

## COUNTY OF BRANT COMMITTEE OF ADJUSTMENT REPORT

DATE: February 20, 2024	4 <b>REPORT NO: RPT-0071-25</b>
TO:	To the Chair and Members of the Committee of Adjustment
FROM:	Roxana Flores, Junior Planner
APPLICATION TYPE:	Minor Variance Application
APPLICATION NO:	A18-24-LK
LOCATION:	112 Dundas Street West, Paris
OWNER:	Jill Palmer
SUBJECT:	Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16 to permit an Additional Residential Unit.

## RECOMMENDATION

THAT Application for Minor Variance **A18-24-LK** from Jill Palmer, Owner of lands legally described as PLAN 581 LOT 49, municipally known as 112 Dundas Street West, Former Town of Paris, County of Brant, is seeking relief from Zoning By-law 61-16 to permit a maximum accessory structure height of 4.8 metres whereas 4.5 metres is permitted, and to recognize the existing street setback of 3.93 metres, whereas 4.5 metres is required, **BE APPROVED**.

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

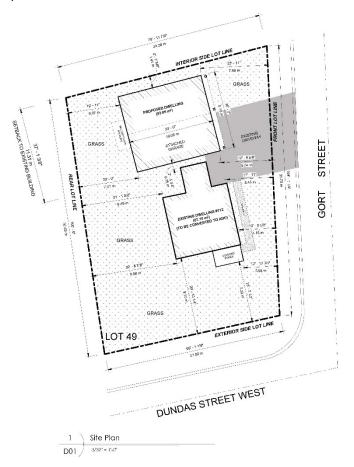
- The relief requested is considered minor in nature and is desirable for the appropriate development and use of the subject lands;
- The proposed variance is in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the *Planning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

# **EXECUTIVE SUMMARY**

Minor Variance Application **A18-24-LK** is requesting relief from Zoning By-law 61-16, Section 4, Table 4.4.1 to allow for maximum structure height of 4.8 metres, whereas 4.5 metres is permitted, and to recognize the existing street setback of 3.93 metres, whereas 4.5 metres is required.

The application is required to recognize the height and street setback of the existing dwelling, currently the primary dwelling, which will become the Additional Residential Unit (ARU). A proposed structure will replace the existing detached garage/shed and contain an area larger than the existing primary dwelling unit. According to Section 4.5 c) ii of Zoning By-law 61-16, the building with the larger floor area will be considered the primary dwelling. As a result, the

proposed dwelling unit will be considered the main primary dwelling, while the existing house will be considered the ARU. As a result, the applicant is requesting a variance to permit a maximum accessory structure height of 4.8 metres, whereas 4.5 metres is permitted, and to recognize the existing street setback of 3.93 metres. The proposed primary dwelling is required to meet all other requirements and performance standards within the existing Residential Singles and Semis (R2) zone.



It is my professional opinion that the requested relief 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 **A18-24-LK** be **Approved**.

# LOCATION / EXISTING CONDITIONS

The subject lands are located on the north west corner at the intersection of 112 Dundas Street West and Gort Ave.

LOCATION MAP Application: A18-24-LK 112 Dundas St W

AERIAL IMAGE Application: A18-24-LK 112 Dundas St W





The subject lands have a frontage of approximately 31.73 metres (103.90 feet), depth of 24.38 metres (80.00 feet) and a total area of 0.069 hectares (0.17 acres). The subject lands contain a 67.10 square metres single detached 2-storey house, a detached garage for the parking of vehicles and a shed for storage.

The subject lands are connected to municipal services. The surrounding area consists of single detached dwellings within the Neighborhoods designation.

# 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 Planning Statement, 2024

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*.

The following demonstrates consistency with the applicable policies of the Provincial Planning Statement (2024):

Chapter 2, Section 2.3.3 specifies that Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities

• This application will allow the construction of a detached garage with an additional residential unit on top, which will serve as the primary dwelling on an existing lot.

Chapter 3, Section 3.6.2 states that Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems

The existing primary dwelling, which is considered the ARU, is located on a lot with municipal services. Therefore, the new primary dwelling (detached garage with an additional residential unit) will also be built on this lot with municipal services.

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

#### County of Brant Official Plan 2023

The New 2023 Official Plan, 'A Simply Grand Plan', was adopted by County of Brant Council on May 30, 2023. The plan was approved by the Ministry of Municipal Affairs and Housing on October 18, 2024. The Official Plan approval is final and not subject to appeal.

Application A18-24-LK was received on December 30, 2024 and deemed completed on January 6, 2025 and therefore subject to the policies of the *New 2023 Official Plan, 'A Simply Grand Plan'.* 

The Subject lands are designated as Neighbourhoods within Schedule 'A' of the County of Brant Official Plan.

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2023):

Official Plan (2023)	Planning Analysis
Section 1.1 of the County of Brant Official Plan advises that Primary Settlement Areas are designated to accommodate most residential and employment growth through 2051. These areas are divided into a built-up area (B.U.A.) and a designated greenfield area (D.G.A.) to manage growth and track performance. Growth is focused on areas with municipal water and wastewater systems, with intensification targets in the B.U.A. and density targets in the D.G.A. These settlements are considered urban only when a full municipal infrastructure strategy is in place.	The Subject lands are located within a primary settlement area designated to accommodate residential growth, on municipal services.
Section 2.3 of the Official Plan speaks of Neighbourhoods Designation in the urban system focuses on a mix of low-impact uses in walkable, compact areas. It includes a range of residential densities (low, medium, high) and forms, along with small-scale commercial, institutional, and amenity uses. This designation supports both existing and future developments by integrating diverse housing types, public services, and commercial amenities to meet residents' daily needs.	The subject lands are designated as Neighbourhoods, and Additional Residential Unit supports the housing supply in accordance with the objectives of the designation.
<ul> <li>Part 5, Section 1.1 of the Official Plan outlines general policies and permitted uses that apply to the Neighbourhood Designation.</li> <li>Residential uses in low-rise and mid-rise development, including additional residential units and home-based businesses.</li> <li>Institutional, commercial, office, and community uses in low-rise and mid-rise development provided the use primarily supports the surrounding neighbourhoods.</li> <li>Seasonal, interim, and tourism uses provided the use primarily supports the surrounding neighbourhood.</li> </ul>	The subject lands are designated as Neighbourhoods, and the use will remain low-rise residential.
Part 5, Section 1.9.2 The additional residential unit shall only be permitted on properties of a size where the site conditions are suitable for the long-	The applicant demonstrated that the proposed ARU is located on a suitably sized lot.

term provision of such services with no negative impacts, as may be confirmed by a hydrogeological assessment prepared by a qualified professional.	The lot is connected to municipal services and will have no negative impacts.
Part 5, Section 1.9.5 Where the additional residential unit(s) are in the form of a detached unit(s), the location, massing, and overall aesthetic should be considerate of the surrounding built characteristics.	The ARU matches the height and aesthetic of the surrounding dwellings, ensuring compatibility of surrounding built environment.
Part 5, Section 1.9.6 The preferred method of servicing an additional residential unit in the urban settlement areas is servicing infrastructure provided through the principal dwelling.	Given that the primary dwelling has a smaller gross floor area, it is classified as the (ARU). The ARU is located within an urban settlement area and is serviced by municipal infrastructure.
	In accordance with policy, the proposed primary dwelling shall also be connected to municipal servicing.
Part 5, Section 1.9.8 Parking for an additional residential unit should be provided on the property containing the additional residential unit and provided in addition to the required parking spaces for the principal dwelling.	The applicant has demonstrated that additional parking spaces will be provided on-site for the (ARU), in compliance with the parking requirements for the principal dwelling.
Part 5, Section 1.9.9 An additional residential unit shall ensure safe and unobstructed access from the municipal right-of-way to the satisfaction of the County of Brant's Emergency Services providers.	The ARU is safe and will have unobstructed access from the municipal right-of-way.
Part 5, Section 1.9.10 When questions arise about determining which residential unit on a property is considered the principal unit, it shall be the unit that has the largest building envelope.	For this application, the proposed detached garage/(ARU) is considered the principal dwelling due to its larger building envelope. As a result, the existing principal dwelling is being classified as the ARU on the property.

## 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 Neighbourhoods land use designation as it relates to permitted residential uses. The increased structure height requested and the recognition of the existing street setback will not negatively impact surrounding residential uses, as this dwelling has been existing for many years. 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 Urban Residential - Residential Singles and Semis (R2) 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 Residential Singles and Semis (R2).

Permitted uses include the following:

- Dwelling, Duplex (Existing Only)
- Dwelling, Semi-Detached
- Dwelling, Single Detached
- Group Home

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 8, Table 8.2.1 of the County of Brant Zoning By-Law 61-16 advises the required regulations for single detached dwellings permitted in the Urban Residential (R2) zone.

Rural Residential (RR)	Required	<b>Proposed Primary</b> <b>Dwelling</b> (Gross area of 92.05 m <sup>2</sup> )
Lot Area Minimum:	450 m²	698.72 m²
Street Setback, Minimum, to the attached garage:	6.0 m	6.04 m*
Interior side yard Setback Minimum	1.2 m	1.41 m*
Rear yard Setback Minimum	6.0 m	6.07 m*
Building Height Maximum	10.5 m	5.8 m*

\* To be confirmed at the time of a building permit

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 Urban Residential (R2) zone.

Urban Residential (R2)	Required	<b>ARU</b> (Existing Primary Dwelling with floor area of 67.10 m²)
Lot coverage, Maximum	The lesser of 15% of the total lot area or 140 m <sup>2</sup>	9.6%
Street Setback, Minimum	4.5 m	3.93 m
<i>Interior side yard</i> and <i>rear yard setback</i> , Minimum	1.5 m	11.40 m – <i>side yard</i> 9.49 – rear yard*
Structure <i>height,</i> Maximum, measured as the mean level between the eaves of the dormer and the ridge of the main roof.	5.0 m	4.8 m
The additional residential unit shall be located within <b>40.0m</b> of the primary dwelling unit or within the existing building cluster of the lot.		0.75 m

- The subject lands containing existing development meet the zone requirements for the R2 zone.
- Minor Variance is requesting relief from the maximum structure height and street setback applicable to Urban Residential Residential Singles and Semis to allow the conversion of existing dwelling to an additional residential unit.
- 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 – A18-24-LK
0	The subject lands have an Official Plan Designation of Neighbourhoods. The subject lands contain an existing detached dwelling permitted in the designated lands. The proposed variance will facilitate the conversion of the existing dwelling to an Additional Residential Unit (ARU) with a new dwelling to be constructed as the primary dwelling. The proposal conforms to the policies outlined within the Neighbourhoods designation and policies related to

	Additional Residential Units within settlement areas. 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 Urban Residential – Residential Singles and Semis (R2) within the Zoning By- Law 61-16.
	The applicant is seeking relief from Section 4, Table 4.4.1 to permit a maximum accessory structure height of 4.8 metres whereas, 4.5 metres is required. The existing dwelling is situated on a corner lot, close to both the exterior and front lot lines, while maintaining over 9 metres of space in the rear yard that abuts a property to the west. Other dwellings in the neighborhood have two-storeys and are greater in height. As a result, the application maintains intent by keeping the height variance small and not affecting the neighbourhood or surrounding properties.
	The applicant is also seeking recognition of the existing street setback of 3.93 metres, whereas 4.5 metres is required. Several properties within the same block have similar street setbacks or less, including the abutting property to the north, which has a reduced street setback of approximately 3.0 metres. This application maintains the intent of the setback requirements by keeping the variance minimal while ensuring safety and avoiding any negative impact on the surrounding area.
	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 increased structure height and reduced street setback will allow for the existing single detached dwelling to remain. The proposed conversion is desirable as it is already existing, aligns with the character of the neighborhood, and contributes an additional residential unit within the urban area. Additionally, there are other dwellings in the area with greater heights, some of which include accessory structures.
	The proposed new dwelling will be 5.8 m in height and similar in size or smaller than other dwellings in the neighbourhood. Currently, there is a two-story house abutting to the property that is taller than the proposed dwelling.
	The variance supports appropriate residential development and aligns with the character of the neighborhood. It is my professional opinion that the proposed variance for an

	increased structure height will allow for a desirable and appropriate development for the subject lands.
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 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.
	The proposed 4.8 metre height increase and street setback of 3.96 metres, is considered minor in nature since it applies to an existing dwelling. The existing dwelling currently meets all regulations except for height and street setback, and shows no negative impact on neighboring properties.
	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 accessory structure height permitted for the Residential Singles and Semis (R2) zone. The proposed variance is not expected to negatively impact on the surrounding land uses and maintains the intent of the ARU policies.

# INTERDEPARTMENTAL CONSIDERATIONS

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	Agency Comments
Development Engineering Department	<ul> <li>Development Engineering staff have no objections to the minor variance application.</li> <li>County staff attended the site on January 28th, 2025 and determined that north wall of the existing dwelling is approximately ± 11.2m to the north property line (see drawing markup on Site Plan Drawing No. D01 by Origin and Cause Inc. dated on 2024-12-16). Verification of the property lines are required to be completed by a certified Ontario Land Surveyor to address the proposed new setbacks for the proposed dwelling to ensure that compliance is adhered to before, construction begins.</li> <li>Any damage done to the County Property shall be restored to its original condition, at the expense of the Applicant</li> <li>Note any work on County Property require an approved Public Works Permit.</li> <li>Comments for Grading on the Site Development Plan will be addressed through the Building Permit process.</li> <li>For your reference: Registered Plan - (RP581) and service connection record has been provided.</li> </ul>

	Please note: Applicant has submitted a survey and revised site plan, which is included in this application.
Environmental Planning	No comments
Parks & Forestry	No comments
Fire	No comments
Canada Post	No comments

# PUBLIC CONSIDERATIONS

Notice of this Application, contact information and Public Hearing Date were circulated by mail on February 5, 2025 to all property owners within 60 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

The posting of the Public Notice sign was completed on February 5, 2025 by the owner/applicant and the site visit was completed on January 23, 2025.

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

# CONCLUSIONS AND RECOMMENDATIONS

Minor Variance Application **A18-24-LK** is requesting relief from Zoning By-law 61-16, Section 4, Table 4.1.1 to permit an increased accessory structure height of 4.8 metres, whereas 4.5 metres is required, and to recognize a street setback of 3.93 metres whereas 4.5 metres is required, to facilitate the conversion of the existing single detached dwelling to an Additional Residential Unit (ARU) with a new dwelling to be constructed as the primary dwelling.

Staff have reviewed the proposed Minor Variance with applicable planning policy (i.e. Planning Act, Provincial Planning Statement (2024), County of Brant Official Plan (2023) 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'

- (a) The request is considered minor;
- (b) The request is desirable for the appropriate development or land use of the land, building or structure;
- (c) The request maintains the general intent and purpose of the Zoning By-Law; and
- (d) The request maintains the general intent and purpose of the Official Plan.

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 **A18-24-LK** be **Approved**.

Plopes

## **Roxana Flores**

Junior Planner

Reviewed By: Dan Namisniak, Manager of Development Planning

## ATTACHMENTS

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

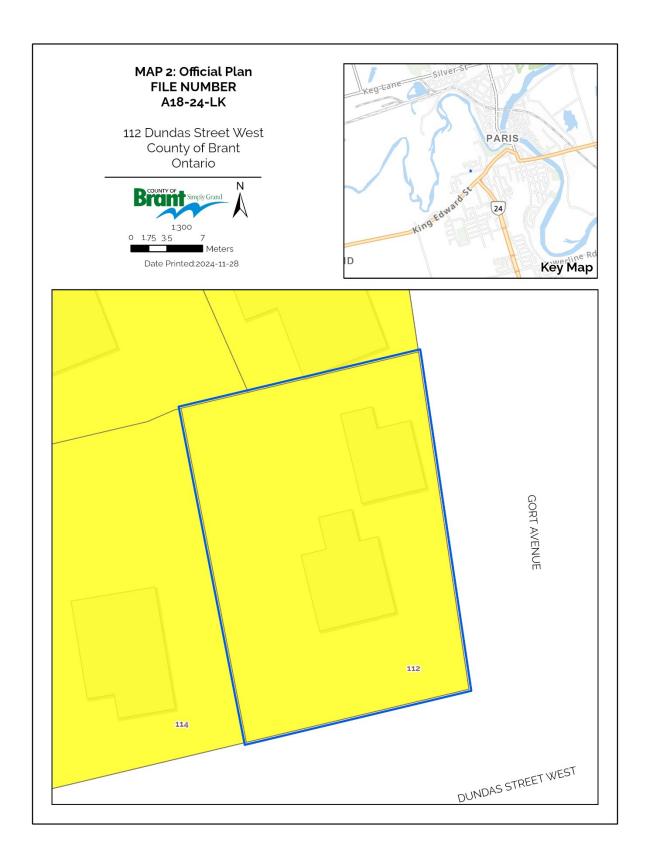
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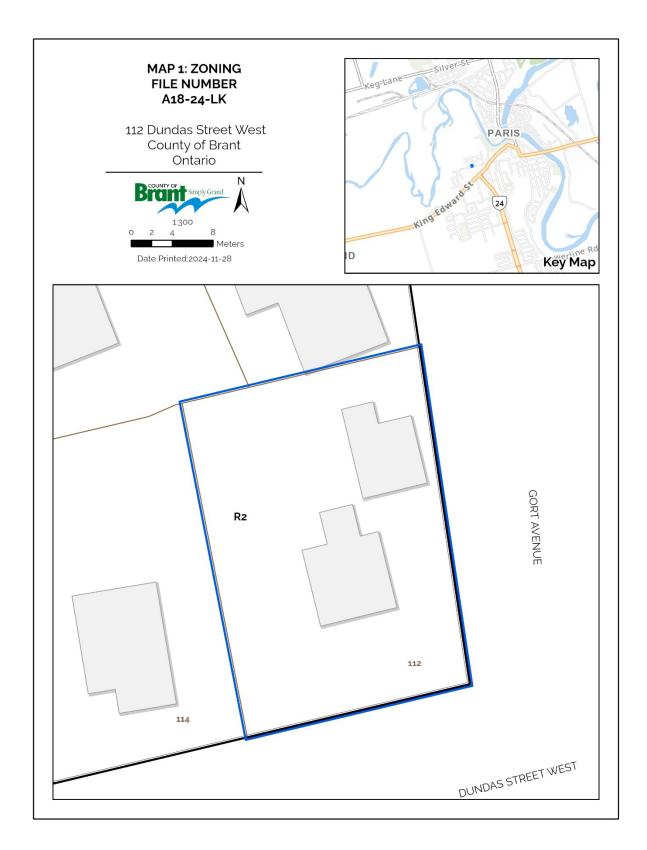
- 1. Dan Namisniak, Manager of Development Planning
- 2. Jeremy Vink, Director of Planning
- 3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
- 4. Applicant/Agent

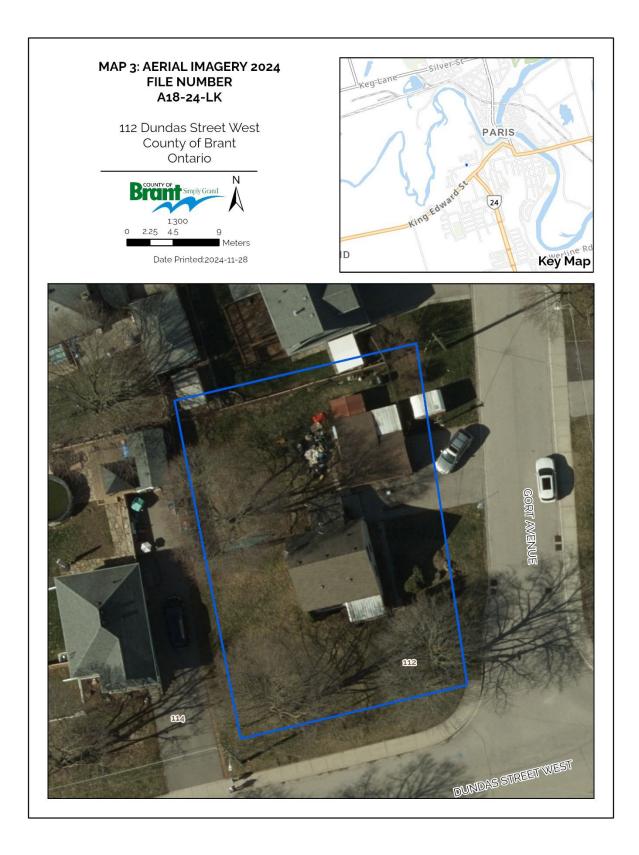
## FILE # A18-24-LK

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

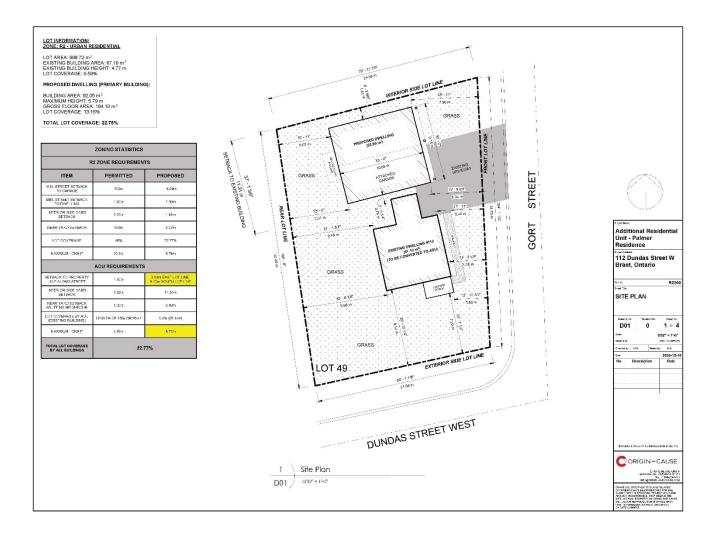
By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)

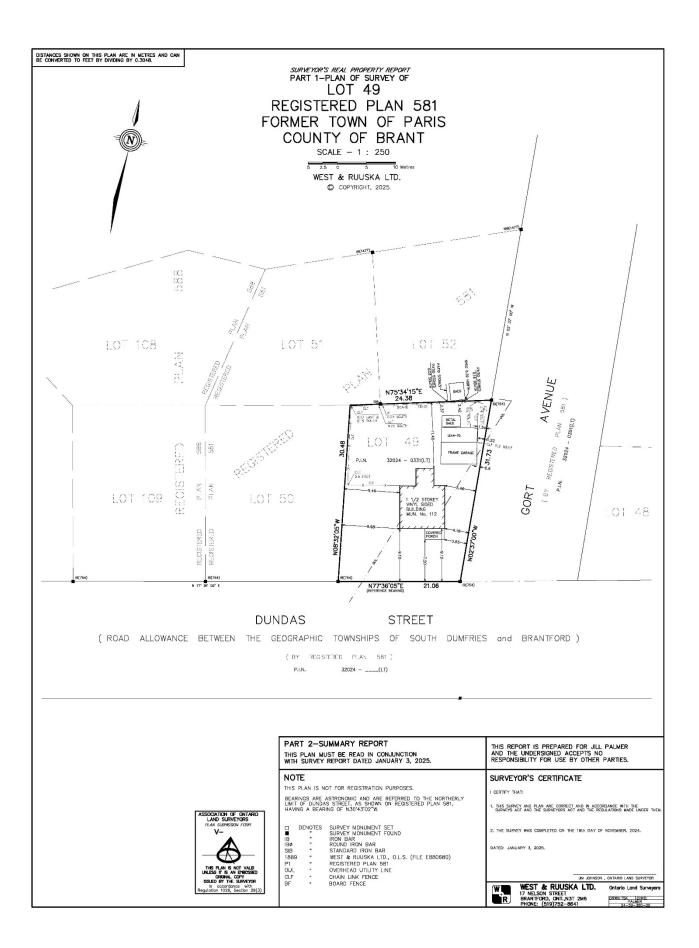


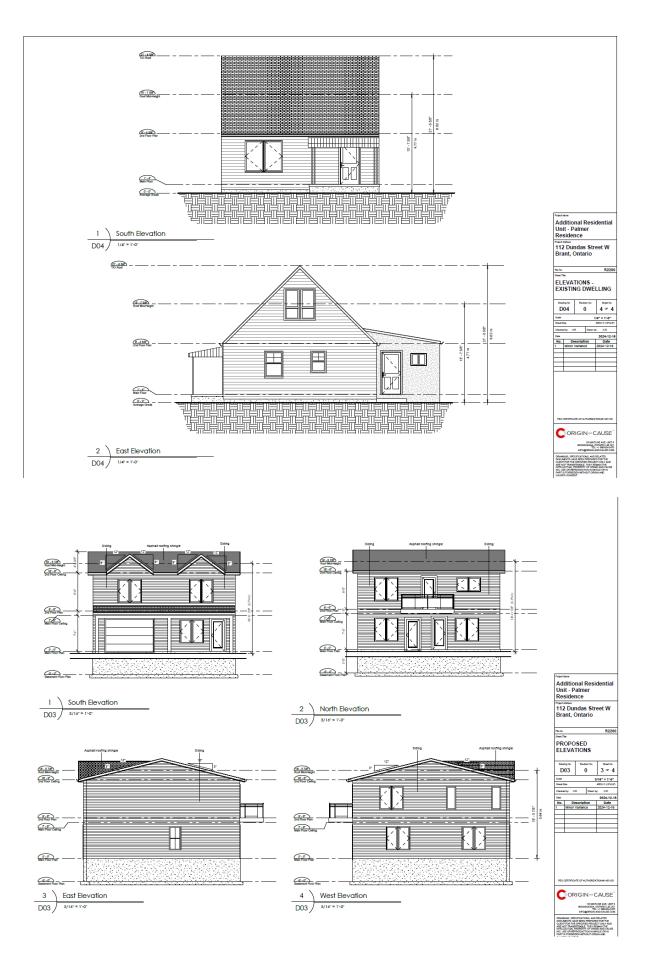




Attachment 4 – Drawings for Existing Dwelling (ARU) and Proposed Primary Dwelling







# Attachment 5 – Site Photos



