



## Committee of Adjustment Report

---

**Date:** July 17, 2025

**Report No:** RPT – 0285– 25

---

**To:** The Chair and Members of the Committee of Adjustment  
**From:** Afsoon Veshkini, Junior Planner  
**Application Type:** Minor Variance Application  
**Application No:** A8-25-AV  
**Location:** 363 Burt Road  
**Agent / Applicant:** Kevin Blok  
**Owner:** Kevin Blok  
**Subject:** Request for a decision on a Minor Variance Application seeking relief from Zoning By-law 61-16.

---

### Recommendation

---

THAT Application for **Minor Variance A8-25-AV**, submitted by Kevin Blok, owner of the lands legally described as CONCESSION 4, PART LOT 5, and municipally known as 363 Burt Road, in the Former Township of South Dumfries, County of Brant, seeking relief from Section 4, Table 4.4.1 of Zoning By-law 61-16 to permit accessory structure lot coverage of 7.6%, whereas a maximum of 5% is permitted in this zone, **BE APPROVED** subject to the condition attached to this report.

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 (2023) and Zoning By-Law 61-16;
- The proposed variance meets the four tests of the Planning Act.

### Executive Summary

---

Minor Variance Application A8-25-AV seeks relief from Section 4, Table 4.4.1 of Zoning By-law 61-16 to permit a maximum lot coverage of 7.6% for accessory structures, whereas the By-law permits a maximum of 5% in the Agricultural (A) Zone. The requested variance is to accommodate a proposed detached storage building of approximately 140 square meters and an existing shed of 17.6 square meters, resulting in a total accessory structure coverage of 157.6 square meters, or 7.6% of the 2,068.7 square meter lot.

It is my professional opinion that the relief requested through Minor Variance Application A8-25-AV is minor in nature, is desirable for the appropriate development and use of the subject lands and is in keeping with the general intent and purpose of both the County of Brant Official Plan (2023) and Zoning By-Law 61-16. Furthermore, the application meets the four tests of a

minor variance as outlined in the Planning Act. Therefore, I recommend that Minor Variance Application A8-25-AV be approved subject to the attached conditions.

## **Location / Existing Conditions**

---

The subject lands are located west of Burt Road, south of McLean School Road, east of St. George Road, and north of Howell Road, and are situated outside the settlement boundary of St. George. The property is regular in shape, with a frontage of approximately 42.61 meters (139.8 feet) and a total area of approximately 2,068.7 square meters (0.51 acres).

The subject lands contain a residential dwelling with a footprint of approximately 128.8 square meters, a shed of approximately 17.6 square meters, and have two existing entrances from Burt Road. A temporary fabric structure currently exists on the property and is intended to be removed. There is no pond or swimming pool on the subject property, despite some aerial imagery potentially suggesting otherwise.

The property is serviced by a private well and septic system. The site features a slope and includes natural heritage features, such as Significant Valley Lands. A watercourse setback is located along the western edge of the property.

The surrounding area consists of residential land uses to the north and agricultural land uses to the east, west, and south.

## **Strategic Plan Priority**

---

Strategic Priority 2 - Focused Growth and Infrastructure

## **Report**

---

### 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.

### Matters of Provincial Interest

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:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development;

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

<b>PPS Policy</b>	<b>Policy Direction</b>	<b>Planning Analysis</b>
<b>2.6 Rural Lands in Municipalities: 2.6.3</b>	Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.	<b>The proposal does not require the uneconomical extension of infrastructure, consistent with Section 2.6.3, and represents a modest intensification of an existing rural residential use.</b>
<b>5.2 Natural Hazards: 5.2.2(b)</b>	Development should generally be located outside of hazardous lands adjacent to rivers, streams, and small inland lake systems that are subject to flooding or erosion hazards.	<b>The proposed structure is located outside of the regulated setback from the watercourse and is not situated within a floodplain or erosion hazard area. As such, it is consistent with the policy direction to avoid natural hazards.</b>

It is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Planning Statement for the following reasons:

- The proposal is located on rural lands and represents an appropriate form of residential development that is compatible with the surrounding land use and character.
- The proposed accessory structure utilizes existing private services (well and septic), avoiding the need for expansion of municipal infrastructure.
- The subject lands have direct access from Burt Road, a municipally maintained local road, ensuring safe and appropriate access.
- The proposed structure is outside of any identified natural hazard areas and does not encroach on the regulated watercourse setback, minimizing potential risk to public safety.

***Based on the analysis provided in this report, it is my professional planning opinion that the recommendation is consistent with the policies of the Provincial Planning Statement (2024).***

### **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' Land Use Designation: Countryside and Natural Heritage System

Settlement Area: Outside of Settlement Areas

It is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan for the following reasons:

- The subject lands are primarily designated as Countryside, where residential uses on existing lots of record, along with accessory structures are permitted. The proposal for a detached storage building supports the continued rural residential use of the lot and is consistent with Section 2.2 – Countryside Designation.
- A portion of the site contains Natural Heritage System features, including Significant Valleylands, and there is a watercourse located west of the property, outside the property boundary. A minimum setback of 15 metres from the edge of the watercourse is required. The proposed structure is located more than 18 metres from the water course and is therefore outside of the regulated erosion hazard area. As such, the application conforms with the policies of Section 3.1 – Natural Hazards of the Official Plan.
- The requested minor variance to increase the maximum permitted lot coverage for accessory structures from 5% to 7.6% is minor, maintains compatibility with the surrounding rural character, and does not impact the intent of the Countryside designation.

***Based on the analysis of the 'Four Tests' as outlined in Section 45(1) of the Planning Act within this report, it is my professional planning opinion that the recommendation conforms to the policies of the County of Brant Official Plan.***

#### **Zoning By-Law 61-16:**

Schedule 'A' Zone Classification: Agriculture (A) and Natural Heritage (NH)

The following table outlines the applicable zoning regulations under Table 4.4.1 – Accessory Use Regulations of Zoning By-Law 61-16 as they pertain to the Agriculture (A) zone.

Regulation	Required (A Zone)	Proposed
Maximum Lot Coverage	5% of the total lot area	<b>7.6% (does not comply)</b>
Minimum Street Setback	10.0 m	16.0 m
Minimum Interior Yard Setback	3.0 m	3.0 m
		30.70 m
Minimum Rear Yard Setback	3.0 m	18.46 m

<b>Maximum Building Height</b>	7.0 m	< 4.71m
--------------------------------	-------	---------

The proposed storage building is located in close proximity to a warm-water watercourse. In accordance with Section 4.34.3 of the County of Brant Zoning By-law 61-16, no building or structure shall be constructed closer than 15 metres to a warm-water watercourse. Based on the submitted plans, the proposed building maintains a setback of more than 18 metres from the watercourse, thereby complying with this requirement.

***Based on the analysis of the ‘Four Tests’ as outlined in Section 45(1) of the Planning Act within this report, it is my professional planning opinion that the recommendation complies to the policies 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:** Lot coverage max for accessory structures

**Zoning Standard:** 5 % (103.43 m<sup>2</sup>)

**Relief Requested:** 7.6 % (157.6 m<sup>2</sup>) consisting of a proposed detached storage building (140 m<sup>2</sup>) and an existing shed (17.6 m<sup>2</sup>).

#### **Does the application conform to the general intent and purpose of the Official Plan?**

The subject lands are primarily designated Countryside in the County of Brant Official Plan (2023), which supports residential uses on existing lots of record, along with accessory structures that are compatible with rural character. The Official Plan aims to protect agricultural and rural areas while accommodating appropriate residential development that supports the long-term viability and livability of the countryside.

The proposed accessory structure (a 140 m<sup>2</sup> detached storage building) is intended for personal storage use in association with the existing residential dwelling and is compatible with the function and character of the property and surrounding area. Additionally, the structure is located outside of the Natural Heritage System and more than 18 metres from the watercourse, meeting and exceeding the required 15-metre minimum setback under Section 3.1 – Natural Hazards.

The requested increase in accessory structure lot coverage from 5% to 7.6% does not alter the land use designation, does not remove agricultural land from production, and does not interfere with natural features or hazard areas.

**Conclusion:** The application maintains the general intent and purpose of the Official Plan

#### **Does the application conform to the general intent and purpose of the Zoning By-law?**

The subject lands are primarily zoned Agriculture (A) in Zoning By-law 61-16, which permits accessory structures as a secondary use to a principal residential dwelling. Section 4, Table 4.4.1 establishes a maximum accessory structure lot coverage of 5% of the total lot area,

intended to prevent overdevelopment, maintain adequate open space, and preserve rural character.

While the proposal exceeds the maximum permitted coverage (7.6% proposed vs. 5% permitted), the structure fully complies with all other zoning regulations, including:

- Front yard setback: 16.0 m (minimum required: 10.0 m)
- Interior side yard setback: 3.0 m (complies)
- Rear yard setback: 18.46 m (minimum required: 3.0 m)
- Height: Less than 4.71 m (maximum permitted: 7.0 m)

As per Section 4.34.3 of the Zoning By-law, no building or structure shall be constructed closer than 15 metres to such features. The proposed building maintains a setback of more than 18 metres from the watercourse, thereby meeting this requirement. A permit has been issued by the Grand River Conservation Authority (GRCA), and the GRCA has indicated no objections to the proposed development.

The lot is over 0.5 acres in size (2,068.7 m<sup>2</sup>), and the increase in lot coverage represents a total increase of 54.17 m<sup>2</sup> above the by-law maximum. Adequate open space is maintained, and the structure is appropriately sited to limit visual and spatial impact on adjacent lands. The variance does not undermine the intent of the zoning regulation, which is to ensure compatible, appropriately scaled rural development.

**Conclusion:** The relief requested maintains the general intent and purpose of the Zoning By-law.

#### ***Is the application desirable for the appropriate development or use of the land?***

The proposed storage building will support the ongoing rural residential use of the subject lands and provide functional enclosed storage space for the property owner. The structure is appropriately scaled relative to the dwelling and property size and does not negatively impact topography, or rural character.

The surrounding land uses consist of rural residential to the north and agricultural to the east, west, and south. The proposed storage building is set back from all lot lines, screened by existing vegetation, and will not result in adverse impacts such as shadowing, noise, or loss of privacy. While trees are located in proximity to the proposed works, potential impacts can be mitigated through protective measures, and the applicant has been advised to consult with an ISA Certified Arborist to ensure tree health is preserved.

The structure is located outside of natural heritage features, and all servicing (private well and septic) is in place. The development will not require new or expanded infrastructure and supports the continued use of the lot for low-density rural residential purposes.

**Conclusion:** The relief requested is desirable for the appropriate development and use of the land.

#### ***Is the application minor in nature?***

The increase from 5% to 7.6% lot coverage represents a 2.6% deviation, or approximately 54.17 m<sup>2</sup> of additional accessory structure space. Given the overall size of the lot and the

compliance with all other performance standards, this increase is not expected to generate any adverse effects on the surrounding lands or community.

The proposed storage building is located away from neighbouring properties, meets all required setbacks, and is well below the maximum permitted height. There are no anticipated impacts to drainage, privacy, or visibility, and no concerns have been raised through public consultation at the time of this report.

While technically exceeding the by-law standard, the variance is quantitatively small and qualitatively low-impact, making it minor both in scale and in effect.

**Conclusion:** The relief requested is minor in nature.

***The requested variance satisfies all four tests under Section 45 (1) of the Planning Act. The variance maintains the general intent and purpose of the County's Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is minor in nature when considered in context.***

## **Interdepartmental Considerations**

The following documents were prepared and submitted for technical review as part of the submission of this application:

1. Minor Variance Application
2. Cover Letter
3. Grading Plan
4. Designer Information
5. GRCA Permit
6. Building Drawings

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

### **Department / Agency Comments**

#### **Development Engineering**

- Subject lands are within GRCA Regulation Limit.
- The proposed Light Duty Silt Fence Barrier shown on Site Development Plan DWG No:17395-1 needs to be updated as per County of Brant practices to Heavy-Duty Silt Fence Barrier, as per OPSD 219.130.
- Add downspout locations, door and riser locations on Site Development Plan DWG No:17395-1.
- Add TF, USF and BF if present, on Site Development Plan DWG No:17395-1.
- Sight lines were checked across the frontages of the two driveways and found to be satisfactory looking north controlled by intersection stop sign, and unsatisfactory looking southerly direction. The north driveway entrance and south driveway entrance are deficient by 30m and 10m respectively looking southerly direction due to vertical alignment of Burt Road.
- Was an Approved Public Works permit obtained for the construction of the latest northern driveway entrance? ODR to provide additional comments.

- The Entrance By-Law 123-24 only provisions for a maximum of one (1) entrance for residential and farm properties. ODR to provide additional comments.
- As per the Development and Engineering Standards the maximum allowable width for rural residential driveway entrance is 3.5m-8.0m.
- The north property line of the Subject Lands is required to be verified. The verification can be completed by a certified Ontario Land Surveyor to address the proposed new setbacks for the proposed storage building to ensure that compliance is adhered to before, construction begins.

#### **Fire**

- No comments.

#### **Operations**

- The entrance to service the proposed building is unpermitted (appears to have been constructed between Spring 2024 and now) and does not meet the current County Development and Engineering Standards and Entrance By-law. The entrance and 200mm culvert shall be removed from the road allowance to the satisfaction of the County. Access to the proposed building shall be accommodated from the existing historic southern entrance.

#### **GrandBridge Energy**

- We do not service this property.

#### **Source Water Protection**

- 363 Burt Road is located within an Intake Protection Zone 3 (IPZ-3) with an associated vulnerability score of 5. Significant drinking water threats are not possible in this area. As such, the Grand River Source Protection Plan does not apply and no further action is required to ensure Clean Water Act compliance.

#### **Parks Capital Planning & Forestry**

The applicant acknowledges and agrees that:

- They have been provided with a copy of the County of Brant Tree Protection Guide which is also available on the County website;
- Trees in proximity the proposed works may be injured due to root damage or mechanical damage from potential excavation, and that root damage may create stability issues or cause tree decline/death. It is the owner's responsibility to contact an ISA Certified Arborist to assess trees within proximity of the proposed works during the planning stage, and to ensure that Tree Protection Zone fencing be installed to prevent damage.
- It is the owner's responsibility to ensure that all vegetation and tree removal is in accordance with the *Migratory Birds Convention Act* and the *Endangered Species Act*.
- It is the owner's responsibility to ensure that all vegetation and tree removal is in accordance with the *Ontario Forestry Act*, including the removal of Boundary Trees that exist along property lines.



### **Grand River Conservation Authority (GRCA)**

- The GRCA has no objection to the proposed minor variance application.

The following Departments/ Commenting Agencies were included on the technical circulation of this application with no comments received:

- Building
- Hydro One
- Environmental Planning
- Six Nations
- Mississaugas of the Credit First Nation (MCFN)

## **Public Considerations**

---

Notice of this Application, Contact information and Public Hearing Date were circulated by mail on July 2, 2025 to all property owners within 60 meters of the subject lands in accordance with Section 45(5) of the Planning Act as required.

A site visit was conducted on June 26, 2025, and the Public Notice sign was posted on June 30, 2025.

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

## **Conclusions and Recommendations**

---

This report has been prepared in response to Minor Variance Application A8-25-AV, which seeks relief from Section 4, Table 4.4.1 of Zoning By-law 61-16 to permit a maximum accessory structure lot coverage of 7.6%, whereas 5% is permitted in the Agriculture (A) Zone. The variance is required to permit the construction of a proposed detached storage building of approximately 140 square meters, in addition to an existing 17.6 square meter shed, resulting in a total of 157.6 square meters, or 7.6% of the 2,068.7 square meter lot.

The application has been reviewed for consistency with the Planning Act, Provincial Planning Statement (2024), the County of Brant Official Plan (2023), and Zoning By-law 61-16, and has been found to satisfy the four tests of a minor variance.

A GRCA permit has been issued, and the GRCA has no objections. Comments from Development Engineering and Operations identified a number of technical concerns to be addressed through applicable permits and coordination with County staff. Notably, an unpermitted northern entrance was constructed without approval and must be removed in accordance with County standards. Access to the proposed storage building must be provided through the existing southern entrance. In addition, a certified survey is required to verify the north property line, and tree protection measures must be followed. The applicant is responsible for consulting an ISA Certified Arborist where trees are located in proximity to the proposed works, as outlined by Parks and Forestry staff. No public comments were received as of the date of this report.

It is the professional opinion of staff that the requested variance is minor in nature, desirable and appropriate for the development of the subject lands, and maintains the general intent and purpose of the County of Brant Official Plan and Zoning By-law 61-16.

Staff recommend that Minor Variance Application A8-25-AV be approved, subject to the attached condition, with the understanding that the applicant will coordinate with County staff

to address all outstanding technical matters — including tree protection and property line verification — through the appropriate permitting processes prior to the issuance of a Building Permit.

*Prepared by:*



Afsoon Veshkini, Junior Planner

### **Attachments**

---

1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Aerial Detailed Map
6. Site Plan
7. Proposed Building Drawings
8. Site Photos
9. Circulation Notice (included as part of Agenda Package)

### **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 # A8-25-AV**

---

### **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**

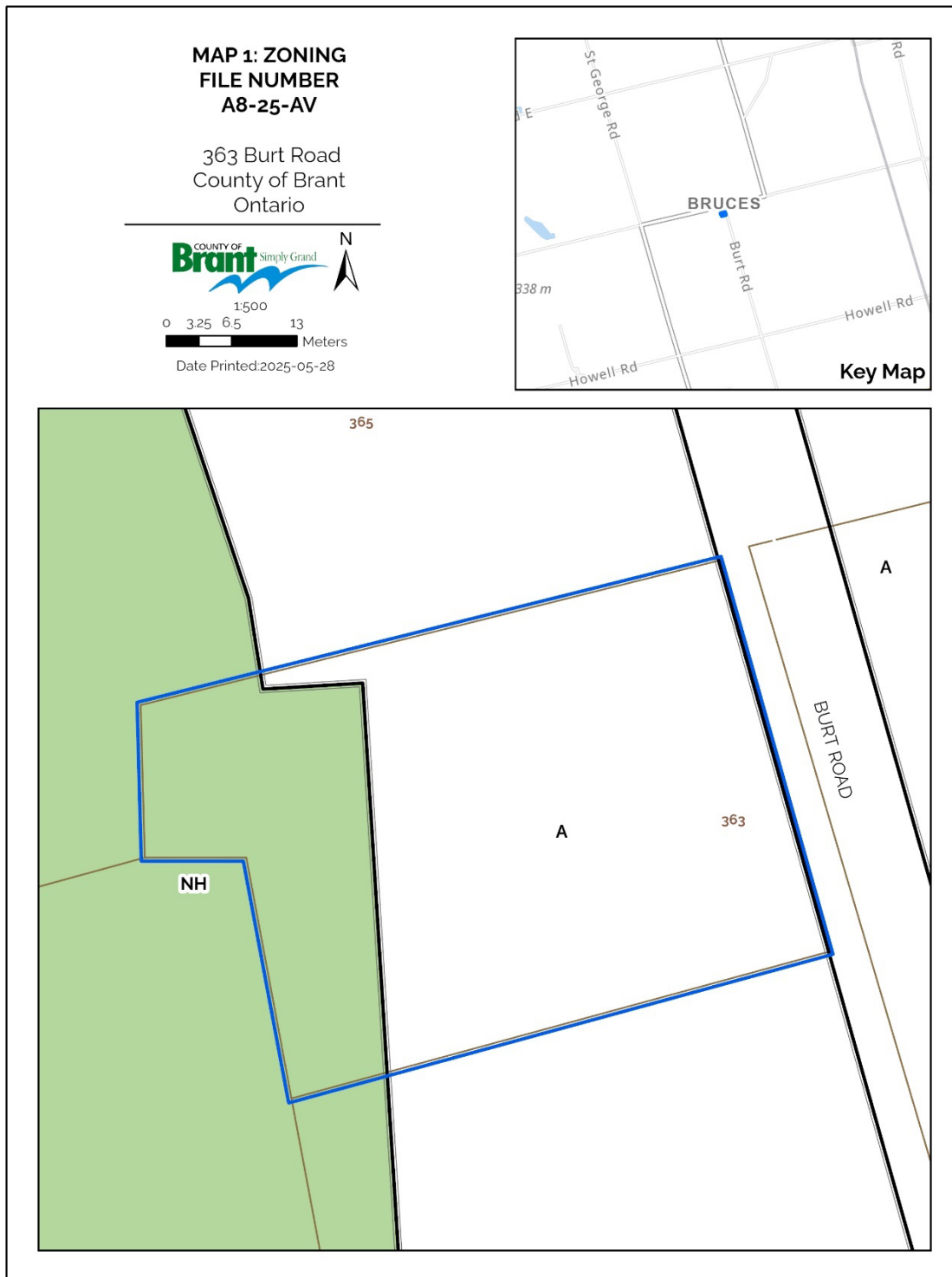
**Applicant:** Kevin Blok

**File No:** A8-25-AV

### **LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT**

1. That the relief granted as result of this Minor Variance Application A8-25-AV come into full force and effect following fulfillment of the below conditions to the satisfaction of the County of Brant.
2. That the Applicant demonstrate removal of the secondary, northern entrance and associated culvert from the municipal road allowance to the satisfaction of the Operations Division, and that access to the proposed accessory structure be provided exclusively from the existing southern entrance, in accordance with County Entrance By-law 123-24.
3. That the Applicant provide written confirmation demonstrating an understanding, acknowledgment and agreeance with the comments included within this staff report received from Parks & Forestry Division identifying responsibilities related to any tree removal required as part of the site alteration and construction of the proposed accessory structure.
4. 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.

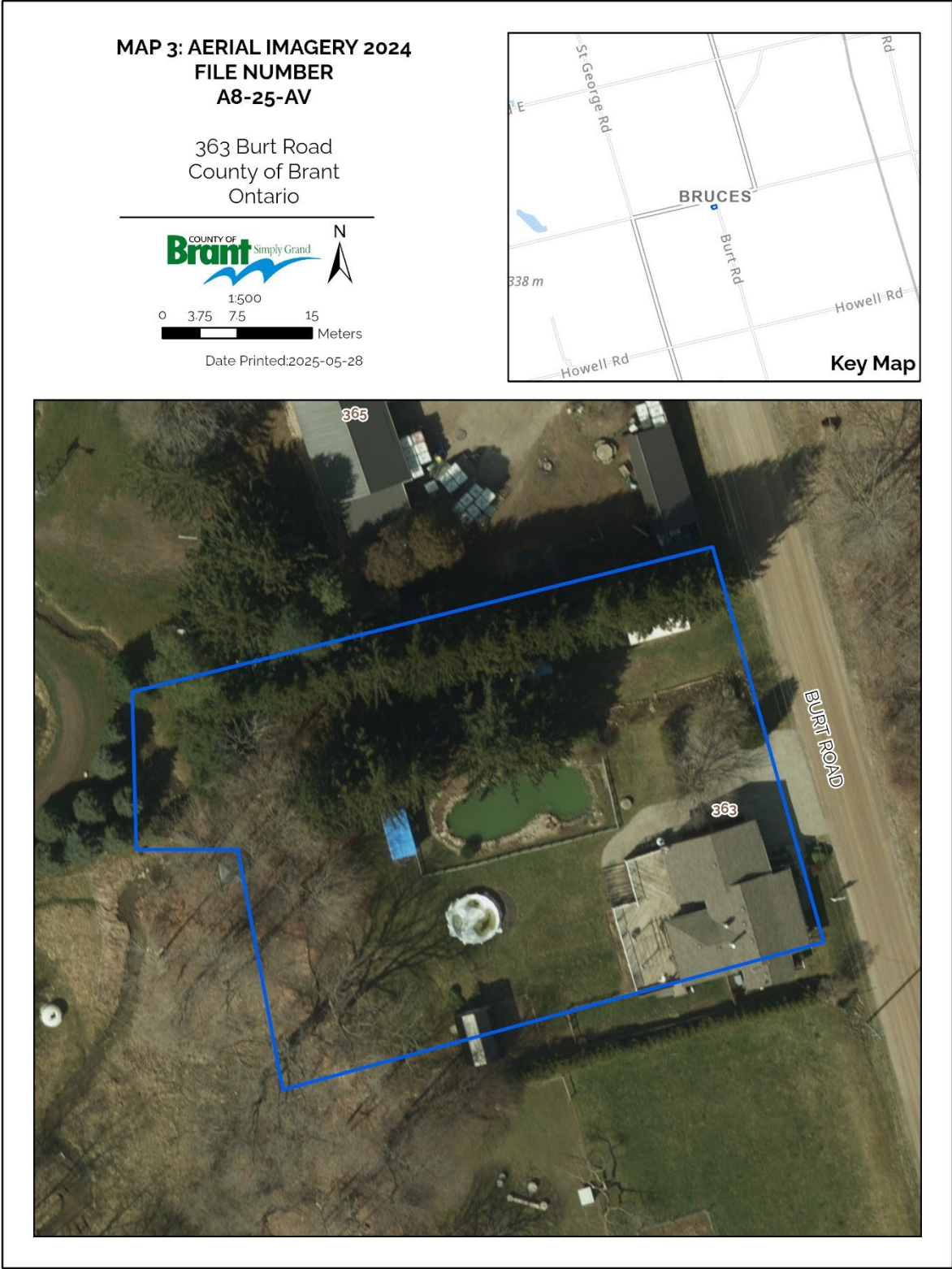
## Attachment 2 - Zoning Map



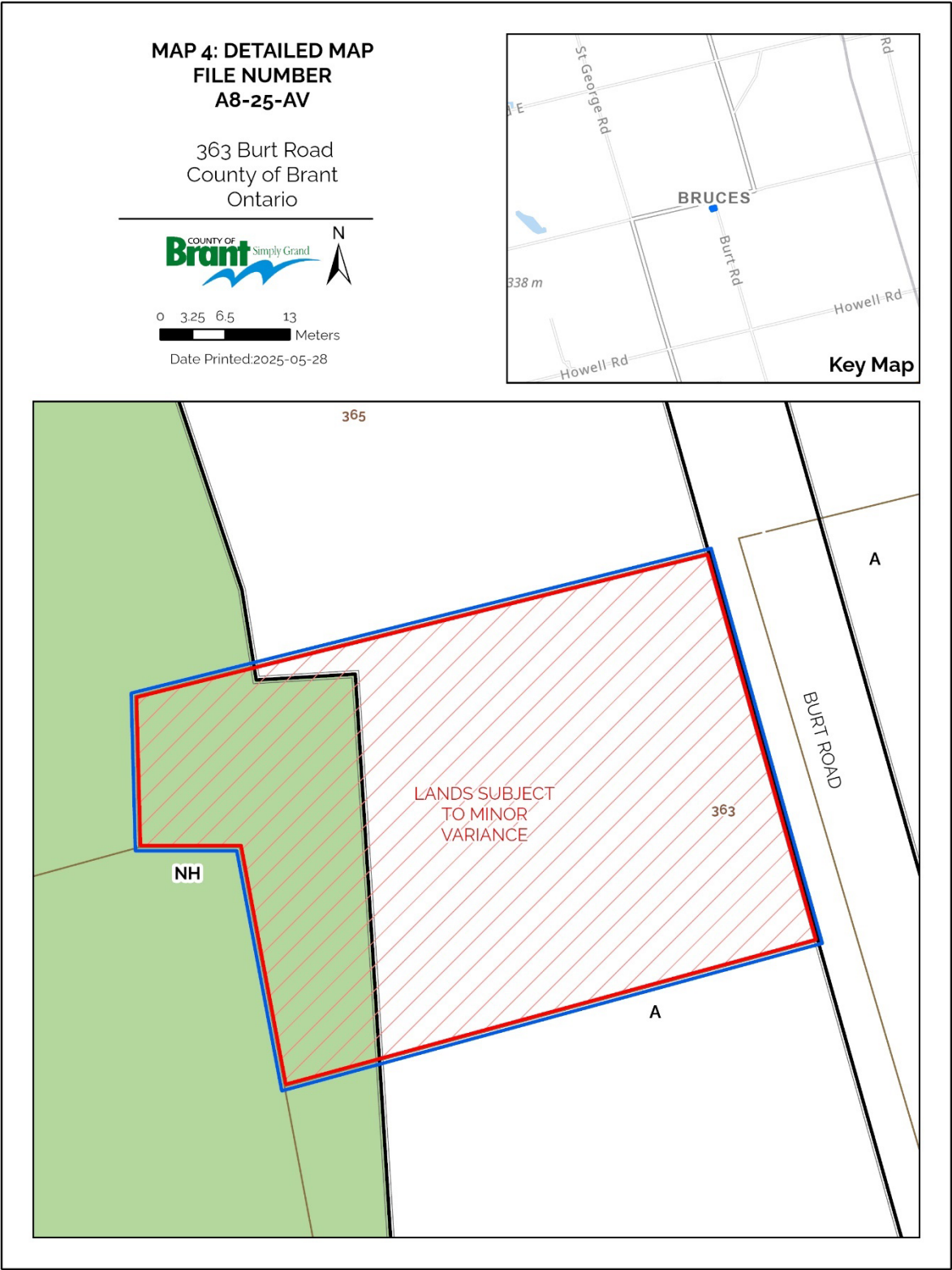
Attachment 3 - Official Plan Map



Attachment 4 - Aerial Map

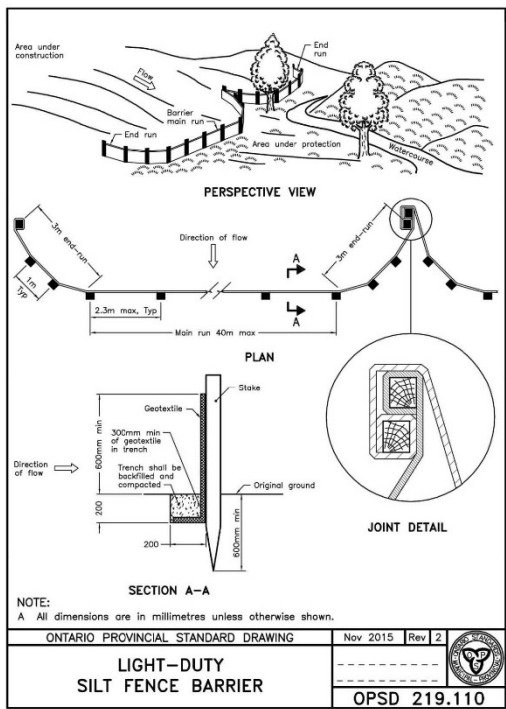
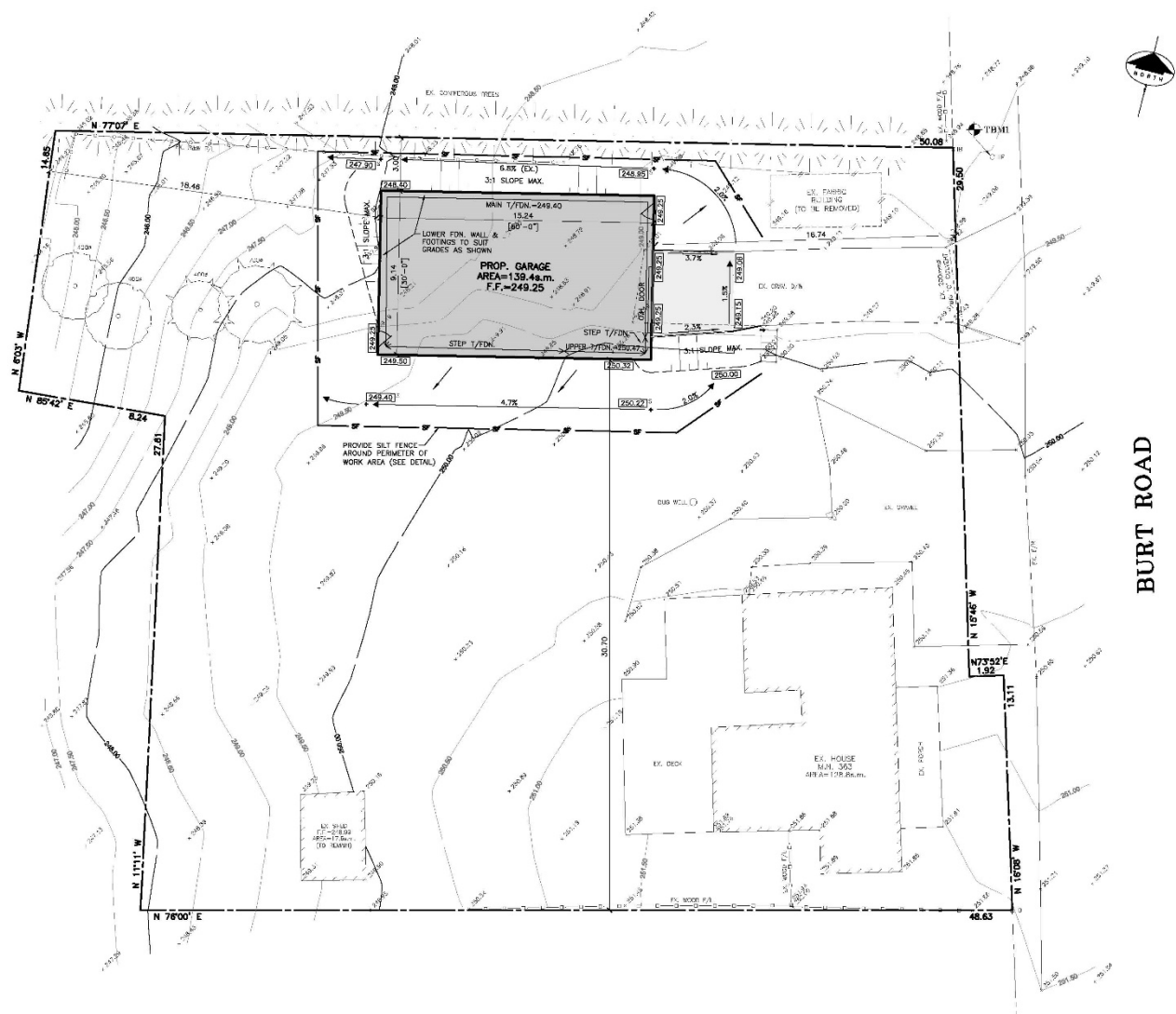


Attachment 5 – Aerial Detailed Map



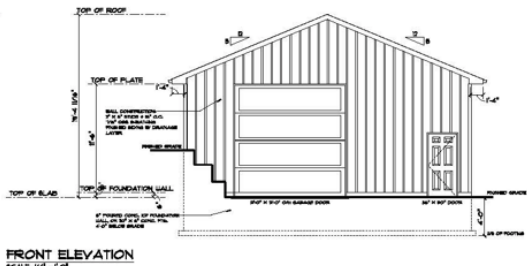
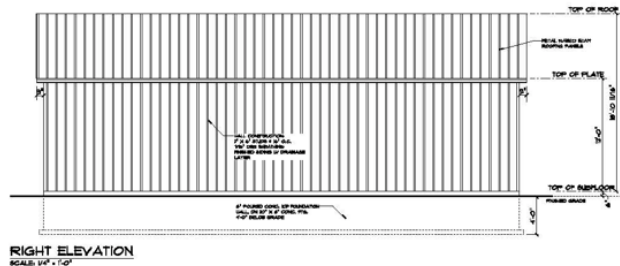
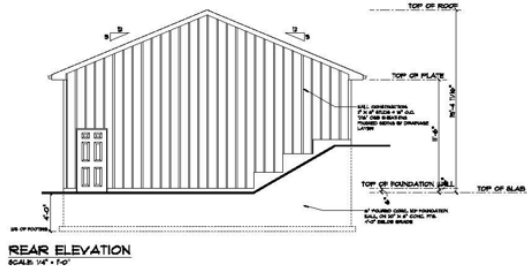
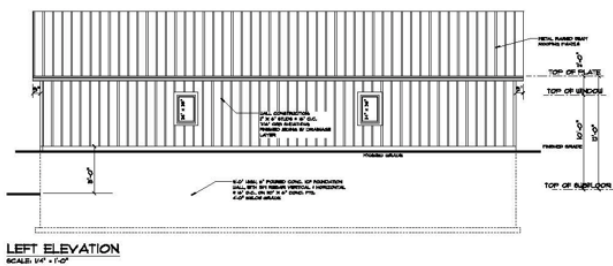
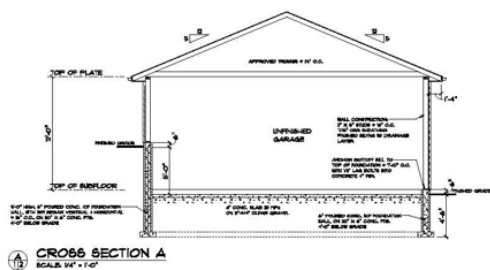
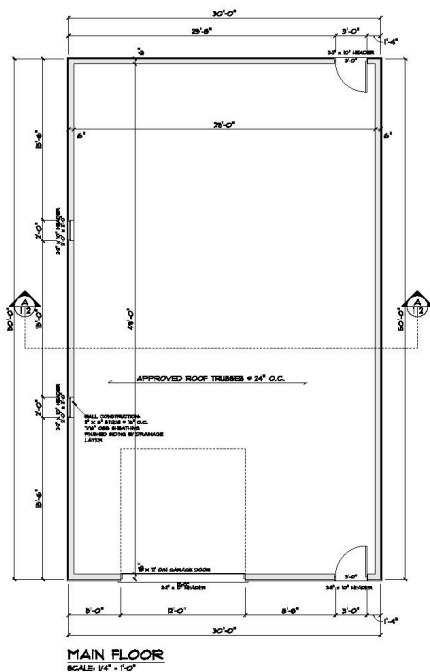
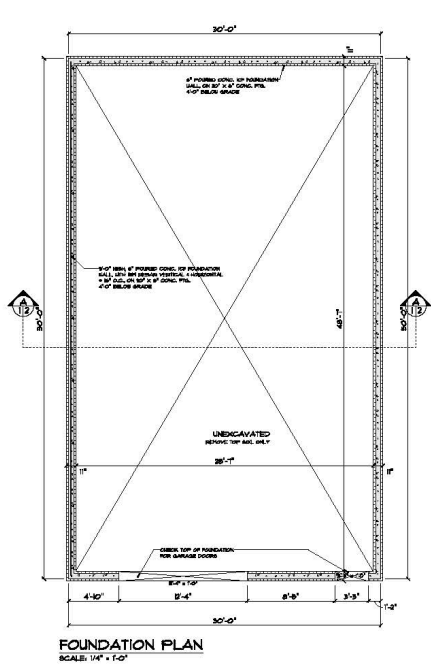


Attachment 6 - Site Plan





Attachment 7- Proposed Building Drawings





Attachment 8 - Site Photos



View of Existing Dwelling from Burt Road



View of Both Entrances from Burt Road  
(Temporary Fabric Structure Visible)



The Main Entrance (First Entrance)



The Second Entrance (Must Be Removed)

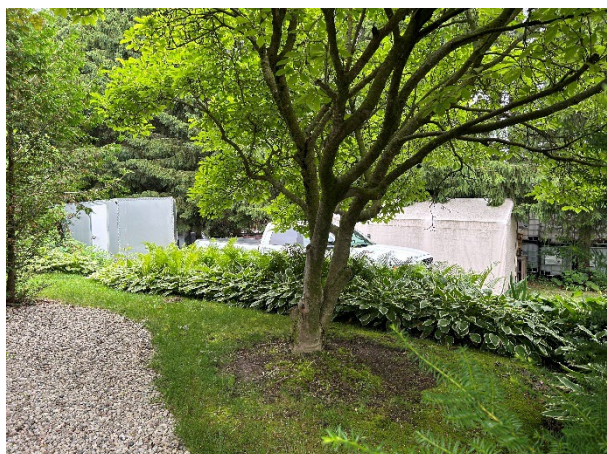


View Looking North from Burt Road



View from Rear Yard Facing the Existing  
Dwelling





View from Main Driveway Toward Secondary Driveway and Temporary Fabric Structure Showing Slope (and Grade Difference)



The Rear Yard



Location of the Proposed Accessory Structure



The Existing Shed