

# **County of Brant Council Report**

**To:** The Mayor and Members of County of Brant Council

From: Lauren Graham, Planner

Date: July 8, 2025

Report #: RPT-0100-25

**Subject:** ZBA29-24-LG (24 Elm Street, Zoning By-Law Amendment)

**Purpose:** For Approval

#### Recommendation

THAT Zoning By-Law Amendment Application **ZBA29-24-LG** from Matt Reniers & Associates, agent on behalf of Edward Horsfall, applicant/ owner of PART LOTS 11,12 & 13 W ELM STREET, County of Brant, in the geographic former township of Paris, located at 24 Elm Street, County of Brant, **BE APPROVED** to rezone the subject lands from Special Policy Area, Residential Singles and Semis (s-R2) to Special Policy Area, Residential Singles and Semis with Site Specific provision 43 (s-R2-43) in order to:

- 1) Permit a residential addition on an existing lot of record with a 0 metre frontage, current access byway of Elm Lane.
- 2) Permit a reduced street setback of 2.57 metre from Elm Lane, whereas 6.0 metre is required.
- 3) Recognize the existing interior side yard setback of 0.6 metre, whereas 1.2 metre is required.
- 4) Recognize the existing rear yard setback of 0.76 metre, whereas 6.0 metre is required.
- 5) Permit an addition greater than fifty percent of the ground floor area of the existing residential building within a Special Policy Area, subject to obtaining a permit from the GRCA which demonstrates that the new habitable floor space is constructed no lower than the existing habitable floor space and flood proofed to the existing floor and/or opening elevation where feasible.
- 6) All other provisions of the By-Law apply.

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

- a. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.
- b. The application is consistent with the policies of the Provincial Planning Statement.

# **Executive Summary**

The purpose of this report is to provide Council and the public with information and a recommendation for the application to amend the County of Brant Zoning By-Law 61-16.

The Zoning By-Law Amendment is required in order to facilitate an addition to the existing residential dwelling at 24 Elm Street in Paris. The subject lands are considered an existing lot

record with a unique configuration, as the subject lands have no frontage along Elm Street and are accessed by way of Elm Lane. The amendment seeks to recognize the 0.76 metre rear yard setback and 0.6 metre interior side yard setback of the existing dwelling, to permit a reduced street setback of 2.57 metre from Elm Lane and to recognize an addition greater than fifty percent of the ground floor area of the existing residential building within a Special Policy Area.

The following studies/plans/reports form part of a complete application submission and were circulated as part of the technical review by applicable internal and external agencies:

- Planning Justification Report
- Pre-Consultation Meeting Minutes
- Lot Grading Plan
- Stormwater Management Brief
- Stage 1 and 2 Archaeological Assessment
- Survey
- Tree Protection Plan

The planning analysis focuses on literature review of applicable policy, including the *Planning Act, Provincial Planning Statement* (2024), County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16, consultation with departments, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application **ZBA29-24-LG** be **APPROVED**.

## **Strategic Plan Priority**

Strategic Priority 2 - Focused Growth and Infrastructure

# **Impacts and Mitigation**

## Social Impacts

No social impacts have been identified as part of this application.

# Environmental Impacts

No environmental impacts have been identified as part of this application.

# **Economic Impacts**

No economic impacts have been identified as part of this application.

# Report

## **Location / Existing Conditions**

The subject lands are located north of William Street, east of Elm Street and west of the Grand River.

The subject lands contain one (1) existing dwelling, two (2) accessory structures (a shed and a detached garage). The detached garage is to be relocated to facilitate construction of the future addition.

The subject lands have no frontage along Elm Street and are accessible by way of Elm Lane. Elm Lane is considered a Public Lane, with its only function being to provide land access. In

order to constitute legal frontage the lands must have frontage on an improved and currently maintained street.

The subject lands have a lot area of approximately 1,578.27 square meters (0.39 acres).

The surrounding area consists of residential lands uses to the north, east, south and the Grand River to the west. The subject lands are serviced by municipal sewer and water.

## **Planning Analysis**

## Planning Act R.S.O. (1990)

Section 2(a-s) of the Planning Act outlines matters of provincial interest that decision making bodies shall have regard for. This application has regard for:

Section 2(p) the appropriate location of growth and development; and

Section 34(10) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment applications.

- The Application is in keeping with Section 34(10) of the Planning Act.

## **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.

Section 2.3 of the PPS, states 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).

The subject lands are located within the Primary Urban Settlement Area of Paris. The lands are serviced with municipal water and sewage. The Zoning By-Law Amendment Application will allow for an addition on an existing single detached dwelling.

Section 5.2 of the PPS advises policies relating to Natural Hazards. Section 5.2.3 advises that development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and



d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Policy 5.2.5 of the PPS advises that despite policy 5.2.3, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

The subject lands are located within the Special Policy Area identified as 'The Flats' within the County of Brant Official Plan (2023). The Special Policy Area was approved in 1987 by the Minister of Natural Resources and Forestry and Municipal Affairs and Housing. The application is required to permit an addition on an existing residential dwelling.

It is my professional planning opinion that the proposal is consistent with the Provincial Planning Statement.

## **County of Brant 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 land use designation on the subject lands as Community Nodes within the County of Brant Official Plan and located within the Urban Settlement Area of Paris.

Part 5, Section 1.3 of the Official Plan (2023) advises the permitted uses within the Community Node Designation, which includes residential uses in low-rise, mid-rise residential, and high-rise development,



including additional residential units, home-based businesses, and home industries.

The Zoning By-Law Amendment Application proposes an addition to an existing single detached dwelling.

Part 5, Section 2.10 of the Official Plan (2023) advises the permitted uses within the Natural Heritage System. Expansions and replacement are permitted in association with a legally existing building subject to the following:

- The impact on the Natural Heritage System has been minimized and mitigated to the greatest extent possible.
- No building or structure will be in or within 30 metres of a permanent watercourse.
- New non-habitable accessory structures will be in an existing building cluster.

The subject lands are located east of the Grand River. The proposed building addition is located outside of the required 30 metre watercourse setback.

Part 5, Section 3.3 of the Official Plan (2023) advises the general policies within the Paris Special Policy Area Floodplain, including the policies for the Flats.

Specific to the portion of the Special Policy Area indicated as "the Flats" on Schedule C of this Plan, the following policies shall apply:

- 3.3.9 Residential development shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the Regulatory Flood Level and that the structure is floodproofed to the Regulatory Flood Level.
- 3.3.10 Conversion of existing buildings to a residential use shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the 100 Year Flood Level and that the structure is floodproofed to the Regulatory Flood Level.
- 3.3.11 Major renovations and redevelopment of existing residential buildings shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the 100 Year Flood Level and floodproofed to the Regulatory Flood Level.

Schedule 'C' of the Official Plan (2023) identifies that the subject lands are located within a Special Policy Floodplain area known as the Flats. The Zoning By-Law Amendment proposes a residential additional to the existing dwelling. The habitable portion of the addition will be located above the regulatory flood level, with the garage located below.

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

## **Source Water Protection**

Source water protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

The subject lands are located within an Intake Protection Zone 3 (IPZ-3) with an associated vulnerability score of 8. As the application is residential in nature, there are no Significant Drinking Water Threats proposed at this time.

## **County of Brant Zoning By-Law 61-16**

'Schedule A' of the Zoning By-Law identifies that the subject lands are zoned as Special Policy Area, Residential Singles and Semis (s-R2).

As outlined in the Draft Zoning By-Law Mapping, this application proposes the following amendments:

- Permit a residential addition on an existing lot of record with a 0-metre frontage, current access byway of Elm Lane.
- Permit a reduced street setback of 2.57 metre from Elm Lane, whereas 6.0 metre is required.
- 3. Recognize the existing interior side yard setback of 0.6 metre, whereas 1.2 metre is required.



- 4. Recognize the existing rear yard setback of 0.76 metre, whereas 6.0 metre is required.
- 5. Permit an addition greater than fifty percent of the ground floor area of the existing residential building within a Special Policy Area, subject to obtaining a permit from the GRCA which demonstrates that the new habitable floor space is constructed no lower than the existing habitable floor space and flood proofed to the existing floor and/or opening elevation where feasible.
- 6. All other provisions of the By-Law apply.

Section 8.2, Table 8.2.1 of the Zoning By-Law 61-16 advises the development requirements for lands zoned Residential Singles and Semis (R2).

Development Standard	R2 Zone Requirements	Existing	Proposed
Lot Area, Minimum (m²)	450	1578.27	1578.27
Lot Frontage, Minimum (m)	15.0	0	0
Street Setback, to the attached garage, Minimum (m)	6.0	16.43	2.57
Street Setback, to the habitable portion of the dwelling, Minimum (m)	4.5	16.43	2.57
Interior Side Yard Setback, Minimum (m)	1.2	0.6	0.6

Rear Yard Setback, Minimum (m)	6.0	0.76	0.76
Lot Coverage, Maximum	40%	11.63%	24.2%
Landscaped Open Space, Minimum	30%	67.3%	61.5%
Building Height, Maximum (m)	10.5	4.5	8.4

The Zoning By-Law Amendment seeks to permit a reduced street setback from Elm Lane and recognize the existing rear yard and interior side yard setbacks to the existing dwelling. Recognizing the existing setbacks to the residential dwelling will bring the dwelling into conformity with the Zoning By-Law 61-16 and the dwelling will no longer be considered a legal non-conforming building or structure.

Section 4.21 of the Zoning By-Law 61-16 advises no building, or structure shall be erected on a lot that does not have frontage on an improved and currently maintained street or have frontage on a private street as described in a registered Plan of Condominium.

The subject lands have frontage along Elm Lane, which is considered a Public Lane with its only function being to provide access. The laneway is 3.66 metres (12 feet) wide and there are existing accesses onto the laneway. All of the existing accesses are rear yard accesses to residential dwellings with frontage along adjoining streets; the only exception is 24 Elm Street which only has frontage along Elm Lane.

Section 4.28.1 of the Zoning By-Law 61-16 advises additional policies for existing lots of record and states that an existing lot of record is a lot in existence prior to the effective date of this By-Law that does not meet the minimum lot frontage or minimum lot area requirement of the applicable Zone is permitted to be used and buildings and structures thereon be erected, altered, enlarged, repaired, or renovated provided:

- a.) the use conforms with the By-Law and the buildings and structures comply with all other provisions of the By-Law; and
- c.) is located within a Urban Residential Zone or Non-Urban Residential Zone and has a minimum 8.0 metre lot frontage; and
- d.) is able to obtain either municipal or private services.

The said lot shall be deemed to conform to the requirements of this By-Law and all other regulations of the By-Law shall apply.

The subject lands are considered an existing lot of record within the Special Policy Area, Residential Singles and Semis (s-R2) zone with municipal servicing. The subject lands have no frontage along Elm Street and are accessed by way of Elm Lane.

Section 4.28.2 of the Zoning By-Law 61-16 advises additional policies for legal non-conforming buildings or structures including:

- a) A building or structure that has been lawfully established prior to the passing of this By- Law shall be permitted under Section 34(9) of the Planning Act as a legal nonconforming building or structure and considered as such for the purposes of this Bylaw.
- b) Such a building or structure shall be permitted to be altered or restored without the need for evaluation and approval by the Committee of Adjustment under the powers

granted by Section 45(2) of the Planning Act provided it can be shown to the satisfaction of the County of Brant that any alteration or restoration does not result in the following:

- i. The enlargement or extension of the building or structure that results in an increase to a situation of non-conformity with respect to any applicable performance standard of this By-Law,
- ii. An increased risk to human health or wellbeing, and/ or
- iii. The potential for undue adverse impacts to the surroundings.

The existing residential dwelling is considered a legal non-confirming building, as the dwelling has a 0.6 metre interior side yard setback, whereas 1.2 metres is required and a 0.76 metre rear yard setback whereas 6 metres is required. The proposed addition meets the requirements of Section 4.28.2 as the proposed addition will not increase a situation of non-conformity, does not increase the risk to human health or wellbeing and does not increase the potential for undue adverse impacts to the surroundings.

Section 4.36.3 of the Zoning By-Law 61-16 advises additional requirements for flooding hazards including:

- a) Any residential development shall be permitted subject to approval by the Conservation Authority, and that the habitable floor space is located at the minimum elevation equal to the Regulatory Flood Level and that the structure is flood proofed to the Regulatory Flood Level.
- b) Additions and alterations up to fifty percent (50%) of the ground floor area of existing residential buildings and structures shall be permitted subject to approval by the Conservation Authority, provided the new habitable floor space is constructed no lower than the existing habitable floor space and flood proofed to the existing floor and/or opening elevation where feasible. Furthermore, the development of non-residential buildings and structures shall be permitted subject to the approval of the Conservation Authority and where flood proofing to the Regulatory Flood Level can be achieved.

The habitable portion of the addition will be located above the regulatory flood level, with the garage located below. A permit from the Grand River Conservation Authority (GRCA) is required in advance of the building permit being issued. As the proposed addition is larger than 50% of the floor area of the existing residential building, the Zoning By-Law Amendment seeks to recognize the increase in floor area and acknowledges the requirement for a GRCA permit.

It is my professional planning opinion that the proposal meets the intent and is in compliance with the applicable policies outlined in the County of Brant Zoning By-Law 61-16.

## Interdepartmental Considerations

The following comments were received from various internal and external agencies/departments as part of the circulation of this application:

Development Engineering Division	<ul> <li>County staff attended the site on February 5th, 2025, and noted:</li> </ul>	
	Concrete slab for existing garage relocation was already constructed along east property line of the	

	subject lands. This was not shown on the submitted Lot Grading plan by M.C. Consulting, signed & stamped October 5, 2024.
	<ol><li>Existing shed at rear of Mun. #26 Elm St. is encroaching into the Subject Lands property on Elm Lane.</li></ol>
	<ol><li>A garage roof downspout from Mun. #42 William St. is draining into subject lands.</li></ol>
	<ul> <li>The Subject lands are within GRCA regulation limit, and GRCA Source Water Protection Area.</li> </ul>
	<ul> <li>GRCA must be informed of the revised addition proposal and is subject to further comments/requirements from the agency.</li> </ul>
Environmental Planning	The subject lands partially contain and are adjacent to the Natural     Heritage System as described and identified on Schedules A and B of the Official Plan due to the presence of:
	<ul> <li>The Grand River, which consists of aquatic species at risk and a waterfowl wildlife concentration area.</li> <li>The minimum vegetation protection zone is 30 m.</li> </ul>
	Valleylands (also identified as an erosion hazard) in which the minimum setback is a 6 m emergency access allowance, or a setback determined by a geotechnical study if determined necessary by GRCA.
	<ul> <li>A significant woodland in which the minimum vegetation protection zone is 10 m.</li> </ul>
	<ul> <li>The lands also contain natural hazards including erosion and flooding. They are part of the Flats Special Policy Area. In this regard, Environmental Planning defers to GRCA.</li> </ul>
	<ul> <li>Section 2.10 of the Official Plan lists permitted uses in the Natural Heritage System. Expansions and replacement are permitted in association with a legally existing building subject to the following:</li> </ul>
	The impact on the Natural Heritage System is minimized and mitigated to the greatest extent.
	<ul> <li>No building, structures, or uses are in or within 30m of a permanent watercourses.</li> </ul>
	<ul> <li>New non-habitable accessory structures are in an existing building cluster.</li> </ul>

- With respect to an environmental impact study, Section 2.10.29 provides for the waiving of a study where impacts are expected to be minimal, and no useful purpose would be served.
- It is the opinion of staff the subject proposal conforms to the Official Plan and that an Environmental impact Study is not required. The proposed building is also located outside of the Watercourse Setback in the Zoning By-Law.
- It is also the opinion of staff, based on the proposed development and setbacks, that negative impacts are not anticipated on natural heritage features, areas and system as per the Provincial Planning Statement.
- The applicant is advised that as part of the building permit process, environmental planning staff will require sediment and erosion control measures (e.g. silt control fencing) and notes to be added to the grading plan to protect the adjacent natural heritage features.

Grand River Conservation Authority (GRCA) staff have reviewed the 2<sup>nd</sup> submission for the above-noted rezoning application to facilitate the development of a two-storey residential addition.

#### Recommendation

The GRCA has no objection to the zoning by-law amendment to add a site-specific exemption to the existing s-R2 zone. A GRCA permit is currently under review for the construction of the detached garage, second storey dwelling unit, and grading.

#### **Documents Reviewed by Staff**

Staff have reviewed the following documents submitted with this application:

- Lot Grading Plan (prepared by MC Consulting, revised April 23, 2025.
- Cross Sectional Drawings, A1-A3, prepared by J. H. Cohoon Engineering, revised May 27, 2025
- Stormwater Management Brief, prepared by M.C Engineering, dated May 20, 2025
- Infiltration Assessment, prepared by Englobe, dated April 17, 2025

#### **GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as

# Grand River Conservation Authority

per our CA Board approved policies. GRCA staff have reviewed the documents listed above and have no objection to the approval of the zoning by-law amendment. Information currently available at this office indicates that the entire property is within the Paris Special Policy Area, specifically "the Flats", as identified in the County of Brant Official Plan. The subject property is also within the regulated allowance to a riverine erosion hazard. As such, the subject property is regulated by the GRCA under Ontario Regulation 41/24. A GRCA permit has been submitted to our office and it's currently under review. As part of the permit application, we would request the following: 1. Permit application under Ontario Regulation 41/24 2. Final Site and Grading Plan with: a. "Not for Construction" removed from drawing b. Indicate that all mechanical and electrical service equipment will be installed above 226.75 m CGVD2013 Silt fence installation details on the Erosion and Sediment Control Plan. 4. Permit fee of \$465.00 Consistent with GRCA's 2023-2025 approved fee schedule, this application is considered a minor zoning bylaw amendment. The applicant has been invoiced for the review of the initial submission and no additional fees are due at this time. A separate fee will be required for the GRCA permit. Operations ODR have no comments on this application. Parks Capital Planning & Forestry has no comments regarding the rezoning of the subject lands. Parks Capital Planning Thank you for submitting the Tree Protection Plan. We & Forestry have reviewed it, and it satisfies our requirements. No further action is needed at this time. The property at 24 Elm Street is located within an Intake Protection Zone 3 (IPZ-3) with an associated vulnerability score of 8. However, as this application is residential in Source Water nature, there are no Significant Drinking Water Threats Protection (Cambium) proposed at this time. Please find our comments in the attached source protection review letter.

#### **Public Considerations**

Notice of Complete Application, Statutory Public Information Meeting (March 11, 2025) and Council Recommendation Meeting (July 8, 2025) were provided by regular mail 20 days ahead of the meeting date, to all property owners within 120 metres of the subject lands and a sign was posted for the purposes of requesting additional information and providing public input on this application.

At the time of preparing this report, no public comments or correspondence regarding the application were received.

## **Summary and Recommendations**

Zoning By-Law Amendment Application **ZBA29-24-LG** proposes the following amendments to Zoning By-Law 61-16:

- 1. Permit a residential addition on an existing lot of record with a 0 metre frontage, current access byway of Elm Lane.
- 2. Permit a reduced street setback of 2.57 metre from Elm Lane, whereas 6.0 metre is required.
- 3. Recognize the existing interior side yard setback of 0.6 metre, whereas 1.2 metre is required.
- 4. Recognize the existing rear yard setback of 0.76 metre, whereas 6.0 metre is required.
- 5. Permit an addition greater than fifty percent of the ground floor area of the existing residential building within a Special Policy Area, subject to obtaining a permit from the GRCA which demonstrates that the new habitable floor space is constructed no lower than the existing habitable floor space and flood proofed to the existing floor and/or opening elevation where feasible.
- 6. All other provisions of the By-Law apply.

The Zoning By-Law Amendment is required in order to facilitate an addition to the existing residential dwelling at 24 Elm Street in Paris. The subject lands are considered an existing lot record with a unique configuration. The subject lands have no frontage along Elm Street and are accessed by way of Elm Lane.

A Stage 1 and 2 Archaeological Assessment was submitted as part of the application. No Archaeological Material was documented during the assessment and the subject property should be considered free of Archaeological concern and no further Archaeological Assessment is recommended.

A Tree Protection Plan was submitted as part of a complete application. Seven (7) trees within or adjacent to the subject lands were examined by an arborist. No trees are proposed to be removed to facilitate construction of the addition and recommendations have been provided to mitigate disturbance to the existing trees.

As the proposed addition is located 19.72 metre from the riverine erosion hazard, it has been determined a geotechnical study will not be required. A Grand River Conservation Authority (GRCA) permit will be required in advance of the building permit being issued.

The planning analysis focuses on literature review of applicable policy (i.e., *Planning Act, Provincial Planning Statement* (2024), County of Brant Official Plan (2023) and County of Brant Zoning By-Law 61-16), consultation with departments, the public, and an inspection of the surrounding area.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application **ZBA29-24-LG** be **APPROVED**. Lauren Graham

#### Lauren Graham,

Planner

#### File # ZBA29-24-LG

## **Attachments**

- 1. Site Plan
- 2. Zoning Mapping
- 3. Official Plan Mapping
- 4. Aerial Mapping

## **Reviewed By**

- 1. Jeremy Vink, Director of Planning
- 2. Alysha Dyjach, General Manager of Development Services

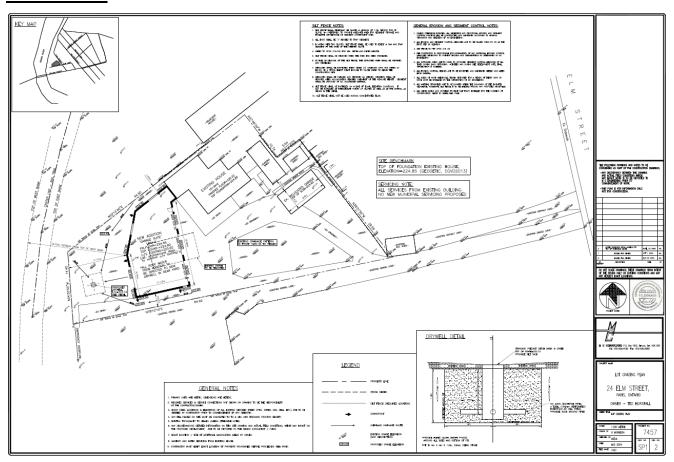
# **Copied To**

- 1. Spencer Pluck, Deputy Clerk
- 2. Alexandra Drabble, Planning Administrative Assistant
- 3. Applicant/Agent/Owner

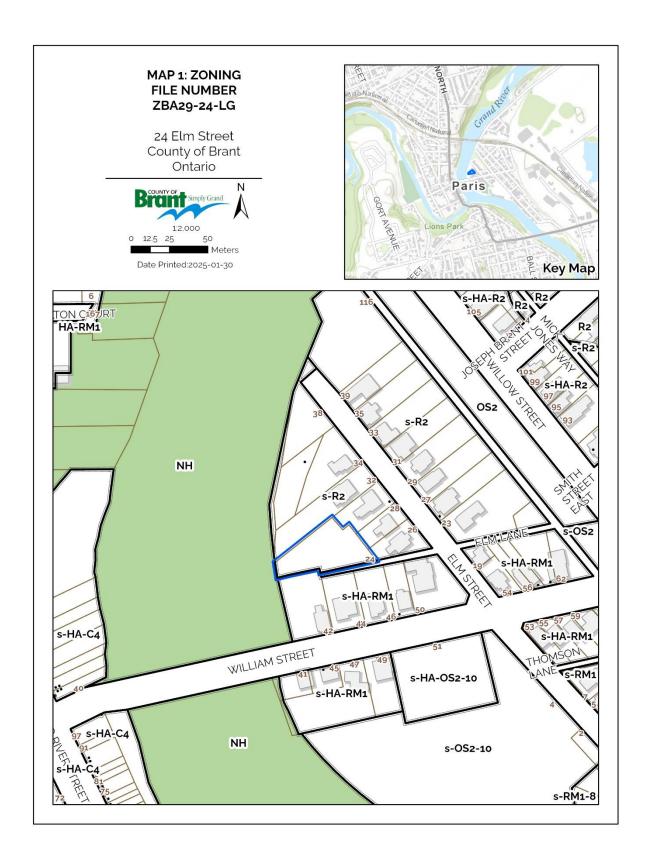
# By-law and/or Agreement

By-law Required Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk No

# Attachment 1 - Site Plan



# **Attachment 2** - Zoning Mapping



# **Attachment 3 - Official Plan Mapping**



# **Attachment 4** - Aerial Mapping

