



## Committee of Adjustment Report

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**Date:** July 17, 2025

**Report No:** RPT - 0264 - 25

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**To:** The Chair and Members of the Committee of Adjustment  
**From:** Roxana Flores, Junior Planner  
**Application Type:** Minor Variance Application  
**Application No:** A9-25-RF  
**Location:** 233 Oakland Road, Scotland  
**Agent / Applicant:** n/a  
**Owner:** James Scorgie  
**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.

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That Application for Minor Variance **A9-25-RF**, from James Scorgie, Owner of the lands legally described as CONCESSION 1 PART LOT 2, in the former Township of Oakland and municipally known as 233 Oakland Road, requesting relief from Zoning By-Law 61-16, Section 4, Table 4.4.1 to permit an increased maximum lot coverage for all accessory structures of 228 square metres (16%), whereas 72 square metres is permitted based on 5% of the existing lot area of 0.14 hectares (0.36 acres), and to recognize the reduced side yard setback for the existing, garage, garage addition and covered patio of 1.4 metres, **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

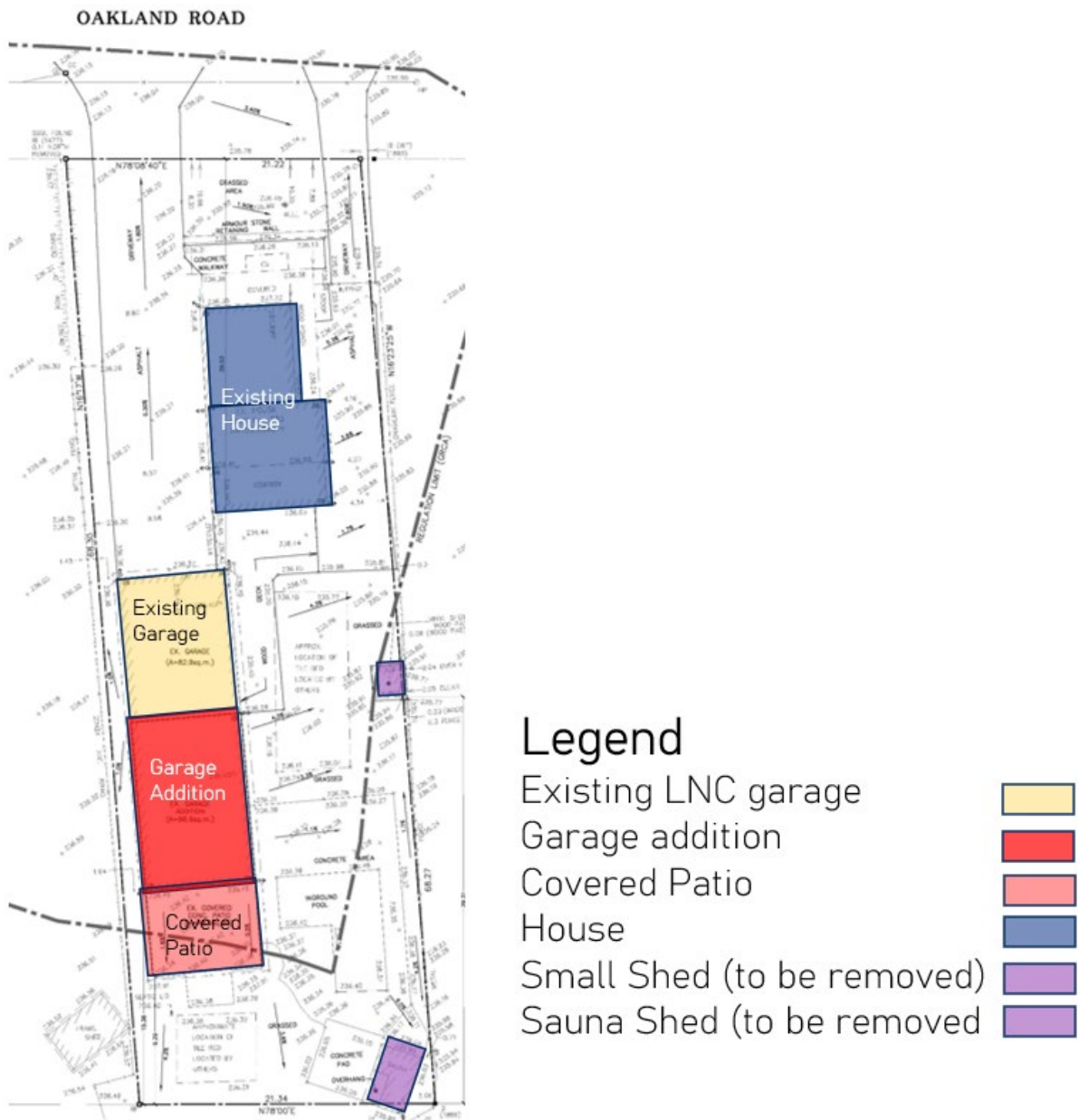
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Minor Variance Application **A9-25-RF**, requesting relief from Section 4, Table 4.4.1 of the County of Brant Zoning By-Law 61-16 to permit the following:

1. An increased maximum lot coverage for all accessory structures of 228 square metres (16%), whereas 72 square metres is permitted based on 5% of the existing lot area of 0.14 hectares (0.36 acres); and
2. To recognize the reduced side yard setback for the existing, garage, garage addition and covered patio of 1.4 metres.

The application is required in order to bring the existing non-complying accessory structure into compliance, which resulted in the total accessory lot coverage to exceed the maximum permitted.

Figure 1: Survey of Subject Lands



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 A9-25-RF to permit an increased maximum lot coverage for all accessory structures and reduced interior side yard setback is appropriate and meet the four tests of a minor variance as required by the *Planning Act* and be **APPROVED** subject to conditions.

**Location/ Existing Conditions**

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The subject lands are located within a Settlement Area, north of Jenkins Road, south of Oakland Road, and east of Highway 24. The subject lands are mostly surrounded by residential, agricultural and natural heritage uses.

LOCATION MAP  
Application: A9-25-RF  
233 Oakland Rd



AERIAL IMAGE  
Application: A9-25-RF  
233 Oakland Rd



The subject lands have a frontage of approximately 21.22 metres (69.62 ft) along Oakland Road and has an area of approximately 0.14 hectares (0.36 acres).

The subject lands contain a single detached dwelling, a pool, small shed, sauna shed, and a detached garage with an addition and a canopy. for the purpose of calculating accessory structure area, the pool is not included. The property is privately serviced.

Existing Conditions							
Agricultural (A)	Required	Existing Garage	Addition to Garage	Covered patio to Garage	Sauna (To be removed)	Small Shed (To be removed)	Meets Requirement
Lot Coverage, max for Accessories	5% of total area (72.4 m <sup>2</sup> )	82.9 m <sup>2</sup>	96.6 m <sup>2</sup>	48.3 m <sup>2</sup>	10.4 m <sup>2</sup>	4.4 m <sup>2</sup>	No 16.75% or 242.60 m <sup>2</sup>
Interior side yard and rear yard setback, min (m)	3	legal non-complying	1.64m	1.64m & 9.29m	Over property line	0.71m	No
Total Lot Coverage Maximum	30%	-	-	-	To Be Removed	To Be Removed	No 31.0%

## Strategic Plan Priority

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Strategic Priority 2 - Focused Growth and Infrastructure

## Report

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### 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:

- Shall be minor;
- Shall be desirable for the appropriate development or land use of the land, building or structure;
- Shall maintain the general intent and purpose of the Zoning By-Law; and
- Shall maintain the general intent and purpose of the Official Plan.

### **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, support infrastructure, and promote active transportation. The subject lands, designated Village Developed Area within a Settlement Area and align with this policy. The non-complying accessory structure supports the residential use and existing infrastructure without requiring additional services.  
(Chapter 3, Section 2.3.1)
- The Provincial Planning Statement supports strengthening rural character by focusing growth and development within rural settlement areas. It encourages planning authorities to consider locally appropriate rural characteristics, the scale of development, and suitable service levels. The proposal to bring the non-complying accessory structure into compliance aligns with these principles in accordance with policy 2.3 of the Provincial Planning Statement.  
(Chapter 2, Section 2.5)

### **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 and Natural Heritage System**

Settlement Area: Rural **Settlement Area of Scotland**

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

*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: **Agricultural (A)**

The following table outlines how the proposed development conforms to the applicable provisions of Section 4, Table 4.4.1 of the County of Brant Zoning By-law 61-16, as they relate to accessory structures.

Proposed Conditions					
Agricultural (A)	Required	Existing Garage	Non-Complying Addition Garage	Covered patio to Garage	Meets Requirement
Lot Coverage, max	5% of total area (72.4 m <sup>2</sup> )	82.9 m <sup>2</sup>	96.6 m <sup>2</sup>	48.3 m <sup>2</sup>	No 15.75% or 227.8 m <sup>2</sup>
Street Setback, min (m)	10.0m	29.53m	29.53	29.53	Yes
Interior side yard and rear yard setback, min (m)	3.0m	legal non-complying	1.64m	1.64m & 9.29m	Yes
Structure height, max (m)	7.0m	7.0m	7.0m	7.0m	Yes
Lot Coverage Maximum	30%				Yes 29.98%

- **The addition to the garage and the covered patio of 145 m<sup>2</sup> result in a total accessory lot coverage increase. The existing garage of 82.8 m<sup>2</sup> is legal non-complying.**
- **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.**

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 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 % (72.4 m<sup>2</sup>)

**Relief Requested:** 16 % (228 m<sup>2</sup>)

##### **Test 1 – Intent of the Official Plan:**

The subject property is designated Village Developed Area and is within a Settlement Area under the County of Brant Official Plan (2023). This designation is intended to facilitate low-impact, mixed-use development that supports the livability and long-term sustainability of rural village communities while managing residential growth appropriately.

The proposed accessory structure by use is subordinate to the main dwelling and supports the existing residential use on the property. As such, it aligns with the intended function of

the Village Developed Area designation by enhancing the flexibility and functionality of residential properties and contributing to a diverse rural built form.

The accessory structure does not place any additional demand on the private services, and there is no change proposed to the existing main access onto the rural arterial road. As such, the proposal is considered low impact in terms of servicing and transportation, and does not raise concerns related to access management or traffic flow.

There are no negative impacts on surrounding residential properties, agricultural lands, or designated natural heritage features. 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 Agricultural (A) under the County of Brant Zoning By-law. However, it is designated Village Developed Area in the County of Brant Official Plan (2023). A future zoning update to Rural Residential is anticipated to reflect the residential use of the property and ensure consistency with the Official Plan.

An accessory structure is permitted in the Agricultural (A) zone as part of a residential use. Although the existing non-complying structure exceeds the maximum permitted area of 72.4 m<sup>2</sup> (based on 5% of the lot area), the non-complying structure—measuring 227.8 m<sup>2</sup>, including a 48.3 m<sup>2</sup> roofed patio—remains subordinate to the principal dwelling and continues to function as an accessory use, consistent with the intent of the Zoning By-law.

Other rural residential zones also permit larger accessory buildings and heights:

- **SR-3:** 186 m<sup>2</sup> (7.6 m height)
- **RH-4:** 160.5 m<sup>2</sup> (7.6 m height)

The non-complying structure has a height that remains within the current 7.0 m height limit of the Agricultural (A) zone, and has a traditional shape and elongated form, with visual screening from a hedgerow and fencing.

The 1.64 metre side yard setback does not impact visibility triangles, is sufficiently separated from drainage features (which is at least 0.6 metres from any lot line) and does not affect neighbouring uses. The setback is also comparable to typical urban standards.

The structure remains within the overall lot coverage limit, supports the permitted residential use, and does not conflict with nearby agricultural activity.

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 as it supports the existing residential use in a rural area context where larger lots typically can accommodate more accessory structures for functional use of space.

The non-complying accessory structure serves practical purposes, including garage use, recreational space, and seasonal roofed patio space. It remains clearly subordinate to the main dwelling, enhancing livability and value of the property. It is well integrated into the site, with existing landscaping providing visual screening from neighbouring properties. The adjacent residential property is large and wraps around the rear yard of the subject lands, further limiting visibility of the structure from other properties.

The building materials, roofline, and general appearance are in keeping with the existing built form and do not take away from the visual character of the neighbourhood.

The placement of the structure on the lot also minimizes visual impact from the street, where it looks like a typical residential garage in scale and appearance.

There are no servicing or access impacts, and the development aligns with the area's built form and character, therefore making the proposal desirable, appropriate development and use of the land.

### Test 4 – Minor in Nature:

Although the proposal seeks relief from the maximum lot coverage for accessory structures, the overall site coverage remains within the total lot coverage allowed for the property at 29.98%, whereas 30% is permitted.

The structure's height and use remain compliant with the Zoning By-law, and the visual and functional impact is minimal due to screening and lot size.

The structure's side yard setback of 1.4 metres still provides adequate spacing between structures for access, maintenance, privacy, and fire safety. While slightly reduced, it is more in line with typical residential zoning standards. All other setbacks meet the current requirements of the Zoning By-law.

There are no negative impacts on adjacent properties, infrastructure, or environmental features related to the non-complying structure.

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



**Relief Request: To Recognize to recognize the reduced side yard setback for the garage addition and covered patio**

**Zoning Standard:** 3.0 m

**Relief Requested:** 1.4 m

**Test 1 – Intent of the Official Plan:**

The Official Plan permits residential, and accessory uses and encourages compatibility with surrounding properties. The reduced side yard setback of 1.4 metres for the non-complying garage addition and covered patio to a legal non-complying accessory structure is minor and maintains adequate separation. The proposal does not impact on the character of the neighbourhood or function and is consistent with the general intent of the Official Plan.

**Test 2 – Intent of the Zoning By-law:**

The intent of the side yard setback requirement is to ensure adequate spacing between structures for access, maintenance, privacy, and fire safety. Although a setback of 1.4 metres is proposed where 3.0 metres is required in the Agricultural Zone, it continues to provide sufficient separation from adjacent properties and drainage features. The reduced setback does not negatively impact neighbouring uses and remains comparable to typical urban development standards.

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

**Test 3 – Desirability:**

The small reduction in the side yard setback supports the continued residential use of the property without negatively impacting neighbouring properties. The proposal poses no servicing or access concerns, and is compatible with the surrounding built form and character, making it a desirable form of development.

Additionally, the abutting property owner at 231 Oakland has provided a letter confirming they are aware of and agree to the existing drainage from 233 Oakland that flows onto and through their property.

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

**Test 4 – Minor in Nature:**

The variance is minor in nature because the setback has existed at 1.4 metres for some time without causing any negative impacts to adjacent properties or the neighbourhood, nor does it affect the use, function, appearance, or character of the area.

The request to recognize a side yard setback of 1.4 metres is minor in nature.

### Section 45 (1) 'Four Tests' - 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

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

1. Minor Variance Application
2. Justification Letter
3. Site Development Plan and Grading prepared by J.H. Cohoon Engineering
4. Legal Survey prepared by MacAulay, White & Muir Ltd.
5. Accessory Structure (Garage) Floor Plan

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 Division	<p>DED have no comments to the above noted minor variance, however, other responding agencies (i.e. Operations department, GRCA, etc.) might have interest and comment on the following items below:</p> <ul style="list-style-type: none"><li>• A Grading Plan dated May 30, 2025 was approved on the subject lands by the County. The County did receive a letter accepting the drainage on to the neighbor's property at Mun. #231 Oakland Road.</li><li>• Various structures and fencing encroach into neighbouring properties.</li><li>• The Entrance By-Law 123-24 provisions for a maximum of one (1) entrance for residential and farm properties. The current site has 2 driveways.</li><li>• Subject lands are within GRCA Regulation Limit.</li></ul>
Policy Planning, Environmental Planning	<p>The County Good Forestry By-Law regulates tree removal in woodlots that are 0.2 ha or greater. Tree removal occurred in the south part of the property. The intent of the By-Law is to prevent clear cutting.</p> <p>The Official Plan does not permit development or site alteration in the</p>

Natural Heritage System, except for permitted uses. The Natural Heritage System on and adjacent to the subject lands consists of the following:

- Wetlands plus a minimum vegetation protection zone of 30 m
- Woodlands plus a minimum vegetation protection zone of 10 m
- Natural areas of significance to Indigenous communities (consultation is required with Six Nations and Mississaugas of the Credit First Nation to determine this).

Based on a comparison of aerial imagery, significant alteration has occurred in the south end of the property including the removal of trees.

2024 Aerial:



2020-2022 Aerials:



The 30 m setback from the wetland is illustrated below:



While development and site alteration may be considered in the Natural Heritage System with respect to legally existing use, it must be demonstrated that:

- The impact on the Natural Heritage System has been minimized and mitigated (*it is the opinion of staff that this was not achieved as buildings, structures and site alteration occurred in most of the 30 m wetland buffer*).
- No building, structure, use, access, servicing or associated site alteration will be in or within 30 m of a wetland (*based on GRCA mapping of the wetland, it is the opinion of staff that this criterion was not achieved*).
- New non-habitable accessory structures and uses will be in an existing building cluster (*it is the opinion of staff that alternative options could have been used for the building and associated uses*).
- Where feasible and sufficient land is available, an expansion, alteration, replacement, accessory structure or use, conversion and associated site alteration shall be located outside of key natural heritage features (*it is the opinion of staff that this criterion was not met with respect to the woodland*).

As the woodland has been removed, a proper assessment of the feature which existed is not likely feasible.

An Environmental Impact Study was not submitted to demonstrate that the proposed development meets the intent of the Official Plan and is consistent with natural heritage policies in the Provincial Planning Statement.

Part 5, Section 2.10.19 of the Official Plan contains the following policy, to address features which were removed:

2.10.19 Unauthorized illegal acts that have resulted in a reduction in the area, form and/or function of features in the Natural Heritage System whether previously evaluated or not, including but not limited to acts such as tree injury or destruction and alteration to a wetland or stream, will not be recognized as a legally existing use. In such cases, the lands will not be removed from the Natural Heritage System. Restoration of the area shall be required to the satisfaction of the County and any agency having jurisdiction. If the unauthorized illegal act is carried out prior to and/or in conjunction with a development application, restoration will be required prior to, or as a condition of, approval of infrastructure, development or site alteration.

Part 5, Section 4.3.3 of the Official Plan contains the following policies on required compensation:

- For individual trees that are removed, the larger the diameter at breast height of the tree removed, the greater number of replacement trees should be required. The table below has been provided as a guideline whereby replacement trees would not be required for dead, dying or hazardous trees, and buckthorn or other trees considered to be a noxious weed.

mply Grand Plan | October 2024

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A Simply Grand 

Size of tree to be destroyed or injured	Number of Replacement Trees
< 10 cm diameter at breast height	None required.
10 to 29 cm diameter at breast height	2
30 to 39 cm diameter at breast height	3
40 to 49 cm diameter at breast height	4
50 to 59 cm diameter at breast height	5
> 60 cm diameter at breast height	6 + 1 replacement tree per every 10 cm of diameter removed

*At a minimum a 2:1 replacement ratio will be required to be planted on site and where this cannot be achieved cash-in-lieu will be required in accordance with the County Fees and Charges By-Law. Tools such as street imagery and aerial imagery may be used to estimate the number, size and aerial extent of trees removed to determine offsetting requirements.*

*Restoration of the area is required prior to approval of the Minor Variance and the County must have a means of ensuring the restoration remains in place (e.g. site plan control).*

Prior to approval of the Minor Variance, staff require the following:

	<ul style="list-style-type: none"> <li>• A Scoped Environmental Impact Study, the Terms of Reference to be approved by the County. Discussions and a site visit must be arranged with the applicant's environmental consultant and environmental planning staff, prior to submission of the study. The study must include a restoration and compensation plan as per Official Plan policies. It must also provide recommendations on how any restoration on the subject lands will be implemented and stay in place (e.g. site plan agreement).</li> <li>• Completion of restoration on the subject lands and any cash-in-lieu to compensate for tree removal, as per the approved Environmental Impact Study and the <a href="#">County Fees and Charges By-Law</a>.</li> <li>• A Site Plan may be required as a condition of approval to ensure there are no negative impacts on the wetland to the south and that restoration remains in place.</li> </ul>
Building Department	<ul style="list-style-type: none"> <li>• A Building Permit is required to be issued by the Building Division prior to construction of any buildings or structures.</li> <li>• Development charges &amp; 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.</li> </ul> <p>For additional information about the Building Permits and/or Development Charges &amp; Fees please contact <a href="mailto:richard.weidhaas@brant.ca">richard.weidhaas@brant.ca</a></p>
Operations	<ul style="list-style-type: none"> <li>• The secondary entrance was constructed between Apr 2021 and Spring 2022 (per aerial photos and Google Streetview).</li> <li>• The secondary entrance asphalt encroaches upon the neighboring property's road frontage.</li> <li>• This entrance has not received an approved permit from the County of Brant and is not permitted as per the current Entrance By-law.</li> </ul>
Grand River Conservation Authority	<p>Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application requesting an increased lot coverage for accessory structures.</p> <p><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>• The GRCA has no objection to the proposed minor variance application.</li> </ul> <p><b>GRCA Comments</b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>

	<p>public body under the <i>Planning Act</i> as per our CA Board approved policies.</p> <ul style="list-style-type: none"> <li>• Information currently available at this office indicates that a portion of the subject property is within the regulated allowance adjacent to floodplain and a wetland. A copy of GRCA's resource mapping is attached.</li> <li>• Due to the presence of the features noted above, a portion of the property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.</li> <li>• It is understood that the minor variance application requests relief from the accessory structure lot coverage provisions of the Zoning By-law to recognize a detached accessory structure. GRCA recently approved Permit #70-25 for the structure and the plans circulated with this application are consistent with the above-noted permit. As such, the GRCA has no objection to the minor variance application.</li> <li>• Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for GRCA's review of this application.</li> </ul> <p>Should you have any questions, please contact me at 519-621-2763 ext. 2228 or <a href="mailto:aherreman@grandriver.ca">aherreman@grandriver.ca</a>.</p>
Fire Department	<ul style="list-style-type: none"> <li>• The fire department has no objections to this proposal at this time.</li> </ul>
Ministry of Transportation	<p>Thank you for circulating MTO with the subject MV to accommodate an addition to a residential property.</p> <ul style="list-style-type: none"> <li>• The property is located within the MTO permit control area. However, a permit is not required for an addition to a residential building that is not located closer to the provincial highway. Further MTO review/permits are not required.</li> </ul>

No Comments from the Following:

- Hydro One
- Enbridge Gas Inc
- Six Nations
- Mississaugas of the Credit First Nation



## Public Considerations

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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 along with the posting of the Public Notice sign was completed on July 3, 2025.

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

## Conclusions and Recommendations

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Minor Variance Application **A9-25-RF** is seeking relief from Zoning By-Law 61-16 Section 4, Table 4.4.1 to permit an increased maximum lot coverage for all accessory structures of 228 (16%) square metres, whereas 72 square metres is permitted based on 5% of the existing lot area of 0.14 hectares (0.36 acres), and to recognize the reduced side yard setback for the existing, garage, garage addition and covered patio of 1.4 metres required to bring the existing non-complying accessory structure into compliance.

Environmental Planning comments are still under review at the time of writing this report. As a result, a condition requiring a site visit and further discussion with the owner has been included as part of approval.

Based on comments from other departments, recommended conditions include obtaining Building Permits for the existing accessory structure and pool (subject to zoning and safety requirements), securing an Entrance Permit for the second driveway, and permanently removing the small shed and sauna/shed with confirmation provided to County staff.

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 in nature, both in scale and impact, with no anticipated negative effects on adjacent uses, infrastructure;
- (b) The request is desirable for the appropriate development and continued use of the land, in keeping with rural village character and compatible with surrounding properties;
- (c) The request maintains the general intent and purpose of the Zoning By-Law by supporting a permitted residential accessory use that remains clearly subordinate to the main dwelling; and
- (d) The request maintains the general intent and purpose of the Official Plan which supports low-impact, flexible residential development in Village Developed Areas.

Based on this review, it is my professional recommendation that Minor Variance Application **A9-25-RF BE APPROVED**, subject to conditions.

Prepared by:



Roxana Flores

### **Attachments**

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1. Conditions of Approval
2. Zoning Map
3. Official Plan Map
4. Aerial Map
5. Site Plan Drawing
6. Garage Floor Plan
7. Site Photos

### **Reviewed By**

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

### **Copied To**

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

### **File # A9-25-RF**

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### **By-law and/or Agreement**

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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**

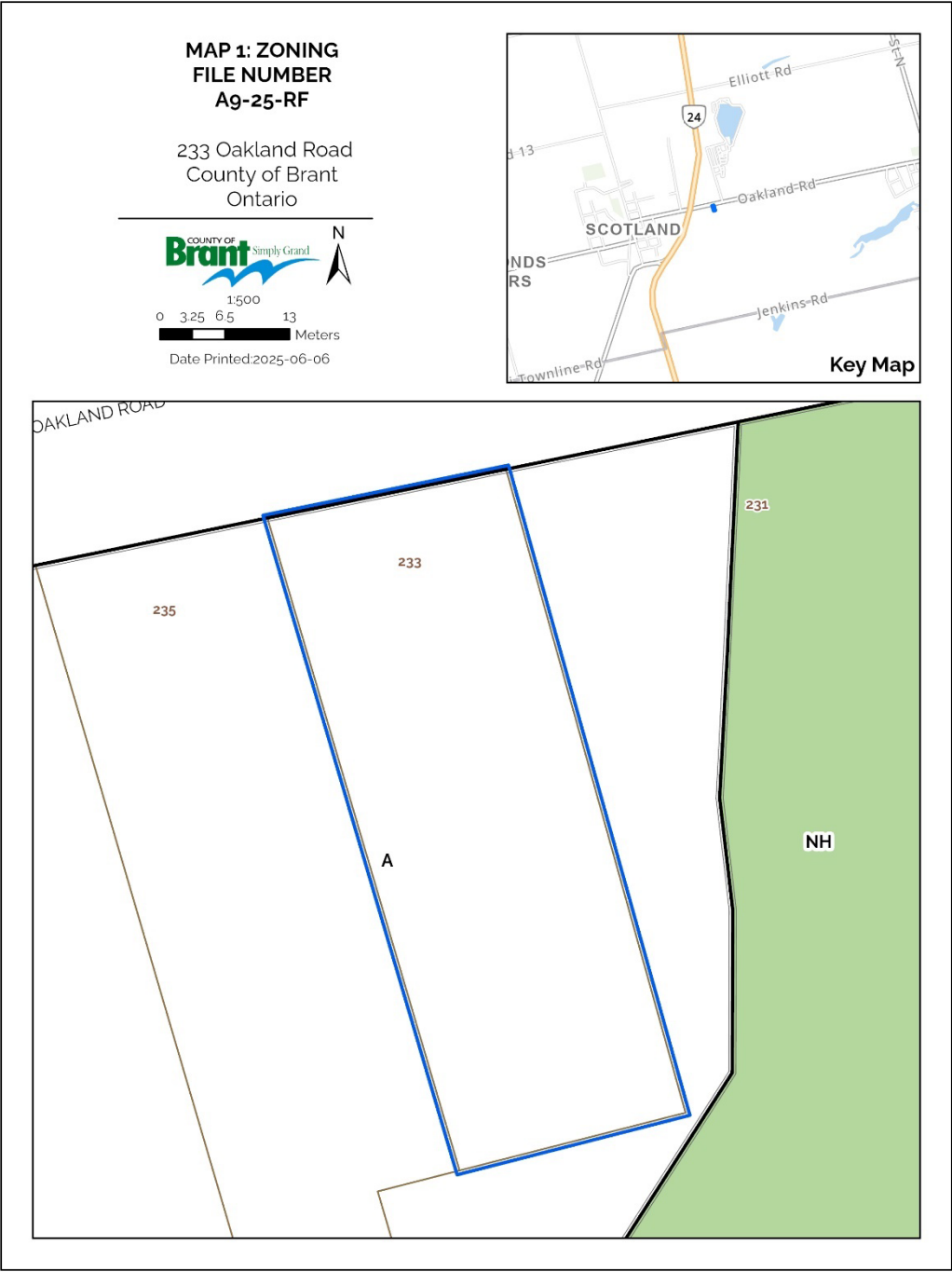
**Applicant:** James Scorgie

**File No:** A9-25-RF

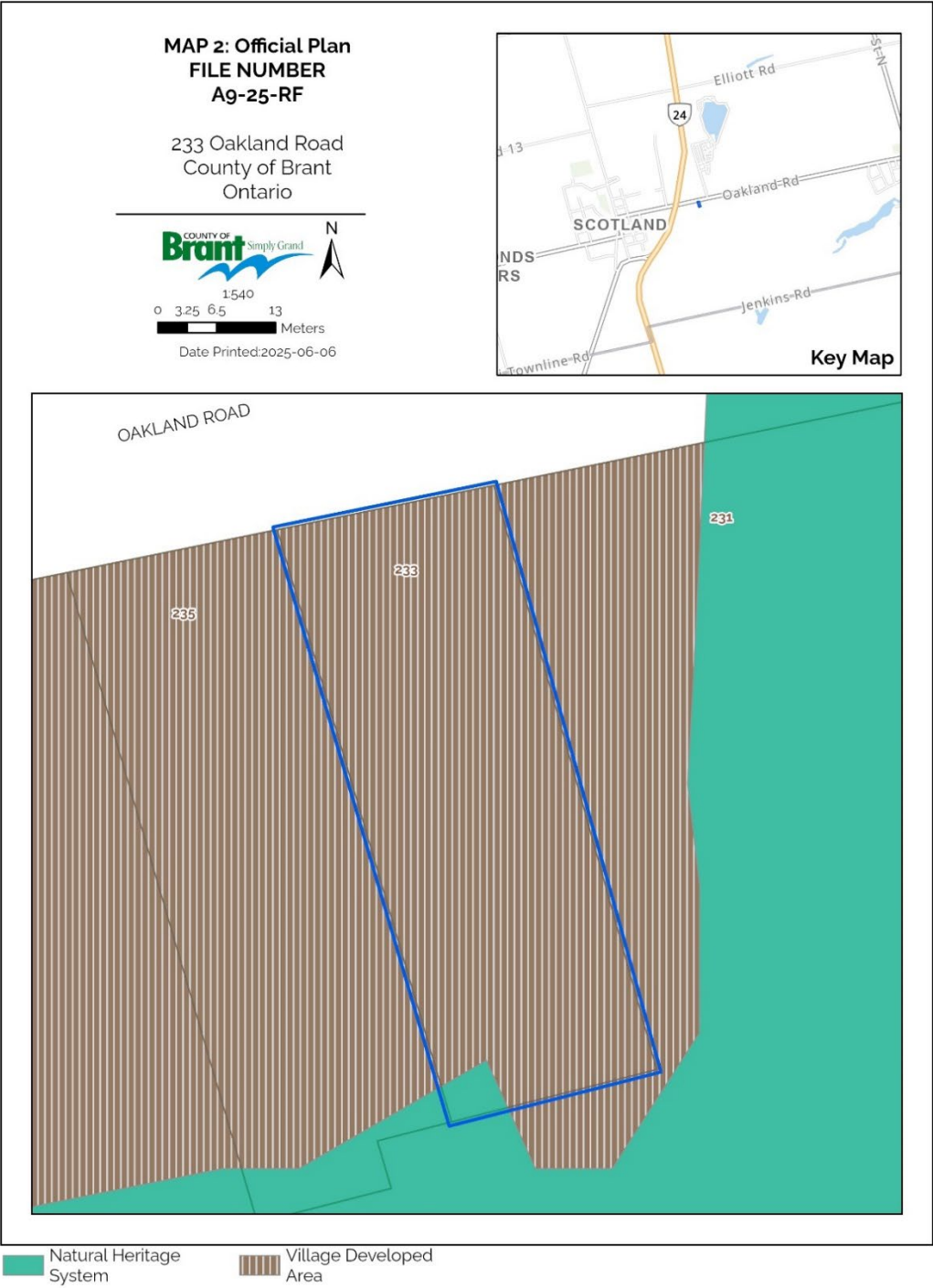
### **LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT**

1. That the Applicant/Owner provide confirmation from the Operations Division that the required entrance permit for the secondary access has been obtained, to the satisfaction of the County of Brant.
2. That a site visit be completed by Environmental Planning to assess the potential impact to the adjacent natural heritage feature and consideration of mitigation measures for future protection.
3. That the Owner/Applicant demonstrate confirmation from the Building Division that building permits, as required have been obtained, to the satisfaction of the County of Brant.
4. That the Owner/Applicant provide confirmation that all other detached structures have been removed to ensure compliance with the applicable zoning regulations.
5. 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.

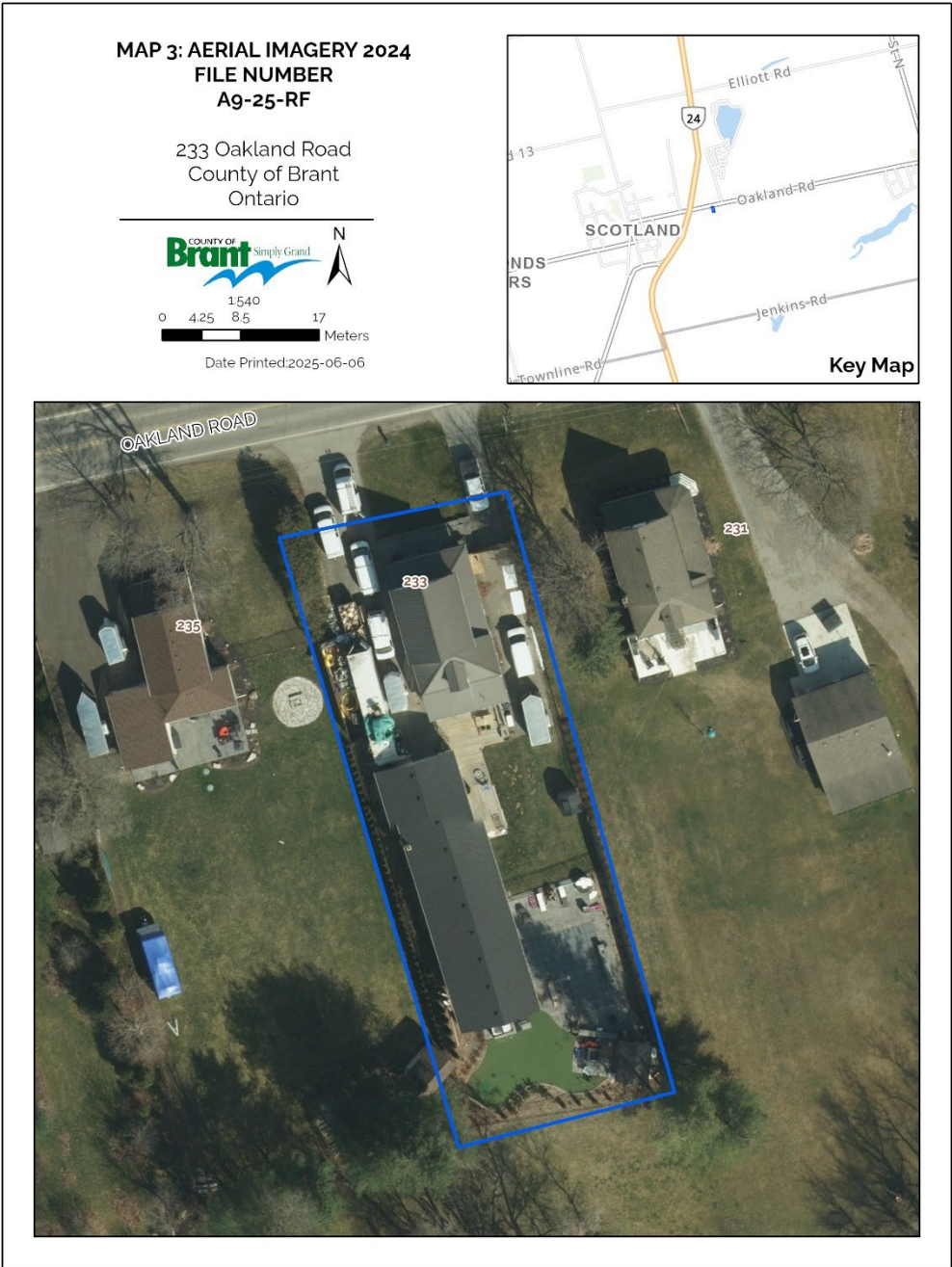
Attachent 1 – Zoning Map



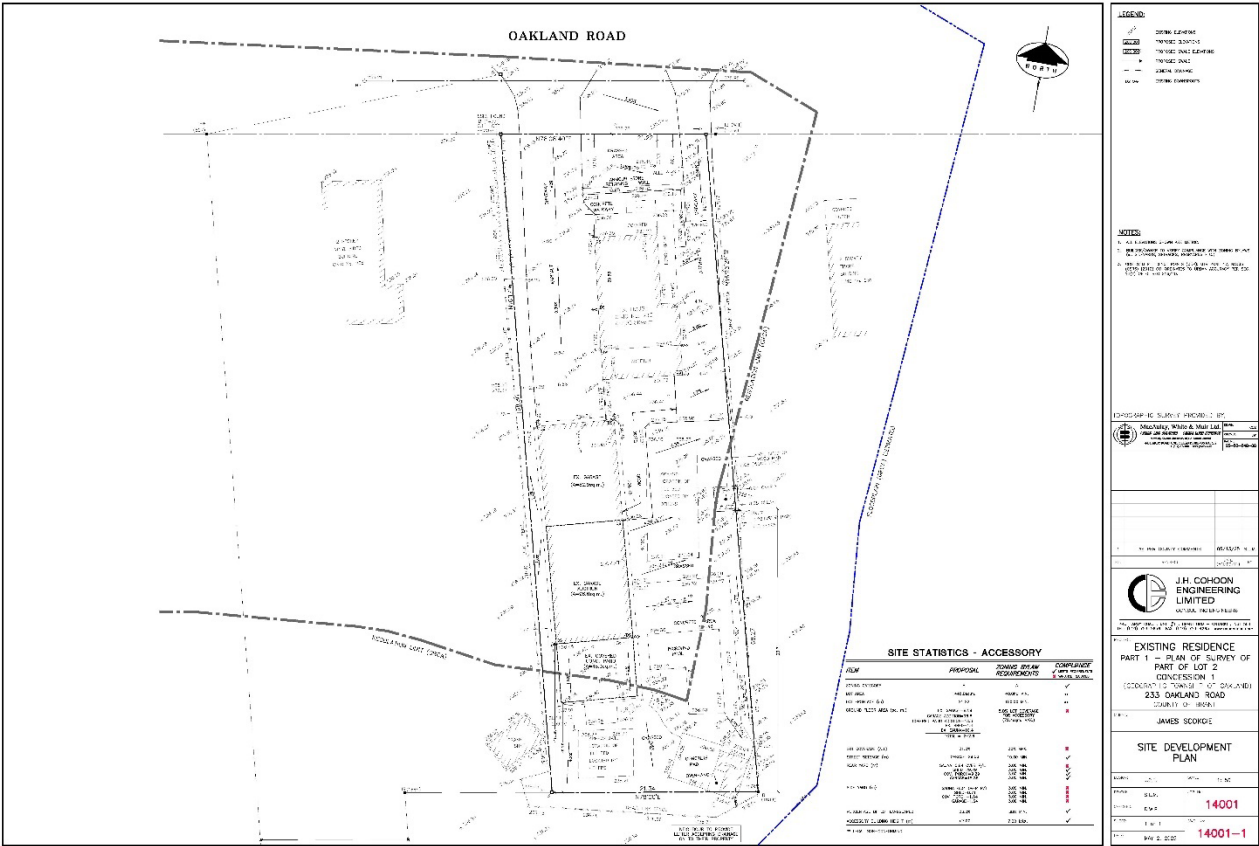
Attachment 2 – Official Plan Map



Attachment 3 – Aerial Map



Attachment 4 – Site Plan





The floor plan shows a rectangular building with overall dimensions of 60'-0" by 24'-0". The layout includes a central corridor, several rooms, and a rear garage. Key features and dimensions include:

- Overall Dimensions:** 60'-0" (width) x 24'-0" (depth).
- Rooms and Dimensions:**
  - Room 1: 10'-0" x 10'-0"
  - Room 2: 10'-0" x 10'-0"
  - Room 3: 10'-0" x 10'-0"
  - Room 4: 10'-0" x 10'-0"
  - Room 5: 10'-0" x 10'-0"
  - Room 6: 10'-0" x 10'-0"
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  - Room 99: 10'-0" x 10'-0"
  - Room 100: 10'-0" x 10'-0"
- Structural Notes:**
  - 1. FLOOR SLAB SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 2. ROOF SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 3. WALLS SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 4. FOUNDATIONS SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 5. DOORS SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 6. WINDOWS SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 7. STAIRS SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 8. ELEVATOR SHAFT SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 9. CORE SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 10. CHIMNEY SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 11. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 12. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 13. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
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  - 43. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 44. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 45. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 46. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 47. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 48. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.
  - 49. TOWER SHALL BE CAST IN PLACE CONCRETE WITH REINFORCING BARS AT 12" O.C.

## Attachment 6 – Site Photos



Front-facing (south) view of the property at entrance.



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



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



Inside of the existing legal non-conforming garage.





Inside non-complying addition to the existing garage.



Rear-facing (north) view of roofed patio that is part of the non-complying garage.



Standing at the rear yard view facing south-east. Sauna shed to be removed.



Standing at the rear yard view facing south-east. Natural Heritage portion.



Standing at the rear yard view facing south-east.  
Sauna on the right of picture.



Standing at the rear yard view facing north-west.