



Committee of Adjustment Report

Date: July 17, 2025

Report No: RPT - 0261 - 25

To: The Chair and Members of the Committee of Adjustment
From: Roxana Flores, Junior Planner
Application Type: Minor Variance Applications
Application No: A10-25-RF
Location: 160 Oakland Road, Oakland
Agent / Applicant: Peter Van Brugge
Owner: Peter & Krista Van Brugge
Subject: Request for a decision on a Minor Variance Application seeking relief from Section 4, of Zoning By-Law 61-16.

That Application for Minor Variance **A10-25-RF**, from Peter Van Brugge, Owner of the lands legally described as CONCESSION 2 PART LOT 6, in the former Township of Oakland and municipally known as 160 Oakland Road, requesting relief from Zoning By-Law 61-16, Section 4, to permit an increased maximum lot coverage of 194 square metres for all accessory structures, whereas a maximum of 140 square metres is permitted, to permit a maximum accessory structure height of 5.8 metres, whereas the maximum permitted height is 5 metres, and to permit an Additional Residential Unit on private services on a lot having an area of 0.36 hectares, whereas a minimum of 0.40 hectares is required, **BE APPROVED**.

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

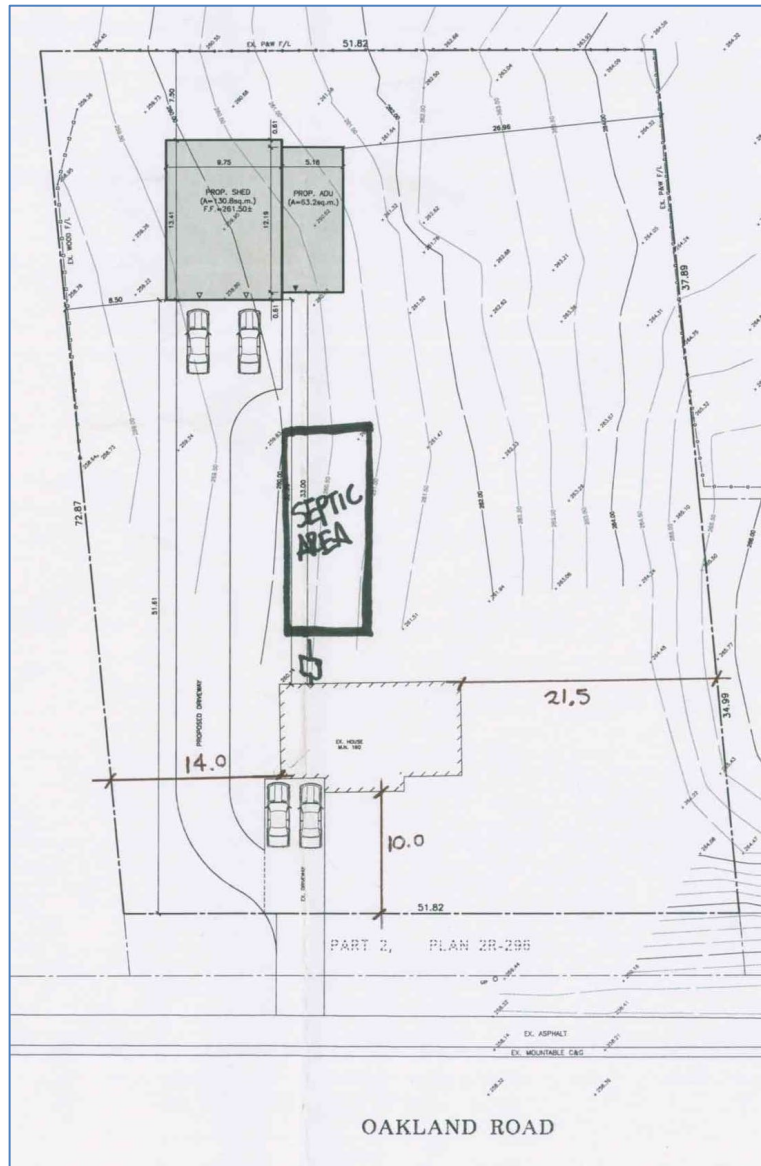
- The proposed variances are considered minor in nature and are desirable for the appropriate development and use of the subject lands;
- The proposed variances are in keeping with the general intent of the Official Plan and Zoning By-Law 61-16;
- The proposed variances meet the four tests of Section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

Executive Summary

Minor Variance Application **A10-25-RF**, requesting relief from the following provisions of Zoning By-law 61-16 to facilitate the construction of an accessory structure to contain an attached Additional Residential Unit (ARU)

1. Section 4, Table 4.4.1
 - Increased lot coverage of 194 m² for all accessory structures, whereas a maximum of 140 m² is permitted; and
 - An accessory structure height of 5.8 metres, whereas the maximum permitted height is 5 metres; and
2. Section 4.5 b) for a reduced lot area of 0.375 hectares, whereas a minimum of 0.40 hectares is required to permit an Additional Residential Unit (ARU) on private services.

Figure 1: Proposed Drawing



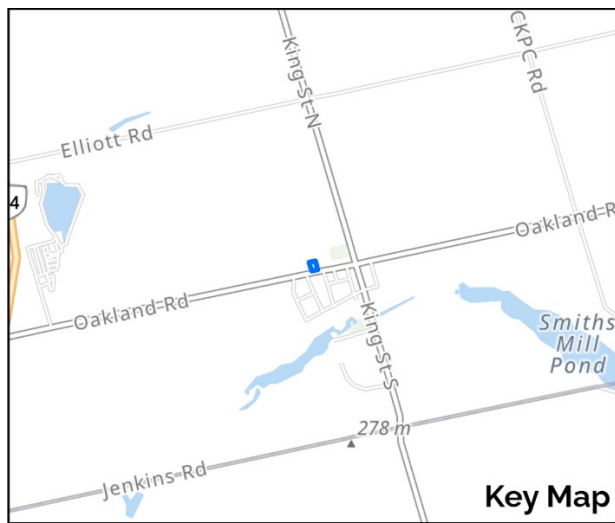
Staff have reviewed the request with applicable planning policy (i.e., Official Plan and Zoning By-Law) in review of any comments received from relevant departments, the applicant, and the members of the public.

For the reasons outlined in this report, it is my professional recommendation that the proposed Minor Variance Application A10-25-RF is appropriate and meets the four tests of a minor variance as required by the *Planning Act* and be **APPROVED**.

Location/ Existing Conditions

The subject lands are located within a Settlement Area, north of Oakland Road, south of Elliot Road, east of Highway 24, and west of King Street. The subject lands are mostly surrounded by residential, agricultural and some employment and commercial uses.

LOCATION MAP
Application: A10-25-RF
160 Oakland Rd



AERIAL IMAGE
Application: A10-25-RF
160 Oakland Rd



The subject lands have a frontage of approximately 51.32 metres (168.37 ft) along Oakland Road, and an area of approximately 0.375 hectares (0.93 acres).

The subject lands contain a single detached dwelling and is privately serviced. The structure pictured at the rear of the property has been removed.

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.

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.

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

- Provincial Planning Statement encourages land use patterns in settlement areas that efficiently use land, optimize existing and support infrastructure, and promote active transportation. The subject lands, designated Village Developed Area, are within a Settlement Area and align with this policy. The proposed accessory structure with attached Additional Residential Unit efficiently use the land and supports the residential use with existing infrastructure.
(Chapter 2, Section 2.3.1.)
- The proposed accessory structure with an attached ARU in a rural area uses existing private well and septic services, supported by a Pump Test Assessment confirming capacity and no negative impacts. This aligns with Provincial policies allowing individual on-site services where municipal systems aren't available, ensuring environmental protection and sustainability. Stormwater management will also address runoff to protect surrounding properties.
(Chapter 3, Section 3.6)

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: **Village Developed Area**

Settlement Area: **Rural Settlement Area of Oakland**

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 proposal conforms with the intent of the Village Developed Area designation, which permits residential uses, supports the inclusion of accessory structures and Additional Residential Units.
(OP, Part 5, Section 1.4)*
- The proposal conforms to the intent of policies supporting Additional Residential Units and meets the applicable regulations within Settlement Areas. As indicated by the applicant and demonstrated in the submitted site plan, the unit is appropriately sized, situated on a suitable site, will be serviced through the principal dwelling, accessed via the municipal right-of-way, and the principal dwelling will continue to occupy the largest building envelope on the lot.
(OP, Part 5, Section 1.9)*

Based 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: **Suburban Residential (SR)**

The following tables outline how the proposed development conforms to the applicable provisions of the County of Brant Zoning By-law 61-16, as they relate to accessory structures and Additional Residential Units.

Suburban Residential (SR) Section 4, Table 4.4.1	Required	Proposed Accessory Structure with attached ARU
Lot Coverage, max for accessory structures	The lesser of 15% of the total lot area or 140 m ²	194 m ² (5.2%)
Street Setback, min (m)	6.0 m	51.61

Interior side yard and rear yard setback, min (m)	1.2 m	8.5 m
Structure Height, max for accessory structures	5.0 m	5.8 m
Total lot coverage, max	30 %	8.64 %

Suburban Residential (SR) Section 4.5	Required	Proposed Accessory Structure with attached ARU
Minimum Lot size for ARUs	0.4 ha	0.375 ha
Parking Spaces	1	2

Suburban Residential (SR) Section 4.5	Existing Dwelling	Proposed Accessory Structure with attached ARU
The primary dwelling unit shall be considered whichever dwelling unit has the greatest gross floor area.	260 m ² (2798.62 f ² including basement)	194 m ² (2088.20 f ²)

- ***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: 140 m²

Relief Requested: 194 m² (5.2%)

Test 1 – Intent of the Official Plan:

The subject property at 160 Oakland Road is designated Village Developed Area within a Settlement Area under the County of Brant Official Plan (2023), which supports low-impact, mixed-use development that enhances livability and sustainability in rural village communities. The proposed accessory structure with Additional Residential Unit (ARU) is subordinate to the main dwelling, supports the existing residential use, and aligns with this

designation by contributing to housing diversity, promoting long-term sustainability, and reinforcing the rural built form.

The owner has submitted a well report and pump test, meeting the requirements of a complete application under the Official Plan. The proposed accessory structure with an ARU will share the existing well and septic system with the primary dwelling and will be accessed via the existing municipal road and driveway, with no new entrance proposed onto the urban residential collector road. As such, the proposal is considered low impact with respect to transportation and does not raise concerns related to access management or traffic flow.

The increase in the lot coverage for accessory structures does not have negative impacts on surrounding residential properties. The structure is appropriately set back and situated to minimize visibility and impact, maintaining compatibility with its rural context.

The relief requested conforms to the general intent and purpose of the County of Brant Official Plan.

Test 2 – Intent of the Zoning By-law:

The subject property is currently zoned Suburban Residential (SR), and the proposed increase in lot coverage for accessory structures maintains the intent of the Zoning By-Law by ensuring the accessory structure with an ARU remains secondary to the primary dwelling. This increase accommodates the lack of a garage or additional storage for the principal dwelling and supports the provision of additional housing.

The increase in lot coverage will not impact the agricultural operations at the rear of the property, and the overall development remains compatible with the surrounding area.

The relief requested complies with the general intent and purpose of the Zoning By-law.

Test 3 – Desirability:

The proposed increase in maximum lot coverage for accessory structures is desirable for the development and use of the property, as it allows for functional use of the space without negatively impacting the surrounding other lands. Given the existing house layout and grading, adding a garage as an addition to the main dwelling would not be practical or desirable.

The property is well separated from neighboring uses, with the structure positioned in the rear yard to minimize both visual and functional impacts. The structure is compatible with the rural residential character of the area and supports the property's intended use within the rural designation.

The relief requested is desirable, appropriate development and use of the land.

Test 4 – Minor in Nature:

The proposed increase in accessory structure lot coverage is minor, with total lot coverage remaining approximately 8.64%, well below the 30% maximum permitted for all structures in the Suburban Residential zone. The structure will clearly remain accessory to the primary use.

The proposed increase in accessory lot coverage is considered minor in nature, both in scale and impact.

Relief Request #2: Height max for accessory structures

Zoning Standard: 140 m²

Relief Requested: 194 m² (5.2%)

Test 1 – Intent of the Official Plan:

The proposed height of 5.8 meters, slightly above the 5.0-meter limit, aligns with the Official Plan's intent to maintain the character and scale of the Village Developed Area. The modest increase supports functional needs while preserving the rural residential character and minimizing impacts on neighboring properties.

The relief requested conforms to the general intent and purpose of the County of Brant Official Plan.

Test 2 – Intent of the Zoning By-law:

The proposed accessory structure height of 5.8 meters exceeds the maximum permitted height of 5.0 meters by 0.8 meters. However, this modest increase is considered to maintain the intent of the zoning by-law because the additional height will not negatively impact adjacent properties in terms of privacy, shadowing, or sightlines.

The structure will remain subordinate to the primary dwelling, thereby preserving the intended hierarchy between principal and accessory buildings.

Additionally, the increased height will not compromise the rural residential character of the area. Overall, the variance supports the purpose of the zoning provisions by enabling reasonable use of the property while maintaining compatibility with the surrounding community.

The relief requested complies with the general intent and purpose of the Zoning By-law.

Test 3 – Desirability:

The modest increase in height to 5.8 meters is desirable as it will not detract from the character of the area. As noted by the owner/applicant, the additional height allows for a more aesthetically pleasing roof profile for the larger building while maintaining a single-storey design. The structure will be compatible with surrounding properties and will support the continued use and enjoyment of the property.

The relief requested is desirable, appropriate development and use of the land.

Test 4 – Minor in Nature:

The requested increase in height to 5.8 meters is minor in nature, providing functional benefits such as a more pleasing roof profile while maintaining a single-storey design. This slight variance does not detract from the area's character, remains compatible with surrounding properties, and supports the continued use of the property.

The proposed increase in height is considered minor in nature, both in scale and impact.

Relief Request #3: Minimum Lot size for ARUs

Zoning Standard: 0.4 ha

Relief Requested: 0.375 ha

Test 1 – Intent of the Official Plan:

The proposed minimum lot size of 0.375 hectares, while below the minimum of the 0.4-hectare requirement, is still consistent with the intent of the Official Plan, as the slight reduction will still allow efficient use of the land while maintaining the rural character and scale for the area.

This minor variance will not compromise the provision of adequate servicing, open space, or compatibility with surrounding properties, thereby supporting the sustainable and development principles set out in the Plan.

The relief requested conforms to the general intent and purpose of the County of Brant Official Plan.

Test 2 – Intent of the Zoning By-law:

The proposed minimum lot size of 0.375 hectares, slightly less than the 0.4-hectare requirement, aligns with the intent of the zoning by-law by maintaining the lot's suitability for residential use without compromising the property's function or compatibility with surrounding lands.

This minor reduction supports efficient land use while ensuring adequate space for servicing, setbacks, and the proposed accessory structure, thereby preserving the rural character and orderly development the zoning provisions seek to protect.

The relief requested complies with the general intent and purpose of the Zoning By-law.

Test 3 – Desirability:

The slight reduction in minimum lot size to 0.375 hectares is desirable as it still allows for effective use of the property without impacting the surrounding area. It will maintain sufficient space for servicing, landscaping, and the proposed accessory structure while preserving the rural character and compatibility with neighboring properties.

The relief requested is desirable, appropriate development and use of the land.

Test 4 – Minor in Nature:

The minor reduction in minimum lot size to 0.375 hectares is minor in nature, as it does not significantly affect the property's functionality, servicing, or compatibility with surrounding uses. The change maintains the intended rural character and does not compromise zoning objectives.

The proposed increase in height is considered minor in nature, both in scale and impact.

Conclusion

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

Agency Comments

Development Engineering Department

- As per the Site Development Plan by J. H. Cohoon Engineering Ltd. submitted with the application and Development Engineering's staff Site Inspection, the direction of storm water flows from east to west with a 5.5m+- elevation change. Flows should not be directed to neighboring private properties. A Grading Plan will be required to be submitted through the Building Permit process.
- The proposed ADU will require water and sanitary services, it will be reviewed at the building permit stage.
- Note any new entrances or modifications to existing entrances require an approved Public Works Permit.

	<ul style="list-style-type: none"> The north and west limits of the Subject Lands are required to be verified. The verification can be completed by a certified Ontario Land Surveyor to address the proposed setbacks for the ADU structure and shed.
Policy Planning	<p>Policy Staff have no concerns with the proposed minor variance. The proposal aligns with the Village Developed Area designation, which permits additional residential units, and supports the Official Plan's housing goals (Part 5, Section 1.8) by encouraging a diverse mix of housing types and tenures.</p> <ul style="list-style-type: none"> The only note staff have in accordance with Part 5, Section 1.9.10 is that the proposed detached shed and ARU shall be considered the principal dwelling due to its larger building envelope. As a result, the existing principal dwelling is will need to be classified as the ARU on the property. In accordance with Part 5, Section 1.9.2 and 1.9.6, the applicant demonstrates that the proposed detached ARU and shed is on a suitably sized lot with sufficient private servicing (well and septic). Per Section 1.9.5, its location, massing, and design shall be compatible with the existing home and surrounding neighbourhood. The applicant has also demonstrated compliance with minimum setbacks from nearby livestock facilities, consistent with the direction to focus rural development in villages to reduce land use conflicts.
Environmental Planning	<ul style="list-style-type: none"> Environmental Planning has no comments on the proposed minor variances.
Building Department	<ul style="list-style-type: none"> A Building Permit is required to be issued by the Building Division prior to construction of any buildings or structures. Development charges & fees are applicable to this development in accordance with the Development Charges By-Law and interest may be charged as per the Development Charges Interest Rate Policy. <p>For additional information about the Building Permits and/or Development Charges & Fees please contact richard.weidhaas@brant.ca</p>
Operations Department	<ul style="list-style-type: none"> The Pump Test Assessment as submitted by the applicant asserts that the well can sustain 2gpm, satisfying the D.5.5 per capita pumping requirements with the addition of the ARU. Adequate capacity of the onsite septic system shall be confirmed by the Building Department.

Fire Department	<ul style="list-style-type: none"> The fire department has no comments on this proposed variance at this time.
Canada Post	<ul style="list-style-type: none"> Please be advised that Canada Post does not have any comments on this application. If the ADU requires separate mail delivery, then Canada Post will need a unit # or separate civic address to separate the mail. The customer will need to register for mail delivery at the Scotland Post Office as well.

No Comments from the Following:

- Enbridge Gas Inc.
- Hydro One
- 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 metres of the subject lands in accordance with Section 45(5) of the *Planning Act* as required.

A site visit and the posting of the Public Notice sign was completed on July 2, 2025.

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

Conclusions and Recommendations

Minor Variance Application A10-25-RF requests relief from Zoning By-law 61-16 to permit: (1) increased total accessory structure lot coverage of 194 m², whereas 140 m² is permitted; (2) an accessory structure height of 5.8 metres, whereas 5.0 metres is permitted; and (3) a reduced lot area of 0.375 hectares, whereas 0.40 hectares is required to allow an Additional Residential Unit (ARU) on private services.

The proposal seeks to permit increased accessory structure lot coverage and height, along with a reduced lot area, to accommodate a shed with an attached Additional Residential Unit (ARU). The development is compatible with the existing built form and rural character of the area. A Pump Test Assessment submitted by the applicant confirms that the existing well can support the ARU, with no anticipated impacts on surrounding residential or agricultural uses. Adequate capacity of the onsite septic system is to be confirmed by the Building Department.

According to Policy Planning comments, the proposed detached accessory structure with an ARU was initially interpreted as the principal dwelling, as the applicant had not indicated that the existing house includes a basement with the same floor area as the main level. This would have required the existing dwelling to be classified as the ARU. However, the applicant has

since confirmed by email that the existing primary dwelling does include a full basement, making it larger in total floor area than the proposed accessory structure. As a result, and in accordance with Part 5, Section 1.9.10 of the Official Plan, the detached accessory structure with an ARU does not need to be considered the principal dwelling.

A grading plan will be required to ensure stormwater is directed away from adjacent private properties. Any new entrances or modifications to the existing entrances will require a Public Works Permit approved by the County.

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 this review, it is my professional recommendation that Minor Variance Application **A10-25-RF BE APPROVED.**

Prepared by:



Roxana Flores

Attachments

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Map
- 4. Site Plan
- 5. Site Photos

Reviewed By

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

Copied To

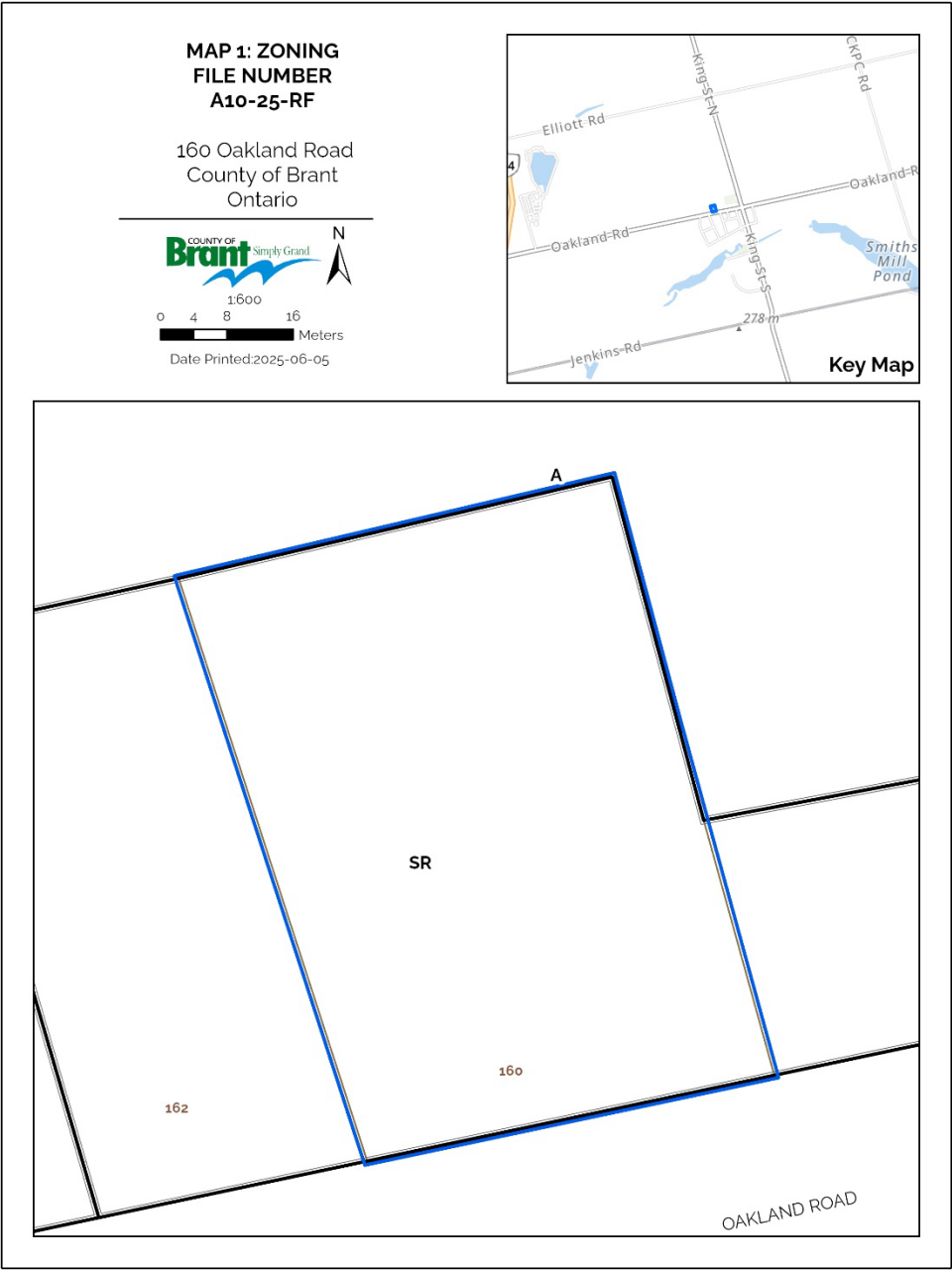
3. Nicole Campbell, Secretary Treasurer of the Committee of Adjustment
4. Committee of Adjustment
5. Applicant/Agent

File # A10-25-RF

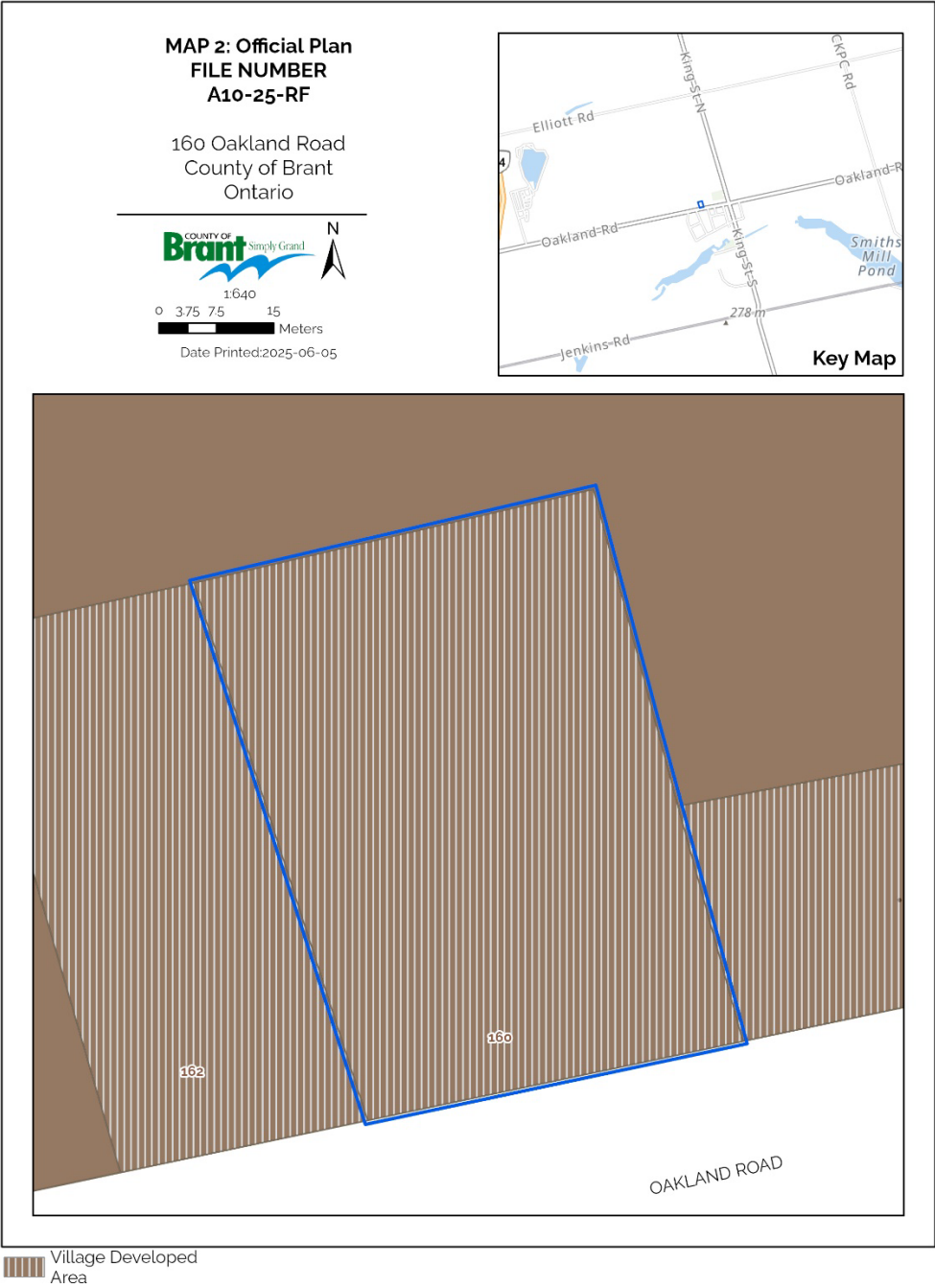
By-law and/or Agreement

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)

Attachent 1 – Zoning Map



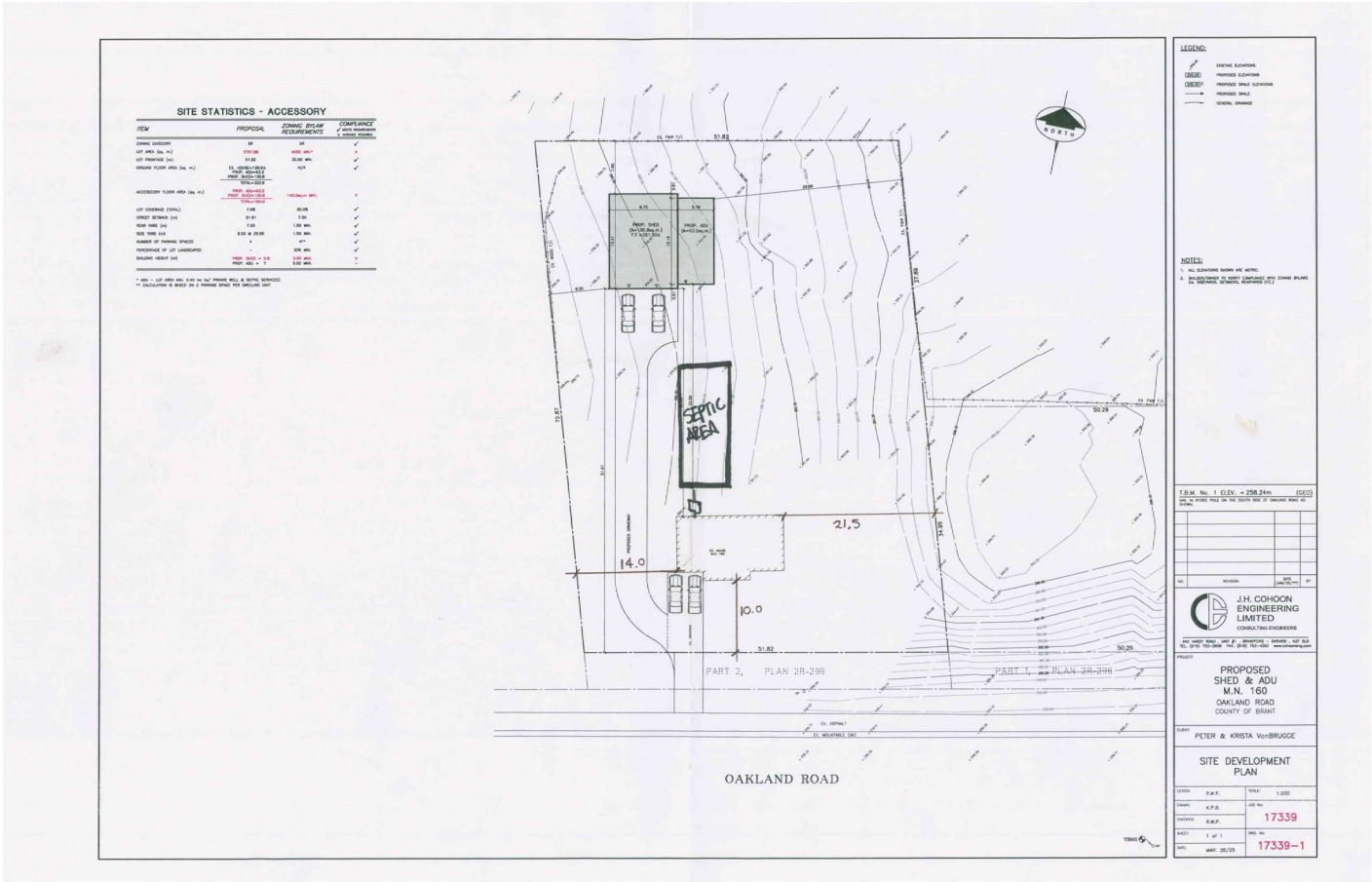
Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map



Attachment 4 – Site Plan



Attachment 5 – Site Photos



Front-facing (west) view from the right side of the property.



Front-facing (east) view from the left side of the property.



Front view (north) of the property at the entrance.



Rear view (South) of existing dwelling.



Rear yard view facing north of the property.