



Committee of Adjustment Report

Date: June 19, 2025

Report No: RPT – 0196 - 25

To: The Chair and Members of the Committee of Adjustment
From: Roxana Flores, Junior Planner
Application Type: Minor Variance Applications
Application No: A6-25-RF
Location: 60A Dundas St W
Agent / Applicant: Paul Emerson
Owner: Vincent Bucciachio
Subject: Request for a decision on a Minor Variance Application seeking relief from Section 4, Table 4.4.1 of Zoning By-Law 61-16.

That Application for Minor Variance **A6-25-RF**, from Vince Bucciachio, owner of the lands legally described as PLAN 492 BLK 41 PT LOTS 3, 4 & 17, RP 2R5497 PART 5, in the former Town of Paris and municipally known as 60A Dundas Street West, requesting relief from Section 4, Table 4.4.1 of Zoning By-Law 61-16 to permit an increased maximum lot coverage for accessory structures of approximately 121 square metres, whereas 95 square metres is permitted, and to permit an increased height for an accessory structure of 5.4 metres, whereas 4.5 metres is permitted, **BE APPROVED** subject to conditions.

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

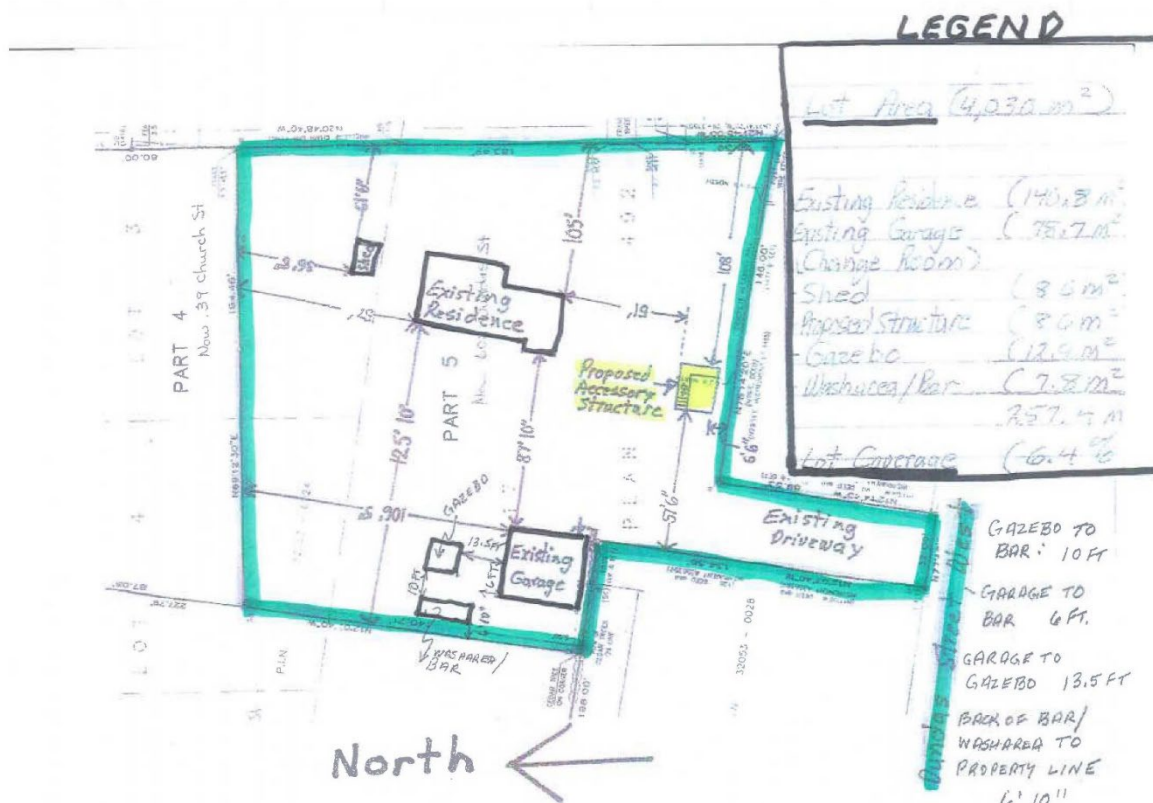
- The proposed variances are considered minor in nature and are desirable for the appropriate development and use of the subject lands;
- The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variances meet the four tests of Section 45 (1) of the *Planning Act*.

Executive Summary

That Minor Variance Application **A6-25-RF**, requesting relief from Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 to permit an increased maximum lot coverage for all accessory structures of approximately 121 square metres, and to permit an increased height for an accessory structure of 5.4 metres. The subject lands are located within an Urban Settlement Area of Paris and are designated Neighbourhoods and Natural Heritage Systems and zoned as Residential Singles and Semis (R2).

Residential Singles and Semis (R2)	Required for Accessory Structures	Proposed
Lot Coverage, max	The lesser of 15% of the total lot area or 95m ²	121 m ² (The addition of the non-complying 13 m ² structure will result in a total accessory lot coverage increase)
Structure Height	4.5m	5.4m (variance for height only applies to non-complying accessory structure)

Figure 1: Proposed Sketch



The application is required in order to facilitate an accessory structure intended for personal storage, resulting in total accessory lot coverage to exceed the maximum permitted. The proposed accessory structure, that has already been constructed, is also subject to the height relief request. The location of the structure is not within the Natural Heritage zoning.

By-law Enforcement received a complaint from a neighbouring property owner regarding the height of the accessory structure. The nature of the complaint was that the structure obstructed their view of the trees located on the subject property. However, the complainant later withdrew the complaint and indicated they had no further concerns about the structure. Based on this information, a building permit will be required, and a condition has been included as part of approval.

Staff have reviewed the request with applicable planning policy (i.e., Official Plan and Zoning By-Law) in review of any comments received from relevant departments, the applicant, and the members of the public.

For the reasons outlined in this report, it is my professional recommendation that the proposed Minor Variance Application A6-25-RF to permit an increased maximum lot coverage for accessory structures of 121 square metres, and to permit an increased height for an accessory structure of 5.4 metres, are appropriate and meet the four tests of a minor variance as required by the *Planning Act* and be **APPROVED**.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

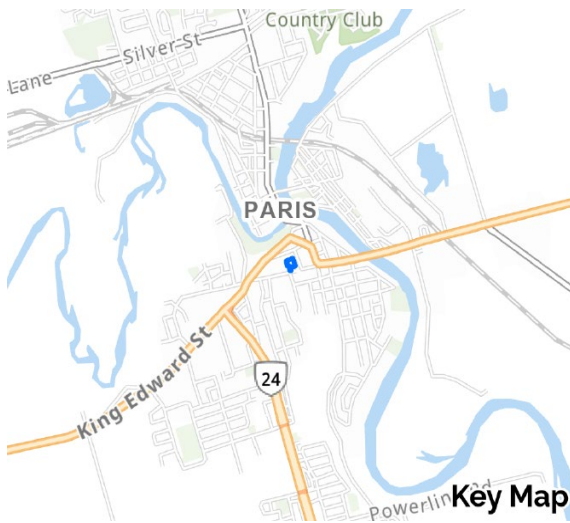
Report

Location/ Existing Conditions

The subject lands are located within the Urban Settlement Area of Paris, north of Church Street, south of Dundas Street, east of Mount Elgin Street, and west of King Edward Street. The subject lands are surrounded by a mix of low- to mid-density residential uses and open space areas.

LOCATION MAP
Application: A6-25-RF
60A Dundas St W

AERIAL IMAGE
Application: A6-25-RF
60A Dundas St W



The subject lands have a frontage of approximately 9.75 metres (31.98 ft) along Dundas Street West and an area of approximately 0.4 hectares (1 acres).

The subject lands contain a single detached dwelling, a detached garage, a gazebo, a small shed, an additional accessory structure used as a wash station, and a swimming pool. The property is currently serviced by municipal water, sanitary, and storm.

Analysis

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.

Consistency and/or Conformity with Provincial and/or Municipal Policies/Plans

Provincial Planning Statement – 2024

The *Provincial Planning 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 proposed Minor Variance application is consistent with Section 2.3 of the 2024 Provincial Policy Statement (PPS) for Settlement Areas, which directs growth to settlement areas and promotes efficient land use patterns.

- The subject property is located within the Urban Settlement Area of Paris and is fully serviced. The accessory structure supports the intent of the policy by utilizing existing infrastructure and complementing the established residential use on the property.

It is my professional opinion that the request conforms to the policies of the Provincial Planning Statement.

Brant County Official Plan (2023)

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 (2023) identifies the subject lands as being designated Neighbourhoods and Natural Heritage System under Section 1.1, and located within the Urban Settlement Area of Paris.

- The proposed Minor Variance is consistent with Section 1.1 of the Official Plan, which promotes the development of complete, connected, and sustainable communities. It also aligns with the intent of the Neighbourhoods designation, which supports residential uses and compatible supportive uses. The accessory structure supports an existing single detached dwelling and contributes to the established residential character and function of the surrounding area.

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan 2023.

Zoning By-Law 61-16:

The subject lands are zoned as **Residential Singles & Semis (R2)** within the County of Brant Zoning By-Law 61-16. The following demonstrates conformity with the applicable policies of the County of Brant Zoning By-Law.

Section 8, Table 8.1.1 of the County of Brant Zoning By-Law identifies that a Single Detached Dwelling is a permitted use for lands zoned as Residential Singles & Semis (R2).

The table below outlines how the proposal conforms to the requirements of Section 4, Table 4.4.1 of the County of Brant Zoning By-law for accessory structures.

Residential Singles & Semis (R2)	Required	Proposed (Accessory Structure)
Lot coverage for accessory structures, max	The lesser of 15% of the total lot area or 95m ²	121 m ² (The addition of the non-complying 13 m ² structure will result in a total accessory lot coverage increase)
Interior side yard and rear yard setback, min (m)	1.2m	2.0m
Structure height, max (m)	4.5m	5.4m (for non-complying accessory structure)
Total lot coverage, max	40%	6.5%

- ***Any additional structures proposed in the future may be subject to further Minor Variance Applications.***
- ***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)

Relief Request 1: Lot coverage max for accessory structures

Zoning Standard: 95 m²

Relief Requested: 121 m²

Test 1 – Intent of the Official Plan:

60A Dundas Street West is designated as Neighbourhoods within the Urban Settlement Area of Paris under the County of Brant Official Plan (2023).

The proposed increase in lot coverage for accessory structures maintains the intent of the County of Brant Official Plan by supporting the continued use of the property for low-density residential purposes within the Urban Settlement Area. The increase in coverage is for an accessory structure that complements the existing single detached dwelling and does not compromise the residential character, function, or compatibility of the neighbourhood. The proposal supports a complete and functional living space by improving

how the property is used, while staying in line with the Neighbourhoods designation and not impacting infrastructure or planned land use.

Test 2 – Intent of the Zoning By-law:

The proposed increase in lot coverage for accessory structures maintains the intent of the Zoning By-Law, which is to ensure that accessory buildings remain secondary to the principal residential use and that overall development on the lot is compatible with the surrounding area. Although the accessory coverage exceeds the specific limit, the total lot coverage remains well below the permitted 40%, ensuring that the property is not overdeveloped and that open space and functionality are preserved.

Test 3 – Desirability / Appropriate:

The proposed increase in maximum lot coverage for accessory structures as it allows for functional use of the space without negatively impacting the surrounding properties. The structure remains compatible with the residential character of the area and supports the overall use of the property as a low-density residential lot.

Test 4 – Minor in Nature:

The proposed increase in accessory structure lot coverage is minor in nature, as the total coverage on the lot will remain at approximately 6.5%, which is well below the overall 40% lot coverage permitted for all structures in the R2 zoning. The variance involves a minor increase beyond the accessory structure limit and does not cause overdevelopment or negatively affect neighbouring properties.

Relief Request 2: Structure height max for accessory structures

Zoning Standard: 4.5 m

Relief Requested: 5.4 m

Test 1 – Intent of the Official Plan:

60A Dundas Street West is designated as Neighbourhoods within the Urban Settlement Area of Paris under the County of Brant Official Plan (2023).

The proposed increase in height for the accessory structure is consistent with the County of Brant Official Plan as it supports residential uses within the Urban Settlement Area. The increased height does not impact the character of the neighbourhood and allows the homeowner to better utilize their property. This supports the Official Plan's objective to maintain stable residential areas and promote efficient use of land and services.

<p>Test 2 – Intent of the Zoning By-law:</p> <p>The additional height of the accessory structure will accommodate the storage of large lawn equipment and personal items while maintaining its status as an accessory building. Furthermore, the structure remains lower in height than the main dwelling and continues to be visually and functionally accessory to the primary residence. The increased height does not cause any adverse effects on neighboring properties, such as loss of sunlight, privacy, or views, and the structure is appropriately set back from property lines. As such, the proposal aligns with and maintains the intent of the zoning by-law.</p>
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<p>Test 3 – Desirability/ Appropriate:</p> <p>The increased height of the accessory structure allows for more storage and better use of the property without causing any negative effects on nearby properties. It supports the homeowner’s needs while maintaining the area’s residential character.</p>
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<p>Test 4 – Minor in Nature:</p> <p>The proposed height increase from 4.5 m to 5.4 m is minor in nature. The structure is not visible from the road and is only visible from the subject property and the rear yards of immediately adjacent properties. The accessory structure meets all required setbacks, and the presence of mature trees on the property provides a natural buffer, minimizing any visual impact. Its location ensures adequate separation, preventing adverse shadowing or impact on adjacent properties. Overall, the increase maintains the accessory nature of the building and it doesn’t negatively affect the neighbourhood or neighbouring properties.</p>

Conclusion

Each of the two requested variances satisfies all four tests under Section 45 (1) of the Planning Act. The variances maintain the general intent and purpose of the County’s Official Plan and Zoning By-law, are desirable for the appropriate use of the land, and are minor in nature when considered in context.

Interdepartmental Considerations

<p>Discussion with Building Department:</p> <p>As confirmed through discussion with the Building Department, a building permit will be required for the non-complying accessory structure. The inclusion of the uncovered stairs and balcony in the area calculation increases the total size from 8.6 square metres to approximately 13 square metres. Since accessory structures exceeding 10 square metres are not exempt from permit requirements, a building permit is required.</p> <p>As such, in light of the complaint that was received and the exceeded area of the structure, a condition has been included that a building permit will be required.</p>

Please note that from a Planning Department perspective, the building area calculation excludes open porches, verandas, steps, fire escapes, breezeways, and accessory buildings or structures.

No Comments were received from the following:

- Development Engineering Department
- Environmental Planning
- Enbridge Gas Inc.
- Mississaugas of the Credit First Nation (MCFN)

Public Considerations

Notice of this Application, contact information and Public Hearing Date were circulated 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 was completed on March 25, 2025. The posting of the Public Notice sign was completed on June 4, 2025.

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

Conclusions and Recommendations

Minor Variance Application **A6-25-RF** is seeking relief from Zoning By-Law 61-16 Section 4, Table 4.4.1 to permit an increased maximum lot coverage for accessory structures of 121 square metres, whereas 95 square metres is permitted, and to permit an increased height for an accessory structure of 5.4 metres, whereas 4.5 metres is permitted

The applicant has provided a site sketch to demonstrate the location of the accessory structure with zoning setbacks. Additionally, an aerial photo demonstrates its position relative to other buildings on the property and illustrating the lot's substantial size.

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.

Therefore, it is my professional recommendation that Minor Variance Application **A6-25-RF**, **BE APPROVED** subject to conditions.

Prepared by:



Roxana Flores

Attachments

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Site Plan Sketch
6. Site Photos

Reviewed By

1. Dan Namisniak, Manager of Development Planning
2. Jeremy Vink, Director of Planning

Copied To

3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
4. Committee of Adjustment
5. Applicant/Agent

File # A6-25-RF

By-law and/or Agreement

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- Conditions of Approval

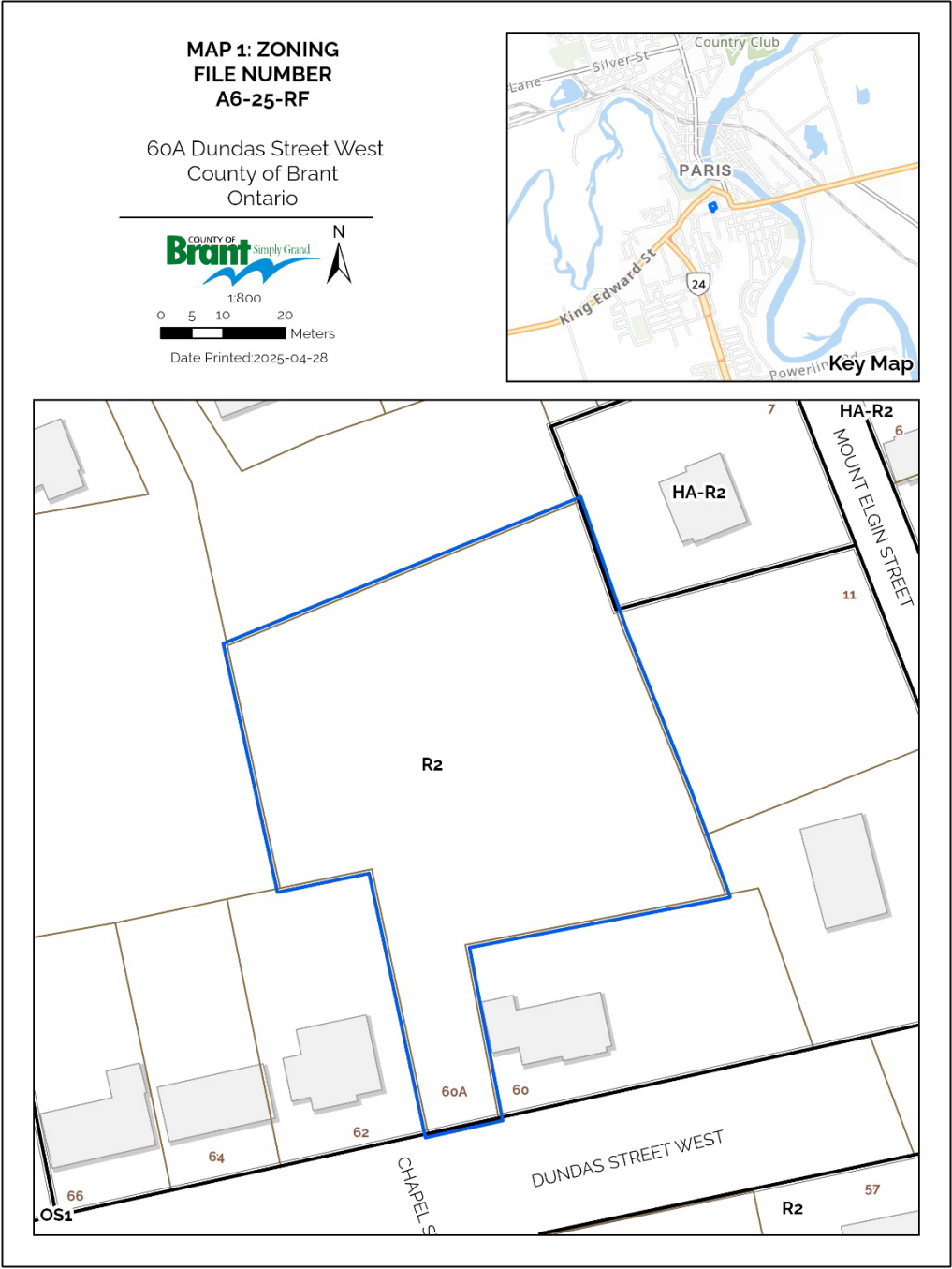
Applicant: Vincent Bucciachio

File No: A6-25-RF

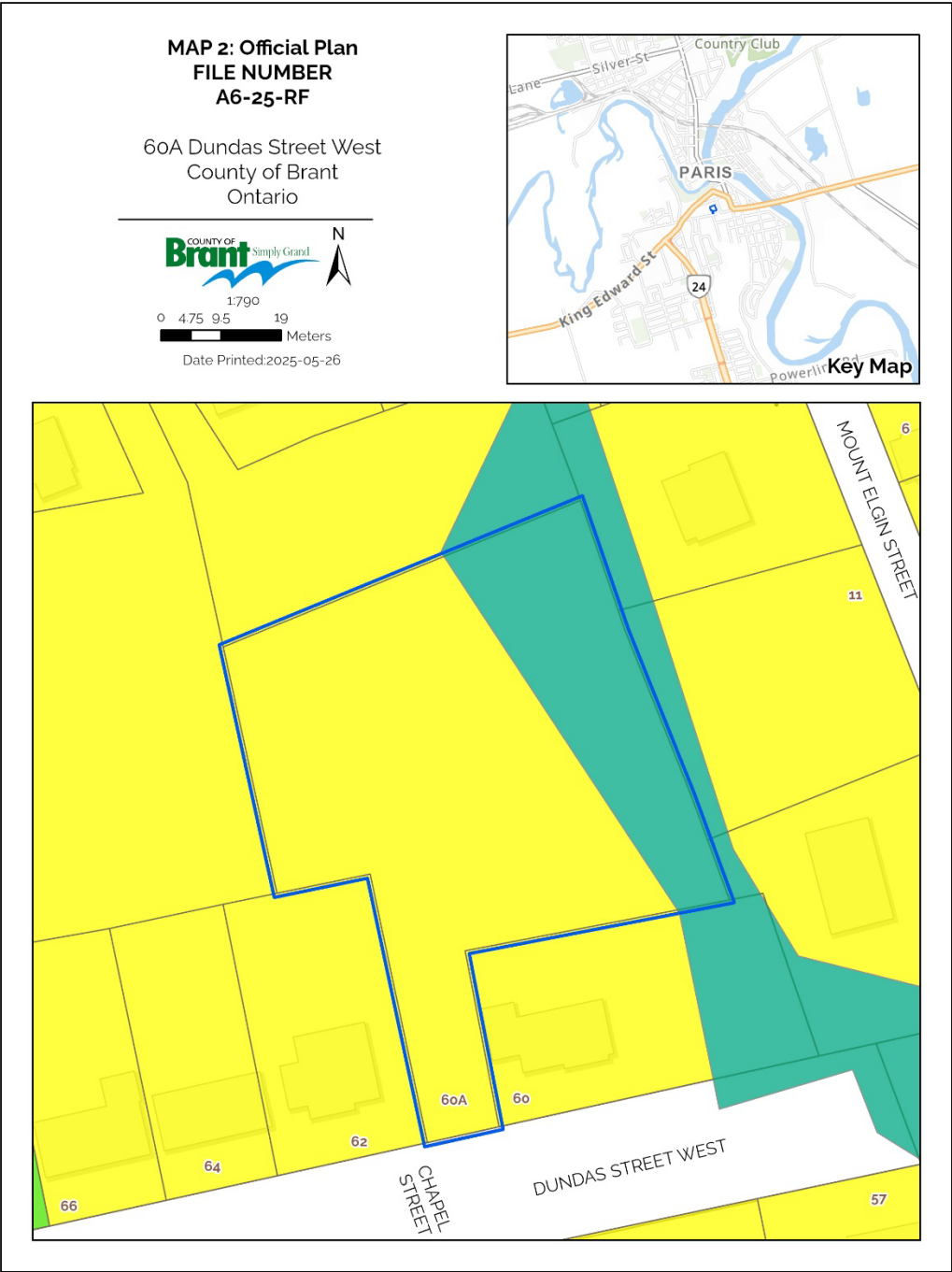
LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. That the Applicant/ Owner demonstrate confirmation from the Building Division that building permits, as required have been obtained, to the satisfaction of the County of Brant.
2. That the above conditions be satisfied within two years of the date of the decision, with confirmation sent by the Secretary-Treasurer pursuant to 45 (1) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

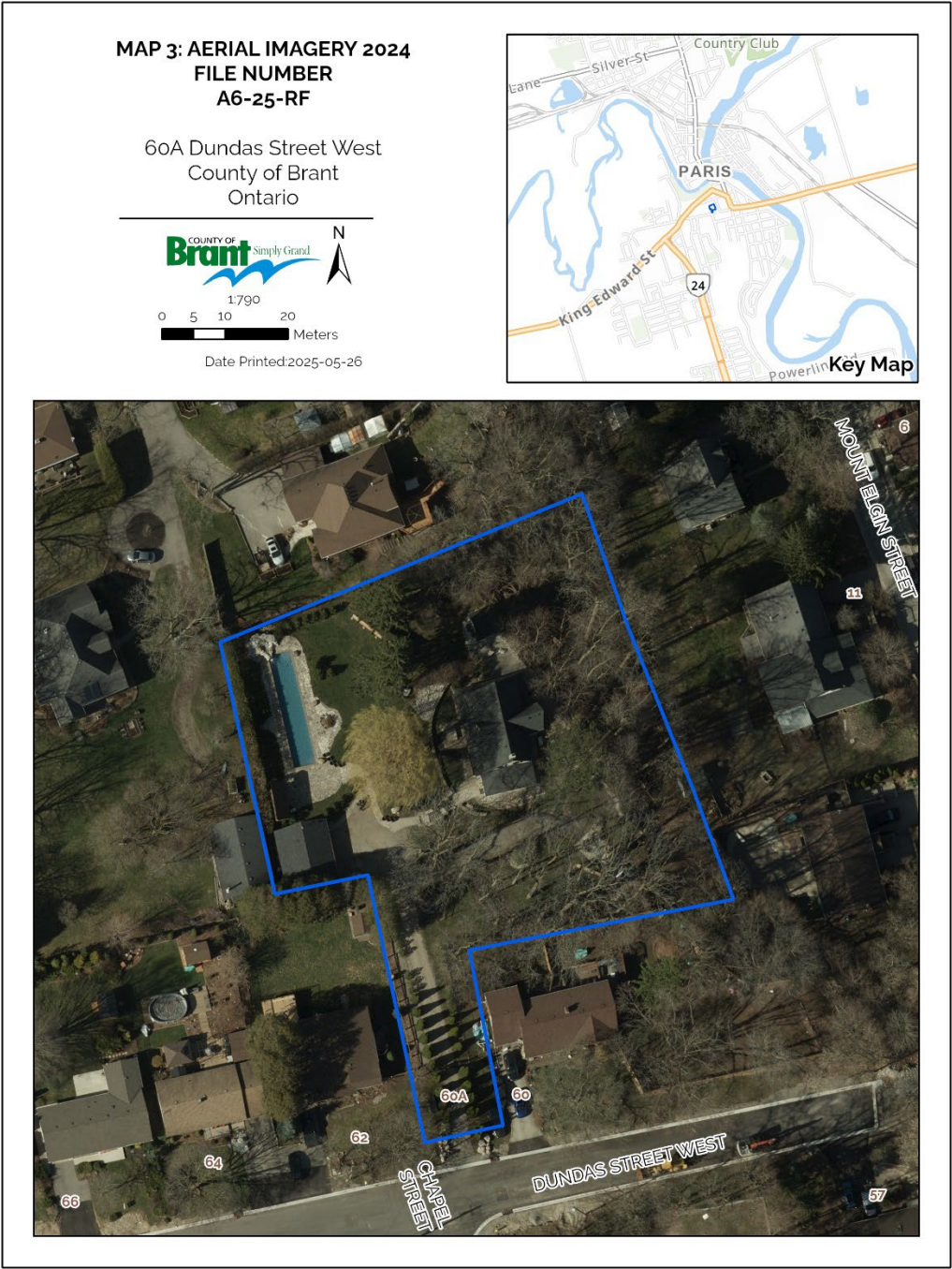
Attachment 2 – Zoning Map



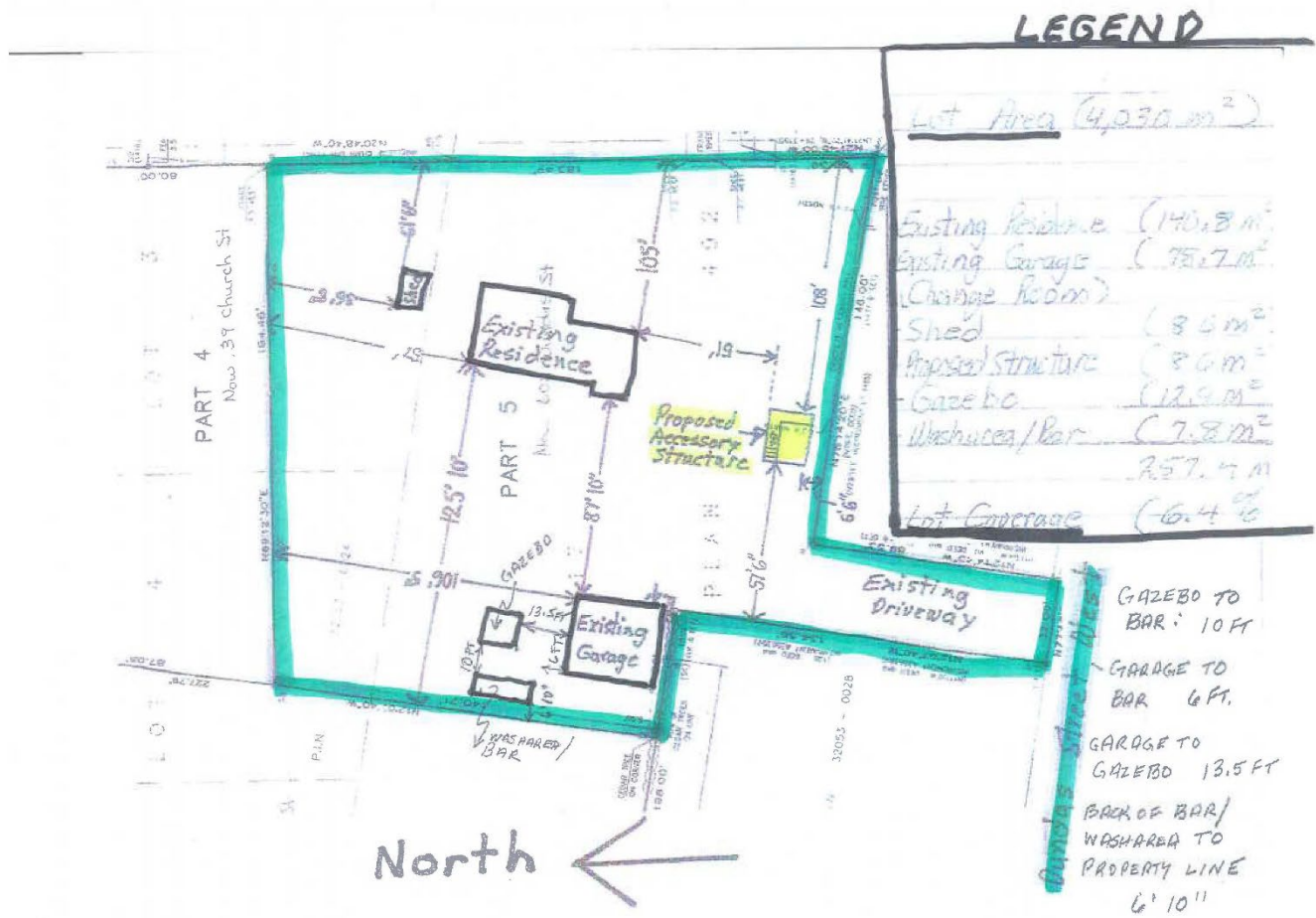
Attachment 3 – Official Plan Map



Attachment 4 – Aerial Map



Attachent 5 – Site Plan Sketch



Attachent 6 – Site Photos



View from Dundas Street – Neighbouring property to the right of the subject lands. The accessory structure is not visible.



View from the front entrance of the subject property – the accessory structure is not visible.



View from Dundas Street – Neighbouring property to the left of the subject lands. The accessory structure is not visible.



View of the accessory structure upon entering the subject property.



Front view of the accessory structure in relation to the main dwelling.



Side of the accessory structure.



Rear of the accessory structure.



Inside the accessory structure.



View from the rear boundary of the property



Pergola and wash station.



View from Dundas St.



View from Dundas St.