accessed at the rear of the property; will the existing driveway be extended? Asphalt or gravel?</li> <li>• Grading/drainage plan will be required to address the above noted concerns.</li> </ul>
<b>Fire</b>	<ul style="list-style-type: none"> <li>• No Comments</li> </ul>
<b>Operations</b>	<ul style="list-style-type: none"> <li>• No Comments</li> </ul>

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

## 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**

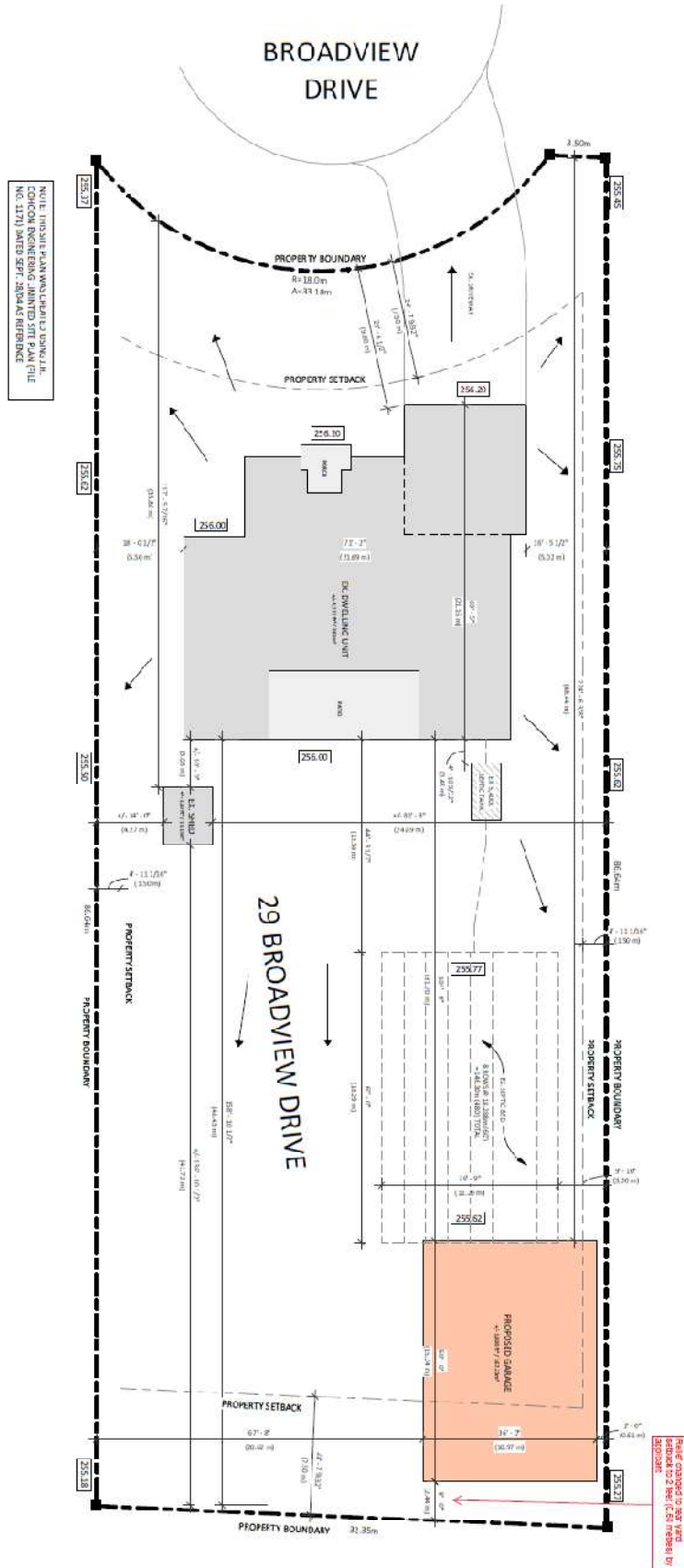




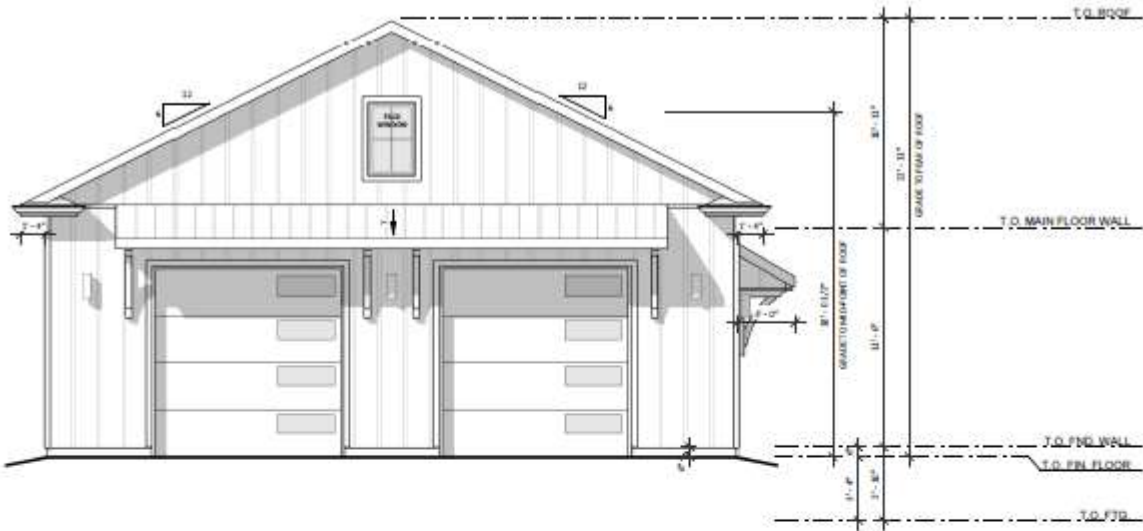
**Site Photo 3**



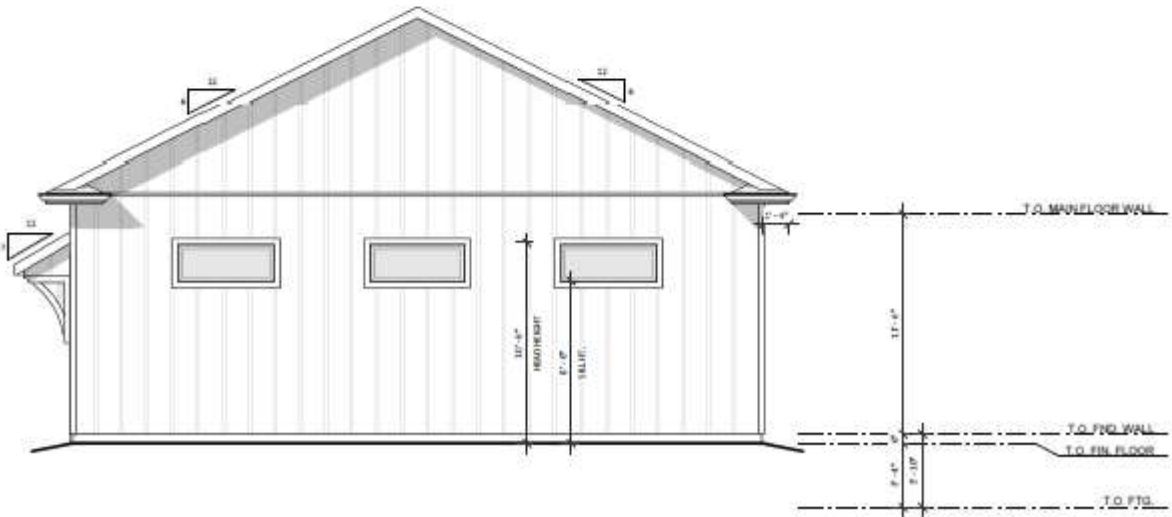
## Attachment 2 – Proposed Site Plan



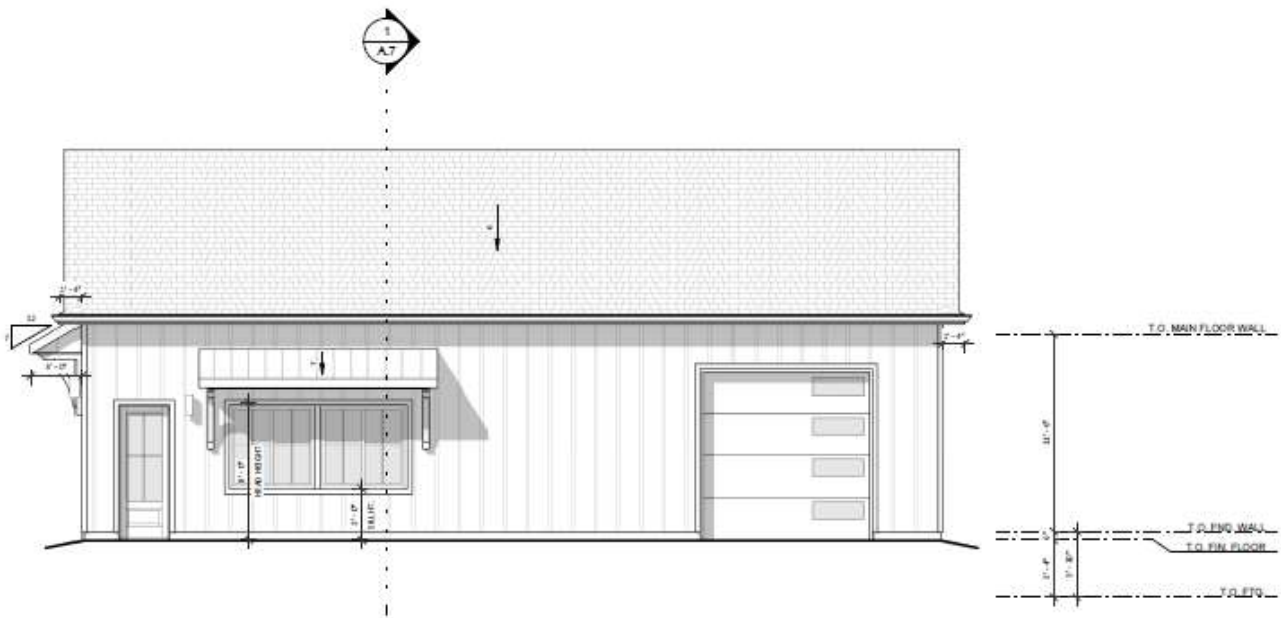
Attachment 3 – Proposed Elevations (Accessory Structure)



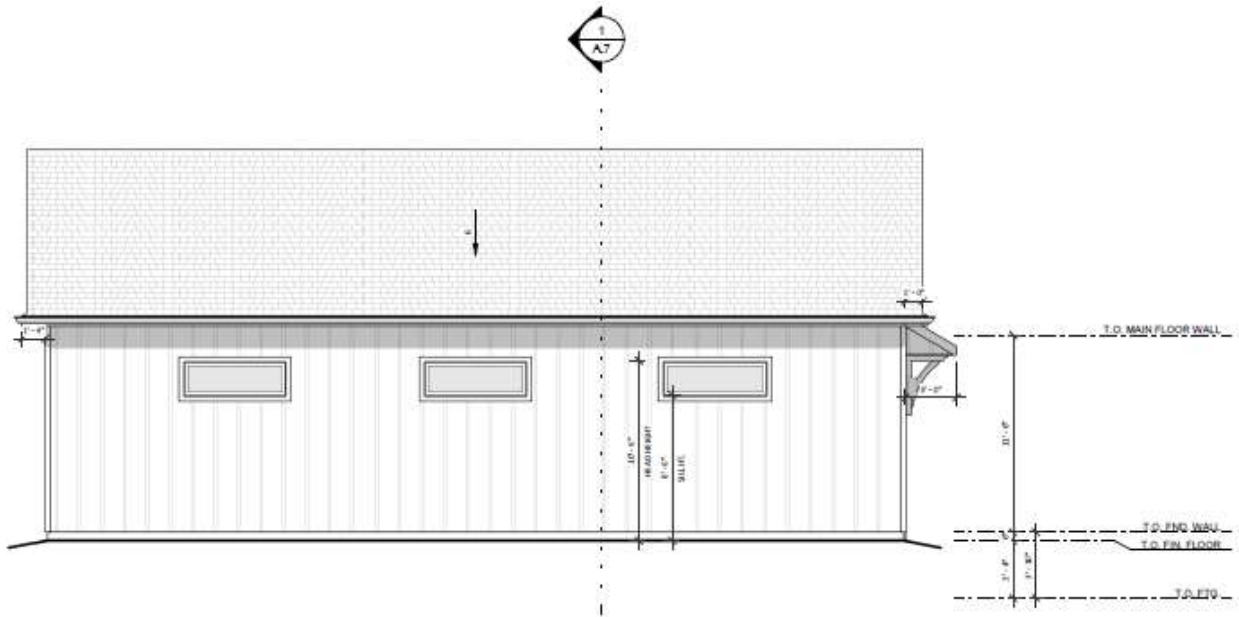
1 NORTH ELEVATION  
A.2 3/16" = 1'-0"



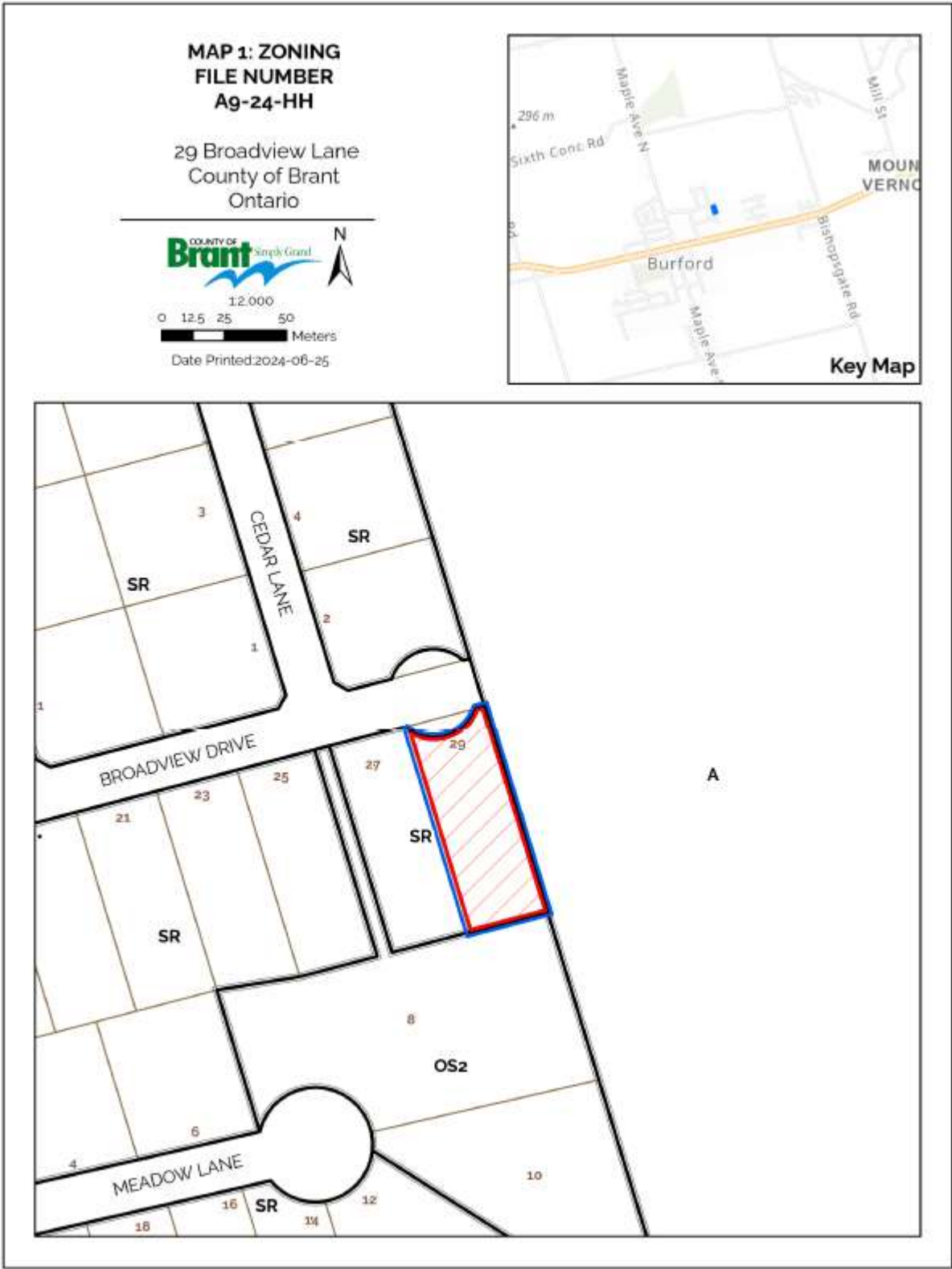
2 SOUTH ELEVATION  
A.2 3/16" = 1'-0"



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

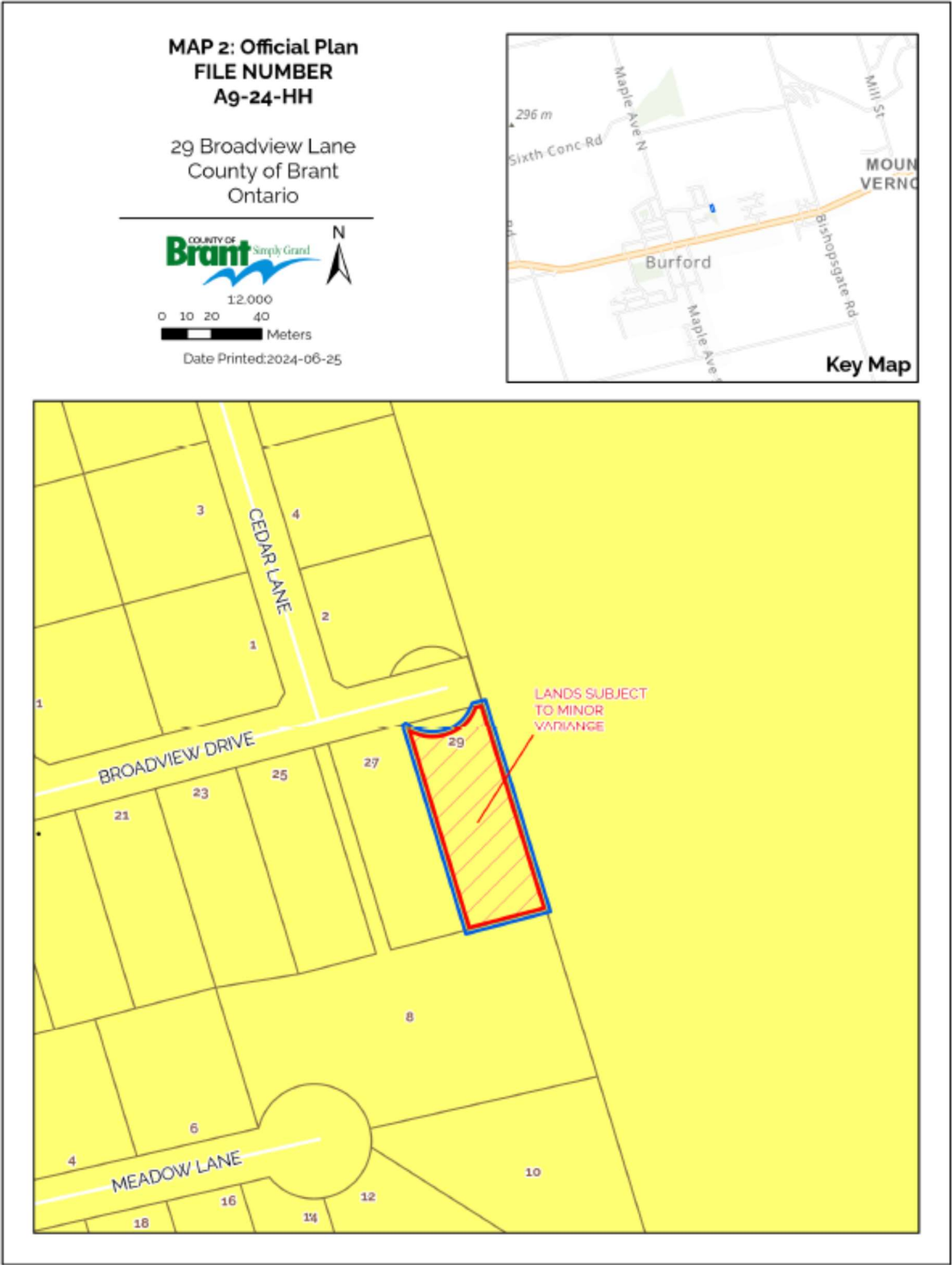


Attachment 4 – Zoning Map





Attachment 5 – Official Plan Map



Attachment 6 – Aerial Image

